

## REGULAR COUNCIL AGENDA

**C-04/2020 - Regular Council**

**Monday, March 2, 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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### Pages

1. **Call to Order and Declaration of Quorum**
2. **Singing of National Anthem**
3. **Approval of Agenda**
4. **Disclosure of Pecuniary Interests and General Nature Thereof**
5. **Hearing of Presentation, Delegations, Regional Report**
  - 5.1 **Presentations**
  - 5.2 **Delegations**
    - 5.2.1 **Request for Development and Implementation of Outdoor Lighting Policy**

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Wayne Liebau

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Cari Pupo

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

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

**15. Motions and Notices of Motion**

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

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

**18. Resolution to Move in Camera**

Pursuant to Section 239(2)(b) - personal matters about an identifiable individual including municipal or local board employees (1 item)

**18.1 In Camera Report 2020-0030**

**19. Rise From In Camera**

**20. Confirming By-Law**

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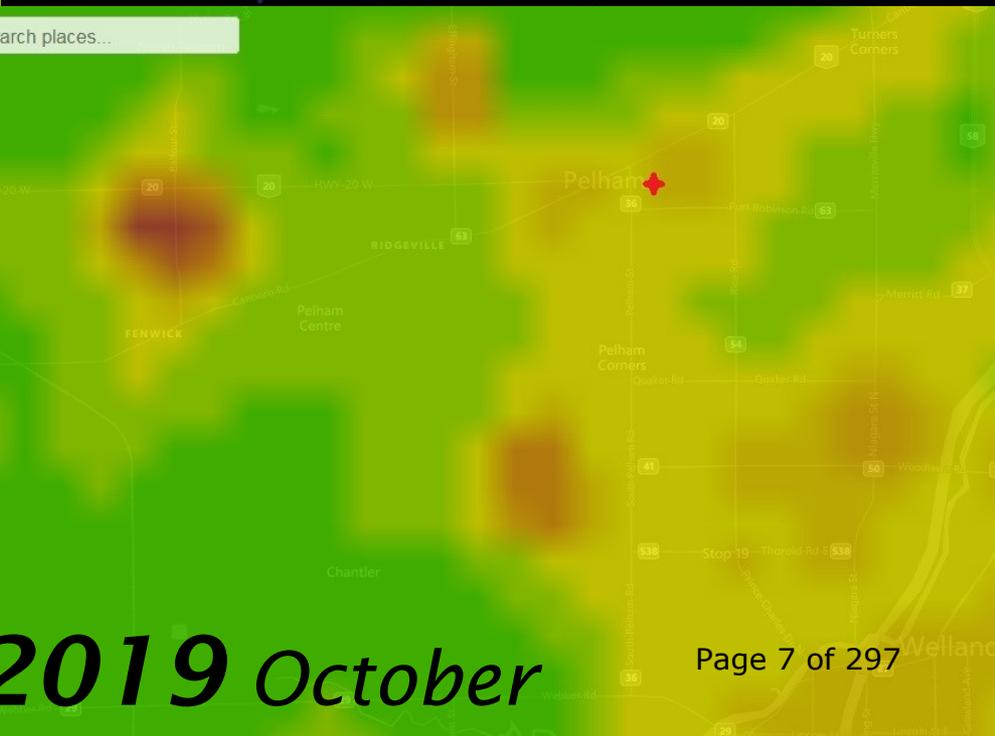
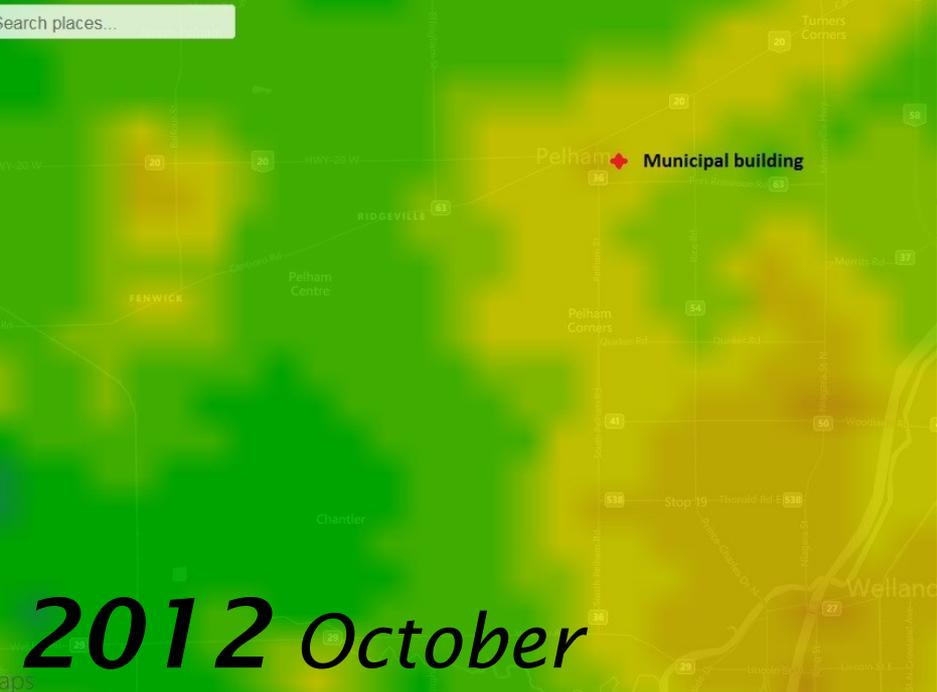
**21. Adjournment**



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

Name: <u>Wayne Liebau</u>	
Address: <u>340 Foss Rd., Fenwick</u>	
Postal Code: <u>L0S 1C0</u>	Telephone #: <u>905-892-5870</u>
Email Address: <u>wayne@earthstar.ca</u>	
The Council Chambers is equipped with a laptop and projector. Please Check your audio/visual needs: <input checked="" type="checkbox"/> Laptop <input type="checkbox"/> Speaker <input type="checkbox"/> 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: <u>March 2, 2020</u>	
Please identify the desired action of Council that you are seeking on this issue: <u>Request to develop and implement an outdoor lighting policy for control of light pollution.</u>	
<p>I have never spoken on this issue before. Key points of my deputation are as follows:  <b>(Written presentation must accompany the request)</b>  <u>Light pollution is increasing rapidly</u>  <u>IF creates risks to human health, security and safety, ecosystem functions and wildlife, and it's a waste.</u>  <u>Control is relatively easy, following simple principles, and usually saves money.</u>  <u>A policy would reduce negative impacts and lead to a better night environment.</u> </p> <p>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.</p> <p><b>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.</b></p> <p>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.</p> <p>I also understand that presentation materials must be submitted with this deputation form. Electronic presentations must be e-mailed to <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a> in accordance with the deadlines outlined above.</p>	
Signature <u>Wayne Liebau</u>	Date <u>Feb. 4, 2020</u>

Town of Pelham Clerk's Department



# Causes of light pollution:

- ★ Excessive light
- ★ Improperly aimed luminaires
- ★ Unshielded / poorly shielded fixtures
- ★ Lighting at unnecessary times
- ★ Improper lamp colour or type
- ★ “Light wars”

Too much light | in the wrong places | wrong colour

# Consequences:

- ★ Human health risks
- ★ Safety & security problems
- ★ Ecosystem / wildlife disruption
- ★ Energy waste - \$\$
- ★ Trashy, confusing nightscapes
- ★ Skyglow
- ★ Loss of natural night sky heritage

# Health concerns

## Circadian rhythm disruption

- ★ Concerns by AMA, WHO; many scientific studies
- ★ Melatonin production is suppressed by even a little light at night
- ★ Links to health problems, including cancer and other diseases and conditions
- ★ Metabolism and sleep disruption



# BLUE wavelengths

(shorter than about 500 nm)

are the worst culprits, with much greater effects on life functions (human and wildlife)

**White light contains blue!**

Unshielded  
wallpack



Uplight

**Glare - a security risk**



Large  
alcove in  
darkness

# The aging eye – a matter of safety

- ★ Adverse effects of glare increase sharply with age
- ★ Adaptation is slower
- ★ More confused by visual clutter
- ★ Needs better light uniformity
- ★ Worse in rain, fog, snow

# Effects on natural environment

- ★ Life cycle disruption of most species of terrestrial and aquatic life:
  - ★ birds (including during migration)
  - ★ mammals (including bats and domestic animals)
  - ★ insects (including pollinators, and even aquatic insects)
  - ★ amphibians, reptiles
  - ★ fish, zooplankton
  - ★ plants
- ★ Resource depletion, pollution

# Light pollution control is **simple**:

★ Use only as much light as necessary

★ Light only where necessary

✧ Light only the target!

✧ Use shielded luminaires

✧ Aim properly

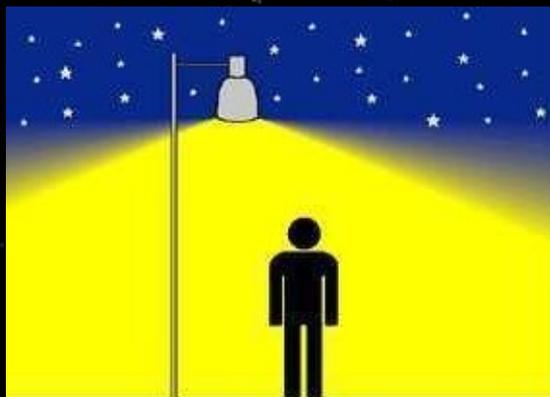
★ Light only when necessary

✧ Timers, dimmers

✧ Motion activation

★ Avoid blue wavelengths

(100% savings when lights are off!)



## Fully shielded

Lights the target,  
not the sky

Minimal glare

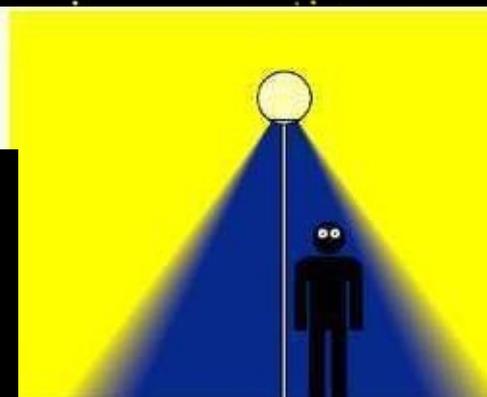
Minimal trespass

Minimal waste



## Unshielded

Severe glare  
and trespass



## Globe ("decorative") style

Misses the target

Glare, trespass

# RESPECTFUL LIGHTING

- ★ Reduces risk to human health and damage to ecosystems and wildlife
- ★ Safer and more attractive night environments
- ★ Reduces energy waste, saves \$
- ★ Enhances enjoyment of property, reduces conflict

# RESPECTFUL LIGHTING

## An outdoor lighting policy would:

- ✦ Mandate *SMART* lighting ...  
*RESPECTFUL* lighting
- ✦ Reduce impacts on health and the environment
- ✦ Support nightscapes that are safe, inviting, economical
- ✦ Conserve energy and resources
- ✦ Reduce resident dissatisfaction with unsuitable lighting

## Written submission, for Pelham Town Council

We are here to request development and implementation of an official outdoor lighting policy.

Pelham Town Council in May 2007 passed a resolution to prepare a standards and policies bylaw:

C-88-2007

Minutes of a regular meeting of Council held on Monday, May 7th, 2007 at 7:00 p.m. in the Municipal Council Chambers, 20 Pelham Town Square, Fonthill.

RESOLUTION NO. 2

MOVED BY COUNCILLOR P. PAPP, SECONDED BY COUNCILLOR S. COOK

THAT staff be directed to prepare a standards and policies by-law in line with the bylaw of the Regional Municipality of Niagara for presentation at a future date, with regard to responsible lighting.

Regional Policy (7.C.1.8, 2005) recognizes the adverse impacts of light pollution and pledges to develop a strategy to address it:

DPD 155-2005, Appendix I

December 7, 2005

Page 11

SECTION SEVEN ENVIRONMENTAL POLICIES

Policy 7.C.1.8 The Region, recognizing that excessive, unnecessary or misdirected outdoor lighting can have adverse impacts on the environment, the economy and human health as well as on the quality of the night sky, will investigate outdoor lighting and develop a strategy to address it.

Since then, light pollution has burgeoned, as is obvious in this comparison.

Not only is every photon visible [in this slide] utterly wasted, light pollution has insidious effects on people and the environment.

Light trespass, glare and skyglow affect everyone.

The causes of light pollution are easily understood.

This could be summarized simply as "Too much light, in the wrong places, wrong spectra"

Light pollution is emphatically NOT an aspect of modern civilization that we should just accept.

Of its many adverse consequences, we'll touch on these few:

- Human health
- Safety and security
- Environment and wildlife
- Economics

## Human health concerns:

Light is biologically active.

Almost all organisms operate with a circadian rhythm regulated by our 24-hour daily cycle. Only in the last century has this natural cycle been disrupted.

Exposure to bright light after sunset confuses our internal regulation; it triggers daytime biology, and eliminates the darkness essential for regulating our circadian clock.

New scientific advances are helping understand how we detect light and how our entire genome is directly affected. Circadian rhythmicity is crucial to overall health, including control of metabolism, DNA repair, hormone production, cell regulation, and sleep patterns.

While any bright light suppresses natural production of the hormone melatonin, blue wavelengths have the greatest effect ... and blues are prevalent in most LED lights.

We rarely see blue light, but we might remember from school and Newton's prism that white light *contains* blue. Though human vision is relatively insensitive to perception of blue wavelengths, they are still detected, mainly by a type of receptor in the eye discovered less than two decades ago.

The science of how light affects life is young, but warning signs are clear.

Many scholarly articles have sounded alarms, and authoritative organizations have expressed concern. Just two examples:

- the American Medical Association (AMA) notes that:
  - Pervasive nighttime lighting disrupts various biological processes, potentially creating harmful health effects, including potential carcinogenic effects related to melatonin suppression, especially for breast and prostate cancer.
  - Circadian disruption may worsen other conditions including other cancers, obesity, diabetes, and psychiatric disorders; and may affect prognosis in treatment and therapy.
  - Bright residential nighttime lighting is associated with reduced sleep time and quality, and impaired daytime functioning.

AMA's official Policy advocates reduction of light pollution.

- In 2007, the World Health Organization concluded that "shiftwork that involves circadian disruption is probably carcinogenic to humans."

## Safety and security:

Two major aspects of light pollution are glare and trespass/intrusion.

Glare, caused by excessive contrast (lights too bright compared to surroundings) causes discomfort and often vision disability.

Glare reduces safety and security because we cannot see adjacent areas, and because our vision is inhibited afterward (think of those oncoming cars with dazzling bluish headlights).

Light trespass even intrudes into our homes.

Trashy, glary, cluttered nightscapes are not only unpleasant; they hamper visibility and navigation, placing drivers and pedestrians at risk. The effects are worse in rain, snow, and fog.

Because the aging eye is more affected, there are even greater consequences for an aging population.

### **Environment and wildlife:**

Humans are not the only life forms affected by light.

Light at night has profound effects on an astonishingly wide variety of organisms, including plants, microbes, insects, birds, mammals, and more.

A large proportion of animals are nocturnal, potentially adversely affected by nighttime lighting.

Artificial lighting also consumes resources and contributes to other forms of pollution.

### **As for Economics:**

Using light in a smarter way means we need to produce less of it, therefore reducing use of resources, including electricity. Cost and other implications are pretty obvious.

This is just the briefest overview of some of the problems associated with light pollution.

But society is not going back to pre-electricity times.

So, what can be done?

Of all the forms of pollution and environmental degradation, light pollution is the simplest to control, and its control usually *saves* money.

The basic principles of light pollution abatement are very simple and sensible:

- use only as much light as needed
- light only *where* needed
- light only *when* needed
- use energy-efficient lamps
- avoid emission of blue wavelengths (<500 nm); maximum acceptable CCT 2700K
- wherever appropriate, use motion-sensing fixtures

Often it's as simple as choosing the right fixtures.

Following these basic principles results in better lighting for less cost.

Respectful lighting prevents lighting that is misdirected, excessive, unsafe, or unnecessary. It:

- Protects human health

- Improves visibility, safety, security, and nightscape esthetics
- Limits impacts on the natural environment and wildlife
- Conserves energy and resources, saves money
- Reduces the potential for conflict among residents and businesses
- Curtails degradation of the nighttime visual environment and the natural night sky

Other jurisdictions, including entire countries, have enacted legislation to curb light pollution. Here at home, we can begin addressing rampant light pollution by developing and implementing an official light pollution abatement policy.

A lighting policy would mandate *smart* lighting ... *respectful* lighting.

A respectful lighting policy would support nightscapes that are considerate of health and environment, that are safe, inviting, and economical.

What a pleasant contrast to so many other garish, trashy, confusing, cluttered places.

By having a good policy in place, the Town could avoid conflicts and costs experienced by other jurisdictions.

It's true that a municipal Policy is limited in scope. It primarily affects municipally-controlled properties, and it would influence new developments through site plan control.

Though it would not, by itself, address all existing problems, it would allow the Town to lead by example.

At some point, the Town might decide that it's a good idea to develop a bylaw, as many municipalities have done.

The literature about light pollution is vast, and here we are able to make only the briefest introduction to the subject, so helpful electronic files have been provided as supplements, including a draft policy framework.

We are willing to assist as much as possible in the process of policy development.

We urge that the development and implementation of a light pollution control policy be a matter of priority.

Thank you.

Good Evening

I live at 41 Emmett Street but tonight I am going to talk about 42 Emmett Street and the mismanagement of this home by Town Staff.

I can say its been a long year of frustration in having the Town administration to ensure the house at 42 Emmett street be held accountable for creating a duplex without going through the proper processes, policies and Town bylaws.

And since its been a year for this Town to finally admit recently in the newspaper where they apologized that it is a duplex.

Lets put this into perspective

Is it a duplex?

Item 1A claims the home is still a single family dwelling as the main floor have an interconnected staircase and have doors that don't meet fire or building code requirements for separate entrances.

Place holder

I want everyone if this Council Chambers and the residents of this Town to know that this home does not share an interconnected staircase the tenant that lives in the upper apartment enters the front door and the staircase is open to her apartment the son of the owners that lived In the main floor apartment did not use this staircase and did not enter through the same entrance the son entered through a separate entrance located at the side of the home as did his family when they attended the home.

Now the report that I will go through is intertwined but I think even though there is now admission of the duplex its very important to go through the process of what has occurred over the last year and the mismanagement of this home by a senior level administrative officer who was given the duty of inspections.

Contradictory Records?

Item 1B the permit clearly states that the permit was for a bathroom on the main floor where the son would move into and to install a load bearing wall to support 40lbs/ft on the second floor.

The value of this work as per the homeowners was a mere \$5,000

And I'm going to say this because I can because family built over 10 homes which we subcontracted and the cost to install a beam to support a load bearing wall on the second floor is way more expensive than \$5,000 its one of the most expensive things you do in a renovation.

On September 23, 2019 it was reported by Town administrators that 3 Town staff attended the site for an inspection. However, after we received FOI information from the Town only two inspectors provided reports.

Item 1C is from the first inspector report we received which states that at that inspection there was signs of a duplex, but no one was living on the main floor level and that the owner says only one person paying rent. Of course, because the son was not required to pay rent on the main floor apartment of the duplex and as stated by a member of Council since he doesn't pay rent its not a duplex. However, going back to Item 1A it states the home did not have fire or building code doors for a duplex.... yet nothing was mentioned on the report from either department even though they knew that they were creating a duplex.

As discussed, the permit was for a \$5,000 renovation in the home.

Item 1F provides you with pictures that were on the realtor.ca website when the home was being sold and ultimately purchased by the homeowners. The pictures are of the main floor of the home where the son resided.

Item 1G shows some renovations that were done outside of the original permit on the main floor of the home.

In the newspaper it was noted under Item 1H by the Town CAO that when staff go into an inspection and notice work done outside of the permit, they must inform the owner they need to apply for a zoning amendment.

On September 23, 2019 this did not happen.

The reports received under FOI have been done on multiple different forms with no consistency as Item 1C uses a form with a date and formal Pelham form, Item 1D does not have a Pelham logo or a date of the inspection and relates more to an emergency event rather than a zoning violation.

Item 1E also makes reference to the possibility of a duplex existing but stated not to be used as a duplex or multi unit home. Again on this report from the second

inspector that did a report nothing was mentioned about the doors not meeting requirements and as per the article in the paper something was to be said to the homeowners about applying for a zoning amendment and additional permits for the main floor apartment.

The Province of Ontario dictates the legislation whereby the Town creates policy and legislation at the municipal level. You will note under Item 4A section 2.1 (b) that the owner was to identify what the intended use of the building was. This did not happen.

Also, under item 4B where town inspectors attended the home on September 23, 2019 the legislation clearly states that you are required to obtain a permit when you make renovations or repairs to a property. As stated previously they saw signs of a duplex and saw signs of repairs outside of the permit but again nothing was done.

Finally, under item 4B again as legislated a permit is to be displayed in a window or other place where it can be easily seen. This did not happen during at 42 Emmett and at each inspection the Town administrators again did not make the homeowners display the permit which is against legislation. And as per the construction inspections the owners did not inform the Town staff of changes nor did the inspectors make them accountable for them.

Following the inspection on September 23, 2019 the owners son moved back in the very next day in the main floor apartment.

Follow up with Town Administration

Once neighbours knew the son had moved into the main floor apartment and entered the side separate entrance to his apartment and did not share a staircase with the upper tenant we began drafting a report under Item 2 A for a meeting that was held by neighbours and Town Administration.

At that meeting which was held on November 1<sup>st</sup>, the information in the report was rejected as neighbours were told that residents don't do the jobs for Town Administrators.

However at the end of the meeting Town administrators that met with the neighbours told them to prove it's a duplex.

Following this many Town vehicles drove by the home to see if their was the vehicle that belonged to the owners son.

Ok All that being said Is it a duplex?

The first part of my documents presented that Town administrators claimed it wasn't a duplex through emails and documents said signs of a duplex but no one lives there and only one paying rent.

So if this is the case why to the Contrary do we receive an FOI letter under Item 5A stating clearly to the owner that they are in violation of the zoning bylaw because they created a duplex?

Clearly it was a duplex on September 23<sup>rd</sup>.

Trespassing Event

As all of this Town Administration and Council knows on November 2<sup>nd</sup>, my home was invaded by the son that lived at 42 Emmett in the main floor apartment.

Item 3A is the police report received. I struggle that the event was not considered a break and enter as my son was cornered in the basement. And the impact of the break-in has been immense.

What I struggle with worse is comments under Item 3B which basically told me well if it happens again call the police. This is an administrator that is supposed to protect residents that stated those comments. And this was the Town administrator that was put as lead on the inspections of 42 Emmett Street.

Furthermore, on November 2 when the apparent trespassing occurred once again the Town staff knew the main floor apartment was being occupied by the son of the owners and the home was created into a duplex. However it took until November 21, to draft the letter under item 5A to the homeowners stating the violation.

We were told the following that the homeowners were in Florida until the end of the month and would not be able to meet with Town Administration until they returned but two days later one of the homeowners was at 42 Emmett in the evening.

So you'll have to forgive me for not trusting some of the information that I am receiving from Town administration.

And don't get me wrong I am not blaming anyone in this organization for the fact that the son entered my home what I am blaming Town Administration for is the fact that giving all the information you have received this evening something should have been done sooner about this zoning violation because the son would not have been living there.

And when he entered my home he claimed he owned my home but when I ran for help from neighbours and called 911 he knew where to go 200 feet to his apartment at 42 Emmett.

And when an inspection was done to ensure the son was out of the home I was told two administrative staff members were in attendance, however as per Item 5C only one staff member left the home on that occasion and created the notes under Item 1D.

#### Zoning fines and fees

Going back to is it a duplex? The letter issued by Town administration states that the owners must pay the fees under Item 5A of more than \$5,000 but it is my understanding the Town has not made them pay these fees.

In addition because they did create the duplex without permission the zoning bylaw states clearly that they are to be fined under Item 5B for not following bylaw and it is my understanding that this has also not been done.

Why have bylaws if they are not being enforced?

Cari,

As indicated, the property is in compliance with the Zoning By-law and the file on this matter is closed.

The building is still a single detached dwelling as the main floor and upper floor have an interconnected stairway and doors that do not meet Building and/or Fire Code requirements for a separate entrance to individual units.

**TOWN OF PELHAM CONFIDENTIALITY NOTICE**

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**From:** Cari Pupo [mailto:caripupo@cogeco.ca]

**Sent:** Sunday, January 19, 2020 2:18 PM

**To:** Barbara Wiens <BWiens@pelham.ca>; Bob Lymburner <BLymburner@pelham.ca>

**Subject:** Delegation

Barb

As I am preparing my delegation to Council regarding 42 Emmett and how it was handled and comments made on the Fire Prevention Officer report that no one lives there and they are not paying rent and this report was done on September 23rd.

Clearly Town staff knew at that time that the construction of the house was way more than the \$5000 reported by the homeowners yet upon inspection nothing was done about the additional construction that was done.

But my question to you is....as we were told by the Fire Chief call me when someone moves in. The problem is the homeowners turned it into a duplex without being accountable for all the fees that are required to this.

Also I have read every article of the Zoning Bylaw no where in the bylaw does it state that you are able to create a duplex without going through policy and in fact you will be fined for doing so.

And no where that I can find in the zoning bylaw does it state if there is no furniture or someone living there its not a duplex.

As stated many times does this mean the apartments on the old Fonthill site are not apartments??????

I await your response

Item 1B

# Application for a Permit to Construct or Demolish

This form is authorized under subsection 8(1.1) of the Building Code Act, 1992

## For use by Principal Authority

Application number: <b>20190096</b>	Permit number (if different):
Date received: <b>RECEIVED MAR 19 2019</b>	Roll number:

Application submitted to: Town of Pelham  
(Name of municipality, upper-tier municipality, board of health or conservation authority)

### A. Project information

Building number, street name	Unit number	Lot/con.
Municipality	Postal code	Plan number/other description
Project value est. \$ <b>5,000.00</b>	Area of work (m <sup>2</sup> ) <b>120</b>	

### B. Purpose of application

<input type="checkbox"/> New construction	<input type="checkbox"/> Addition to an existing building	<input checked="" type="checkbox"/> Alteration/repair	<input type="checkbox"/> Demolition	<input type="checkbox"/> Conditional Permit
Proposed use of building <b>Residential</b>		Current use of building <b>Residential</b>		

Description of proposed work

- Fix leaky plumbing for main floor bathroom.
- Install a load bearing wall to support 40lbs/ft on the second floor.

### C. Applicant

Applicant is:		Owner or	Authorized agent of owner
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax	Cell number	

### D. Owner (if different from applicant)

Last name		First name	Corporation or partnership
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax	Cell number	

**Chief Building Official**  
Date: **2019/19/19**

**REQUIRED INSPECTIONS**

Sewer & Water Services

Footing (prior to pouring)

Ready to Backfill

Foundation in Place

Framing

Barrier System

Insulation (prior to covering)

Drywall

Other

305-892-2807 ext. \_\_\_\_\_  
building-info@pelham.ca

Application for a Permit to Construct or Demolish - Effective January 1, 2014

<b>E. Builder (optional)</b>			
Last name		First name	
Street address		Corporation or partnership (if applicable)	
Municipality		Postal code	Province
Telephone number		Fax	E-mail
		( )	
<b>F. Tarion Warranty Corporation (Ontario New Home Warranty Program)</b>			
i. Is proposed construction for a new home as defined in the <i>Ontario New Home Warranties Plan Act</i> ? If no, go to section G.		Yes	No <input checked="" type="checkbox"/>
ii. Is registration required under the <i>Ontario New Home Warranties Plan Act</i> ?		Yes	No <input checked="" type="checkbox"/>
iii. If yes to (ii) provide registration number(s): _____			
<b>G. Required Schedules</b>			
i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.			
ii) Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.			
<b>H. Completeness and compliance with applicable law</b>			
i) This application meets all the requirements of clauses 1.3.1.3 (5) (a) to (d) of Division C of the Building Code (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted). Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the <i>Building Code Act, 1992</i> , to be paid when the application is made.		Yes <input checked="" type="checkbox"/>	No
ii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> .		Yes <input checked="" type="checkbox"/>	No
iii) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.		Yes <input checked="" type="checkbox"/>	No
iv) The proposed building, construction or demolition will not contravene any applicable law.		Yes <input checked="" type="checkbox"/>	No
<b>I. Declaration of applicant</b>			
I, _____ (print name)		declare that:	
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.			
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.			
Date <u>March 18/19</u>		_____	

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor, Toronto, M5G 2E5 (416) 585-6666.

**Request: Building permits, renovation permits, by-law inspections, building inspections, fire inspections for 2019 re 42 Emmett Street**

Doc. No.	General Description of Record or Record Categories Responsive to Request	Release Yes/No	Comments/Explanation
FOI-05/2019 Pages 1, 2	Application for Permit to Construct or Demolish	Redacted Section 14(1)	Received March 19, 2019
FOI-05/2019 Pages 3-16	Building Permit 2019-0096, checklists and inspection reports	Redacted Section 14(1)	Includes checklists, inspection reports and updates to September 23, 2019; inspection request received March 6, 2019
FOI-05/2019 Pages 17, 18	Pelham Fire Department Inspection Report	Redacted Section 14(1)	September 23, 2019 inspection by Fire Prevention Officer, Fire Chief, Chief Building Official
FOI-05/2019 Page 19	Zoning Violation Notice November 21, 2019	Redacted Section 14(1)	Jointly issued by Director of Planning and Development; Director of Fire and By-law Services/Fire Chief

**Summary of Fees:**

Search, review and prepare records:

Total hours: 2 @ \$7.50 per ¼ hour \$60.00

Photocopy Fees: 19 pages @ \$0.20 \$3.80

HST

\$8.29

*Handwritten signatures and initials*

*Handwritten date: 11/19/19*



Now Noon.

9.8.2.2 30 min Fire separation

9.8.2.4 Combustion air

- Closers on Doors
- Service Doors Doors on separation
- 45min Doors or fire rated Doors.
- Means Egress one means of escape
- Door <sup>+ closer</sup> on hallway going upstairs.

9.8.4 Interconnected smoke Alarms.  
Hard wire.  
Co alarms outside sleeping areas.

9.8.6. ESA Inspection.

Subject: **RE: Fire Inspection Report**  
To: Cari Pupo <caripupo@cogeco.ca>  
Cc: GROUP\_SLT <GROUP\_SLT@pelham.ca>

Date: 01/21/20 07:40 AM  
From: Bob Lymburner <BLymburner@pelham.ca>

Ms Pupo I will try to explain your question the best I can, the inspectors report states his comments regarding 42 Emmett, the 4 code references on the back are his research prior to the inspection. The inspector does this prior to any inspection so he has a check list of code references which may apply to a certain occupancy. Your statement regarding the inspector performing an ESA inspection is incorrect. These 4 sections where research only.

Have a great day

**TOWN OF PELHAM CONFIDENTIALITY NOTICE**

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

-----Original Message-----

From: Cari Pupo [mailto:caripupo@cogeco.ca]  
Sent: Tuesday, January 21, 2020 6:20 AM  
To: Bob Lymburner  
Subject: Re: Fire Inspection Report

I'm still waiting for your response

Sent from my iPhone

> On Jan 19, 2020, at 5:48 AM, Cari Pupo <caripupo@cogeco.ca> wrote:

>

>

> Can you also explain the other sections of the fire code

>

> I have researched every section that was quoted on your report from Jason and basically all the Fire Prevention officer is saying is what the law is

> There is no indication if the homeowners met the provisions of the law

>

> Can you please explain so I have adequate information that I will be supplying to all of Council and the Public at my delegation

>

> Much appreciated

OTHER INFORMATION

AMBULANCE: RUN # IF APPLICABLE:

POLICE: NAME & # IF APPLICABLE:

ANY OTHER ATTENDING SERVICES:

TOWN OF PEKHAM CHIEF BUILDING OFFICIAL

DETAILED DESCRIPTION OF ACTIONS TAKEN:

REPORTED OUTLET OPERATING @ 42

ENNETT ST MET OWNER JOHN CARROLL

ON LOCATION OWNER LET FIRE CHIEF

AND CBO ENTER HOUSE PART OF HOME

INSPECTED UNIT MOST FURNITURE REMOVED

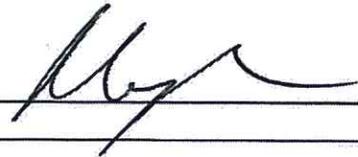
SEE PIC BED REMOVED SEE PIC FRI

AND STOVE UNPLUGGED AND MOVED SEE PIC

NO EVIDENCE THE UNIT IS OCCUPIED

CLEANED

SIGNATURE OF REPORTING PERSONNEL:



Item E



Town of Pelham  
20 Pelham Town Square  
Fonthill, ON L0S 1E0  
P: 905-892-2607 F: 905-892-5055

### Final (Pelham)

Reference #: 20190096\_114  
Roll Number:  
Address: 42 EMMETT ST

Inspected by: Mike Zimmer  
Inspection Created: 2019-Sep-23 02:45:04 PM  
Inspection Saved: 2019-Sep-23 02:48:18 PM

Building Type: Standard

Exterior Grading	NA
Exterior stairs, guards and landings	NA
Principal exhaust fan and control	NA

**Comments**

**Notes**

Renovation as per application Bearing wall and plumbing repair completed  
Please note that this residence is a single unit residence not to be used as a duplex or multiunit building

**Comments:**



Town of Pelham  
20 Pelham Town Square  
Fonthill, ON L0S 1E0  
P: 905-892-2607 F: 905-892-5055

### Rough-In / Above-Grade Plumbing

Reference #: 20190096\_114  
Roll Number:  
Address: 42 EMMETT ST

Inspected by: John Ross  
Inspection Created: 2019-Apr-18 12:01:25 PM  
Inspection Saved: 2019-Apr-18 12:01:45 PM

Building Type: Standard

DWV drainage piping including clean outs	Accepted	<input checked="" type="radio"/>
DWV vent piping including 3" main vent through the roof	Accepted	<input checked="" type="radio"/>
Water lines protected from mechanical damage and freezing	Accepted	<input checked="" type="radio"/>
Piping supports	Accepted	<input checked="" type="radio"/>
Test drainage system	Accepted	<input checked="" type="radio"/>

Comments:

Location of Work: 42 Emmett Street Date: March 19/19  
 Description of Work: Interior Reno / Plumbing Owner: [REDACTED]

Permit Application Checklist		Required	Received	Date Rec'd	
<b>REQUIRED APPROVALS</b>					
Town of Pelham	Culvert Permit				
	Lateral Required				
	Easement Clearance				
Town of Pelham Planning Department	Minor Variance/Consent				
	Zoning Amendment				
	Site Plan / Development Agmt				
	Signed Site Plan				
	New Address Required				
Ministry of Agriculture & Food 905-562-4147	Nutrient Management Study (more than 5 NU)				
Ministry of the Environment 905-704-3900					
Niagara Escarpment Commission 1-905-877-5191					
Niagara Peninsula Conservation Auth. 905-788-3135					
Electrical Safety Authority 1-877-372-7233					
Region of Niagara Health Dept. 905-688-3762	Personal Service Shop				
	Public Pool				
	Commercial Kitchen				
Region of Niagara Works Dept. 905-685-1571	Entrance Permit				
	Sign Approval				
	Septic System				
Pelham Fire Department William Underwood 905-892-2607 x202	Notify for Tent Permits				
<b>REQUIREMENTS FOR PERMIT APPLICATION</b>		<b>Required</b>	<b>Date</b>	<b>Notes</b>	
Application for Permit	Completed / Signed			BCIN / Designer Info Required	
	Designer Schedule				
Application Requirements	Site Plan				
	2 Sets of Building Drawings				
	Copy of Deed or Appraisal of Property				
	Energy Efficiency Design Summary				
	Architectural Control Guidelines minimum scale 3/16" = 1' 0"				
	Lot Grading (OLS or P.Eng)				
	Floor and Truss layouts			Complex plans	
	Heating System	Ventilation Design			
		Heat Loss Calculations			
		Layout			
	Certificate of Design & Manufacturing Conformance			Steel Building Systems	
<b>CURSORY PLANS REVIEW</b>				<b>Notes</b>	
Basement / Foundation	Basement Finished	Yes / No			
	Stairs Parallel to foundation			Need Engineering	
	Windows over 4'			Need Engineering	
	Windows over 25% Wall Length			Need Engineering	
	Beams Labeled				
	Description of Column Pad				
	Description of Floor System				
Floor Plans	Rooms Labelled				
	High Walls (> 12') Open to Above w/openings			Need Engineering	
	Window Sizes Provided / Or to Scale				
	Excessive Windows in Side Walls			Unprotected Openings	
Elevations	Grades Properly Depicted				
	Height Appears Excessive				
	Foundation Construction				



Town of Pelham  
20 Pelham Town Square  
Fonthill, ON L0S 1E0  
P: 905-892-2607 F: 905-892-5055

### Framing (Pelham)

Reference #: 20190096\_114  
Roll Number:  
Address: 42 EMMETT ST

Inspected by: John Ross  
Inspection Created: 2019-Apr-10 01:44:13 PM  
Inspection Saved: 2019-Apr-10 01:45:22 PM

Building Type: Standard

Roof Truss installation NA

Roof vents and flashing NA

Attic access NA

Engineered floor system layout NA

Engineered beam and header review NA

Floor joist and beam installation Rejected ▲

Proper lintels required for load bearing wall.

Point loads carried to the foundation NA

Bedroom egress (basement) NA

Comments 0

Comments:

NOTES:

APRIL 10/19 PLUMBING FAIL (AM) ✓  
APRIL 10/19 FRAMING FAIL (AM) ✓  
APRIL 18/19 FRAMING O.K. (AM) ✓  
APRIL 18/19 PLUMBING O.K. (AM) ✓  
SEPT 29/19 FINAL ~~RENO~~ RENO COMPLETE  
CLOSE FILE M19  
IN SUMMER

ZONING INFORMATION SHEET

Location of Work: 42 Emmett Street Zoning: R2

Description of Work: Interior Reno / Plumbing

MAIN BUILDING:	Required	Proposed	Comments
Minimum Lot Area			
Minimum Lot Frontage			
Maximum Lot Coverage			
Minimum Front Yard			
Minimum Side Yard			Interior Only
Minimum Side Yard			
Minimum Rear Yard			No Change.
Maximum Height			
Setback from Adjacent Residence			
Min. Ground Floor Area 1storey/2storey			
<b>ACCESSORY BUILDING/STRUCTURE</b>			
Maximum Lot Coverage			
Minimum Front Yard			
Minimum Side Yard			
Minimum Side Yard			
Minimum Rear Yard			
Maximum Height			
Minimum Distance from Dwelling			

Minimum Distance Separation (MDS) Applicable:  Yes  No

Can a building permit be issued for the proposed use:  Yes  No

Comments: \_\_\_\_\_

\_\_\_\_\_

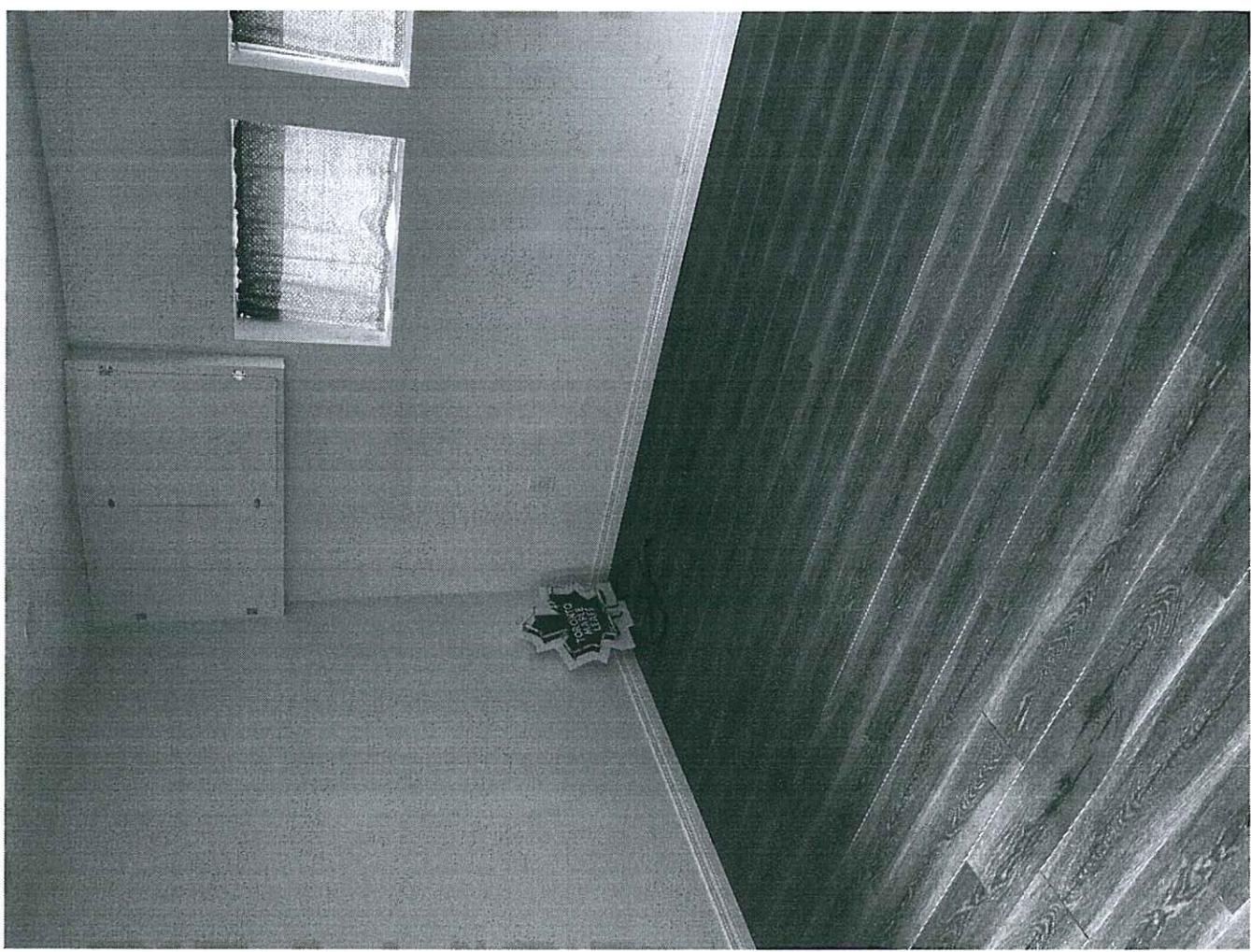
\_\_\_\_\_

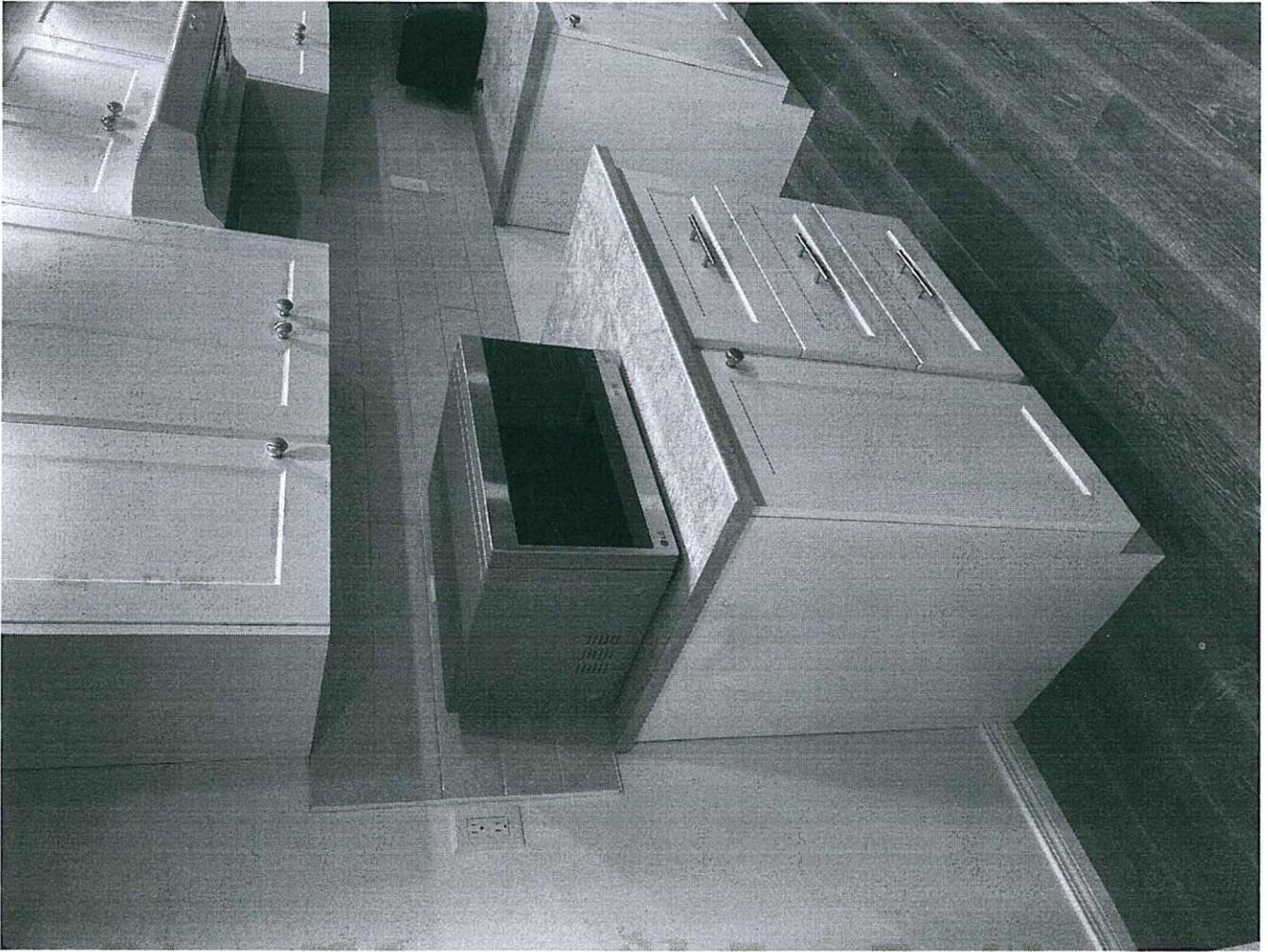
Prepared by: Jale Wynn

Date: March 19/19  
Page 42 of 297



Item 16





Items

**BYLAWS**  
continued from Page 8

stories could you go up? Let's say it's a single-story bungalow. Could you double or triple that? If bungalows are coming down, you can certainly put up a second story residentially. That's not considered out of touch with any neighbourhood.

Okay, theoretically you have a situation where you have multiple units, a second unit, being illegally added in an R-2 neighbourhood. What's the Town's current response?

It's always fact-specific, but our staff are trained, they're familiar with their legislation. You expect them to go through an intellectual exercise that essentially assesses the situation and tries to determine if there's been noncompliance, and if you determine noncompliance, then is there a threat to safety? If so, immediate action is warranted. If there isn't a threat to safety, is it order-appropriate? Is it charge-appropriate? Is there another way to get compliance? Has there been harm? These are all variables that need to be considered.

It sounds like what you're describing is that, given this 30-year-old-plus zoning bylaw, that property owners may kind of be free to do what they want in terms of adding units to their homes or renovating properties in residential, in R-2 neighbourhoods, without a terribly great fear of those renovations being ruled illegal.

Well no, there are a number of reasons why that's problematic. As long as the building codes are followed.

Well, so that right there, that alone is a million-dollar question. Let me be a little more specific then. Let's say I go out tomorrow and I buy a house in a Fellham

neighbourhood that's R-2 zoned, and I don't live there. I'm going to renovate it into a two-unit property. I come to Town Hall and I take out the applicable permits for construction.

That would trigger zoning. Right. So I would not be able to obtain the construction permit if I revealed that I intend to add a unit to the building?

That would trigger an application under the planning process to change the zoning on the property in question from R-2 to something else, depending on what you were trying to do.

So building permits would not be issued until that zoning was approved?

Correct. However, let's say you apply for a plumbing permit. You're going to build a bathroom in your basement. All right. Turns out you don't stop there. That's how you might improperly build a second unit. I'm just speaking hypothetically, you might only need one inspection. We might've only come to look at one bit of plumbing. You might've slipped one past the goal. You might have created a second unit. So long as that unit wasn't occupied under our current policy.

No furniture. No furniture, no sign of occupation. If we all of a sudden get some evidence that someone's living there, then one part of us has to react to that, because all of a sudden now we are talking about [potential] harm. We should assume that there is more construction done than just plumbing, we should go back and look with a building inspection.

Moving on to another recent topic. Fences. When my wife and I moved to town we wanted to put up a fence—for the dog, for privacy. We went to Town Hall, spoke to the nice people upstairs and got the details of what was legal, what wasn't. They said,

the bylaw, and we followed that to the letter—even coming a bit farther into our property than we had to, off of the public boulevard. There are people out there who are not as scrupulous in following the applicable fence bylaws. If you had a case where someone built a fence over this property line, on the neighbour's side, or built too high, the municipality I presume would respond to this?

No. If I build on your land, I've trespassed, but the municipality has no role or interest whatsoever. That's a private dispute as between two private citizens. We're going to assume it's homes, but it could be businesses, wherever. That's a trespass. It's a private right of action. The municipality has no skin in the game. You're allowed a six-foot fence, you build a four-foot fence on your neighbour's land. It is not for the municipality to get involved in that. You have plenty of property rights—consult a lawyer. Now, fence height—

There's no applicable municipal bylaw?

We don't have a bylaw that says you can't commit a trespass. The Trespass to Property Act has that. Your neighbour arguably is stealing six inches of your land. If he or she builds onto your land, yeah, they're keeping you from accessing it, but that's a private dispute between two individuals. There's a court system for private disputes. Now, the height of a fence can have public impact in health and safety and can, in certain instances be a nuisance.

Okay. So to come back to our first principles, is there harm and is it a legitimate nuisance? First fences in front yards often do have implications for health, safety and municipal operations. Every bylaw with which I am familiar says requires lower fence height

Firstly, thank you for agreeing to meeting with us this morning. It certainly has been a long 9 months of back and forth with the Town so we appreciate and hope that the situation will be resolved expeditiously. The questions that we both have for you will provide insight into the issues that exist with 42 Emmett Street and we hope to have insight into why it has taken over 9 months to deal with an issue that seems very simple to rectify.

Here is a list of questions and acknowledgements for discussion:

1. The Zoning By-law indicates that Emmett Street is R2 which is for single dwelling residential, this has been confirmed by you in a text message on October 25th. (See Appendix A)
2. The new owners took possession some time in late 2018. Construction of the home began on or around February 2019. Can you please provide the dates the permits were issued to the homeowner and if drawings were submitted with the permit application showing both apartments within the duplex and what renovations were to occur in each apartment within the duplex and whether the owners stated what their intended use of the home was? (See Appendix B)
3. What was the value of the work being done on the home that was identified on the permit application by the homeowners? (See Appendix C)
4. When construction began on the premise, it was noted by neighbours that the house was being transformed into a duplex. Upon concern that residents were not informed of the change and that the owners did not inform the Town of the real use of the property an inspection was requested. The inspection was supposed to be on a Friday but was delayed until the next week, the attendees as we were told was to be the Fire Chief, the By-law Officer and the CBO. Given that our concern was that the zoning did not comply with the use we are uncertain why staff responsible for zoning enforcement were not attending to the inspection. As stated on the Town's website (See Appendix D) the By-law officer does not enforce zoning. On the day of the inspection only the Fire Chief attended the inspection, we were told that because no one lived in the bottom apartment there is nothing that could be done. We were told to call back when someone lived there. Please See (Appendix E) regarding zoning enforcement. Also can you please explain that if someone buys a home and renovates to a duplex but is unable to rent it for months...Is it still not considered a duplex???? Many buildings exist in Town, apartments, townhouses, multi-family etc. homes that will have months where space remains unrented, it doesn't change the type of use of the home as a result.
5. When I(Carol) inquired about building permits with Town staff when construction on 42 Emmett started but we had not seen permits posted. The staff member at the Planning/Building/Engineering counter on the second floor said she would be able to tell me if a permit had been issued but not what the permit was for. When she returned she indicated to me that no permits had been issued for the property.

6. Subsequently we had a conversation with the Fire Chief who indicated to us that they did have a bathroom renovation building permit. Contrary to hearing this from the Fire Chief, the Director of Planning (Barb) informed us that they had a multiple permits for repairs, plumbing, beam, and interior renovations. We are uncertain of what actual permits were issued and how the inspections done when permit items were completed because it would have been clear to the inspector that the home had been converted to a duplex?
7. Are permits not supposed to be exposed on the exterior of the building? No permits were ever seen In windows, doors, or on exterior siding, please confirm what is required? Upon inspection of the property permit stages, there was no enforcement of posting. (APPENDIX F)
8. Has MPAC been notified in the Town's monthly report that these renovations are merely to improve a single family dwelling when in fact it is a duplex with two distinct families each living in their own unit of the duplex.
9. Was occupancy for each unit given once the renovations to the duplex were completed? Does the MPAC spreadsheet sent by the Town state whether occupancy was granted?
10. We have been told by the Fire Chief that the owners forbid entrance to the home for another inspection. This speaks volume to the situation, this is not about a neighbour dispute, the homeowners have changed the zoning independently without authorization of the Town and without surrounding neighbour input. As per the Zoning by-law an amendment must be done to change the existing use of a home. At this time it should be changed back to an R2 home. And according to the attached (APPENDIX G) specific staff are able to access a home with Council permission. Was the owner provided this information?

## OFFICE CONSOLIDATION

## TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), as amended

*(This Office Consolidation Edition is prepared for purposes of convenience only.*

*For accurate reference recourse should be had to the original by-law(s) and amendments and Orders of the Ontario Municipal Board.)*

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**SECTION 14 - RESIDENTIAL 2 R2 ZONE**

Subject to the general provisions of Section 6 and all other applicable requirements of this Bylaw, the provisions of this section shall apply throughout the Residential 2 R2 zone.

**14.1 PERMITTED USES**

- (a) One single detached dwelling;
- (b) uses, buildings and structures accessory thereto;
- (c) home occupations.

**14.2 ZONE REQUIREMENTS**

- |  |  |
|--|--|
| (a) Minimum Lot Area                         | 360 m <sup>2</sup> (3,875.13 ft <sup>2</sup> )   |
| (b) Minimum Lot Frontage                     | 12 m (39.37 ft)<br>15 m (49.21 ft) on a corner lot   |
| (c) Maximum Lot Coverage                     | 50 percent   |
| (d) Minimum Front Yard                       | 6.5 m (21.33 ft)   |
| (e) Minimum Interior Side Yard               | 1.5 m (4.92 ft) on one side and 3 m (9.84 ft) on the other side where there is no carport or garage attached, or 1.5 m (4.92 ft) on both sides where a carport or garage is attached |
| (f) Minimum Exterior Side Yard               | 5 m (16.4 ft) from the side lot line or 15 m (49.21 ft) from the centre line of the road whichever is the greater  |
| (g) Minimum Rear Yard                        | 7.5 m (24.61 ft)   |
| (h) Maximum Height for a Dwelling            | 10.5 m (34.45 ft)  |
| (i) Minimum Ground Floor Area for a Dwelling |  |
| (i) one storey                               | 93 m <sup>2</sup> (1,001.08 ft <sup>2</sup> )  |
| (ii) two storeys                             | 55 m <sup>2</sup> (592.03 ft <sup>2</sup> )  |

**SECTION 2 - ADMINISTRATION AND ENFORCEMENT**

**2.1 REQUIREMENTS FOR BUILDING PERMITS**

In addition to all of the requirements of the building by-law or any other by-law of the Corporation, no building permit shall be issued in respect to the erection or alteration of a building or structure until the following have been submitted to, and approved by, the Chief Building Official to his satisfaction:

- (a) two (2) copies of a site plan, one copy of which shall be retained by the Chief Building Official, drawn to scale and showing:
  - (i) the dimensions of the lot to be built upon or otherwise used;
  - (ii) the location of all existing buildings, structures or uses on the lot;
  - (iii) the proposed location and dimensions of any building, structure or use proposed for such lot; and,
  - (iv) the proposed location and dimensions of yards, landscaped open spaces, parking areas and loading spaces;
- (b) a statement, signed by the owner, disclosing the specific existing or proposed use for each existing or proposed building or structure and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-law; and,
- (c) two (2) copies of a plan showing the ground level and contour lines on the lot as of the date of the application and as same upon completion of the proposed erection or alterations and when the redistribution of all topsoil has been completed.

**2.2 ISSUANCE OF BUILDING PERMITS**

Notwithstanding the provisions of the building by-law or any other By-law of the Corporation to the contrary, no building permit shall be issued where a proposed building, structure or alteration to an existing building or structure would contravene in any way one or more of the provisions hereof.

**Application for a Permit to Construct or Demolish**

This form is authorized under subsection 8(1.1) of the *Building Code*

Act, 1992

For use by Principal Authority				
Application number:		Permit number (if different):		
Date received:		Roll number:		
Application submitted to: _____ (Name of municipality, upper-tier municipality, board of health or conservation authority)				
A. Project information				
Building number, street name			Unit number	Lot/con.
Municipality	Postal code	Plan number/other description		
Project value est. \$		Area of work (m <sup>2</sup> )		
B. Purpose of application				
New construction	Addition to an existing building	Alteration/repair	Demolition	Conditional Permit
Proposed use of building		Current use of building		
Description of proposed work				
C. Applicant				
Applicant is:		Owner or	Authorized agent of owner	
Last name	First name	Corporation or partnership		
Street address			Unit number	Lot/con.
Municipality	Postal code	Province	E-mail	
Telephone number ( )	Fax ( )	Cell number ( )		
D. Owner (if different from applicant)				
Last name	First name	Corporation or partnership		
Street address			Unit number	Lot/con.
Municipality	Postal code	Province	E-mail	



The Town of Pelham bylaw enforcement division educates and informs residents about the Town's rules and regulations, including parking.

Bylaw Enforcement receives complaints from the general public and directs them to the appropriate agency having jurisdiction or processes them in accordance with the Town's Complaint Policy. The more common bylaw matters include: barking dogs, businesses in residential areas, signs, dumping garbage, fences, derelict vehicles, weeds, and noise.

## Town Bylaws

- 2010 Noise bylaw
- Accessibility Parking bylaw
- Administrative Municipal Penalty Systems (AMPS) bylaw
- Animals at Large bylaw
- Clean Yard bylaw
- Council Indemnification bylaw
- Designated Plants as Local Weeds bylaw
- Development Charges bylaw
- Discharge of Firearms bylaw
- Dog control bylaw
- Election Sign bylaw
- Employee Indemnification bylaw
- Environmental Protection bylaw
- Exotic Pets bylaw
- Fencing bylaw
- Fire Route bylaw
- Fireworks bylaw
- Fortification of Land bylaw
- Licence to Regulate Various Businesses bylaw
- Liquor in Recreational Bylaw
- Open Air Burning bylaw
- Pool Fencing bylaw
- Prohibiting the Use of Motorized Snow Vehicles bylaw
- Property Standards bylaw
- Public Nuisance bylaw
- Removal of Topsoil from Lands bylaw
- Sign bylaw
- Skateboarding bylaw
- Tobacco in Public Places and Workplaces (Regional) bylaw
- Traffic and Parking on Highways bylaw
- Water Management bylaw

## Construction inspections

The Building Code sets out the stages of construction when different types of buildings must undergo a mandatory inspection. It is the responsibility of the permit holder to contact the municipality for an inspection when the project is at the stage of construction set out in the Building Code. The municipal building official is required to carry out the inspection within two working days of being notified. For construction of a sewage system, the inspector has five working days to conduct the inspection. During the inspection, an inspector will inspect the work to determine if it is carried out in accordance with the Building Code, your permit and the approved plans.

You will also be required to:

- show your permit in a window or other place where it can be easily seen
- keep copies of the plans on the site
- tell the municipality about any changes to the proposed construction, which will also have to be approved by the municipality

The inspector must always be able to see the work. If it's different from the work that was approved and, unless you get permission for a revision to your plans, you will be told to correct it. If you don't, the municipality can take enforcement action, such as issuing orders authorized under the *Building Code Act, 1992*.

*From: Ontario.ca/home/home and community/Citizen's guide to land use planning*

The Town of Pelham's Zoning Bylaw 1136 (1987) contains detailed information on what kind of land use and physical structures are allowed on each property in the town. The details includes items such as the height of buildings, number of metres a building must be set back from the street, and landscaping requirements, etc.

The Zoning Bylaw is legally enforceable. Land uses that do not meet the bylaw requirements are not allowed without an amendment or variance to the bylaw.

## 2.3 INSPECTION

- (a) Subject to Clause (b) of this Subsection, the Chief Building Official or By-law enforcement officer of the Corporation, acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties pursuant to the provisions of this By-law.
- (b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under Section 16 of *The Provincial Offences Act*.

## 2.4 VIOLATIONS AND PENALTIES

- (a) Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or causes or permits such a violation, shall be guilty of an offence, and upon conviction thereof, shall forfeit and pay a penalty not exceeding ONE THOUSAND DOLLARS (\$1,000.00) exclusive of costs for each such offence, and every such penalty shall be recoverable under *The Municipal Act* and *The Provincial Offences Act*. (b) Each day of violation shall constitute an offence.

## 2.5 REMEDIES

Where any building or structure is erected, altered, reconstructed or extended, or part thereof is used, or any lot is used, in contravention of any requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the relevant provisions of *The Planning Act* and/or *The Municipal Act*.

Subject: **Re: Really**  
To: Cari Pupo <caripupo@cogeco.ca>

Date: 12/05/19 07:31 PM  
From: Bob Lymburner <nffd126@hotmail.com>

---

Well Cari if the neighbor did commit break and enter then the police would have charged him  
As I understand he was served with a pon  
As I stated before if you feel the neighbor is threateningly call the police

---

**From:** Cari Pupo <caripupo@cogeco.ca>  
**Sent:** December 5, 2019 12:51:50 PM  
**To:** Bob Lymburner <nffd126@hotmail.com>  
**Subject:** Re: Really

Really

He apologized Bob are you for real he apologized for what breaking and entering into my home. Shake you're head.  
I will be sharing everything about our relationship and what you allowed your kids to do outside of town policy. Which says a lot about you're comments of 42 Emmett  
You have made this seem like it was just nothing and because he claimed to apologize it's all ok.

You have created much of this mess and you need to fix it. Because it's apparent from everything I read and people I talk with this was not handled properly. And bylaw is a mess.

Keep lying about it and get you're life together

You didn't do you're job and you know it

So don't feed me with your sorries.  
Sent from my iPhone

On Dec 5, 2019, at 12:27 PM, Bob Lymburner <nffd126@hotmail.com> wrote:

---

Cari, I'm sorry you experienced your neighbor coming into your house, as I read in the paper he admitted to it and apologized and the police have been involved. if any further intrusions occur you should call the police.

hope you have a safe and happy holiday

---

**From:** Cari Pupo <caripupo@cogeco.ca>  
**Sent:** December 4, 2019 10:52 PM  
**To:** Bob Lymburner <nffd126@hotmail.com>  
**Subject:** Really

Bob do your job

You have no idea what me and Conor have been through

**OFFICE CONSOLIDATION****TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), as amended**

*(This Office Consolidation Edition is prepared for purposes of convenience only.*

*For accurate reference recourse should be had to the original by-law(s) and amendments and Orders of the Ontario Municipal Board.)*

---

**SECTION 2 - ADMINISTRATION AND ENFORCEMENT****2.1 REQUIREMENTS FOR BUILDING PERMITS**

In addition to all of the requirements of the building by-law or any other by-law of the Corporation, no building permit shall be issued in respect to the erection or alteration of a building or structure until the following have been submitted to, and approved by, the Chief Building Official to his satisfaction:

- (a) two (2) copies of a site plan, one copy of which shall be retained by the Chief Building Official, drawn to scale and showing:
  - (i) the dimensions of the lot to be built upon or otherwise used;
  - (ii) the location of all existing buildings, structures or uses on the lot;
  - (iii) the proposed location and dimensions of any building, structure or use proposed for such lot; and,
  - (iv) the proposed location and dimensions of yards, landscaped open spaces, parking areas and loading spaces;
- (b) a statement, signed by the owner, disclosing the specific existing or proposed use for each existing or proposed building or structure and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-law; and,
- (c) two (2) copies of a plan showing the ground level and contour lines on the lot as of the date of the application and as same upon completion of the proposed erection or alterations and when the redistribution of all topsoil has been completed.

**2.2 ISSUANCE OF BUILDING PERMITS**

Notwithstanding the provisions of the building by-law or any other By-law of the Corporation to the contrary, no building permit shall be issued where a proposed building, structure or alteration to an existing building or structure would contravene in any way one or more of the provisions hereof.

**(2.3 OCCUPANCY PERMITS - deleted as per By-law No. 1609 (1993))****(2.4 REQUESTS FOR AMENDMENTS - deleted as per By-law No. 1609 (1993))**

## OFFICE CONSOLIDATION

### TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), as amended

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---

#### 2.3 INSPECTION

- (a) Subject to Clause (b) of this Subsection, the Chief Building Official or By-law enforcement officer of the Corporation, acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties pursuant to the provisions of this By-law.
- (b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under Section 16 of *The Provincial Offences Act*.

#### 2.4 VIOLATIONS AND PENALTIES

- (a) Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or causes or permits such a violation, shall be guilty of an offence, and upon conviction thereof, shall forfeit and pay a penalty not exceeding ONE THOUSAND DOLLARS (\$1,000.00) exclusive of costs for each such offence, and every such penalty shall be recoverable under *The Municipal Act* and *The Provincial Offences Act*.
- (b) Each day of violation shall constitute an offence.
- (c) Any building or structure which contravenes any requirement of this By-law may be removed or altered at the instance of the Corporation, pursuant to the provisions of *The Municipal Act*.

#### 2.5 REMEDIES

Where any building or structure is erected, altered, reconstructed or extended, or part thereof is used, or any lot is used, in contravention of any requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the relevant provisions of *The Planning Act* and/or *The Municipal Act*.

#### 2.6 VALIDITY

If any section, clause or provision of this By-law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to

OFFICE CONSOLIDATION

TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), as amended

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be invalid, and is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

**2.7 BY-LAWS REPEALED**

By-law No. 279 of the Town of Pelham and all amendments thereto are hereby repealed, save and except for:

- (i) Those amendments to By-law 279 of the Town of Pelham which are adopted by Council but which have not taken effect as of the date of passing of this By-law, but which will be deemed to be amendments to this By-law on the date that they take effect.
- (ii) The provisions of By-law No. 279, as they apply to those lands shown on Schedules "A", "A1", "A3", "A4", "A5" and "A6" attached hereto and forming part of this By-law and designated as "Lands to which By-law No. 279, as amended, applies and provisions of this By-law shall not apply to such lands.

**2.8 BY-LAWS INCLUDED**

Zoning By-laws 1146, 1160, 1178, 1204, 1212, 1217, 1234, 1235, 1239, 1240, 1241, 1246, 1247, 1254, 1259, 1261, 1264, 1265, 1271, 1277, 1283, 1284, 1285, 1299, 1302, 1304, 1317, 1324, 1326, 1331, 1334, 1352, 1353, 1356, 1360, 1361, 1362, 1363, 1364, 1365, 1372, 1383, 1391, 1392, 1401, 1411 and 1428 having come into force in accordance with the provisions of Section 21 and 30 of the Planning Act are hereby incorporated into this By-law

(NOTE: For Office Consolidation purposes, By-law amendments subsequent to By-law No. 1428 have also been included in this document.)

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## When you need a building permit

You must obtain a building permit before you:

- construct any new building over ten square meters in area or place another structure, such as a mobile home, on your property
- make renovations or repairs or add to a building
- change the use of a building
- excavate or construct a foundation
- construct a seasonal building
- undertake work regarding the installation, alteration, extension or repair of an on-site sewage system

Contact your municipality if you have any questions about when a building permit may be required.

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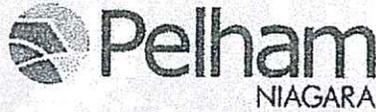
## Construction inspections

The Building Code sets out the stages of construction when different types of buildings must undergo a mandatory inspection. It is the responsibility of the permit holder to contact the municipality for an inspection when the project is at the stage of construction set out in the Building Code. The municipal building official is required to carry out the inspection within two working days of being notified. For construction of a sewage system, the inspector has five working days to conduct the inspection. During the inspection, an inspector will inspect the work to determine if it is carried out in accordance with the Building Code, your permit and the approved plans.

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- show your permit in a window or other place where it can be easily seen
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The inspector must always be able to see the work. If it's different from the work that was approved and, unless you get permission for a revision to your plans, you will be told to correct it. If you don't, the municipality can take enforcement action, such as issuing orders authorized under the *Building Code Act, 1992*.



November 21, 2019

**ZONING VIOLATION NOTICE**



**Re: Uses Restricted to a single detached dwelling in R2 Zoning located at 42 Emmett Street, Fonthill, ON**

The Town of Pelham Zoning By-law 1136 (1987) states:

**Section 14.0** *Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provision of this section shall apply throughout the Residential 2 R2 Zone.*

**Section 14.1 PERMITTED USES** *a) One single detached dwelling; b) uses, buildings and structures accessory thereto; (c) home occupations.*

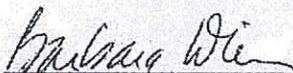
**Section 1.2(b)** *No building or structure shall hereafter be erected or altered, nor shall the use of any building, structure, or lot hereafter be changed in whole or in part, except in accordance with the provisions of this By-law.*

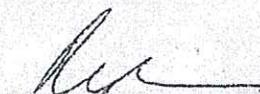
Based on inspections of the property by Town staff, and information the Town has received, it has been determined that the property located at 42 Emmett Street, Fonthill is in violation of the Town Zoning By-law 1136 (1987) by having a second dwelling in an R2 Zone.

You are hereby ordered to correct this violation by making application for a Town of Pelham Zoning By-law Amendment no later than Monday January 6, 2020. The cost for this application is \$4,404.00 payable to the Town of Pelham in addition to a Regional Zoning By-law Review fee of \$1,270.00 payable to the Region of Niagara. You are strongly urged to contact the Town of Pelham's Planning Department Senior Planner Shannon Larocque as soon as possible at 905.892.2607 ext. 319 for a pre-consult meeting in this regard or for any questions you may have regarding this matter.

This is your notice that failure to comply with the above instructions to bring this property into compliance with the Zoning requirements may result in charges or other enforcement without further notice to you.

Thanking you in advance for your cooperation in this matter,

  
Barbara Wiens  
Director of Planning and Development

  
Bob Lynnburner  
Director of Fire and By-law Services

**2.3 INSPECTION**

(a) Subject to Clause (b) of this Subsection, the Chief Building Official or By-law enforcement officer of the Corporation, acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties pursuant to the provisions of this By-law.

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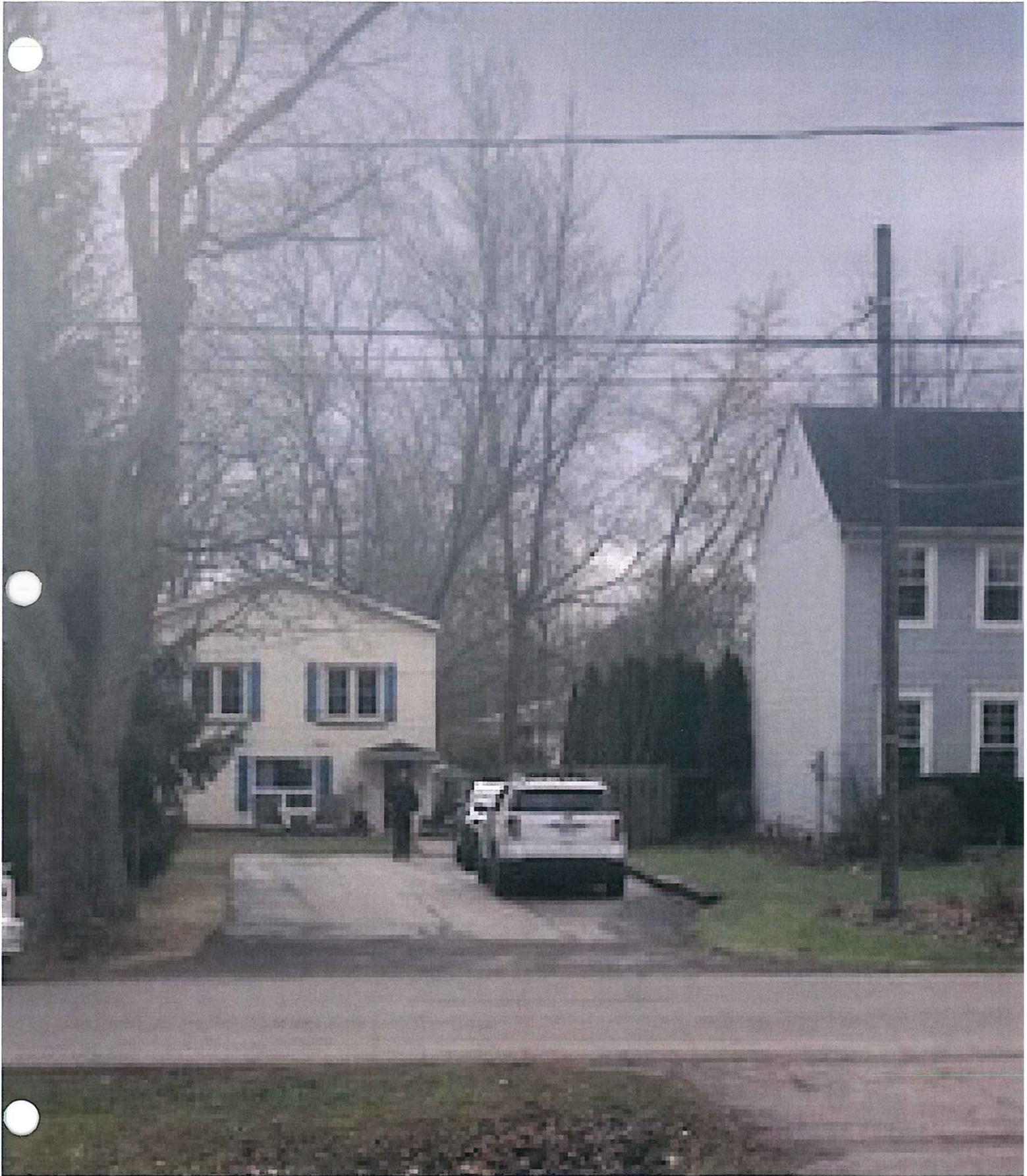
**2.4 VIOLATIONS AND PENALTIES**

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**2.5 REMEDIES**

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Hem5C





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

Name: Allison Craig (BioForest)	
Address: 180 Norseman St. Toronto	
Postal Code: M8Z 2R4	Telephone #: 905-609-4167
Email Address: acraig@bioforest.ca	
The Council Chambers is equipped with a laptop and projector. Please Check your audio/visual needs: <input checked="" type="checkbox"/> Laptop <input type="checkbox"/> Speaker <input type="checkbox"/> 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: March 2, 2020

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

To receive the presentation for information.

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

- Summary of tasks undertaken for Contract No. 2019-PW-19 - Gypsy Moth Services.
- description of program development
- methodology
- brief overview of results and management options.

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.

Allison Craig  
 Signature

Feb. 11, 2020  
 Date

# Gypsy Moth in the Town of Pelham

## 2019 Population Surveys and 2020 Defoliation Forecasts



Allison Craig

Manager – Urban Forest Health Services, BioForest

[acraig@bioforest.ca](mailto:acraig@bioforest.ca)

# BioForest

- Founded by former Canadian Forest Service rangers in 1996
- Specializing in
  - Commercial and urban forest pest management
  - Tree care product development and distribution



# BioForest & Gypsy Moth

- Egg mass surveys in Southern Ontario:
  - Oakville, 2012 to present
  - Mississauga, 2013 to present
  - Hamilton, 2016 to present
  - Burlington, 2017 to present
  - Barrie, 2019
  - London, 2019
  - Sarnia, 2019
  - York Region, 2019



# Gypsy Moth Services in Pelham

- November 2019
  - Contract No. 2019-PW-19: Gypsy Moth Services
- Tasks
  1. Develop gypsy moth monitoring plots
  2. Conduct gypsy moth egg mass surveys throughout the Town
  3. Technical report

# Plot Development

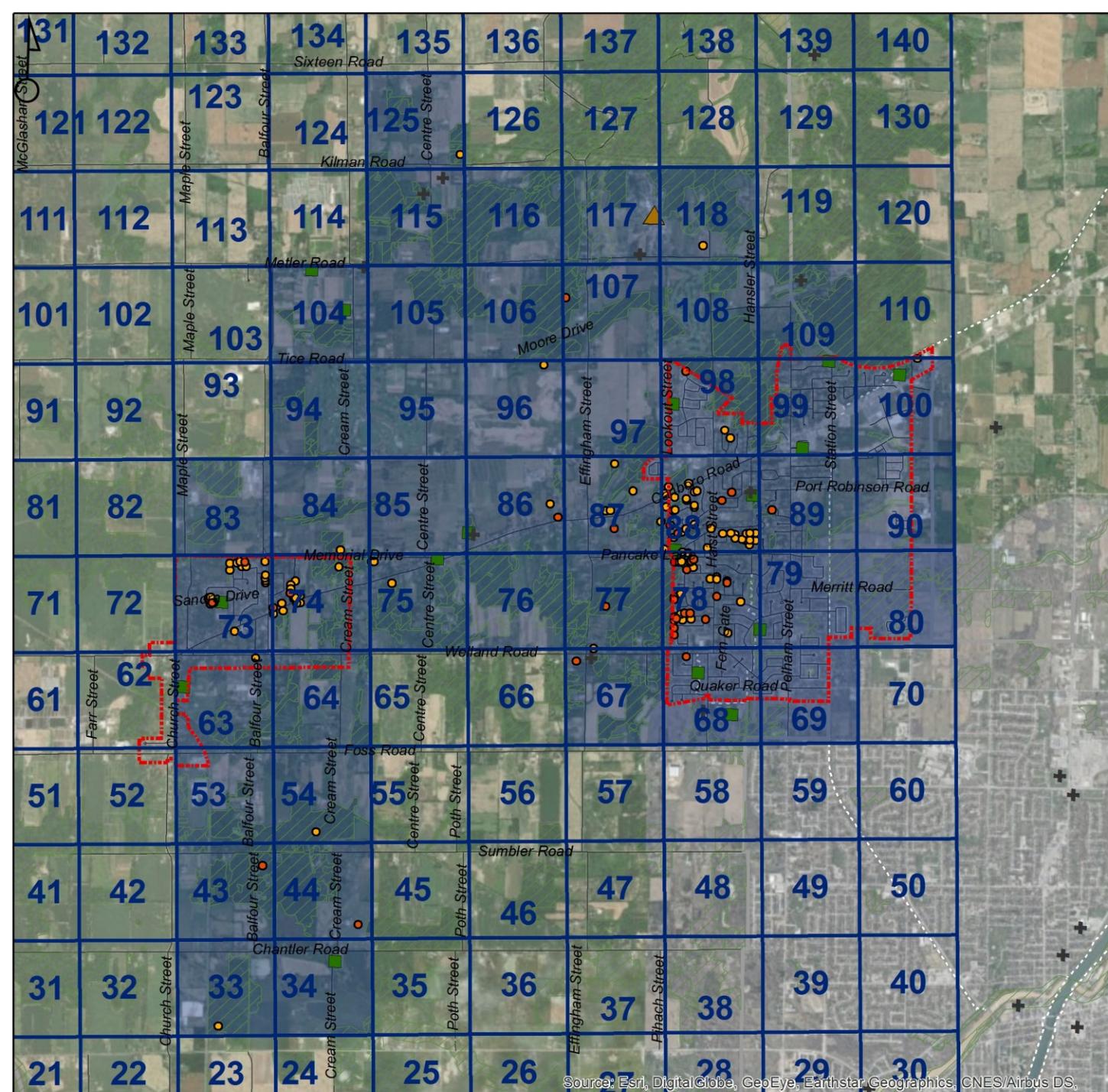
- Grid-based approach to cover a large area in a systematic way
- Prioritized survey areas based on:
  - Historical gypsy moth activity and reports
  - Connectivity through natural areas or continuous forest canopy
  - Good coverage of both urban and rural areas



# 2019

## TOWN OF PELHAM

### Gypsy Moth Monitoring Program



- Pelham Grid
- Pelham Urban Boundary
- 2019 Gypsy Moth Reports - Residential
- 2018 Gypsy Moth Reports - Residential
- Cemeteries
- Campgrounds
- 2018 Gypsy Moth Reports - Parks
- Core Natural Heritage Environmental Conservation Areas
- Pelham Grid - Selected
- Municipal Boundaries
- Roads
- Niagara Trails
- Parcel Ownership**
- Private
- Niagara Peninsular Conservation Authority
- Nature Conservancy of Canada
- Niagara Regional Municipality
- Town of Pelham
- Province of Ontario (Infrastructure)

# Gypsy Moth Egg Mass Surveys

- Methodology
  - Established a total of **133 plots**
  - Five trees per plot
  - Survey focused on mature oak trees or alternative host trees representative of area (minimum 20cm DBH)
    - Apple, aspen, beech, birch, black walnut, hickory and maple
  - Entire tree examined using binoculars
  - All egg masses counted
  - Old/new egg masses tallied and measured



# Gypsy Moth Egg Mass Surveys

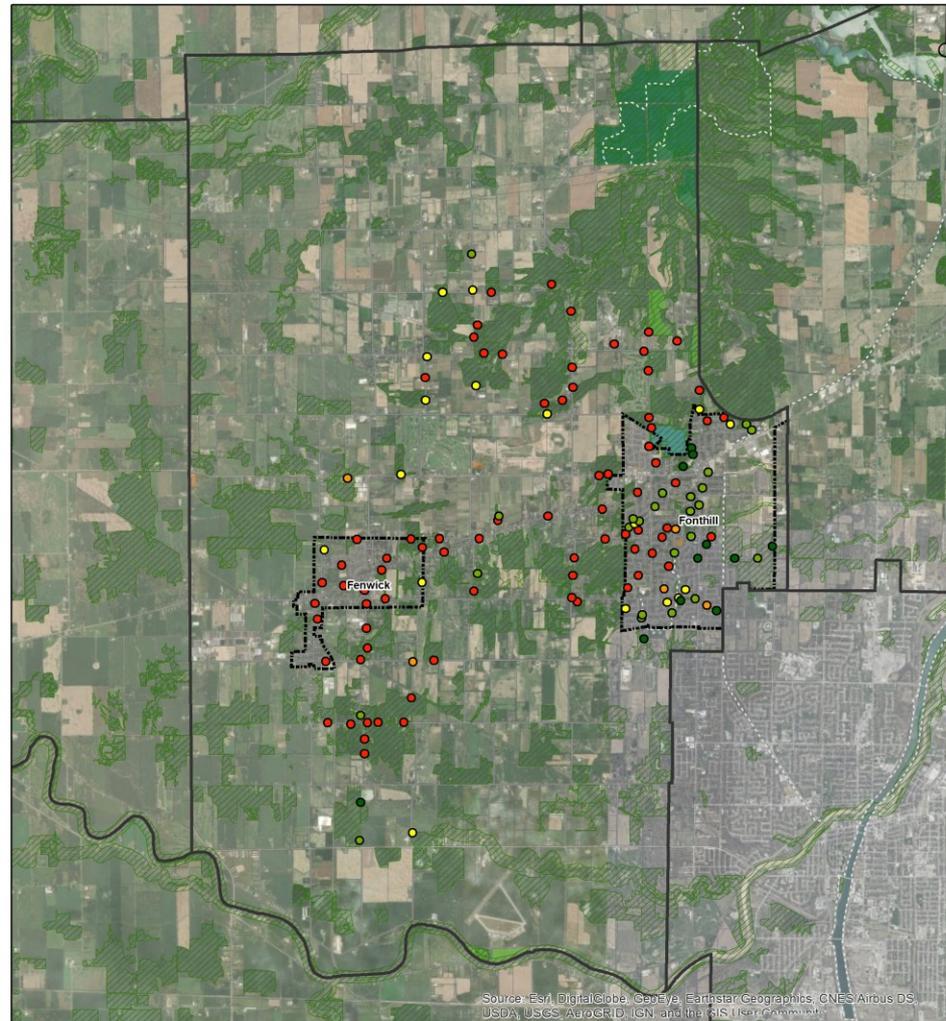
- Thresholds
  - Derived from USDA defoliation prediction model

Egg Mass Density (Egg Masses per Hectare)	Defoliation Forecast	Defoliation Forecast Range (%)	Management Impacts
0	Nil	0 to 5	None
1 to 1,250	Light	6 to 25	Up to 20% Defoliation
1,251 to 3,750	Moderate	26 to 65	Nuisance and Aesthetics; Noticeable Defoliation
3,751 to 5,000	Heavy	66 to 90	Wildlife and Recreation; Growth Loss
> 5,001	Severe	91 to 100	Tree Mortality



# Results

- 2020 defoliation forecasts
  - **Severe** = 57% of plots
  - **Heavy** = 4% of plots
  - **Moderate** = 13% of plots
  - **Light** = 18% of plots
  - **No defoliation** = 8% of plots
- Areas with heaviest populations
  - Fenwick and south of Fenwick
    - Balfour Road, Foss Road, Sumbler Road
  - Along Canboro Road, Effingham Street and Pancake Lane
  - West side of Fonthill and areas north and west of Fonthill
    - Centre Street, Effingham Street, Haist Street, Kilman Road, Metler Road and Moore Drive



Source: ESA, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

<b>Legend</b>  Municipal Boundaries  Pelham Urban Boundary  Core Natural Heritage Environmental Conservation Areas  Niagara Trails  Roads	<b>Parcel Ownership</b>  Private  Niagara Peninsular Conservation Authority  Nature Conservancy of Canada  Niagara Regional Municipality  Town of Pelham  Province of Ontario (Infrastructure)	<b>2020 Defoliation Forecast</b>  Nil  Light  Moderate  Heavy  Severe
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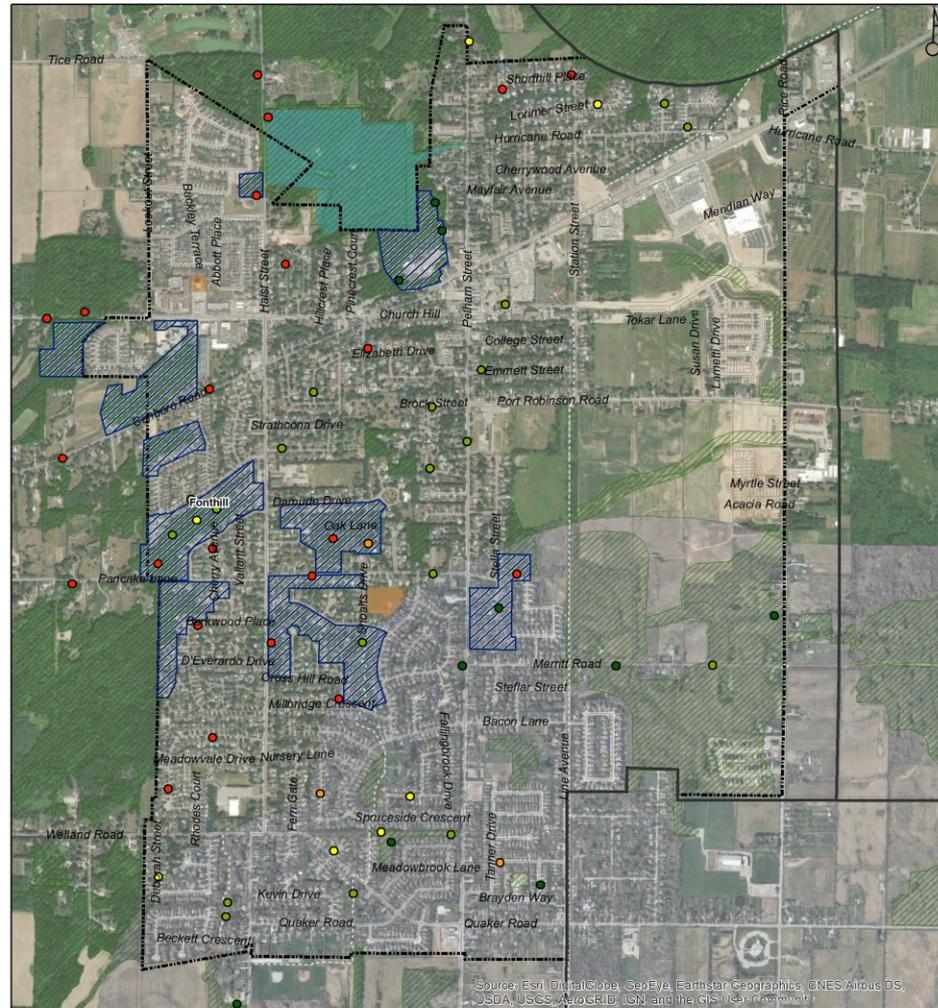
**2019**  
**Town of Pelham**  
 Gypsy Moth  
 Egg Mass Monitoring Plots  
 Page 73 of 209

0 0.5 1 2 3 4  
 Kilometers



# Fonthill

- 19 out of 54 plots have **Severe** or **Heavy** defoliation forecast
- Numerous plots with 0 egg masses per hectare, ranging up to 79,000



**Legend**

<ul style="list-style-type: none"> <li>Municipal Boundaries</li> <li>Pelham Urban Boundary</li> <li>Core Natural Heritage Environmental Conservation Areas</li> <li>Niagara Trails</li> <li>Roads</li> <li>2019 Spray Blocks</li> </ul>	<p><b>Parcel Ownership</b></p> <ul style="list-style-type: none"> <li>Private</li> <li>Niagara Peninsula Conservation Authority</li> <li>Nature Conservancy of Canada</li> <li>Niagara Regional Municipality</li> <li>Town of Pelham</li> <li>Province of Ontario (Infrastructure)</li> </ul>	<p><b>2020 Defoliation Forecast</b></p> <ul style="list-style-type: none"> <li>Nil</li> <li>Light</li> <li>Moderate</li> <li>Heavy</li> <li>Severe</li> </ul>
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**2019 Town of Pelham Gypsy Moth Egg Mass Monitoring Plots**

0 0.1250.25 0.5 0.75 1 Kilometers

# Results



58% of all egg masses within reach were new



Average egg mass size = 33.5mm

84% of all new egg masses measured were large (>25mm)

# OMNRF Gypsy Moth Defoliation - 2017

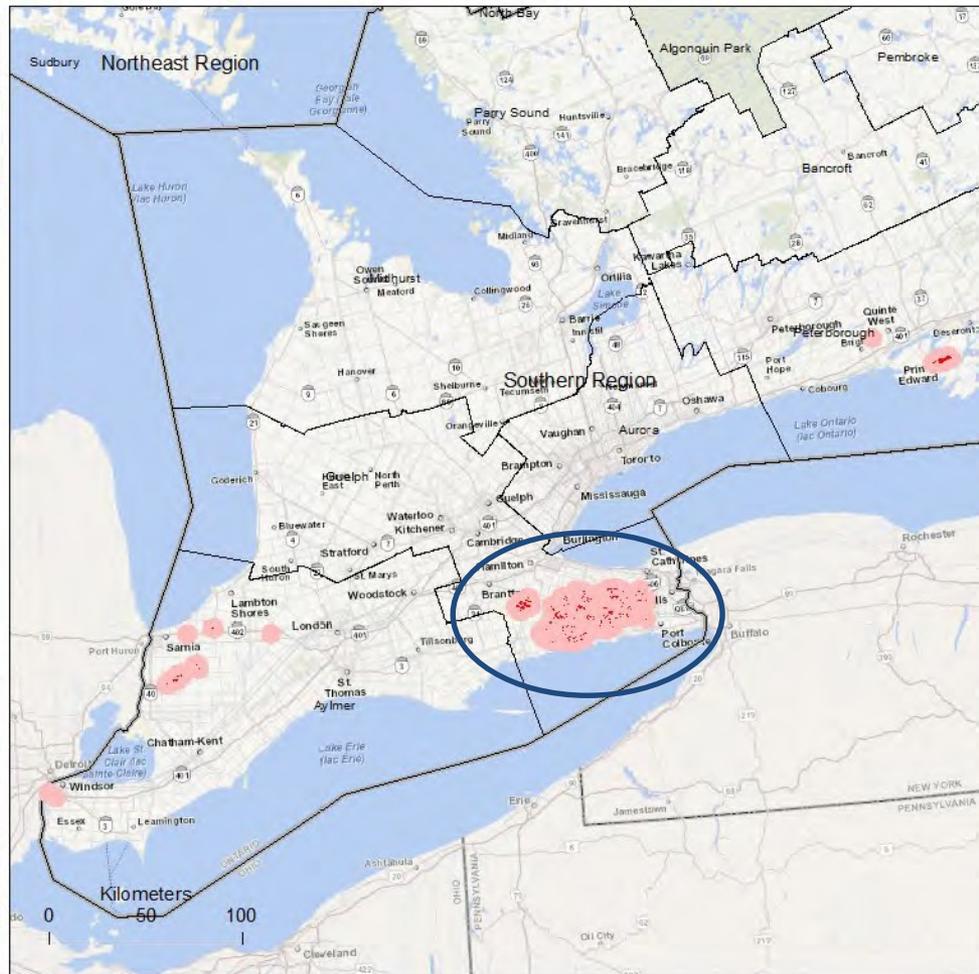


## Gypsy Moth 2017

Southern Region  
Areas within which gypsy  
moth caused defoliation

Moderate-to-severe = 10,856 ha

 Area of moderate-to-severe  
defoliation



# OMNRF Gypsy Moth Defoliation - 2018

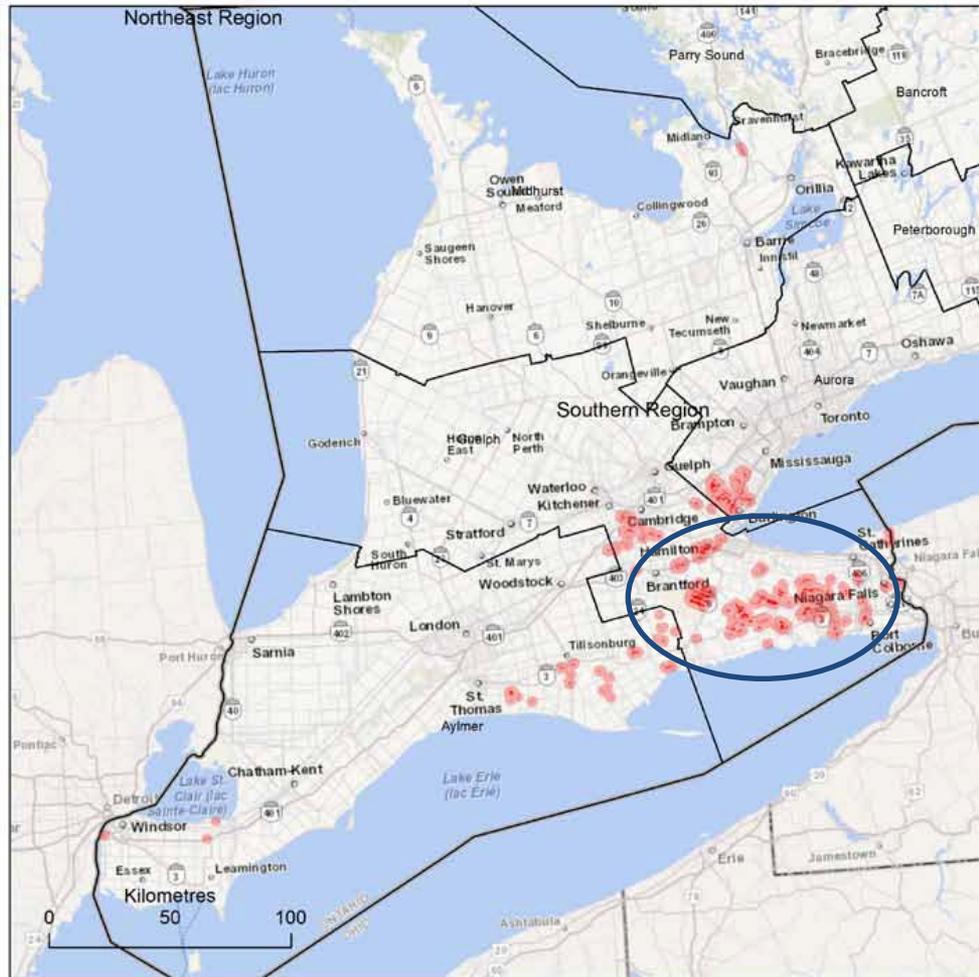


**Gypsy moth  
2018**

Areas in the Southern Region  
where gypsy moth caused  
defoliation

**Moderate to severe = 14,937 ha**

 Area of moderate to severe  
defoliation



# OMNRF Gypsy Moth Defoliation - 2019

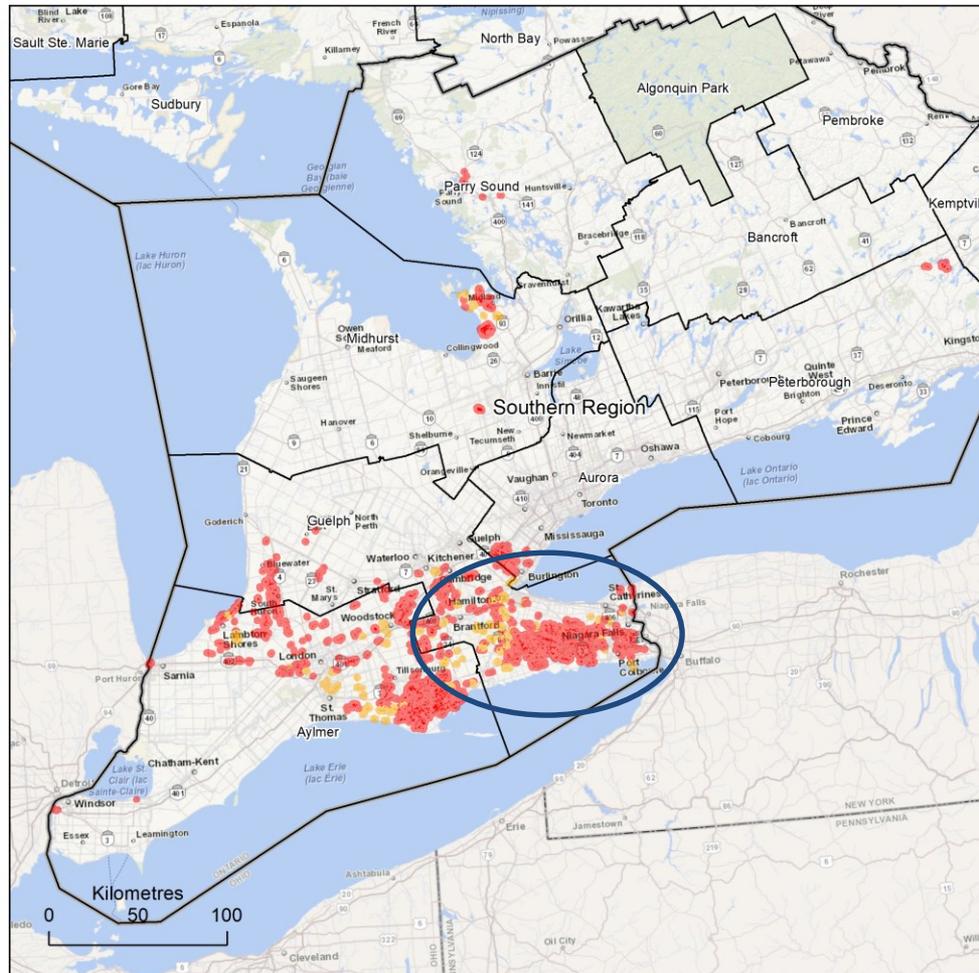


**Gypsy moth  
2019**

Areas in the Southern Region  
where gypsy moth caused  
defoliation

**Light = 4,046 ha**  
**Moderate to severe = 43,064 ha**

- Area of light defoliation
- Area of moderate to severe defoliation



# Management Options

1. Town takes no action on public trees. Implements a strong communications and outreach program to educate residents and encourage private landowners to undertake treatment.
2. Town implements a treatment program targeted at urban areas and adjacent forested properties with plots exceeding the 2,500 egg mass/hectare threshold. Supported by a strong communications program for private landowners not included in treatment areas.
3. Town implements comprehensive treatment program including all urban and rural areas with plots exceeding the 2,500 egg mass/hectare threshold.

**For all options, communication is KEY**

# Considerations

- Healthy natural forests are resilient
- Confluence of stressors on urban trees
  - Previous defoliation
  - Soil compaction, poor sites/nutrients, high salinity
  - Drought, storm events (wind, ice)
  - Construction, line clearing
  - Other pests – cankerworm (increased susceptibility)
- Importance of protecting valuable natural assets – street trees, parks, etc.
  - Aesthetic, recreation, economic, environmental

# Thank you!





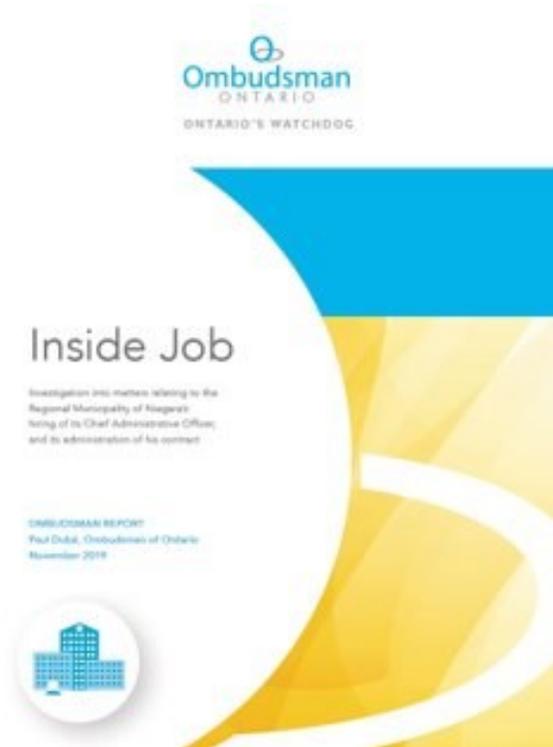
# Regional Report

March 2020



## **Presentation Highlights**

1. CAO Hiring Policies & Procedures - New
2. EarlyOn Centres – Update
3. Waste Collection | Blue Box Program Transfer – Update
4. Niagara Official Plan - Update
5. Economic Development – Updates
6. Public Realm Investment Program – Launch
7. Regional Chair Election



## CAO Policies & Procedures - New

- Ombudsman report issued on Nov. 29th, 2019 highlighting a number of issues with CAO hiring process
- 15 recommendations within the report
- New policies and procedures developed pertaining to CAO Recruitment, Selection, Offer of Employment and Performance Management
- Acting CAO Ron Tripp was appointed December 2018



## EarlyOn Centres - Update

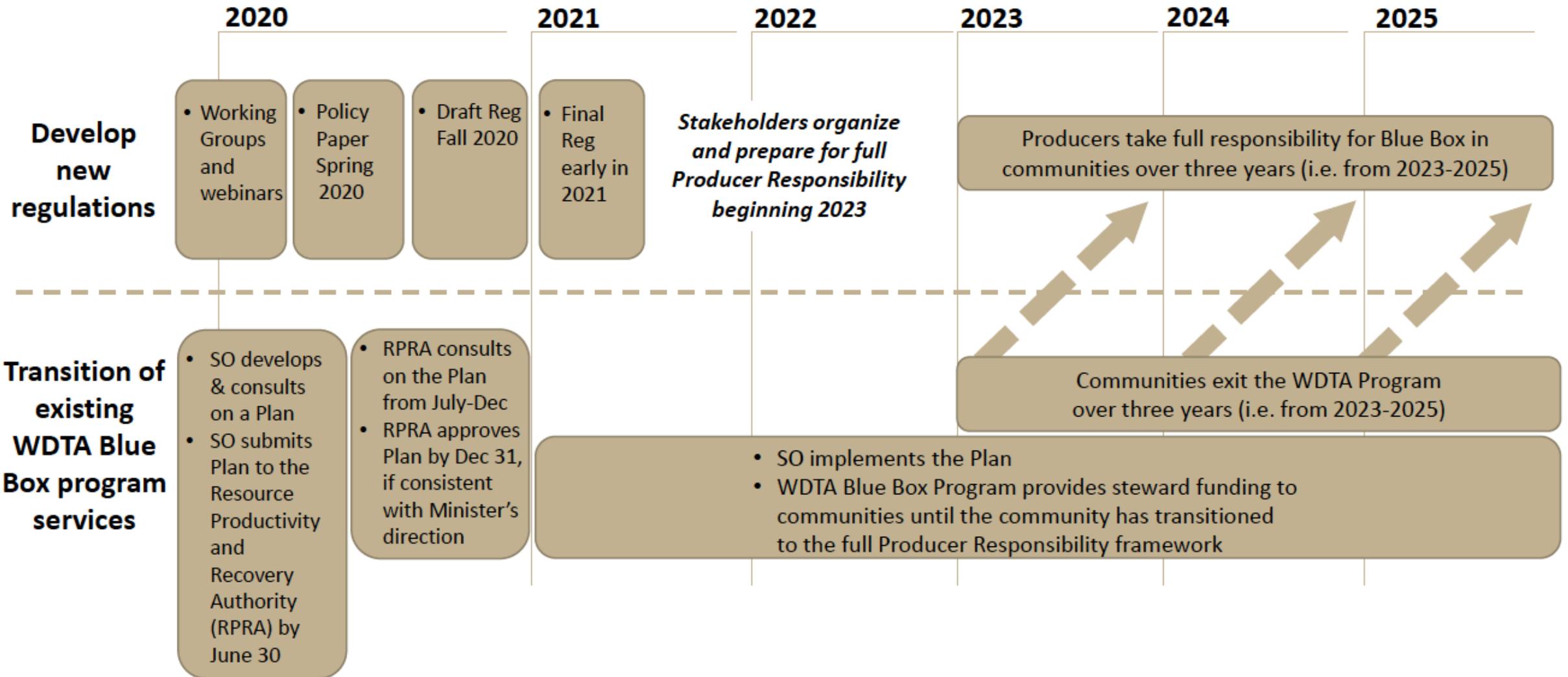
- Children's Services assumed local planning and administration of EarlyOn Child and Family Centres in January 2018
- New procurement framework and process was developed to contract service delivery
- Port Cares successfully contracted to deliver services in Pelham



## **Waste Collection | Transfer to Producer Responsibility for Blue Box - Update**

- The Province issued a Special Advisor's report in August on Recycling and Plastic Waste announcing transition costs from municipal taxpayers to full producer responsibility
- Transition will commence in January 2023 and will be fully implemented by December 2025
- Timelines have been identified which will need decisions as to when this shift should occur for Niagara residents

# Roadmap to Producer Responsibility for Blue Box





## Niagara Official Plan - Update

- Recently presented with a report that concludes the findings of the public consultations and background studies.
- Workplan includes:
  - 2020 - Draft policies and complete mapping
  - 2021 – Complete an official draft Regional Official Plan
  - 2021 (Year-end) – Council Adoption and Submission to Province for Approval

# Project Timeline





## **Economic Development - Update**

- The Department presented a Q4 updated and annual strategic action plan report card
- Motion was passed for the Director to engage lower tier Economic Development offices respecting a 10-year economic development strategy



## Public Realm Investment Program Launch

- Municipalities can submit applications for funding to the 2020 PRIP program
- Funding is for public realm enhancements projects along regional roads
- Minimum funding request is \$25,000 and matching is required
- New projects introduced include:
  - Locally endorsed temporary projects -also known as “Tactical Urbanism”(defined as low cost temporary changes to the built environment intended improve the built form/streetscape).
  - Niagara 2021 Canada Summer Games related enhancement projects.
  - Shade structures.



## **Regional Chair Election**

- Motion put forward for February 20 Council meeting to consider direct election of Regional Chair position



**Questions?**

## REGULAR COUNCIL MINUTES

**Meeting #:** C-03/2020  
**Date:** Tuesday, February 18, 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  
Ron Kore  
Marianne Stewart  
John Wink

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

**Other:** Presenters  
Interested Citizens

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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 5:50 pm. The Mayor apologized for the late start, noting a previously scheduled meeting ran over time.

### 2. Singing of National Anthem

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

### 3. Approval of Agenda

BE IT RESOLVED THAT the agenda for the February 18th, 2020 Regular meeting of Council be adopted.

**Amendment:**

**Moved By** John Wink

**Seconded By** Marianne Stewart

**THAT the Agenda be revised to include item 9.5.3 Inch Hammond Professional Corporation re: Town of Pelham Proposed Odourous Industries Nuisance By-law.**

**Carried**

**Amendment:**

**Moved By** John Wink

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT the agenda for the February 18th, 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**

Mr. Nohara requested that Council postpone consideration of the Obnoxious Industries Nuisance By-law to a future date to permit the Cannabis Control Committee to make some modest amendments.

**Moved By** Lisa Haun

**Seconded By** Ron Kore

BE IT RESOLVED THAT consideration of the proposed By-law listed at Agenda Item 14 be postponed until March 3, 2020 and that the Cannabis Control Committee be authorized to prepare responses to the cannabis letters on the Council Agenda at 9.5.1 and 9.5.3, and continue to work with Aird and Berlis on this matter.

**Carried**

**Amendment:**  
**Moved By** Lisa Haun  
**Seconded By** Ron Kore

**THAT the motion be amended to move the date to March 23rd.**

**Carried**

**Moved By** Lisa Haun  
**Seconded By** Ron Kore

**BE IT RESOLVED THAT consideration of the proposed By-law listed at Agenda Item 14 be postponed until March 23, 2020 and that the Cannabis Control Committee be authorized to prepare responses to the cannabis letters on the Council Agenda at 9.5.1 and 9.5.3, and continue to work with Aird and Berlis on this matter.**

**Votes In Favour: Councillors Ciolfi, Haun, Hildebrandt, Kore, Stewart, Wink**

**Votes Against: Mayor Junkin**

**Carried**

#### **5.2.2 5G LED - Roman Shapoval**

Roman Shapoval reviewed the information he provided relating to 5G LED technology in today's society. A copy of the presentation is on file with the Clerk.

**Moved By** Ron Kore  
**Seconded By** Mike Ciolfi

**BE IT RESOLVED THAT Council receive for information the delegation provided by Roman Shapoval regarding 5G LED technology.**

**Carried**

### **5.3 Report of Regional Councillor**

No Report

**6. Adoption of Minutes**

**6.1 C-02/2020 Regular Council Minutes of February 3, 2020**

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

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

**1.C-02/2020 Regular Council Minutes of February 3, 2020**

**Carried**

**7. Business Arising from Council Minutes**

None

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

Item 9.7.1 - Summerfest Committee Minutes - was lifted for separate consideration.

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

**Moved By** Bob Hildebrandt  
**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT the Consent Agenda items as listed on the February 18th, 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. P&P-01/2020 - Policy and Priorities - February 3 2020

9.2 Minutes Approval – Committee

9.2.1 P&P-01/2020 - Policy and Priorities - February 3 2020

BE IT RESOLVED THAT Council receive the P&P-01/2020 - Policy and Priorities - minutes, dated February 3, 2020 for information.

9.5 Information Correspondence Items

9.5. 1 Sullivan Mahoney re: Town of Pelham Proposed Odorous Industries Nuisance By-Law

BE IT RESOLVED THAT Council receive the correspondence submitted by Sara J. Premi, Sullivan Mahoney LLP, on behalf of CannTrust, regarding the Town of Pelham Proposed Odourous Industries Nuisance By-law, for information.

9.5.2 Thank You Letter from Brock University

BE IT RESOLVED THAT Council receive a thank you letter from Brock University dated January 6, 2020, regarding participation in the Niagara Adapts partnership, for information.

9.5.3 Inch Hammond Professional Corporation re: Town of Pelham Odourous Industries Nuisance By-Law

BE IT RESOLVED THAT Council receive the correspondence submitted by John F. C. Hammond, Inch Hammond Professional Corporation on behalf of RedeCan and RedeCan Pharm, for information.

9.7 Committee Minutes for Information

~~9.7.1 Summerfest Committee Minutes~~

~~BE IT RESOLVED THAT Council receive the Summerfest Committee Minutes dated October 30, 2019, November 27, 2019 and January 15, 2020, for information. (lifted for separate consideration)~~

9.7.2 MCC Hospitality Committee Minutes

BE IT RESOLVED THAT Council receive the MCC Hospitality Committee minutes dated November 6, 2019, for information.

9.7.3 MCC User Group Committee Minutes

BE IT RESOLVED THAT council receive the MCC User Group Committee minutes dated October 10, 2019 and November 12, 2019, for information.

9.7.4 Pelham Seniors Advisory Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Senior Advisory Committee Minutes dated October 17, 2019, for information.

9.7.5 Pelham Public Art Advisory Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Public Art Advisory Committee minutes dated September 17, 2019, October 16, 2019, November 13, 2019 and December 11, 2019, for information.

**Carried**

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

**10.1 Summerfest Committee Minutes**

Clarification was provided regarding the Summerfest Minutes relating to the reconstruction of the arches. Mr. Marr noted that staff has met with the consultants, noting that they intend to present information in the near future.

**Moved By** Bob Hildebrandt

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT Council receive the Summerfest Committee Minutes dated October 30, 2019, November 27, 2019 and January 15, 2020, for information.**

**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**

Consideration of this by-law was postponed. See Item 5.2.1.

**15. Motions and Notices of Motion**

**Moved By** Lisa Haun

**Seconded By** Ron Kore

**Mover – Councillor Lisa Haun**

**Secunder – 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 is 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.**

**Carried**

**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**

**18. Resolution to Move in Camera**

**19. Rise From In Camera**

**20. Confirming By-Law**

**Moved By** Bob Hildebrandt

**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. 4203(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 18<sup>th</sup> day of February, 2020.**

**Carried**

**21. Adjournment**

**Moved By** Bob Hildebrandt

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for March 2, 2020 at 5:30 pm.**

**Carried**

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Mayor: Marvin Junkin

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Town Clerk: Nancy J. Bozzato

## SPECIAL COUNCIL MINUTES

**Meeting #:** SC-02/2020 - Special Council  
**Date:** Tuesday, February 18, 2020, 4:30 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

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

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

**Other: External Council; Members of CCC (Item 1)**

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

Noting that a quorum was present, the Mayor called the meeting to order at approximately 4:31 pm

### 2. Approval of the Agenda

**Moved By** Mike Cioffi

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT the agenda for the February 18, 2020 Special Meeting of Council be adopted as circulated.**

**Carried**

**Moved By** Mike Cioffi

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT the Rules of Procedure as contained in the Town of Pelham Procedural By-law, be suspended to permit members of the Cannabis control Committee ("CCC") to attend the Closed Session portion of the meeting relating to Item #1.**

**Carried**

### 3. Disclosure of Pecuniary Interest and General Nature Thereof

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

**4. Resolution to Move in Camera**

The closed session meeting recessed at 5:40 p.m. and was called back to order at 8:51 p.m.

**Moved By** John Wink

**Seconded By** Marianne Stewart

**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, S.O.2001, c.25 as amended, as follows:**

- 1. Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality and Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose. (Legal Updates - various files)**
- 2. Section 239(2)(d) labour relations/employee negotiations and Section 239(2)(b) personal matters about an identifiable individual, including municipal employees (1 item)**
- 3. Section 239(2)(c) proposed or pending acquisition or disposition of land and Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose - Files L07-2018-01-S and L07-2018-06-S**

**Carried**

**Moved By** Bob Hildebrandt

**Seconded By** John Wink

**THAT the Rules of Procedure as contained in the Town of Pelham Procedural By-law, be suspended;**

**AND THAT the specified meeting curfew time of 9:00 p.m. be and is hereby waived;**

**AND THAT the remainder of the business listed on the agenda for this meeting continue to be considered until all matter have been concluded.**

**Carried**

**5. Rise From In Camera**

**Moved By** Ron Kore

**Seconded By** Lisa Haun

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

**Carried**

**Moved By** Marianne Stewart

**Seconded By** John Wink

**BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of February 18, 2020.**

**Carried**

**6. Confirming By-law**

**Moved By** Marianne Stewart

**Seconded By** John Wink

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

**Being a By-law No. 4204(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 18th day of February, 2020.**

**Carried**

**7. Adjournment**

**Moved By** Lisa Haun

**Seconded By** Ron Kore

**BE IT RESOLVED THAT this Special 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 Committee of the Whole held February 18, 2020

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BE IT RESOLVED THAT COUNCIL HEREBY approves the following Recommendations Resulting from the COW-02/2020 Committee of the Whole of February 18, 2020:

1. **THAT the agenda for the February 18th, 2020 regular meeting of Committee be adopted.**
2. **THAT Committee receive Report #2020-14 and recommend to Council:**

**THAT the Land Use Study in Appendix A be received for information and that Staff be directed to fulfill the recommendations of the Land Use Study.**

**Amendment:**

**That the motion be amended by replacing the second paragraph with the following:**

**AND that Staff refer the Report to the Cannabis Control Committee to permit the Committee to provide feedback on the recommendations contained in the report.**

**Motion as Amended**

**THAT Committee receive Report #2020-14 and recommend to Council:**

**THAT the Land Use Study in Appendix A be received for information;**

**AND that Staff refer the Report to the Cannabis Control Committee to permit the Committee to provide feedback on the recommendations contained in the report.**

3. **THAT Committee receive Report #2020-0016-Corporate Services and recommend to Council:**

**THAT Council receive Report #2020-0016-Corporate Services for information.**

4. **THAT Committee receive Report #2020-0002 for information; and**

**THAT Committee recommend that Council approve the 2019 Pelham Distribution System Summary Report.**

5. **THAT Committee of the Whole receive Report #2020-0017 Town of Pelham Gypsy Moth Policy and 2020 Gypsy Moth Management Options; and**

**THAT a Forestry Health Reserve Fund be established and the necessary by-law be prepared; and**

**THAT Committee of the Whole recommend that Council approve the Public Works Gypsy Moth Management Policy S801-14.**

6. **THAT, the correspondence received from Niagara Region (Catherine Habermebl, Director of Waste Management Services), dated December 10th 2019, regarding the "Confirmation of Pelham's Enhanced and Optional Enhanced Services for Niagara Region's New Waste Management Collection Contract" be received and;**

**AND THAT Committee receive and approve Report #2020-0018; and**

**AND THAT Committee recommends for Council to endorse the proposed**

recommendations from Town staff regarding the Town of Pelham's Enhanced and Optional Enhanced Waste Collection Services for the Niagara Region's new Waste Management Collection Contract.

AND THAT, Niagara Region be advised that the Town of Pelham requests to continue with its current Enhanced Services, as follows:

- a. Two (2) Days-per-Week for Public Space Litter Bin and Public Space Recycling Bin Collection inside Designated Business Areas (DBA) and one (1) day-per-week for Public Space Litter Bin and Public Space Recycling Bin Collection outside DBAs, at an annual estimated cost of \$18, 825.60 (including Net HST);
- b. Containerized Garbage Collection at Multi-Residential (MR) Buildings and Municipal Facilities (MF), at an annual estimated cost of \$14, 195.52 (including Net HST), and

AND THAT, Niagara Region be advised that the Town of Pelham will require the Optional Enhanced Services of:

- c. In-Ground Collection at Municipal Facilities (i.e. Town Hall, the Meridian Community Centre (MCC), and Centennial Park), at an estimated cost of \$122.11 (plus HST) per receptacle/stop for crane collection; and

AND THAT, Niagara Region be advised that the Town of Pelham is not interested in the Optional Enhanced Service of:

- d. Bulky Goods Collection at MR buildings with seven (7) or more units and Mixed-Use (MU) properties with one (1) or more residential unit, at an annual estimated cost of \$41, 009.28 (including Net HST).

**Motion to Refer to Staff**

**THAT the Report be referred back to Staff;**

**AND THAT Staff Report Back to Council on the following item:**

1. **Explores other options for providing litter bin collection including other municipality best practices regarding the placement/necessity of residential bins;**
2. **reviews actual recyclability of products making necessary process changes including detailed firm bids for in ground services; and**
3. **obtains detailed firm quotes on containerized garbage collection.**

**7. THAT COMMITTEE receive Report #2020-0015 and recommend to Council:**

**THAT Council approve the revised Summerfest Terms of Reference**

**8. THAT this Regular Meeting of Committee be adjourned until the next regular meeting scheduled for March 2, 2020 following Council.**

# Recommendations of the Public Meeting under the Planning Act held February 10, 2020

---

BE IT RESOLVED THAT COUNCIL HEREBY approves the following Recommendations Resulting from the Public Meeting under the Planning Act meeting of February 10, 2020:

1. **THAT the agenda for the February 10th, 2020 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.**
2. **THAT Committee receive Report #2020-11 for information as it pertains to 1409 Station Street (File no. AM-08-19) and recommend to Council:**

**THAT Council direct Planning staff to prepare the Recommendation Report on this application for consideration.**

3. **THAT Committee Receive the applicants presentation for information.**
4. **THAT Committee receive the written correspondence from:**
  1. Randy Zwierschke and Marleah Proulx;
  2. Bill Heska;
  3. Upper Canada Consultants; and
  4. Webb Planning Consultants.

**AND THAT Committee receive any verbal presentations made by the public.**

5. **THAT Committee receive Report # 2020-0003-Planning for information as it pertains to Zoning By-law Amendment application file No. AM-09-19 – 695 Quaker Road and recommend to Council:**

**THAT Planning staff be directed to prepare the Recommendation Report for consideration of adopting the Zoning By-law Amendment.**

6. **THAT Committee Receive the applicants presentation for information.**
7. **THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.**

## COMMITTEE OF THE WHOLE MINUTES

**Meeting #:** COW-02/2020  
**Date:** Tuesday, February 18, 2020  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

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

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

**Other:** 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 7:00 p.m.

**2. Adoption of Agenda**

**Moved By** John Wink

**THAT the agenda for the February 18th, 2020 regular meeting of Committee be adopted.**

**Carried**

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

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

**4. Department Reports**

**4.1 Community Planning and Development**

#### **4.1.1 Cannabis Land Use Report, 2020-0014-Planning**

**Moved By** Lisa Haun

THAT Committee receive Report #2020-14 and recommend to Council:

THAT the Land Use Study in Appendix A be received for information and that Staff be directed to fulfill the recommendations of the Land Use Study.

**Amendment:**

**Moved By** Mike Ciolfi

**That the motion be amended by replacing the second paragraph with the following:**

**AND that Staff refer the Report to the Cannabis Control Committee to permit the Committee to provide feedback on the recommendations contained in the report.**

**Carried**

**Moved By** Lisa Haun

**THAT Committee receive Report #2020-14 and recommend to Council:**

**THAT the Land Use Study in Appendix A be received for information;**

**AND that Staff refer the Report to the Cannabis Control Committee to permit the Committee to provide feedback on the recommendations contained in the report.**

**Carried**

#### **4.2 Corporate Services**

##### **4.2.1 November 2019 Financial Reports, 2020-0016-Corporate Services**

**Moved By** Lisa Haun

**THAT Committee receive Report #2020-0016-Corporate Services and recommend to Council:**

**THAT Council receive Report #2020-0016-Corporate Services for information.**

**Carried**

#### **4.3 Fire & By-law Services**

#### **4.4 Public Works and Utilities**

**4.4.1 2019 Pelham Distribution System Summary Report, 2020-0002-Public Works**

**Moved By** Bob Hildebrandt

**THAT Committee receive Report #2020-0002 for information; and**

**THAT Committee recommend that Council approve the 2019 Pelham Distribution System Summary Report**

**Carried**

**4.4.2 Town of Pelham Gypsy Moth Policy and 2020 Gypsy Moth Management Options, 2020-0017-Public Works**

**Moved By** Marianne Stewart

**THAT Committee of the Whole receive Report #2020-0017 Town of Pelham Gypsy Moth Policy and 2020 Gypsy Moth Management Options; and**

**THAT a Forestry Health Reserve Fund be established and the necessary by-law be prepared; and**

**THAT Committee of the Whole recommend that Council approve the Public Works Gypsy Moth Management Policy S801-14.**

**Carried**

**4.4.3 Town of Pelham's Enhanced and Optional Enhanced Waste Collection Services for Niagara, 2020-0018-Public Works**

**Moved By** Marianne Stewart

THAT, the correspondence received from Niagara Region (Catherine Habermehl, Director of Waste Management Services), dated December 10<sup>th</sup> 2019, regarding the "Confirmation of Pelham's Enhanced and Optional Enhanced Services for Niagara Region's New Waste Management Collection Contract" be received and;

AND THAT Committee receive and approve Report #2020-0018; and

AND THAT Committee recommends for Council to endorse the proposed recommendations from Town staff regarding the Town of Pelham's Enhanced and Optional Enhanced Waste Collection Services for the Niagara Region's new Waste Management Collection Contract.

AND THAT, Niagara Region be advised that the Town of

Pelham requests to continue with its current Enhanced Services, as follows:

- a. Two (2) Days-per-Week for Public Space Litter Bin and Public Space Recycling Bin Collection inside Designated Business Areas (DBA) and one (1) day-per-week for Public Space Litter Bin and Public Space Recycling Bin Collection outside DBAs, at an annual estimated cost of \$18, 825.60 (including Net HST);
- b. Containerized Garbage Collection at Multi-Residential (MR) Buildings and Municipal Facilities (MF), at an annual estimated cost of \$14, 195.52 (including Net HST), and

AND THAT, Niagara Region be advised that the Town of Pelham will require the Optional Enhanced Services of:

- c. In-Ground Collection at Municipal Facilities (i.e. Town Hall, the Meridian Community Centre (MCC), and Centennial Park), at an estimated cost of \$122.11 (plus HST) per receptacle/stop for crane collection; and

AND THAT, Niagara Region be advised that the Town of Pelham is not interested in the Optional Enhanced Service of:

- d. Bulky Goods Collection at MR buildings with seven (7) or more units and Mixed-Use (MU) properties with one (1) or more residential unit, at an annual estimated cost of \$41, 009.28 (including Net HST).

**Amendment:**

**Moved By** Bob Hildebrandt

**THAT the Report be referred back to Staff;**

**AND THAT Staff Report Back to Council on the following item:**

1. **Explores other options for providing litter bin collection including other municipality best practices regarding the placement/necessity of residential bins;**
2. **reviews actual recyclability of products making necessary process changes including detailed firm bids for in ground services; and**
3. **obtains detailed firm quotes on containerized garbage collection.**

**Carried**

#### **4.5 Recreation, Culture and Wellness**

##### **4.5.1 Summerfest Committee Terms of Reference, 2020-0015-Recreation**

**Moved By** Marianne Stewart

**THAT COMMITTEE receive Report #2020-0015 and recommend to Council:**

**THAT Council approve the revised Summerfest Terms of Reference**

**Carried**

**4.6 Administration**

**5. Unfinished Business**

None.

**6. New Business**

None.

**7. Adjournment**

**Moved By** Ron Kore

**THAT this Regular Meeting of Committee be adjourned until the next regular meeting scheduled for March 2, 2020 following Council.**

**Carried**

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Mayor: Marvin Junkin

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Town Clerk: Nancy J. Bozzato

## Committee of the Whole Meeting

### Minutes

Meeting #: PCOW-01/2020  
Date: Monday, February 10, 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, Ron Kore, Marianne Stewart, John Wink

Staff Present: Holly Willford, Barbara Wiens, Shannon Larocque

#### 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 pm.

#### 2. Adoption of Agenda

**Moved By Councillor** Bob Hildebrandt

**THAT the agenda for the February 10th, 2020 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.**

**Carried**

#### 3. Disclosure of Pecuniary Interest and General Nature Thereof

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

#### 4. Planning Act Application: AM-08-19 - 1409 Station Street

The Mayor read into the record the Notice Requirements regarding this application.

##### 4.1 Planning Report

##### 4.1.1 Information Report - Application for Zoning By-law Amendment - 1409 Station Street, 2020-0011-Planning

Ms. Shannon Larocque, Town Planner provided an overview of the application before Council. A copy is available through the Clerk.

A Member requested information regarding the original proposed road. In response, Ms. Wiens Director of

Community Planning and Development indicated the Secondary Plan included a Demonstration Plan, which contemplated a road and lot fabric with a vision for the East Fonthill area. Ms. Wiens further advised the Town's policies speak to development being consistent with the Demonstration Plan and for the need of a Developers Group Agreement. The Developers Group Agreement is to deal with items such as shared access, benefiting property owner to access and service lands efficiently.

A Member asked if the Town adheres to the plan would a small developer lose value by having a smaller development. In response, Ms. Wiens indicate it is conceivable that a developer could lose value, however stated it is important to look at the land in the totality and not on lot to lot basis. Further Ms. Wiens indicated this has been the challenge and the Planning Department are encouraging developers to come together and work together efficiently to use the lands.

The Member asked if parking would be allowed on Summersides Boulevard. In response, Ms. Wiens indicated on street parking would be permitted. She indicated this would be known once the Town knows where the streets and intersection will be.

A Member asked when the Secondary Plan for East Fonthill was developed. In response, Ms. Wiens indicated the plan was developed over many years, being adopted in 2012 and approved by the Region in 2014. The Member stated the plan has been in place for six year and the applicant, having purchased the property in the last year or so would have bought the lands knowing of the demonstration plan. In response, Ms. Wien indicated she cannot speak on the applicants behalf however this information was made available.

**Moved By Councillor** Marianne Stewart

**THAT Committee receive Report #2020-11 for information as it pertains to 1409 Station Street (File no. AM-08-19) and recommend to Council:**

**THAT Council direct Planning staff to prepare the Recommendation Report on this application for consideration.**

**Carried**

#### **4.2 Applicant's Presentation**

Mr. Peter Colosimo, the Planning Consultant for the applicant made a verbal presentation. Mr. Colosimo indicated the applicant started the development process with a pre consultation with Town staff in 2018 and purchased the lands

April 2018. Mr. Colosimo indicated the applicant attempted to work with the lands to the north to submit a joint plan of subdivision however, this did not come to fruition. He stated his client is aware of the conformity issue with the Demonstration Plan, however believes at this point the applicant is only request clarity as to the zoning, to clarify the land use. He further stated the applicant is requesting a holding provision, being a development control. Mr. Colosimo indicated concept plans have been provided to illustrate the maximum development, which would be possible on site. He stated the only conform issue with the Demonstration Plan is the placement of the road and stated the roads do not affect the zoning of the lands.

**Moved By Councillor** John Wink

**THAT Committee Receive the applicant's presentation for information.**

**Carried**

#### **4.3 Public Input**

William Heikoop from Upper Canada Consultants indicated he submitted correspondence on behalf of his client, Mountainview Homes. Mr. Heikoop indicated his client has two main objections being the exclusion of the north / south road, which were identified in the East Fonthill Secondary Plan and Demonstration Plans. Mr. Heikoop stated in his opinion the demonstration plans provided by the applicant do not satisfy the Secondary Plan Policies, as these two connections have been ignored. He stated this change has a large impact on the surrounding properties and ability to conform with the Secondary Plan. Mr. Heikoop stated his client understand the applicant wishing to move forward with development however noted his client as well wishes to move forward with development.

Bill Heska indicated he is concerned about pedestrian and bicycle safety on Summersides Blvd. Mr. Heska further indicated he is concerned about the density within the proposed development. He suggested access could be from Station Street. Further, Mr. Heska indicated he has concerns about on street parking and parking within the development.

James Webb commended the Town on adopting a plan like the Town's East Fonthill Secondary Plan. He stated the plan is very detailed and a variety of consultants input into the study. Mr. Webb indicated he is concerned that the application presented does not conform to the Secondary Plan but not meeting the fundamentals of the Demonstration Plan. Mr. Webb stated in his opinion the application is premature.

Stephen Kaiser stated acts on behalf of the owner at 1419 and 1423 Station Street. Mr. Kaiser indicated he was part of the East Fonthill Secondary Plan process almost ten years ago. Mr.

Kaiser stated the applicant's proposal does not comply with the Demonstration Plan. He stated his clients has attempted to work with the applicant for two years to submit a joint project without success. Mr. Kaiser stated the proposal is not consistent with the Demonstration Plan and that the Secondary Plan should be the guideline for development within the area.

**Moved By Councillor** Bob Hildebrandt

**THAT Committee receive the written correspondence from:**

- 1. Randy Zwierschke and Marleah Proulx;**
- 2. Bill Heska;**
- 3. Upper Canada Consultants; and**
- 4. Webb Planning Consultants.**

**AND THAT Committee receive any verbal presentations made by the public.**

**Carried**

**4.4 Committee Input:** None.

**5. Planning Act Application: AM-09-2019 - 695 Quaker Road**

The Mayor read into the record the Notice Requirements regarding this application.

**5.1 Planning Report**

**5.1.1 Zoning By-law Amendment - 695 Quaker Rd (AM-09-19) - Information Report, 2020-0012-Planning**

Ms. Shannon Larocque, Town Planner provided an overview of the application before Council. A copy is available through the Clerk.

A Member asked if the original dwelling on the lands will remain. In response, Ms. Wiens indicated the original dwelling will remain.

A Member asked if this development is approved, will this set a precedent. In response, Ms. Wiens indicated all applications submitted must be reviewed and looked at independently. The Member stated he was concerned with development and where the community is going with development. In response Ms. Wiens indicated development within the urban boundary protects the agricultural land and minimizes urban sprawl. Ms. Wiens further advised the Town must comply with the Provincial Policy Statement and municipal Official Plans. The Member asked Ms. Wiens if similar developments occur in Niagara-on-the-Lake. In response, she advised similar developments do occur in Niagara-on-the-Lake.

A Member indicated he was concerned the application is going forth piecemeal and requested a comprehensive plan. In response, Ms. Wiens explained the application process with regards to this application. The Member stated he was concerned the development would remain vacant for some time. Ms. Wiens stated development can take several years to take place.

**Moved By Councillor** Mike Ciolfi

**THAT Committee receive Report # 2020-0003- Planning for information as it pertains to Zoning By-law Amendment application file No. AM-09-19 – 695 Quaker Road and recommend to Council:**

**THAT Planning staff be directed to prepare the Recommendation Report for consideration of adopting the Zoning By-law Amendment.**

**Carried**

## **5.2 Applicant's Presentation**

Miles Weekes from A.J. Clark and Associates indicated he represents the applicant. He indicated he would be available to answer questions.

A Member asked if the development would be townhouses. In response, Mr. Weekes indicated this application is to facilitate land consolidation to the south and that no immediate plans for development are in place.

**Moved By Councillor** Ron Kore

**THAT Committee Receive the applicants presentation for information.**

**Carried**

## **5.3 Public Input**

William Heikoop from Upper Canada Consultants indicated he represents the land owner behind the subject lands. He stated the applicant is working to consolidate more lands for a larger development which will utilize the requested storm water outlet. He indicated he believed this development will benefit everyone on Quaker Road.

## **5.4 Committee Input:** None.

**6. Adjournment**

**Moved By Councillor** Marianne Stewart

**THAT this Special Committee of the Whole, Public Meeting  
Under the Planning Act, be adjourned.**

**Carried**

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Mayor: Marvin Junkin

---

Deputy Clerk: Holly Willford

Organization Name: <u>Autism Ontario Niagara</u>	
Contact Name: <u>Annette Cole</u>	
Address: <u>36 Page Street, Suite 401</u>	
City: <u>St. Catharines</u>	Postal Code: <u>L2R 4A7</u>
Phone: <u>905-682-2776</u>	Email Address: <u>autismniagarafinance@gmail.com</u>
Proclamation Requested: <u>April 2, 2020 to be recognized as World Autism Awareness Day</u>	
Date(s) of Proclamation: <u>April 2, 2020</u>	
Purpose of Proclamation: <u>The purpose of the proclamation is to unite families, schools, communities, government and professionals in recognizing World Autism Awareness Day which brings light to the struggles and triumphs of people on the autism spectrum.</u>	
Description of Organization <i>(Please provide a brief description. Additional information may be attached to this form)</i> <u>Autism Ontario Niagara's mission is to ensure that each individual with Autism Spectrum Disorder is provided the means to achieve quality of life as a respected member of society. We help people on their spectrum and their families by advocating on their behalf, promoting autism acceptance and provide program services.</u>	
Has the same or a similar proclamation been requested of the Town of Pelham Council in past years? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
You must provide the draft wording for your proclamation in order to receive an official signed proclamation from the Mayor.	
Personal information on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of processing your request. Question about this collection should be directed to the Town Clerk, 20 Pelham Town Square, P.O. Box 400, Fonthill, ON, L0S 1E0, 905-892-2607 Ext. 315.	
Please complete and submit your completed form at least two weeks in advance of the occasion.	
Signature: <u></u>	Date: <u>February 12, 2020</u>

## World Autism Awareness Day

**April 2, 2020**

**WHEREAS**, World Autism Awareness Day will be recognized on April 2<sup>nd</sup>, 2020, in Canada thanks to Liberal Senator Jim Munson's Bill S-206, *An Act Respecting World Autism Awareness Day*;

**AND WHEREAS**, Autism Spectrum Disorder (ASD) affects more than 135, 000 Ontarians. ASD is now recognized as the most common neurological disorder affecting 1 in every 66 children, as well as their friends, family and community;

**AND WHEREAS**, ASD is a spectrum disorder, which means it not only manifests itself differently in every individual in whom it appears, but its characteristics will change over the life of each individual as well. A child with ASD will become an adult with ASD;

**AND WHEREAS**, Autism Ontario (formerly Autism Society Ontario) is the leading source of information and referral on autism and one of the largest collective voices representing the autism community. Since 1973, Autism Ontario has been providing support, information and opportunities for thousands of families across the province;

**AND WHEREAS**, Autism Ontario is dedicated to increasing public awareness about autism and the day-to-day issues faced by individuals with autism, their families, and the professionals with whom they interact. The association and its chapters share common goals of providing information and education, supporting research, and advocating for programs and services for the autism community;

**THEREFORE, BE IT RESOLVED THAT** the Corporation of the Town of Pelham does hereby proclaim April 2<sup>nd</sup>, 2020 as World Autism Awareness Day.

**DATED AT** the Town of Pelham this 2<sup>nd</sup> day of March, 2020.

---

Mayor Marvin Junkin  
Town of Pelham



February 14, 2020

Town of Pelham  
Delivered via email

Re: Bill 156, Security from Trespass and Protecting Food Safety Act

The Niagara Federation of Agriculture is an agricultural organization with over 1400 farm family members. Niagara offers the most diversified area of food production in all of Canada and agriculture has proven to be the economic mainstay in Niagara. The mandate of the Federation is to promote and protect agriculture in the Niagara Peninsula through lobby and communication efforts. The Niagara Federation of Agriculture is affiliated with the Ontario Federation of Agriculture who represents over 38,000 farm family members.

The Niagara Federation of Agriculture would like to ask for your support in the passing of Bill 156, *Security from Trespass and Protecting Food Safety Act*. Our farms are places of business, growing and producing food, raising animals and making a living. It is also our home and the same place we raise our families and play with our children. Existing laws were not doing enough to protect our farms and families and our homes from the risk of invasion.

Ontario farms have increasingly come under threat of unwanted trespassers and activists who are illegally entering property, barns and building, seizing private property and threatening the health and safety of the farm, employees, livestock and crops. It has resulted in farmers, their families and employees becoming increasingly frightened and frustrated. These activities are causing serious threats to the mental health and wellbeing of Ontario farmers. In most cases, farmers and their families live on their farms, making this ongoing threat even greater, exposing families to perpetrators. It's a concern for their safety and the safety of their families and employees. There is also a biosecurity threat. Breaches in biosecurity puts the health and welfare of our animals and our food supply at risk. Unwanted visitors and guests have the potential to bring in diseases that could infect or kill an entire barn full of animals or contaminates water and food supply inside a food processing facility. This legislation helps Ontario's agri-food sector protect against those risks.

The Niagara Federation of Agriculture supports the Provincial Animal Welfare Services (*PAWS*) Act which implements a provincially-funded animal welfare enforcement model, designed to protect animals from abuse and neglect, and creates uniformity across the province. The legislation introduces a new enforcement system for Ontario, headed by the Chief Animal

Welfare Inspector, and includes trained animal welfare inspectors employed by the province. As a publicly funded animal welfare enforcement model, this revamped system provides for increased accountability, transparency and oversight by the government. This is the enforcement model that has been developed to protect all animals.

The *Security from Trespass and Protecting Food Safety Act* is good news for Ontario's agri-food industry. It provides a balance approach to protecting farms while recognizing a citizen's right to protect. This new legislation will ensure farm businesses have a legal standing to protect their farms, family and employees, livestock, crops and ultimately the entire food supply.

Thank you once again for your continued support of the agriculture industry. If you require any further information, please contact Nadine Gill-Aarts our Member Service Representative at 289-687-7477 or [nadine.gill@ofa.on.ca](mailto:nadine.gill@ofa.on.ca)

Sincerely,



Chris Hamilton  
President  
Niagara Federation of Agriculture



**Mailing Address:**  
P.O. Box 344  
Thorold ON L2V 3Z3

Phone: 905-682-9201  
Toll Free: 1-800-232-3292  
(from Grimsby and beyond Niagara region only)

**Street Address:**  
Campbell East  
1815 Sir Isaac Brock Way  
Thorold ON

Main Fax: 905-687-4844  
Fax – Applications: 905-935-0476  
Fax – Contractors: 905-682-8301  
Web site: www.nrh.ca

February 14, 2020

Ann-Marie Norio, Regional Clerk  
Niagara Region  
1815 Sir Isaac Brock Way  
Thorold, ON L2V 4T7

Dear Ms. Norio,

At their February 14, 2020 meeting, the Niagara Regional Housing Board of Directors, passed the following motion as recommended in attached report NRH 3-2020:

***That Niagara Regional Housing Quarterly Report October 1 to December 31, 2019 be APPROVED and FORWARDED to the Public Health and Social Services Committee and subsequently to Regional and Municipal Councils for information.***

Your assistance is requested in moving report NRH 3-2020 through proper channels to Regional Council.

Sincerely,

Mayor Walter Sendzik  
Chair

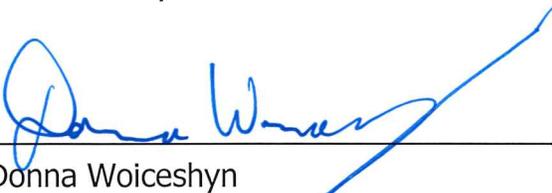


## Q4 (October 1 to December 31, 2019) to Board of Directors

### Recommendation:

**That Niagara Regional Housing Quarterly Report October 1 to December 31, 2019 be APPROVED and FORWARDED to the Public Health and Social Services Committee and subsequently to Regional and Municipal Councils for information.**

Submitted by:



Donna Woiceshyn  
Chief Executive Officer

Approved by:



Walter Sendzik  
Chair

### Directors:

**Walter Sendzik, Chair**  
Regional Councillor  
St. Catharines

**Gary Zalepa, Treasurer**  
Regional Councillor  
Niagara-on-the-Lake

**Tom Insinna**  
Regional Councillor  
Fort Erie

**James Hyatt, Vice-Chair**  
Community Director  
St. Catharines

**Betty Ann Baker**  
Community Director  
St. Catharines

**Betty Lou Souter**  
Community Director  
St. Catharines

**Karen Blackley, Secretary**  
Community Director  
Thorold

**Barbara Butters**  
Regional Councillor  
Port Colborne

**Leanne Villella**  
Regional Councillor  
Welland

**HIGHLIGHTS:**

<p><b>Application Activity</b></p> <p><b>741</b> received &amp; processed</p> 	<p><b>Work Orders</b></p> <p><b>3,675</b> issued</p> 
<p><b>Capital Program</b></p> <p>8 projects ongoing</p> <p>51 contract orders issued</p> 	<p><b>Rent Arrears</b></p> <p>= \$36,134.21</p> <p>or <b>2.81%</b> of the monthly rent charges</p> 
<p><b>Community Resources &amp; Partnerships</b></p> <p>offered supports to</p> <p><b>144</b> new referrals</p> <p><b>43</b> partners</p> 	<p><b>Non-Profit Housing Programs</b></p> <p><b>65%</b> deemed HEALTHY</p> 
<p><b>Rent Supplement / Housing Allowance</b></p> <p><b>1,441</b> units</p> 	<p><b>Niagara Renovates</b></p> <ul style="list-style-type: none"> <li>• Inspections are complete</li> <li>• 55 homeowners will receive 2019/2020 funding</li> </ul> 
<p><b>Welcome Home Niagara</b></p> <p><b>7</b> homeowners received assistance</p> 	<p><b>Housing First Project</b></p> <p><b>16</b> Individuals / families housed</p> 
<p><b>Appeals</b></p> <p>= <b>11</b> 6 upheld 5 overturned</p> 	<p><b>New Development</b></p> <ul style="list-style-type: none"> <li>• Carlton &amp; Roach • complete</li> <li>• Hawkins/Dell • demo Jan. 2020</li> <li>• construction spring 2020</li> </ul> 

## VISION

That the Niagara community will provide affordable, accessible and quality housing for all residents

## MISSION

To expand opportunities that make affordable housing an integral part of building healthy and sustainable communities in Niagara

As the administrator of social housing for Niagara Region, Niagara Regional Housing (NRH) works to fulfill our vision and mission through six main areas of responsibility:

1. [Public Housing \(NRH Owned Units\)](#)
2. [Non-Profit Housing Programs](#)
3. [Rent Supplement Program](#)
4. [Affordable Housing Program](#)
5. [Service Manager Responsibilities](#)
6. [Housing Access Centre and Centralized Waiting List](#)



**Definitions** can be found in the attached Reference Sheet.

## 1. Public Housing (NRH Owned Units)

### DAY-TO-DAY MAINTENANCE:

In Q4, **3,675 work orders** were issued, representing \$ 1,004,181. \$ 65,866 of this amount was charged back to tenants who were held responsible for damages.

	2018-Q4	2019-Q1	2019-Q2	2019-Q3	2019-Q4
<b># of work orders issued</b>	3,203	2,500	3,084	3,111	3,675

**CAPITAL PROGRAM:**

The Capital Program is responsible for maintaining the Public Housing (NRH Owned Units) asset and planning for future sustainability.

In Q4, 51 contract orders were issued, seven public tenders closed and purchase orders issued \$2,788,400.

The Capital Program was responsible for eight capital projects valued at \$2,788,400 including:

- 2 projects – pavement retrofits
- 2 projects – fencing replacements
- 1 project – window and sealant replacements
- 1 project – curtain wall and sealant replacements
- 1 project – shingle roof replacement
- 1 project – window replacements
- 22 RFP's and RFQ's - various investigations, health and safety repairs, emergency repairs, structural repairs and pavement retrofits

As of December 31, 2019, \$ 9,800,000 of the \$11.7 budgeted (excluding emergency) has been committed and or actually spent (85%).

**TENANT MOVE OUTS:**

**Move Outs By Reason**

Health	6	NRH Transfer	5
Long Term Care Facility	10	Moved to Coop or Non-Profit	0
Deceased	11	Bought a House	0
Private Rental	9	Left Without Notice	5
Voluntarily Left Under Notice	4	Other/None Given	15
Eviction – Tribunal	6	Cease to Qualify	0
		<b>TOTAL</b>	<b>71</b>

In Q4, there were **71 move outs**. Six involved eviction orders granted under the Ontario Landlord Tenant Board (LTB) – Arrears (five), Disturbances N5 (one). Five of the evictions were enforced by the Sherriff.

	2018-Q4	2019-Q1	2019-Q2	2019-Q3	2019-Q4
<b># of move outs</b>	65	51	86	57	71

## Q4 (October 1 to December 31, 2019)

### ARREARS:

NRH Housing Operations actively works to reduce rent arrears, which remained consistent throughout 2019.

	Dec 31, 2018	Mar 31, 2019	Jun 30, 2019	Sept 30, 2019	Dec 31, 2019
<b>Rent charges for the month</b>	\$1,187,770.00	\$1,203,317.00	\$1,257,090.00	\$1,267,460.00	\$1,286,793.00
<b>Accumulated rent arrears</b>	\$24,135.76	\$35,736.89	\$34,004.39	\$35,549.21	\$36,134.21
<b>Arrears %</b>	2.03%	2.97%	2.71%	2.80%	2.81%

### INSURANCE:

Nothing to report in Q4.

### COMMUNITY RESOURCES AND PARTNERSHIPS:

In Q4, we had partnerships with **43 community agencies** across Niagara. As a result of these partnerships, more than 200 support and enrichment activities were offered to tenants at NRH sites. Each partnership contributes to tenant lives and, in turn, the success of the Public Housing community as a whole:

- NRH launched a new partnership with Niagara College in the integrated (non-family, aged 16 and over) buildings on Scott Street in St. Catharines. Scott Street has been a challenging community for a number of years, housing many tenants with mental health and addiction issues. At times, these vulnerable tenants were targeted by drug dealers and had to choose between nefarious friendships or isolation within their units. NRH worked with Niagara Regional Police to stop the criminal activity at the building and is now working with Niagara College to provide support and positive activities. Niagara College provides a supervisor for the Recreation and Social Service Worker students who are gaining valuable experience working with low-income, often vulnerable, populations. NRH tenants benefit from life skills workshops and positive interactions with each other. Together, NRH, Niagara College and the Scott Street tenants are rebuilding Scott Street into a safe, pleasant place to live.

Also during Q4, NRH Community Programs Coordinators (CPCs) offered support to **144 new referrals of tenants in need of assistance**<sup>1</sup>. Of those new referrals, **65% were considered medium-high need**, (e.g. child safety concerns, eviction, social issues, cognitive concerns). In particular, there was an increase in the number of tenants needing help with arrears and social issues.

<sup>1</sup> This number is lower than previous quarters due to the implementation of the new Yardi case tracking system and adjustments being made to ensure consistent case tracking.

## 2. Non-Profit Housing Programs

As administrator of social housing for Niagara Region, NRH provides legislative oversight for **60 Non-Profit Housing Programs (non-profit and co-operative)**. Operational Reviews are conducted to determine the overall health of each.

	2018-Q4	2019-Q1	2019-Q2	2019-Q3	2019-Q4
<b>Healthy</b>	40	40	40	40	39
<b>Routine Monitoring</b>	17	18	17	17	18
<b>Intensive Monitoring</b>	2	0	1	1	1
<b>Pre-PID (Project in Difficulty)</b>	1	1	1	1	1
<b>PID (Project in Difficulty)</b>	1	1	1	1	1
<b>TOTAL</b>	<b>61</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>60</b>

NRH Housing Programs staff continue to work with Housing Providers as they move toward End of Operating Agreements (EOA) / End of Mortgage (EOM).

## 3. Rent Supplement Program

In Q4, there were **1,441 Rent Supplement/Housing Allowance units** across Niagara. In the Rent Supplement program, tenants pay 30% of their gross monthly income directly to the private landlord and NRH subsidizes the difference up to the market rent for the unit. The Housing Allowance program is a short-term program that provides a set allowance to help applicants on the wait list.

	2018-Q4	2019-Q1	2019-Q2	2019-Q3	2019-Q4
<b>Fort Erie</b>	28	26	32	32	30
<b>Grimsby</b>	26	34	26	24	22
<b>Lincoln (Beamsville)</b>	11	11	11	11	13
<b>Niagara Falls</b>	230	235	239	240	239
<b>Niagara-on-the-Lake</b>	-	4	5	5	5
<b>Pelham</b>	21	20	19	19	19
<b>Port Colborne</b>	53	67	62	65	64
<b>St. Catharines</b>	732	741	780	773	778
<b>Thorold</b>	53	57	61	56	57
<b>Welland</b>	201	209	203	200	198
<b>West Lincoln</b>	15	15	15	15	16
<b>TOTAL</b>	<b>1,370</b>	<b>1,419</b>	<b>1,453</b>	<b>1,440</b>	<b>1,441</b>

Variance in the Rent Supplement program are a reflection of fluctuation between agreements ending and new agreements taken up with landlords.

An **In-Situ Rent Supplement Program** has been developed to engage new landlords and offer applicants on the Centralized Waiting List an opportunity to receive Rent-Geared-to-Income assistance where they currently live. This removes the need for moving related expenses and broadens the network of landlords in business with NRH.

In Q4, NRH initiated new agreements with **12 new landlords**.

## 4. Affordable Housing Program

### **NIAGARA RENOVATES PROGRAM:**

The Niagara Renovates program provides assistance to low-to-moderate income homeowners for home repairs, accessibility modifications and the creation of secondary suites in single family homes.

Niagara Renovates inspections for 2019-2020 funding are now complete. Inspections include all areas inside and outside of the home to ensure compliance with program guidelines. Issues are identified and a detailed Inspection Report is provided to the homeowner.

NRH received \$600,000 through the Investment in Affordable Housing - Extension (IAH-E) program for homeowner and secondary suite repairs and \$311,015 for multi-unit repairs, totaling \$911,015 for the 2019/2020 period.

NRH received an additional \$376,370 through the Ontario Priorities Housing Initiative (OPHI) for homeowner and housing provider renovations and repairs for the 2019/2020 period.

**55 homeowners** have been approved for funding.

### **HOMEOWNERSHIP PROGRAM – “WELCOME HOME NIAGARA”:**

The Homeownership program assists low-to-moderate income rental households to purchase their first home by providing a down payment loan.

NRH received \$180,000 through the Investment in Affordable Housing - Extension (IAH-E) program for the 2019/2020 period, with \$100,000 of that allocated to Habitat for Humanity Niagara.

In Q4, **seven homeowners** received assistance through Welcome Home Niagara. **One of these was an NRH tenant.**

	2018-Q4	2019-Q1	2019-Q2	2019-Q3	2019-Q4
<b># of homeowners assisted</b>	19	0	4	6	7

**HOUSING FIRST PROGRAM:**

The Housing First program helps people move quickly from homelessness to their own home by providing supports to help difficult to house individuals find and keep housing.

In Q4, **15 individuals/families** were housed through the Housing First program. Since 2012, Housing First has helped 438 individuals/families.

	<b>2018- Q4</b>	<b>2019- Q1</b>	<b>2019- Q2</b>	<b>2019- Q3</b>	<b>2019- Q4</b>
<b># of individuals/families housed</b>	27	10	23	15	16
<b># of Housing First units (at quarter end)</b>	184	189	198	197	202

17 of these Housing First units were created with NRH’s new development at 527 Carlton Street in St. Catharines.

**RENTAL HOUSING (NEW DEVELOPMENT):**

**NRH New Development**

<b>Carlton Street, St. Catharines COMPLETE</b>	<b>Amount</b>	<b>Units</b>
Investment in Affordable Housing-Extension (IAH-E), Year 3	\$5,806,000	45
Investment in Affordable Housing-Extension (IAH-E), Year 4	\$2,888,000	23
Social Infrastructure Fund (SIF), Year 1	\$2,387,817	17
<b>Roach Avenue, Welland COMPLETE</b>		
Social Infrastructure Fund (SIF), Year 3	\$1,200,000	8
<b>Hawkins Street/Dell Avenue, Niagara Falls</b>		
Ontario Priorities Housing Initiative (OPHI)	\$3,000,000	20
Regional Development Charges / NRH Reserves	\$17,090,000	53
<b>TOTAL</b>	<b>\$32,371,817</b>	<b>166</b>

**Roach Avenue**

- Project substantial completion on October 28
- Facility has been turned over to operations November 1
- Tenants started moving in November 1

**Hawkins Street/Dell Avenue**

- Public Information Session was held November 12, 2019
- Second submission of Site Plan Drawings submitted to the City of Niagara Falls
- Site Plan Agreement scheduled for approval in January 2020
- Development meeting scheduled for January 7, 2020
- Class B Cost Report for development scheduled to commence mid-January

- Six of 12 housing units have been demolished, removal of debris in progress – scheduled to be complete at the end of January 2020
- Detail development of drawings are approximately 60% complete
- Construction of project is scheduled to begin in spring 2020

**Additional New Development**

Investment in Affordable Housing-Extension (IAH-E), Year 2 funding has been allocated to three non-profit organizations and will result in the creation of 40 units for seniors and mental health consumers in Niagara:

	<b>Amount</b>	<b>Units</b>
Gateway Residences of Niagara, Huron Street, Niagara Falls <b>COMPLETE</b>	\$720,000	9
Thorold Municipal Non-Profit, Ormond Street, Thorold <b>COMPLETE</b>	\$1,228,912	14
Stamford Kiwanis, Barker Street, Niagara Falls <b>COMPLETE</b>	\$1,089,088	17
<b>TOTAL</b>	<b>\$3,038,000</b>	<b>40</b>

**Stamford Kiwanis**

- Substantial completion November 22, 2019

**5. Service Manager Responsibilities**

**APPEALS:**

In Q4, **11 appeals** were heard (one less than in 2018-Q4).

- Seven related to ongoing RGI eligibility
  - Two Housing Provider appeals for failure to notify of changes (guests) – one UPHELD, one OVERTURNED
  - Four for failure to provide information – three UPHELD (one with conditions), one OVERTURNED
  - One overhoused household for refusing final offer – OVERTURNED
- Four for decisions made by Housing Access
  - One Urgent Status – OVERTURNED
  - One overhoused household (Market-RGI policy) – OVERTURNED
  - Two extra bedroom – UPHELD

	<b>2018-Q4</b>	<b>2019-Q1</b>	<b>2019-Q2</b>	<b>2019-Q3</b>	<b>2019-Q4</b>
<b># of appeals</b>	12	10	12	10	11

## 6. Housing Access Centre & Centralized Waiting List

### APPLICATION ACTIVITY:

# of Applications Received & Processed	741	# of Eligible Applications	707
# of Special Provincial Priority Status Applications	103	# of Ineligible Applications	34
# of Urgent Status Applications	130	# of Cancelled Applications	238
# of Homeless Status Applications	158	# of Applicants Housed	156

In Q4, **238 households were removed** from the Centralized Waiting List because they were no longer eligible, they found alternate housing or we were unable to make contact.

### CENTRALIZED WAITING LIST:

		2018- Q4	2019- Q1	2019- Q2	2019- Q3	2019- Q4
		# of households				
<b>A</b>	<b>Rent-Geared-to-Income (RGI) waiting list:</b>					
	Niagara resident RGI waiting list	4,616	4,715	4,926	5,012	5,154
	Applicants from outside of Niagara	761	793	849	897	977
	<b>TOTAL RGI waiting list:</b>	<b>5,377</b>	<b>5,508</b>	<b>5,775</b>	<b>5,909</b>	<b>6,131</b>
	<b>Housing Allowance:</b> a set allowance to help applicants on the waiting list with affordability in the private market until housed in an RGI unit	639	704	742	747	742
<b>A1</b>	<b>RGI waiting list demographics:</b>					
	Seniors	2,218	2,257	2,344	2,362	2,455
	Adults no dependents	1,761	1,805	1,881	1,922	1,979
	Adults with dependents	1,398	1,446	1,550	1,625	1,697
<b>A2</b>	<b>RGI list further segmented (#'s included in A &amp; A1):</b>					
	<b>SPP – Special Provincial Priority (Ministry Priority):</b> helps victims of violence separate permanently from their abuser	131	128	148	165	148
	<b>URG – Urgent (Local Priority):</b> for applicants with mobility barriers and/or extreme hardship where their current accommodation puts them at extreme risk and/or causes hardship	116	117	109	130	142
	<b>HML – Homeless (Local Priority):</b> provides increased opportunity for placement to homeless households	954	971	1,012	1,007	1,075
	<b>SUP – Supportive/Transitional:</b> provides targeted, provisional services to assist individuals to transition beyond basic needs to more permanent housing	13	15	11	12	16
<b>B</b>	<b>In addition, NRH manages:</b>					
	<b>Overhoused:</b> households who are living in subsidized accommodation with more bedrooms than they are eligible for	168	180	176	181	174
	<b>Transfer:</b> households who are currently living in subsidized accommodation and have requested a transfer to another provider	535	564	573	603	613
	<b>TOTAL RGI households on waiting list managed by NRH:</b>	<b>6,080</b>	<b>6,252</b>	<b>6,524</b>	<b>6,693</b>	<b>6,918</b>
<b>C</b>	<b>NRH maintains a waiting list for market rent units (62 Non-Profit Housing Programs):</b>					
	<b>Market:</b> applicants who have applied for a market rent unit in the Non-Profit Housing Programs portfolio	647	667	723	752	784
	<b>TOTAL households on waiting list managed by NRH:</b>	<b>6,727</b>	<b>6,919</b>	<b>7,274</b>	<b>7,445</b>	<b>7,702</b>
	<b>TOTAL individuals on waiting list managed by NRH:</b>	<b>11,488</b>	<b>11,884</b>	<b>12,577</b>	<b>13,059</b>	<b>13,587</b>

**Note:** the above chart includes only those who apply to the Centralized Waiting List and does not capture the full number of those in need of affordable housing in Niagara.

**ESTIMATED WAIT TIMES:**

CITY	SENIORS Age 55 and older		SINGLES Age 16-54		HOUSEHOLDS WITH DEPENDENTS			
	Bachelor	1 Bed	Bachelor	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed
	YEARS							
Fort Erie	-	10	3	10	2	2	5	-
Grimsby	-	5	-	-	-	-	-	-
Lincoln	-	4	-	9	10	9	-	-
Niagara Falls	5	6	-	17	8	3	11	15
Niagara-on-the-Lake	-	5.5	-	-	-	-	-	-
Pelham	-	10	-	-	-	-	-	-
Port Colborne	-	5	-	11	4	4	3	-
St. Catharines	-	6.5	9	13	3.5	4	10	11
Thorold	-	9	-	11	6	10	-	-
Welland	-	5.5	6	15	7	2.5	7	6
West Lincoln	-	4.5	-	-	7	5	-	-

no units of this size available in this community

January 2019

Please note:

- wait time information can fluctuate and is an approximation only
- wait times may not reflect the actual time one may wait for affordable housing

<b>A</b>	<b>AFFORDABLE HOUSING RENTS:</b> Rents are established at 80% market of Canada Mortgage and Housing Corporation (CMHC) Average Market Rent, with no ongoing rental subsidy.
	<b>APEALS:</b> Social Housing tenants/members can request reviews of decisions related to applicant eligibility, priority status, transfer requests, overhoused status, ongoing Rent-Geared-to-Income (RGI) eligibility and rent calculation issues. The NRH Appeal Committee makes decisions on appeals from applicants and tenants in Public Housing, Social Housing (where they have not established an Appeal Committee) and Rent Supplement units. All appeal decisions are final, per legislation.
	<b>ARREARS:</b> To assist with arrears collection, tenants/members are provided the option of entering into a repayment agreement but are still expected to pay full rent on time.
<b>B</b>	
<b>C</b>	<b>CANADA-ONTARIO COMMUNITY HOUSING INITIATIVE (COCHI):</b> A program that provides funding to protect affordability for households in social housing, support the repair and renewal of existing social housing supply and expand the supply of community housing over time.
	<b>CAPITAL PROGRAM:</b> Responsible for maintaining the Public Housing (NRH-owned) asset and planning for future sustainability, as well as issuing tenders for service contracts.
	<b>CENTRALIZED WAITING LIST:</b> Is comprised of almost 200 subsidiary lists of Public Housing, Social Housing and private units through the Rent Supplement program. It is maintained on a modified chronological basis (i.e. in order to ensure that applicants are treated fairly, units are offered based on the date of application). The needs of particularly at-risk populations are addressed through Priority Status groups that are offered units before other applicants on the Centralized Waiting List: <ul style="list-style-type: none"> <li>• Special Provincial Priority (SPP) Status</li> <li>• Urgent Status</li> <li>• Homeless Status</li> </ul> <p>The <i>Housing Services Act, 2011</i> (HSA) requires that the Centralized Waiting List is reviewed on a regular basis. Applicants are asked to confirm their continued interest and to update information annually (# of household members, total household income) so that NRH can verify ongoing eligibility for housing subsidy. If a household is no longer interested or is deemed ineligible the application is cancelled and removed from the list.</p> <p>The Centralized Waiting List includes various types of households (i.e. families, seniors and singles/adults without dependents) from both within and outside Niagara, the priority groups mentioned above, RGI and Market applicants and existing tenants who are overhoused (have more bedrooms than they need).</p>
	<b>COMMUNITY HOUSING:</b> Housing owned and operated by non-profit, co-operatives and municipal governments or district social services administration boards including subsidized or low-end-of market rents.

*Quarterly Report Reference Sheet*

	<p><b>COMMUNITY PROGRAMS:</b> NRH’s community partners offer events, presentations, activities and programs to help mitigate the effects of poverty by building community pride, offering life skills training and enhancing the lives of the tenants. While NRH does not deliver these services directly to tenants, NRH’s Community Resource Unit facilitates partnerships by identifying evolving community and tenant needs, connecting with appropriate programs and supporting their ongoing success.</p>
<b>D</b>	
<b>E</b>	<p><b>END OF OPERATING AGREEMENTS (EAO):</b> EOA refers to the expiry of federally signed operating agreements. NRH is working with these providers to find innovative solutions to maintain the existing number of social housing units in Niagara and protect existing tenants/members from losing subsidy.</p>
	<p><b>END OF MORTGAGE (EOM):</b> Federal/provincial and provincial housing providers (non-profits and co-ops) legislated under the Housing Services Act (HSA) do not have operating agreements that expire when the mortgage matures. The relationship between service manager and housing provider continues with the housing provider still obliged to follow the HSA. The obligation of service manager to pay a mortgage subsidy ends.</p>
	<p><b>EVICTION PREVENTION/SUPPORT:</b> Supports to help NRH tenants stay in their homes through identification of tenant needs and connection with supports and services (e.g. Mental health issues, cognitive decline, addiction, family breakdown etc.)</p>
<b>F</b>	
<b>G</b>	
	<p><b>HOMEOWNERSHIP PROGRAM – “WELCOME HOME NIAGARA”:</b> The Homeownership program assists low-to-moderate income rental households to purchase their first home by providing a down payment loan. The loan is forgivable after 20 years if the household remains in the home.</p>
	<p><b>HOUSING AND HOMELESSNESS ACTION PLAN (HHAP):</b> Niagara’s 10-year Community Action Plan to help everyone in Niagara have a home.</p>
	<p><b>HOUSING ACCESS CENTRE:</b> Housing Access is the gateway to affordable housing in Niagara. All applications for housing are processed through the Housing Access Centre including initial and ongoing eligibility assessment as well as management of the Centralized Waiting List. Options include accommodation with Non-profit and Co-operative housing providers (Social Housing), NRH owned units (Public Housing and two mixed income communities), or for-profit/private landlord owned buildings (Rent Supplement/Housing Allowance).</p>
	<p><b>HOUSING ALLOWANCE PROGRAM:</b> A variation of the Rent Supplement program that provides a set allowance of up to \$300 per month to private landlords to assist applicants who are on the Centralized Waiting List.</p>
	<p><b>HOUSING FIRST:</b> Helps people move quickly from homelessness to their own home by providing supports to help difficult to house individuals find and keep housing. NRH partners with Niagara Region Community Services and community agencies to provide rent supplement to landlords while agency staff provide a range of personalized supports to encourage successful tenancies and, if the tenant chooses, address personal challenges.</p>

*Quarterly Report Reference Sheet*

<b>I</b>	<b>IN-SITU RENT SUPPLEMENT PROGRAM:</b> A program developed to engage new landlords and offer applicants on the Centralized Waiting List an opportunity to receive Rent-Geared-to-Income assistance where they currently live. This removes the need for moving related expenses and broadens the network of landlords in business with NRH.
	<b>INVESTMENT IN AFFORDABLE HOUSING PROGRAM – EXTENSION (IAH-E):</b> Provincial and federally funded program designed to improve access to affordable housing that is safe and suitable, while assisting local economies through job creation generated by new development and home repairs/modifications, including: <ul style="list-style-type: none"> <li>• Niagara Renovates</li> <li>• Homeownership (Welcome Home Niagara)</li> <li>• Rent Supplement/Housing Allowance</li> <li>• Rental Housing (New Development)</li> </ul>
<b>J</b>	
<b>K</b>	
<b>L</b>	<b>LOCAL HOUSING CORPORATION (LHC):</b> Also called “Public Housing”, LHC refers to the communities that Niagara Regional Housing owns and manages.
<b>M</b>	
<b>N</b>	<b>NIAGARA RENOVATES PROGRAM:</b> Provides assistance to low-to-moderate income homeowners for home repairs, accessibility modifications and the creation of secondary suites in single family homes. Assistance is provided in the form of a forgivable loan, written off over a 10-year period, as long as the homeowner continues to live in the home.
	<b>NON PROFIT HOUSING PROGRAMS (FORMERLY “SOCIAL HOUSING”):</b> Includes Non-Profit and Cooperative Housing Providers, who own and manage their own housing communities and have their own independent Boards. NRH provides legislative oversight to ensure they are in compliance with the <i>Housing Services Act (HSA)</i> . Generally, 25% of these units are designated as market rent units. The remaining 75% of units are offered to households on the Centralized Waiting List that pay RGI.
<b>O</b>	<b>ONTARIO PRIORITIES HOUSING INITIATIVE (OPHI):</b> A program to address local housing priorities, including affordability, repair and new construction.
	<b>OPERATIONAL REVIEWS:</b> In order to ensure that Non-Profit Housing Programs comply with legislation and local policies, NRH investigates their overall health by analyzing many factors including finances, vacancy losses, governance issues, condition of buildings etc. NRH then works with them to bring them into compliance and provide recommendations on best business practices.
<b>P</b>	<b>PORTABLE HOUSING ALLOWANCE:</b> Direct financial assistance given to the household (tenant) on the Centralized Waiting List; not tied to a housing unit.
	<b>PRIORITY STATUS GROUPS:</b> Priority Status groups are offered units before other applicants on the Centralized Waiting List: <ul style="list-style-type: none"> <li>• <b>Special Provincial Priority (SPP) Status</b> is the only legislated priority and is intended to help victims of violence separate permanently from their abuser</li> <li>• <b>Urgent Status</b> is intended for applicants with (1) Mobility Barriers (i.e. physical limitations that require barrier-free units) and/or (2) Extreme Hardship (i.e.</li> </ul>

*Quarterly Report Reference Sheet*

	<p>where the applicants' current accommodations puts them at extreme risk and/or causes hardship and relocation would reduce the risks and/or alleviate the hardship</p> <ul style="list-style-type: none"> <li>• <b>Homeless Status</b> provides an increased opportunity for placement to households that are homeless (1 in every 10 households offered housing)</li> </ul>
	<p><b>PUBLIC HOUSING (ALSO CALLED "LOCAL HOUSING CORPORATION"):</b> NRH owns and manages 2,660 units of Public Housing stock in 9 of the 12 Niagara municipalities. Tenants pay 30% of their income for rent. <i>*Note: NRH owns and manages an additional 91 units that have affordable (80% market) and market rents.</i></p>
<b>Q</b>	
<b>R</b>	<p><b>RENT SUPPLEMENT PROGRAM:</b> Tenants pay 30% of their gross monthly income directly to the private landlord and NRH subsidizes the difference up to the agreed market rent for the unit. <i>*See also Housing Allowance Program and Housing First Project.</i></p>
<b>S</b>	<p><b>SERVICE LEVEL STANDARDS (SLS):</b> Establishes minimum number of RGI and special needs units to be maintained by each service manager</p> <p><b>SERVICE MANAGER:</b> As administrator for affordable housing on behalf of Niagara Region, NRH's main responsibilities include: administering Rent Supplement Programs, oversight of Non-Profit and Cooperative Housing Providers, determining RGI eligibility, maintaining Centralized Waiting List, establishing Local Policies etc.</p> <p><b>SOCIAL HOUSING (FORMERLY "AFFORDABLE HOUSING"):</b> All NRH programs and services, including Public Housing (NRH-owned), Non-Profit Housing Programs, the Rent Supplement Program and the Affordable Housing Program</p>
<b>T</b>	
<b>U</b>	
<b>V</b>	
<b>W</b>	<p><b>WELCOME HOME NIAGARA:</b> Assists low-to-moderate income rental households to purchase their first home by providing a down payment loan. The loan is forgivable after 20 years if the household remains in the home.</p>
<b>X</b>	
<b>Y</b>	
<b>Z</b>	



# TOWN OF PELHAM PUBLIC LIBRARY LIBRARY BOARD MEETING MINUTES

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**OUR MISSION:** The mission of the Pelham Public Library is to engage, encourage and enrich our community.

**MINUTES OF JANUARY 22, 2020  
SPECIAL MEETING OF THE PELHAM PUBLIC LIBRARY BOARD**

Time: 5:30 p.m.

**Location:** Festival Room, Fonthill Branch, Fonthill

**Present:** Tim Wright, Donald Brown, Gwendoline MacDougall, Nicole Nolan, Gail Pepper, Catherine McPherson, Madison Smith

**Staff:** Amy Guilmette (Acting CEO, minutes)

**With Regrets:** Councillor Marianne Stewart

**On Leave:** Greg Lewis

**1. Call to Order**

- The meeting was called to order at 5:30 p.m. by T. Wright.

**2. Elections**

**2.1 Election of the Chair – led by CEO**

- Nicole Nolan was nominated by C. McPherson for the position of Board Chair, seconded by D. Brown. N. Nolan indicated that she would let her name stand for Board Chair.
- Moved by T. Wright, seconded by G. MacDougall

**THAT the nominations for Board Chair be closed. CARRIED.**

- N. Nolan accepted the position to serve as the 2020 Chair for the Pelham Public Library Board and thanked Tim Wright for his many years of service as the Board Chair.

**2.2 Election of Vice-Chair**

- Donald Brown was nominated by G. MacDougall for the position of Board Vice-Chair, seconded by C. McPherson. D. Brown indicated that he would let his name stand for Board Vice-Chair.
- Moved by M. Smith, seconded by G. MacDougall

**THAT the nominations for Vice-Chair be closed. CARRIED.**

- D. Brown accepted the position to serve as the 2020 Vice-Chair for the Pelham Public Library Board.



## TOWN OF PELHAM PUBLIC LIBRARY LIBRARY BOARD MEETING MINUTES

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### 2.3 Committee Appointments

- N. Nolan requested that that the Board, due to time constraints, wait to appoint committee members until the next board meeting, the only exception being the Finance Committee, as it will require a meeting in the next few weeks.
- Moved by M. Smith, seconded by C. McPherson  
**That the Board will set committee appointments for the following committees: Personnel, Policy, Seniors Advisory and the Pelham Art Festival at the February Library Board meeting.**
- **Finance Committee** – Donald Brown, Tim Wright, Greg Lewis, Nicole Nolan (as Board Chair)

### 3. Approval of the Agenda

- Moved by T. Wright, seconded by G. MacDougall  
**That the agenda for the Special Board meeting of January 22, 2020 be approved and reports and correspondence listed on the agenda be received for discussion/action. CARRIED.**

### 4. Conflict of Interest Declarations

- None.

### 5. Resolution to Move to Closed Session

- Moved by D. Brown, seconded by M. Smith  
**That the Board now move into closed session for reasons permitted under the Public Libraries Act RE: discussion of matters about an identifiable individual. CARRIED.**

### 6. Rise From In Camera

- Moved by G. Pepper, seconded by N. Nolan  
**That the Board now move out of closed session at 5:40 p.m. with report.**

Moved by G. MacDougall, seconded by C. McPherson

**That the Board accept Greg Lewis' back to the Library Board after a two month leave of absence. CARRIED.**



## TOWN OF PELHAM PUBLIC LIBRARY LIBRARY BOARD MEETING MINUTES

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7. Adjournment

- Moved by D. Brown

That the Library Board meeting of January 22, 2020 be adjourned at 5:42 p.m. CARRIED.

The foregoing minutes were approved by the Town of Pelham Public Library Board on

Feb. 19, 2020

(date)

Amy Guilmette

Amy Guilmette, Secretary

Nicole Nolan

Nicole Nolan, Chair



# TOWN OF PELHAM PUBLIC LIBRARY LIBRARY BOARD MEETING MINUTES

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**OUR MISSION:** The mission of the Town of Pelham Public Library is to engage, encourage and enrich our community in its pursuit of life-time learning as a cultural and informational heart of Pelham.

## MINUTES OF JANUARY 22, 2020

**Location:** Pelham Public Library, Fonthill Branch, Festival Room

**Present:** Nicole Nolan (Chair), Donald Brown (Vice-Chair), Councillor Marianne Stewart, Greg Lewis, Gwendoline MacDougall, Catherine McPherson, Gail Pepper, Tim Wright, Madison Smith

**Staff:** Amy Guilmette (Acting CEO), Mikayla Gora (minutes)

**Regrets:** None

*We begin this gathering by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabeg (AH-NISH-NAHH-BEK) peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish with One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit Peoples. Acknowledging this reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.*

### 1. Call to Order/Regrets/Review Health and Safety Guidelines

- The meeting was called to order at 6:04 p.m. by N. Nolan

### 2. Approval of the Agenda

- The agenda for January 22, 2020 was amended as follows:
  - The following items were tabled to the next Library Board meeting on February 19, 2020:
    - 6.3 Board Attendance List
    - 7.2 Discussion on Guiding Principles for a new Fonthill Branch
    - 8.1 – 8.2 Manager's Report for January 2020 & the 2019 Year-End Statistical Report
    - 9.1 – 9.2 December's Consolidated Financial Report & Charitable Account Summary
    - 10.1 – 10.4 Library Board Reports
    - 12.1 – 12.4 Items for Information
  - Item 7.1 moved to follow directly behind Item # 5 Guest Panel.
  - Letter of Support from Lincoln Public Library Board was added to the agenda to be received as item #12.5



# TOWN OF PELHAM PUBLIC LIBRARY LIBRARY BOARD MEETING MINUTES

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- Moved by G. Pepper, seconded by G. Lewis  
That the agenda for the meeting of January 22, 2020 be approved as amended and the reports and correspondence listed on the agenda be received for discussion/action. CARRIED.

### 3. Conflict of Interest Declarations

- None

### 4. Guest Speaker - Mayor Marvin Junkin

- **RE: Council Resolution to appoint Director of Recreation, Culture & Wellness as Acting-CEO of the Library**
- Mayor Junkin presented the reasoning behind Council's decision to instruct the Library Board in appointing the Director of Recreation, Culture and Wellness as the Acting CEO.
- Mayor Junkin's presentation included a slide show that compared the Director of Public Works, the Director of Recreation, Culture and Wellness and the Library CEO positions with the Town departments' budgets and staffing numbers as comparators to the Library's budget and staffing numbers.
- The Mayor received and answered questions from the Library Board members.
- See Appendix A for a transcript of the Mayor's presentation and discussion.
- See Appendix B for the Mayor's PowerPoint presentation.

### Recess

- Moved by G. Lewis, seconded by D. Brown  
That the meeting of January 22, 2020 take a 5-minute recess at 7:24 p.m.

### Call to Order

- The meeting was called to return to order at 7:29 p.m. by N. Nolan

### 5. Guest Panel - Stephen Abram, FOPL, Shelagh Paterson, OLA, Anne Marie Madziak, SOLS

- The panel of Public Library experts answered questions with regards to the Public Library's Act from the Pelham Public Library Board members.
- The panel then answered questions from the public members in attendance.
- See Appendix C for a transcript of the panel discussion.

### 7.1 Discussion of the resolution received from the Town of Pelham and the Mayor's presentation

- The Board discussed the Mayor's presentation and his plan to request Council and the Board form a committee.
- N. Nolan proposed that the Board formulate a resolution to Town Council that the Board wishes to work collaboratively with the Pelham Town Council, that they will suspend their search for a CEO and continue with A. Guilmette as Acting-CEO. Included in the draft resolution was a proposal to hire an experienced library consultant to be paid out of Library Reserves to look at the Library's organization structure and staffing costs.



# TOWN OF PELHAM PUBLIC LIBRARY LIBRARY BOARD MEETING MINUTES

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- M. Stewart proposed that there has been headway in working cooperatively with the Town of Pelham and expressed a wish to remove the hiring of an experienced library consultant from any motion.
- T. Wright agreed that the hiring of an experienced library consultant be removed from the motion at this time, but requested that the idea of the consultant remain in future discussions.
- G. MacDougall did not agree that the hiring of an experienced library consultant should be removed from the motion.
- G. Pepper expressed an interest to see a motion put forward that is more general and includes a request for a meeting with Pelham Town Council staff for an informed discussion that focuses on process and moving forward.
- Moved by G. Pepper, seconded by G. Lewis  
**BE IT RESOLVED that the Pelham Public Library Board wishes to work collaboratively with the Pelham Town Council, and we still do not accept the instructions in the resolution of December 2, 2019. We have heard Council's concerns with regard to the administrative structure of the Library. We will suspend our CEO search at this time and continue with our current Acting-CEO. We request a meeting between the Pelham Public Library Board members and the Pelham Town Council, to determine a process to evaluate the administrative structure of the Library. CARRIED.**

## Motion for Recess

- Moved by M. Stewart, seconded by G. Lewis  
That the meeting of January 22, 2020 take a 5-minute recess at 9:08 p.m.

## Call to Order

- The meeting was called to return to order at 9:13 p.m. by N. Nolan.
- D. Brown did not return to the meeting.

## 6. Approval of Minutes

### 6.1 Minutes of the Library Board Meeting of November 27, 2019

- Moved by C. McPherson, seconded by M. Stewart  
That the minutes of the Library Board meeting of November 27, 2019 be approved as presented. CARRIED.

### 6.2 Minutes of the Special Library Board Meeting of December 4, 2019

- Moved by T. Wright, seconded by G. MacDougall  
That the minutes of the Special Library Board meeting of December 4, 2019 be approved as presented. CARRIED.

### ~~6.3 Board Attendance List~~ TABLED until February 19, 2020 meeting.

## 7. Business Arising from the Minutes

~~7.2 Discussion on Guiding Principles for a new Fonthill Branch~~ TABLED until February 19, 2020 meeting.



# TOWN OF PELHAM PUBLIC LIBRARY LIBRARY BOARD MEETING MINUTES

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## 8. Library Reports

~~8.1 Managers' Report for January 2020~~ TABLED until February 19, 2020 meeting.

~~8.2 2019 Year-End Report for the Board~~ TABLED until February 19, 2020 meeting.

## 9. Finances

~~9.1 December 31, 2019 Consolidated Financial Report~~ TABLED until February 19, 2020 meeting.

~~9.2 December 2019 Charitable Account Summary~~ TABLED until February 19, 2020 meeting.

### 9.3 2020 Recommended Operating Budget

- Moved by G. Lewis, seconded by G. Pepper.  
That the 2020 Recommended Operating Budget be sent to the Finance Committee for review, to be completed prior to the next Library Board meeting. The Board authorizes the Finance Committee to approve a draft budget to be sent to the Town of Pelham for input into their financial system. The final budget approval will be completed by the Library Board at the February meeting. CARRIED.

## 10. Library Board Reports

~~10.1 Councillor's Report (M. Stewart)~~ TABLED until February 19, 2020 meeting.

~~10.2 Maple Acre Friends' (M. Smith)~~ TABLED until February 19, 2020 meeting.

~~10.3 Town of Pelham Seniors Advisory Committee (G. MacDougall)~~ TABLED until February 19, 2020 meeting.

~~10.4 Pelham Art Festival Report (D. Brown)~~ TABLED until February 19, 2020 meeting.

## 11. New and Other Business

### 11.1 Memo - Change in April Staff Development Day

- Moved by M. Smith, seconded by G. Lewis  
That the Memo on the date change for the April 30th Staff Development Day be received for information and that the Board agrees with the recommendation by the Acting-CEO to move the Staff Development Day to May 7, 2020. CARRIED.

## 12. Items for Information

~~12.1 E-Magazine Platform Comparison~~ TABLED until February 19, 2020 meeting.



# TOWN OF PELHAM PUBLIC LIBRARY LIBRARY BOARD MEETING MINUTES

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~~12.2 Letter from Kevin Finnerty, Assistant Deputy Minister, Culture Division regarding amendments to the Public Libraries Act (PLA) TABLED until February 19, 2020 meeting.~~

~~12.3 OLA Information Brief – Public Libraries and the Self-Service Model TABLED until February 19, 2020 meeting.~~

~~12.4 OLA Statement on the Intellectual Rights of the Individual TABLED until February 19, 2020 meeting.~~

**12.5 Letter of Support from Lincoln Public Library Board**

- Moved by M. Smith, seconded by G. Lewis  
That the letter from the Lincoln Public Library Board be accepted for information and that the Library Board Chair be directed to send a letter of thanks in response. CARRIED.

**13. Adjournment**

- Moved by C. McPherson  
That the Library Board meeting of January 22, 2020 be adjourned at 9:32 p.m. CARRIED.

The foregoing minutes were approved by the Town of Pelham Public Library Board on

Feb. 19, 2020

(date)

Amy Guilmette

Amy Guilmette, Secretary

Nicole Nolan

Nicole Nolan, Chair



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## Appendix A: Mayor Marvin Junkin Presentation Transcript

Note: This transcript was created from a recording of the meeting of January 22, 2020. It is only as accurate as could be understood. Errors may have occurred due to the variance in noise level, distance from speaker, and the clarity of the speaker's voice itself. Words such as "uh" were removed to provide for easier reading.

### M. Junkin (Mayor)

Thank you Nicole for the introduction and thank you to the board for allowing me to speak at your meeting tonight. I met with former Chair, Tim (T. Wright) back in the middle of December, just before Christmas and it was just him and I. We had a great meeting and one thing I recognized from Tim and I think the community recognizes from me is, and excuse my language but there is no other way to put it, with me there is no bullshit. What you hear tonight is the straight God awful truth, no hidden agenda. We are not here to come and burn the books, far from it. What we are proposing is what we think will be more resources, more money for resources in this library. So anyway, first of all let's go back to history a bit. I know when I ran for mayor, at no time did I mention the library, I never had a hidden agenda. I didn't know the board then and unfortunately, good or wrong, I don't know who is on the board now. I should probably but I don't. When I got elected as mayor, in hindsight, which of course is 20/20, once I got elected my biggest mistake, my biggest regret so far, and it's only been a year in so I'm sure there will be more, but the biggest one so far is that I did not reach out to the library board and open a channel of communication. That's my full responsibility. We, Town Council, assist this board with a million dollars, approximately \$900,000-\$1,000,000 a year to keep it running, for them to spend as they wish. At a million dollars I should have reached out and been more open with them. That being said let's move on.

When this Council got elected, it was based on financial austerity, trying to fix the financial mess that this town is in. Our first budget, staffed worked away on the budget, came to us as a Council, it was still about a 9% increase. We spent 12 hours as a Council going line by line by line. I don't think that that has been done for at least 10 or 15 years in this town. At the end of the 12 hours, we had made \$235,000 more cuts and one of them yes, was \$40,000 to the library. It was not the library only, it was departments all through the town, \$235,000 worth.

So we got the budget passed. Obviously the library was not very happy with it, I don't blame them, with inflationary costs and what have you, \$40,000 on a million-dollar budget is still a sizable request that was denied. So then fast forward to the next budget, we actually ended up doing two budgets in the same year. So last budget was a request for \$63,000 and Council, because we are getting in the right direction, we're turning the boat around, we agreed to a \$50,000 give to the library board. So it wasn't the \$63,000 but it was up \$50,000 from last year and the finances are getting better in the town. At the same time, we were doing the budget we realized that the library did not have a CEO and we were wondering at the time what had happened to that \$100,000 that they hadn't spent on the CEO last year. I had a very good discussion with Tim (T. Wright) on that and he more or less explained that there was a trickle down



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effect, people had to move around and I was relatively pleased with his answer. So this year, like I said, \$63,000, we did \$50,000 and it was nice to see as a Council that the hours have been more or less restored at Maple Acre in Fenwick and we thank the board for that.

So now we come to the resolution to the board and this is where I would like to do a PowerPoint. So this is what we have the concern about. In the town itself we have Public Works, we have a Treasurer, we have a Recreation and Wellness Center and then this is what we have a hard time putting our head around. So the Director of Public Works oversees 25 employees, 12 seasonal summer student staff and the approximate yearly salary for the Director of Public Works is \$125,000. Again 25 employees, 12 seasonal summer student staff. Director of Recreation, once again \$124,000, 3.3-million-dollar budget, and 58 employees, 12 permanent, 19 permanent part-time and 28 fixed term, \$124,000. So then when you see them together, again the library CEO, the budget is a million and they have 4 full time employees, 12 part-time and \$105,000 for the CEO. Again if you look at the whole thing down the top, Director of Public Works 21-million-dollar budget, Director of Recreation and Wellness 3.3 million, library 1 million. I think the number of staff is what you really need to watch. 25+ for the Director of Recreation and Wellness, 58 for the Director of Public Works and the library, 4 full time and 12 part-time, \$105,000. Until last year they had a Kirk Weaver (K. Weaver), and he moved on to another job, but before last year the library board had a full time CEO at about \$108,000 and a Deputy CEO at just under \$100,000. So out of a million dollar budget, and this is what the Council can not get our heads around, a million dollar budget and \$200,000 is going to two people at the top. If no one sees anything wrong with that then we're not looking at things from the same angle. So what we have proposed, as an interim, because we don't know where this discussion is going to end. Right now I see it as the library board and Council and I want us to work [together], not myself, but Council and myself, we want us to be more of a team. It's too segregated right now. Whose fault that is, we both probably share the blame for that. So when we saw that they didn't have a CEO, then what we thought would be a good step forward to working together, is a great opportunity to move Vickie van Ravenswaay (V. van Ravenswaay), who's department creates all kinds of programs for their community, to move into the library.

Does she know anything about running a library? No she does not. That is why we would have Amy (A. Guilmette) continue on at her job, to run the day to day function of a library and Vickie (V. van Ravenswaay) would be looking after the administrative part. And when you realize that Vickie (V. van Ravenswaay) is looking after 58 people, I don't think adding another 4 and another 12 is going to stress her out a lot. Matter of fact what we are thinking we would do is the town we would give Vickie (V. van Ravenswaay) a raise of \$12,000. We would pull that \$12,000 from the library budget, but they gain \$100,000 for resources. If they go out and get their own CEO, it's going to be \$110,000, if they use our idea, if they use our town employee at \$12,000 then that puts approximately \$100,000 that they can put into books or whatever. We do not want to take over the library. Matter of fact this Council has been very library friendly. The previous Council built a 1.2 million library in Fenwick and this Council is proposing that we build an 8 million dollar library next to the MCC (Meridian Community Centre) and the



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Towns share would be the selling of this building. So basically we would get an 8 million dollar library for nothing. If we can swing that then obviously that would be awesome for the community.

To have this come up as Council wanting to take over the library, we do not. We want to work as a team, we want to get a bigger bang for our buck. Last year we did the same thing with the MCC (Meridian Community Centre), when we took over the building it had too many people in it, we instructed staff to do a complete matrix change in the labour, and we saved \$200,000 there. \$200,000 a year on labour by redoing the matrix. That's all we were asking here. Let the library board run the library, that's fine. But do we really need \$200,000 at the top of a one million dollar budget? I think it's ridiculous, the Council thinks that it is ridiculous. If you don't think it's ridiculous, spending \$200,000 on 4 full time employees and 12 part-time, well I'm sorry but we are not going to be seeing eye to eye on this. But that's where Council is coming from, we see the opportunity to make huge savings and put more resources back in. When Tim (T. Wright) and I had a talk he said what we are afraid of is that you guys are going to use the bottom line to judge all the decisions. I said to him and I'll repeat it here, I said; Tim, Council, if you want to think of us as bunch of arrogant sons of bitches, we think we can run this library cheaper and increase the resources to the public. I don't see how we can't do that with our model. Put Vickie (V. van Ravenswaay) in to do the administration on 4 people, and 12 part-time and Amy (A. Guilmette) does her library thing on the day to day. That's all we're asking for is better use of people. So this idea that Pelham Council wants to come in and do the whole power trip here is not what we are after. We looked at the MCC (Meridian Community Centre) and changed that with staff's help, we saved \$200,000 there and that's what we are looking to do with the library. We work with the board, not against the board, we want to become a team with the board and make better use of the people at the top so that we can get resources into the library. That's where we are, if anyone has any questions.

### D. Brown (Library Board Vice-Chair)

Good evening, my name is Donald Brown (D. Brown) and I am Vice-Chair of the library and Chair of the Finance Committee of the library. Slight item of correction Mr. Mayor (M. Junkin), the town grant is not one million dollars, the town grant is maybe \$850,000 and then we have other sources, provincial grants, fundraising and rental and other activities. So that puts a little difference spin on that. In terms of two people at over \$100,000, I have a series of short questions. Firstly, the job of the CEO is not to manage four people. The CEO actually has a job; we can check with Amy (A. Guilmette). Amy (A. Guilmette) has been trying to do the CEO job as well as part of the Chief Librarian job and when I get emails at two in the morning I know that she is not working eight hour days. Has the Town Council looked at the job description of the CEO?

### M. Junkin (Mayor)

No, I have not looked at it personally. I just know that our Directors, and I realize that what you are saying is that a Director is not the same as a CEO and I can understand that. I guess what I'm still saying is that we aren't building a ship, we aren't going to the



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moon, we are managing four people, 12 part-time, two buildings and I realize that and we are managing a million dollar budget. When I see what our staff is doing for \$125,000 and managing 58 people and 25 people, I am quite confident that our Director partnered with Amy (A. Guilmette) that the service at the library would be untouched. I'm confident of that.

D. Brown (Library Board Vice-Chair)

No nice way to say this but I don't think that Town Council and senior town staff have a good idea of what it takes to operate this library. One town Councillor has a library card.

M. Junkin (Mayor)

I go to Chapters to read books, I'm sorry.

D. Brown (Library Board Vice-Chair)

So that's just a general point that I have. You seem to have this idea that the CEO's job is some tiny micro-managing of a few other people as opposed to a very rigorous job. And that Amy's (A. Guilmette) job as Chief Librarian and then we work it down the line because we've had to hire extra people this year in order to get by because of the reshuffling. It is a job that she cannot do all of the CEO work and be called Deputy CEO and Chief Librarian. The idea that the library is overfunded and inefficient, doesn't seem to hold water for us. There was a peer study that just came out looking at libraries our size and communities our size and in terms of total budget, Pelham Public Library fell just below the midpoint. So pretty much on average. So the opening assumption at Town Council seems to be that it is a starting point without any discussion or collaboration that this budget is too much, this budget is inefficient. Did you know that in the library we have one person on the sunshine list and the Town of Pelham has ten, and the ten for the Town of Pelham have had salary increases whereas the position at the library has gone up perhaps by inflation.

M. Junkin (Mayor)

I believe that that is an irrelevant point.

D. Brown (Library Board Vice-Chair)

No, the point is that there are more people at the Town of Pelham in those salary ranges than you have on your overhead.

M. Junkin (Mayor)

Well again, if you compare what those people are doing, job wise and the people they are managing sir, then they're well worth the money that they are making.

D. Brown (Library Board Vice-Chair)

I'm not saying that they aren't but you're saying that our job isn't.



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M. Smith

Firstly, thank you for coming. My question is, you referred to the changes to the MCC (Meridian Community Centre) and the changes of the matrix and staffing there, I was just wondering what the administrative roles of the Director of Recreation, Culture and Wellness would be with the library?

M. Junkin (Mayor)

Again the town already does the library payroll, so you don't need a CEO to do that. The Town already does that. To tell you the honest truth, I don't know what it is. I'll be the first to say here, do I know how to run this library? I do not, but I'll tell you right now that I have the utmost faith in bringing Vickie (V. van Ravenswaay) over and having a great talk with Amy (A. Guilmette) to make a team so we can do this together. Amy (A. Guilmette) has been doing the job for a year now, obviously it is too much for her, she doesn't want to continue on with that so that's great. So now we bring Vickie (V. van Ravenswaay) over to do administrative items that will relieve Amy (A. Guilmette) from the job so that she can strictly do the day to day, monthly planning of a library. So another thing that the Council has looked at is that we read that Hamilton Public Library system has looked at a system, and have been trying it out for the last year and they have implemented it in Flamborough. If you have a library card, you put it in the door and you go in. So can you imagine, whether that system costs \$60,000-\$70,000, I don't know what it costs, but if we can explore that issue and we can put that down in Fenwick so that anyone who has a library card can go there, you put it in the door, you go in and you've got yourself a library. So going from 14 hours, you can go up to 50 or 60 hours. Like why wouldn't you want to do something like that?

N. Nolan (Library Board Chair)

Just to clarify a few things, you said that Amy (A. Guilmette) does not want this job, it is not my understanding actually that Amy (A. Guilmette) does not want this job. She is very happy to carry on in the acting role. I just wanted to make that very clear. She is very happy to carry on in this role as we need her in an acting capacity. You said that you were happy that you thought that Vickie (V. van Ravenswaay) would be able to partner, I'm concerned about her interest in this role because she has never come to any board meetings and she doesn't use the library.

M. Junkin (Mayor)

Vickie (V. van Ravenswaay) has told me that she would love the challenge.

G. Pepper

Hi, my name is Gail Pepper. I live in Fenwick, and I've lived in Fenwick for 22 years. My definition of a library is certainly not a self-serve vending machine. A library to me is a community, it's a place that we go that is open and available. It provides so many things that I think all of the people here can speak to effectively as to what their expectations are of a library. I think the library is also run by people who have the qualifications, the dedication, the understanding and the support of both the public and their staff in terms of how a library is run. So my question is, does the Town of Pelham understand the credentials that is typically involved in the hiring of staff for a library?



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I would also like to know a bit more about it, I don't even know the right question to ask about the self-service because I find it so distasteful, when I think about what a library is and what it is supposed to be for a community. The only thing that I can reconcile the two is going through the LA airport a number of years ago and seeing a Best Buy vending machine that I could buy headphones and I could buy different things. I think that there is, and how it has been explained to me, is that a vending option can be used for borrows and pick ups if you wanted to extend the hours so that people can get their pickups and their borrows but it certainly wouldn't be a library to me if that happened in Fenwick. Poor Fenwick, we are part of Pelham as well, we have youth there that need that, we have an incredible number of students that come there after school, who come on Saturdays and really need that library, that connection. So I guess the question is, does this mean that the Council expects the library to reduce staffing at the Maple Acre Branch in order to reduce operating fees and convert this entirely to a non-person library?

### M. Junkin (Mayor)

Definitely not. All we are thinking of doing, think of it this way, someone is out walking their dog, someone is out pushing their child in a stroller and it's 8AM and they want to go into the library, whether it be to pick up a book, whether it be to drop off a book and that's all we're thinking. Making from 8AM until 10AM, maybe 8AM till 11AM, and then when the ordinary librarian would come, she would be there for the heavy traffic area, or heavy traffic timewise. We are not out to the cut hours; we realize that a library is a personable place to be. Again, just those dead times when the door is locked and you have to walk by, you would be able to use your card to get in, get your book while you're out pushing your child in a stroller, walking the dog and continue home again. We are not out to cut any hours or any labour from the library. I don't know how you can be against going from x-number of hours as they did in Flamborough until 60 hours a week, so that you can just walk in there and do your thing. If you have to talk to a librarian you can wait until then and if you had the luxury of waiting until she shows up at 11AM or 12PM than you can do that but if you're in the vicinity and you just want to either drop off a book or pick up a book, but your card in the door and you are inside. I don't understand how that can be a bad thing.

### N. Nolan (Library Board Chair)

I just want to clarify a few things, you are using the gender pronoun "she" to refer to librarians and I would like to point out that male and females do work in this profession and that it happens that this library branch is staffed by women, but this profession is full of both men and women. A couple things also that I would like to clarify, I'm not exactly sure where you got your numbers for the Deputy CEO salary but the range is \$68,000-\$80,000. So it is a bit lower than you had articulated earlier. A couple of other things that a permanent CEO would be doing that isn't currently being done; strategic planning; longer term planning is not happening the way it should at the moment, fundraising and grant writing; so I believe that is key to a public library, it's also a way to get more money in, networking, presentations and being out in public, evaluation.



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M. Junkin (Mayor)

So let's talk about grant writing. Does it make sense that the library does their grant writing when we have a person that does the Towns grant writing? Can that person not sit down with Amy (A. Guilmette), you're getting the money from the same people, either the province or the federal government, same as us. This woman that we have is excellent for getting Town grants. Another reason is the IT department. Does it make sense that the library has their own IT person when we have two in Pelham. There are so many opportunities. We don't want to run it, but by god, is it asking too much to work as a team and use both resources better? That's all we're after.

T. Wright

First I would like to start off with a couple points that I think we can all agree on. First thing would be that this is a very important issue; it is not to be taken lightly. The decision can affect the library for years to come. Commonly accepted in governance literature and talk is that selecting the CEO is the most important responsibility the Board of Directors has and therefore we take that responsibility very seriously. Second, I would like to reiterate what you are I talked about Marvin (M. Junkin, Mayor), in terms of you immediately started off our meeting with apologizing for the pattern of decisions making that the Town used. There was no consultation with the library, there was no advance notice, we had about two days' notice of the Towns deliberations and decision the next day. There was absolutely no library input in the process and Marvin (M. Junkin, Mayor) apologized for that and agreed it was inappropriate, and they should have done better. So a couple things we agreed on and now I have a few I think we disagree on. First of all, just a bit of background. My career was in hospital administration and I spent 15 years as the CEO of institutions, hospitals and I think I understand very well what the job of the CEO is. Probably more so than yourself (motions to M. Junkin, Mayor), probably more than many in the room. I guess I would say that I find the analysis that you used, consisting of people who are supervised, to be an irrelevant factor or close to an irrelevant factor. In terms of what the job of a CEO is, generically, the job of the CEO is about leadership, not supervision. You're talking supervision, we're talking and thinking leadership. There is much more that a library CEO does and is responsible more. I spent a fair bit of time looking at the job description from the CEO of the library and I'll just go through some of the major responsibilities, certainly supervision of staff is not one of them. It is an important thing but it is far from the most important. The job description, and it is too bad that you didn't use that as a document in your discussions, because there is very valuable information to this whole discussion captured in the job description. I think that once again reflecting the pattern or process that the town used being flawed. What you have to realize about a library CEO in Pelham or in a community this size, is that a CEO is not just a CEO. They are a Director of Finance, a head of Human Resources, they are head of Public Relations, head of Fundraising, head of Information Technology and just as a comparison, I will admit that a comparison between the Towns staffing and the library staffing holds a lot of flaws but this is a good indication of how the town views these responsibilities. First of all, the overall responsibility for the organization falls within the CEOs job description, the Town has an individual doing that, the CAO but they have one individual and I don't understand your job that well but you have that as full time work, while it is only part of the CEOs responsibility to the library. Board support, the CEO of the library is



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responsible for providing support to the board, we are a high maintenance group. That is one of the responsibilities of the CEO. The Town has a full time clerk and full time Assistant Clerk and perhaps other people to provide support to the board. Very important responsibility but you have to recognize that it is a very important responsibility for the CEO of the library, it's not a "you are 10x bigger than us, so you should spend 1/10th of the time", it's not done that way. Say the same thing for the finance, the CEO is responsible for the financing and the budgeting, does all the budgeting work, the Town has a Treasure, and an Assistant Treasure. So two individuals and then my understanding is these two individuals are as highly paid as the CEO of the library. Again, pointing out the importance of those roles. So in addition to finance, the CEO is also the HR Director, the Town has at least one individual, again showing the importance of that as a result. As a resource to the board and to an organization, public relations and I'm not talking about beating the drum for the library, I'm talking about connecting with the community, explaining the role of the library, cultivating the programs that the town is asking for in terms of what Kirk (K. Weaver) was doing, my estimate of time spent on that was extremely high and extremely important because it is important that the community understands the library does and the library can offer. The CEO is the Chief Fundraiser, not just developing fundraising but to look at various alternatives. He or she is involved in information technology and operations of facilities, to which you (the Town) has a full time Director, again commenting on the importance that is paid to it by the town. You have to realize that those things are important in the job of the CEO of the library. The solution you have for someone coming in to work with the Acting-CEO of the library, that person also has full time responsibilities doing something else, so she would have to take on all those roles of the CEO and I find it hard to believe that any individual, whether it be who you are proposing or whatever, would be able to handle their full time responsibilities on a half time basis and do the things listed in the CEO job description. So I believe the resolution by the town is a totally unrealistic solution to the problem. I think it is a nonstarter from the point of view of the board. I will state that the Town does have a very real and legitimate interest in the finances of the library, they are footing a lot of the bill and they have a responsibility to be aware of the spending. Given that there is a total lack of a legitimate process which would have included the library and stakeholders from the community, would have included reading the job description, which would have included doing some research and comparing us to other organizations our size. For all I know every organization that has ten employees has two managers, do you know that? That's an important fact that I don't believe the Town conducted a review that has any worth in the real world that we are living in. Given the lack of a legitimate process, given the apparent lack of a review of operations and responsibilities within the library, given the proposal they made being an impossible solution to whatever the issue in the library are, also given that the concerns of the town are legitimate, would you agree that a proper review and analysis be done to determine an appropriate organization model to administer to the library starting from ground zero using proper process and come up with a well documented and well thought out organization of administration for the library? Would you be open to that?



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M. Junkin (Mayor)

So Tim (T. Wright), if you recall the conversation you and I had before December, I stated that if we could merge instead of staying two separate entities, and work more as partners that what I would like to see more going forward and I can't talk for Council, whatever is decided here tonight I am one vote, when we pass that resolution without having the figures in front of me, I believe it was unanimous on Council, I could be wrong at that you would have to go back to look at the minutes, I think I am 90% correct in stating that. Council would be, again this was our original resolution and this was our thought process, was that this was a grand opportunity that you didn't have a CEO so why not try. You were right, it was brought out and it stank. No consultation with you guys, we treated you like dirt and I apologize for that. There was no excuse for it. But saying that I would love to see us go on and get a partnership going. We have IT people why would you need an IT person yourself, very qualified people. We have a Treasure, we do your books already at the Town level, does it not make sense to continue the merging? It wasn't going to be a permanent thing. We were thinking about a six months interim.

D. Crips (Town of Pelham CAO)

Chair, how about some order? This is completely unacceptable. Decorum and basic good manners are appropriate in every public meeting. Now would you be so kind and explain the rules.

N. Nolan (Library Board Chair)

My apologies. This is my first meeting I'm chairing. I'm working through the process as best I can. I do agree, we need to be quiet and respectful to all speakers.

M. Junkin (Mayor)

Is it asking too much as a community, as two entities, to become closer together? The Council's resolution was to go forward for six months, this wasn't going to be a permanent thing. Go ahead for six months and Tim (T. Wright) will back me up, I said let's have monthly meetings, none of this just go ahead and do it and we report back in six months. Tim (T. Wright) and I agreed that if this was going to go ahead we would have to have monthly meetings of myself, my CAO, the CEO of the library and Vickie (V. van Ravenswaay) and Amy (A. Guilmette). Meet together every month, the four of us and talk it over. We do that for six months and if it looks like it can go ahead we finalize something. Another thing that the Government of Ontario wants from municipalities, even though we didn't go together and make one big city or four cities, they have passed the direction down to the municipalities to merge and work with each other on a bigger basis than what we are doing now. Perhaps in the six months interim, of the CEO perhaps we can ask other municipalities would you like to come on board with us and increase the library buying power. Increase the supply of books. Do we really want to stay stuck in the mud? Or do we want to be progressive and move forward? That's all we're asking for. Just take a look. Why do something that you did in 2020 that you did in 1980? Does it not make sense to move ahead? We aren't going to burn anyone's books. We want to give you more services, that is what the meaning of the resolution was.



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### N. Nolan (Library Board Chair)

I hear people are wanting to ask questions. The process of this meeting, we observe Roberts Rules, only the board members are permitted to ask questions to the Mayor (M. Junkin) at this point. I do want to point out that we have an expert panel here who are experts in the Public Libraries Act. After the board asks them questions, we can open it up to the public to ask orderly questions of our expert panel. I ask for your patience in this. We have a process we need to follow. I wanted to ask Amy (A. Guilmette) if you wanted to follow up with the Mayor (M. Junkin) had talked about the CEO job descriptions and the Deputy job description, do you have any comments or anything you would like to add about the responsibilities?

### A. Guilmette (Pelham Public Library, Acting-CEO)

I just wanted to say that when the Mayor (M. Junkin) talks about how Vickie (V. van Ravenswaay) would be able to supervise a certain amount of people, that usually is what the Deputy does not the CEO. The CEO does not supervise individual people; they lead the group. The Deputy does most of the supervision. So her taking over the supervision, maybe that would be the Deputy job not the CEO.

### G. MacDougall

I'm Gwen MacDougall, I live in Pelham and I have been involved in libraries for a long time. I was several years ago on the review committee as a citizen and trustee that reviewed the Public Library Act. I wonder if, respect to the Mayor (M. Junkin) if he has read the Public Libraries Act, it does say under CEO Appointments: "A public library board has the power to appoint a library Chief Executive Officer. The CEO is a library board employee and not a municipal employee. The CEO reports to the board and not the municipality. The CEO does not report in a dual relationship to both the board and the municipality."

Based on the Public Library Act I have a series of two questions. If the library would no longer be functioning under the Public Library Act, there are much larger implications than the \$40,000 in provincial funding, are you aware that the infrastructure grant that the Town applied for to build the new library at the MCC (Meridian Community Centre), is at risk if the Town breaks the Public Libraries Act? Libraries that are violating the Public Libraries Act cannot use services offered through SOLS (Southern Ontario Library Service). Are you aware that the townspeople of Pelham would no longer have access to the Interlibrary Loans Service? Just as a follow up to something you just mentioned about cooperation, the Pelham Library belongs to the Libraries in Niagara Cooperative (LiNC), which is a collaboration of libraries in this region and we do participate in interlibrary loans and buying power and a lot of resources are shared. So the process has already started.

### M. Junkin (Mayor)

Yes. We are well aware of that. Kudos to the library for getting that system up and running. I am asking everyone here to think of that as the first step. Yesterday myself, the CAO, Mike Cioffi (M. Cioffi, Ward 1 Councillor), we met at 5PM yesterday with a Parliamentary Assistant, Vincent Ke (V. Ke) who is the Parliamentary Assistant to the Minister of Heritage, Sport, Tourism and Culture Industries (Culture and Sport). We are



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not the only municipal government who have come to the government and are asking for relief under the Library Act. We are not the only municipality who is making these requests. They promised that they would be getting back to us and opening a dialogue with us. So it is not just Pelham trying to do this. Everybody wants to move ahead and get a bigger bang for the buck. The library wouldn't even notice the changes, except there would be more resources here. I know you can talk about the CEO and make it sound like it has to be a very special person. Yes, I realize you have to have a CEO that can envision where the library is headed, I get that. If we share the resources of the Town more, and meet more as a board and Council, then maybe we could settle out and find a vision between the two of us as to where we want to head and where the money is going to come from to make it happen. This us against them, I wish we could get over that. We just want to take another step into the 21st Century. Why are we standing back? Is it appropriate to do what we have always done just because that is the way it was? I don't understand it.

G. MacDougall

I just would like to know how the Mayor feels about not operating under the Public Library Act and the consequences of that. I didn't hear an answer to that question.

M. Junkin (Mayor)

Well to be quite blunt, there is no public library jail. So if we don't operate under the Public Library Act, as things stand now one of the things we would lose is the \$40,000 grant. We were optimistically moving ahead that there is going to be changes to that from our talks yesterday. I think that the overall savings of what we can achieve even if we ended up kissing that \$40,000 goodbye, the other savings that we would make up on a \$900,000 budget would be well worth operating outside the Library Act.

N. Nolan (Library Board Chair)

I do have a concern that operating outside of the Public Libraries Act is far greater than the what would you be able to offset with the salary difference that you having been talking about. The value of sharing is far greater, but I know that we have an expert panel that will be able to address some of these questions a bit more clearly.

C. McPherson

Hi, Cathy McPherson, I live in North Pelham. First of all, I would like to say that I asked Amy (A. Guilmette) today to go back and I checked the minutes as well. We had requested the Town to come to the library or to the board meetings, they were invited 3 times. No one ever showed. Also, if the library board after this still does not agree with Council's resolution to appoint the Director of Recreations, Culture and Wellness to the Acting CEO of the library what is the next step Council will make?

M. Junkin (Mayor)

At this point in time I am not prepared to answer that, again I am one vote. We would have to have another discussion of all of the Council and then we would have to decide from there. I honestly do not know which way we would go. I hope we don't have to go down that road. Why bother making a road that we don't have to go down. To tell you



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the honest truth, I can't stand here and tell you what the Council will do. It's a group decision.

G. Lewis

Greg Lewis. My question is, from everything that you have said tonight, is one you have talked a lot about having dialogue, wanting to have communication and keep putting your fingers together as one group. So your resolution instructed this board to do something. You and the Council did not consult with the board to the best of my knowledge, did not consult with any library staff to the best of my knowledge, so I'm not sure where the partnership is there. More importantly, from everything that I have heard tonight you have said, again speaking on behalf of Council, that nobody has looked at the job description of the CEO, that nobody really understands what services are provided by the library and yet you are saying that it is not just about money when in fact it is all about money because the only thing that you are saying is that we can save x-amount of dollars. Speaking on behalf of this library board, we spent hours doing the best job we can with the funds we are given, and we appreciate those funds, to provide those services to this town that a library deserves and this town deserves in a library. It is not easy. So I'm concerned that this resolution, first of all instructing rather than getting together and sitting down and saying here is our concern, how do we work together to solve this but simply saying here's what we're going to do. We're going to put this into the town and then we'll figure it out. We're going to do this and then figure out the savings later. We'll figure out everything later. We can't afford to do that. The people of this town love this library, support this library, the results we get from our surveys show we are doing an incredible job with the money we have. Given that Council doesn't understand the role, doesn't understand the services, I don't know, and I would be interested to hear your perspective on, specifically what additional services could you provide, what services would be impacted by this change, what role within the CEO would Vickie (V. van Ravenswaay) have to give up, knowing that according to your figures she has 58 people now. How much time can she devote to what has been for the last how many years a full time job that was, reviewed in 2010 by the Town, in terms of job equity, as the Town did with all staff and that salary whether it is high or low compared to whatever, was established by the Town based on the responsibilities of the job. Now right or wrong, that's what it is. That reflects the responsibilities of that position. It has nothing to do with other positions, every position is graded according to the responsibilities of the job. I wonder, if it would not be better to dismiss or however you do this, this resolution and instead move forward by working with the board and with the library to figure out solutions to see the best way to meet the objectives of providing the services we all need and want, at the same time make sure we are doing the best we can with the finances we have. That would be my question to you.

M. Junkin (Mayor)

As I have stated, and I will again, we treated you like dirt, I'm not going to soft coat it. We should have done a lot more homework; we should have communicated with you guys. It was not right for our Council to march somebody over here with that resolution blindsided. I can only say it so many times. I know I speak on behalf of all of the Council that when we looked at the situation we thought what the hell have we done here. It was a huge mistake and I apologize for that. How will we spend the money that we



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would save, again that money would end up in your bank account. We don't want to take this money and use it to build roads and fix potholes, or anything like that. Any money we save goes right into the library. So if we save \$60,000, if we save \$80,000, it stays here. You guys are the librarians, I'm sorry library board, you guys figure it out. I still would still want to have what you would call a rest period or a pull back and discuss this before we came back with the resolution. Again that is a Council decision, is it doable, probably. I still would like the institute, and again this is just my own thought Council would have to go back have a discussion, but I still don't see the harm in let's get this team working together, put Vickie (V. van Ravenswaay) in there and keep meeting once a month and see how things are working. It's only six months, I'm not asking for a five-year commitment. If it isn't working out, maybe Vickie (V. van Ravenswaay) will say that this is taking way too much time, I can't do it, and if that is the case then you guys have had your case proven. Then we can move ahead with another solution that would be mutually agreed upon by the board and the Council.

G. Lewis

First of all, don't apologize for calling me a librarian, that's an honor to be called that. More importantly you said you treated us like dirt, wish you could take it back and wish you could fix it, there is an easy fix. Just forget this resolution and let's do all this team work stuff without this.

T. Wright

One of the things in all these discussions that has been confusing is the role of Amy (A. Guilmette) within the library. It's been reported in The Voice, I'm assuming incorrectly, she doesn't want to be CEO. It has been reported that Amy (A. Guilmette) is leaving, that's perhaps what The Voice heard or has been told. That's not what I have been told by Amy (A. Guilmette). I have heard something entirely different from Amy (A. Guilmette). She is more than willing to stay on as Acting-CEO to see through this issue. You keep referring to bringing Vickie (V. van Ravenswaay) in to solve things. Greg (G. Lewis) referred to excellent evaluations that we get from the public, ratings in the 90th percentile. I don't believe you answered my question, I don't believe you gave me a yes or no. My question was why don't we go back to 0.0 and start a review, look at the administrative structure, Amy (A. Guilmette) could be involved and whoever from the Town could be involved. Let's get answers that are well researched and through consultation I think that we can accomplish what you have expressed the Town's concerns to be. So is there a yes or a no to that question?

M. Junkin (Mayor)

Darn you Tim. If I was the man here, if I was the guy that waved the wand, yes I believe that that is possible. When we have a meeting with the Council, I will put that motion forward as long as I can also say that the library board is willing to cooperate with Council going ahead and let's have the discussions and see where it goes. Like I said I'm not making any promises, it is a Council decision, but I would definitely see that that is a way forward to move ahead.



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M. Smith

Just to follow the suit of my fellow board members, I am from Fenwick and I am a proud Friend of the Maple Acre Library since I was in grade six. I just wanted to follow up with a question regarding self service as it is a very important issue in my eyes. In 2019 we experienced minor vandalism. In some reports, the complaints of teenagers smoking and drinking outside the Maple Acre Branch. We also have complaints from public members that the doors were being blocked and they felt intimidated when entering the library. Staff have worked to rectify the situation when the branch is open and have made reports to the bylaw officer for drive-by during closed hours. If Open+, the self service product is being considered for Maple Acre, the library board would be liable for any accidents, damage or other emergencies that occur within the building. Will Town staff have a formal risk assessment completed prior to buying this product and adding this service to the library?

M. Junkin (Mayor)

Again I think that the perfect solution or part of the solution is we would hire a bus and let's take some Council members and library board members and go take a look at the system. Flamborough tried it out for a year. They had the same concerns. I find it very hard to believe that we have higher vandalism problem here than what they experience in their year of trial and error. They have cameras, and also if you do go in there and you have to or want to talk to a librarian that is in this building (Fonthill Branch), there is a place where you can go up, push a button and talk to a librarian that would be working here (Fonthill Branch). The thing here to remember is that we are not reinventing the wheel. This is something that has been done, they have tried it for a year, they invested the money and they liked what they got. Huge increase in hours. Obviously the vandalism was at an acceptable if not negligible level. That's all I can assume. Do I have the statistics in front of me? No. I just know that they tried it for a year and then they implemented the program.

N. Nolan (Library Board Chair)

I just want to say that as an individual library user, when I would go in the library with my child in a stroller, I don't think I would enter a library without staff because I wouldn't feel safe. I'm just putting that out there.

C. McPherson

First of all the Flamborough project is a pilot project so I believe that they were subsidized by the company. I'm not sure whether that would be happening here for Pelham. Second of all, you said that there would be a video camera and that they could talk to the librarian but I'm not sure how when you are there 8AM-10PM over there. Does that mean that the librarian here (Fonthill Branch) would be working 8AM-10PM? I'm not sure how we're working times here, I'm not quite getting that.

M. Junkin (Mayor)

Again here are getting into the weeds. We are talking about a concept. I'm sure they worked it all out in Flamborough. The thing is, you could have someone work here (Fonthill Branch), start at 9AM, and then somebody is at the library in Fenwick and you didn't start that person until 11AM or 12PM. Then that person walks into the library at



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9AM and cannot find something, then she can walk over and communicate with someone who would be working at that time here (Fonthill Branch). That's all in the weeds, it's stuff that we would have to work out between the two libraries and the library board. Like I said we are not reinventing the wheel. Yes, it was a pilot program for a year and they have implemented it. So why wouldn't we go up there, take a look and invest if it is suitable so we can increase the hours at an unbelievable rate. To increase the hours on an asset up to maybe 60 or 70 hours, that just blows me away, considering what we have there now. I don't understand how you can agree against something like that.

N. Nolan (Library Board Chair)

I believe one of the questions you received was about a risk assessment for this automation. Would you be willing to do this?

M. Junkin (Mayor)

Yes.

M. Stewart

Marianne Stewart, Town Councillor and proud library card holder. I have been with the Maple Acre Library for many years helping with fundraising. Further to what the Mayor said, I understand Nicole's concern and the concerns about the vandalism and the concerns about the kids hanging around behind Maple Acre Library. Since the addition has been put on the door in the original section at the front of the building is there but not in use, it wouldn't take an awful lot to make that door accessible so that we wouldn't need to have patrons entering from the parking lot in the back. I think that that would very much solve that problem. Along with Nicole's concern about going into the library alone, that would be a choice that you would make on a daily basis as the library still will be staffed and will still have library hours. You can still go when the library is not empty.

G. Pepper

My last question is about moving forward and your repeated claims that you have a desire for us to work collaboratively together. That's great. That's what we all want. You, as the Town, appointed us. It only makes sense that we would work with you on behalf of all the citizens of the town. But you mentioned that yesterday you met with the Ministry. Was anybody from the library board or the library staff invited to that meeting? I would also like to know when you keep speaking about us working together and moving forward and how it wouldn't be a big deal if we were out of the Public Libraries Act, I'm very new at this I've only been on the board for a year but my understanding is that if we are no longer under the Public Libraries Act I believe the board no longer exists.

M. Junkin (Mayor)

I think we're both guilty of acting without consulting the other person. When Tim (T. Wright) and I met back in the middle of December, I envisioned this would be a very low-key meeting with the board members. I don't care, I love public meetings and we



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don't have anything to hide. Amy (A. Guilmette) sent me a request that if I had anything to present and I said no, it's just going to be a very intimate meeting here with myself, and the board members. Next thing I know there are advertisements on Facebook, come out and save the library. So then I brought my CAO in case he had to answer any questions and then that's when I created the PowerPoint presentation. No we did not consult with the library when meeting with the Ministry yesterday. That was strictly background information for us, that we can share with the panel, and to see what parameters we can operate in going ahead.

N. Nolan (Library Board Chair)

Thank you for your presentation Mr. Mayor (M. Junkin).

# Library Board Presentation

Mayor  
Marvin Junkin

January 22, 2020



# Public Works

<b>Operating Budget</b> (Roads, Beautification, Cemeteries and Facilities)	<b>\$9.5 Million</b>
<b>Operating Budget</b> (Water & Wastewater)	<b>\$5.1 Million</b>
<b>Capital Budget</b> (Transportation, Facilities, Parks and Fleet)	<b>\$5.3 Million</b>
<b>Capital Budget</b> (Water & Wastewater)	<b>\$1.2 Million</b>



# Public Works

- The Director of Public Works currently oversees a total of **25 employees** in the department with an additional **12 seasonal/summer student staff** in the Summer and Fall
- The approximate yearly salary for the Director of Public Works is **\$125,000**



# Recreation, Culture & Wellness

**Total Budget** **\$3,320,000**

**RCW Employees**

- 58 Total**
- 12 Permanent Full Time
- 19 Permanent Part Time
- 28 Fixed Term Contract

**Yearly Salary for RCW Director** **\$124,000**



Position	Budget	No. of Staff	Salary
Director of Public Works	\$21,100,000	25 plus 12 Seasonal	\$125,000
Director of RCW	\$3,320,000	58	\$124,000
Library CEO	\$1,012,000	4 Full Time 12 Part Time	\$105,000





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## Appendix C: Expert Panel Discussion Transcript

Note: This transcript was created from a recording of the meeting of January 22, 2020. It is only as accurate as could be understood. Errors may have occurred due to the variance in noise level, distance from speaker, and the clarity of the speaker's voice itself. Words such as "uh" were removed to provide for easier reading.

### S. Abram (FOPL)

I'm Stephen Abrahms. I am the executive Director and CEO of the Federation of Ontario Public Libraries (FOPL). We represent the 306 library systems in Ontario and the 47 first nations libraries. We deal with statistics and measurements of libraries. Over the last seven years we have done peer comparisons and rankings of all the libraries in the province. In my private practice, I run a company called Lighthouse Consulting. I have 25 new library branches in some stage of construction. I work in small and medium sized towns and countries all over the province to talk to their communities and find out what they want, develop their strategic plans and their masterplans. We heard a lot of ideas coming out of the Mayor that have no context. They need the context of their strategic plan and how they are focusing their properties and agenda. Also if it helps, a lot of the time people think that libraries just haven't thought about stuff. So I have been involved in building the consortium across Ontario for nearly all of my career. Libraries are one of the most collaborative professions. I think in three months the Niagara area was able to pull together a consortium to deal with interlibrary loans and that is the kind of strategic thinking that the CEO does. Also in my career I have lead as Senior Vice President or Executive Vice President, six of the largest publishers in the World that includes that largest legal publisher. I invented some of the early electronic stuff, SML; the programming language, was invented on my project. I published the first full text database in the world. There's a lot of stuff that librarians lead. When I was in publishing we would have 300-800 librarians on staff or the hundreds of librarians that work for Amazon or Google. I sit on the board of eight different universities and I teach at the University of Toronto, Stanford, Harvard, Liden and Copenhagen. I teach management, leadership, financial accounting, marketing and community engagement. So those sorts of things are things that I am somewhat an expert in, I have expertise in that area. Also relevant to tonight's discussion, for ten years I led the largest compensation consulting firm in the world. You do not size a job, ever, by the number of people reporting to you. You size it by the impact and responsibilities that it delivers to the community. We know that every dollar invested in a library, through over 150 studies done across the world and 25 done in Ontario, delivers on average \$5.50 in raw economic return. Every dollar you pull from a library budget or discount or remove leaders to focus those areas, is a problem. We also know, and we've just done this in the last year through my efforts and Toronto Public Libraries leadership, we have done social return on investment study that says what does it mean to read stories to children because we read stories to children differently. We know that a child that comes to story hour in the library has a letter grade difference by grade eight from U of T Ontario Institute for Stories, Studies and Education. Our storytelling is not trivial. We know through a new project that we started three years ago that our computers make a difference, especially in the towns where only the pepperonis on the pizza have Wi-Fi. I



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think you might have some of that. We know that if you invest a dollar in a library in our Social Return on Investment studies that you get \$27 in social return on investment on average. So when you start talking about what the real issues are, senior social isolation, college readiness, school readiness, people being able to access the internet for the 25% of people in Ontario that do not have access to the internet and the other 25% that do have access but have no access to help. Libraries have a talent, there's technology, hours open and the resources and the strategic planning and thinking, and priority setting for that makes all the difference in the world. It can not be done on the side of a desk by a person who has a very important job that they also have to do.

### A. Madziak (SOLS)

I am coming at this from the other extreme in terms of building my own credibility because I need to just tell you that 25 years ago this year I got hired by Southern Ontario Library Services (SOLS) what was then the small library consultant and one of the first CEOs to phone was Mr. Hugh Molson (H. Molson) from Pelham Public Library. I set up a meeting and I didn't have a clue where Pelham was and furthermore my map wasn't very helpful. I drove in and out so many times and it kept saying "Thank you for Visiting Pelham" but I didn't know that I had been in Pelham. That was the beginning of my consulting career.

I think I have learned a few things since then and I think I will leave most of what I want to say to come out in the answers to the questions asked this evening. I will just tell you that my name is Anne Marie Madziak and I am the Training and Consulting Director for Southern Ontario Library Service. I do still do some direct consulting but I also manage and oversee the training and consulting services. Also Greg (G. Lewis) will know more about this and members of the library board, that one of the huge things that SOLS undertook in partnership with Ontario Service North and my two partners here at the front of the room, was centralized hub for all the governance, information and resources to help library boards be the most effective they can be and the first of any sector of Ontario. I have been told we have followers in Alberta, because the legislation aside most of the rest is relevant. I have been involved in a lot of governance situations and I am happy to share what perspective I might have. I am not a lawyer, I will say that up front, my analysis of the public libraries act and any other legislation we might talk about is based on the years of experience working with our own Ministry staff and other experts in the field. I have in my files a number of emails from Ministry personnel in the context of various situations and so my interpretation tonight and what I can offer tonight is the thinking that is in alignment with those messages I've received from Ministry staff and lawyers over the years.

### Patron (Unidentified)

I am unclear, are you private or public?

### A. Madziak (SOLS)

Oh I'm sorry, thank you very much. Southern Ontario Library Service and our sister organization, Ontario Library Service North which in this case is North of Deep River. We're talking really North. We are a transfer payment agency of the same Ministry that does provide the \$40,000 per household grant that has been mentioned earlier tonight. We are publicly funded at the provincial level. Our role is to help public libraries share



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resources as much as possible and to provide training and consulting services to public libraries.

S. Paterson (OLA)

Hi everyone, I am Shelagh Paterson. I am the Executive Director for the Ontario Library Association. I have been there since 2008 and before that I was with the CNIB Library for the Blind. Thank you very much for having me. This is fascinating to me because we are an association with 5,000 members and we have members who are teacher librarians, librarian technicians in schools, we have members who are working in public libraries, members who are working in college or university libraries and we have about 800 public library board members from across the province. Boards join as each individual has rights within the organization but they join as a board. We have a really robust membership and we work very closely with the Southern Ontario Library Service and Ontario Library Service North and the Federation of Ontario Public Libraries. We all do very different things. With OLA, we are a non-profit organization. Our main function is providing professional development to our members, engaging with our members, providing a platform for our members for collaboration and learning and we also have a very strong government relations plan. A big part of that is working with the Ministry of heritage, tourism, culture and sport to secure more provincial funding for public libraries. That is one of our primary goals, we have been at it for years. We have won quite a few times. The Ministry is actually coming to our conference, it will be her first large, public library event since she became minister. We are really looking forward to engaging her in that. We have a lot of support from Ministry staff and our big ask going forward is around digital library services and digital infrastructure. It would be doing things like providing capacity for public libraries to access a digital suite of resources. Of course you can only access that if you are an independent public library within your community. That's another reason why we are very happy to be part of this conversation because we want to make sure that all of our public libraries have access to as many funds as they can because we all can use more funds in this world.

M. Smith

My question is, why do public libraries in Ontario have library boards and why are they not simply departments of their municipalities?

S. Abram (FOPL)

Back in 1996, there was a complete review done of how things should be done in Ontario. So the Harris government of the time, and the Public Libraries Act is a creation of conservative policy that focused on local control. They did the Public Libraries Act and the new Public Libraries Act in consultation with our communities and the association of municipalities of Ontario, came up with they wanted community lead boards and they wanted to require libraries because our impact was so huge and it was obvious in 1996 that we had to transform ourselves. So Parks and Recreation Ontario had me out to give a speech on why we adapted so well to the digital juggernaut. So every community has to have a library, if they are too small they have to have a relationship with another community with two and offer services to people. I believe that 98.5% of Ontarians have access to a library. There is a very small number of unincorporated communities and some First nation communities that are messed up.



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Within that they set the role of the CEO and the title of the CEO that there be leadership that reported to the community lead board, with the exception of county lead libraries where they are allowed to have a majority of counsellors. But counsellors have to be the minority by law on a public library board. In that space, with that CEO it would be illegal for the CEO to report anywhere else but their board. What is interesting about this is that the focus is on the consequences of disobeying the Public Libraries Act and yes the Heritage Ministry has some ability to withdraw funds and eligibility for funds including infrastructure grants and whatever else. It's actually, from my legal publishing background, there's conflict of laws. Many years ago we had a legal opinion, which takes precedence the municipal act or the Public Libraries Act. The legal opinion saying that the Public Libraries Act takes precedence over the municipal act. The municipal act requires an oath that all municipal Councillors and mayors, have to obey the municipal act and all other laws. Any recommendation that would be in violation of the act would not be an offence against the Public Libraries Act, although there are some consequences there, it would be an offence against the municipal act and bring down a number of process for municipal Councils that disobey the laws of the province, federally or locally. There are some interesting things going on here around "temporary" or whatever, it's just not legal. Any citizen can report that and any documentation from any staff member is probably in violation of the contract. That's the bomb in the room.

### A. Madziak (SOLS)

I guess I would like to speak a little more to the philosophical underpinning of why there are boards. The reasoning goes back way earlier than the review in the '90's that Stephen is talking about, and reviews since and other reviews prior as well. Like all institutions it has been reviewed periodically. The interesting thing is that the philosophy has held. There is a line in the Public Libraries Act after it states that the public library board is an independent entity unto itself and that it is a legal cooperation under the Corporations Act, there is a statement about the role of the library board. It is something to do with their responsibility to provide a comprehensive and efficient library service that meets the unique needs of the community. It is amazing to me as a professional library that the Ministry has had the foresight to understand that piece. That as much as a public library is a public library, there are some things that are happening within Pelham Public Library that are unique to Pelham. There are things that are happening at Niagara on the Lake Public Library that are unique to Niagara on the Lake Public Library. Same as St. Catharines, Toronto Public Library, Vaughan. It is very interesting that the Public Libraries Act was just reopened recently. There were a couple of changes made. The two changes were that in addition to Canadian citizens, now permanent residents can be on library boards and the other change was to the number of library board meetings required in a year. It was set at ten, it is now a minimum of seven. I'm not sure where the initial push from that came from but the Ministry did listen to the input that at one point what was being talked about was three or four meetings a year and some expressed concerns that it was going to be very difficult for board members to stay on top of their fiduciary and legal responsibilities if they only met three or four times a year. What came back was seven times a year, that is the minimum and it isn't to say that a board can't continue to meet for 11 months a year or whatever they have done in the past but they must meet seven times a year. What's really interesting to me in all of this is what hasn't changed. The Ministry opened the legislation and did



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not change that there shall be a library board and that the library board shall, which in legal language means must, hire the CEO who oversees the management. I just want to say that that is the philosophical underpinning is that the library board is intended to be representatives of the community, some elected officials and some appointed by those elected officials, the intent is for this board to come together in its diversity and make very complex decisions that are in the best interest of the community. There has been a precedent here repeatedly for those who are the stewards of provincial pieces of legislation like this, have even as recently as a couple of months ago, have still confirmed that that is an important part of public library service. The service must be responsive to community needs and the legislation argues that the best way to do that is by the community lead board with municipal Council appointments.

G. Lewis

If I understand this correctly, if this board were to appoint a municipal employee, regardless of who that employee is, are we in violation of some law? And if so, what are the implications of this board violating said law?

A. Madziak (SOLS)

Not necessarily in that there are a very small number of library boards that have appointed a municipal, either a general manager or a CAO as the CEO of the library. In some cases, it has been a very interim measure, such as Mayor Junkin (M. Junkin) is speaking of here but in all cases what seems to be the deciding factor around its legality is that it is a board decision. That is the part that must be compliance with the legislation, that it is a board decision. It does seem to me, I can not remember the particulars, but practically speaking Ministry staff have at some point in the past actually expressed ratios around the amount of times, so that if the manager of culture or whoever is also the library CEO, our own Ministry staff want assurance that enough time is being spent on the library as part of that portfolio. I have seen it happen but I have also seen it be corrected by the municipal officials themselves realizing that it is not a job that is easily tagged on to a job that is already demanding management position within the municipality. I know that I can think of two individuals who were the library CEO and have let go of that and there is now a library CEO with library credentials but with a closer relationship. Libraries across this province have developed very collaborative and unique relationships with their municipalities. It doesn't require a municipal person taking over that CEO position. There are a number of different models and some of them are already in play in Pelham, payroll and whatever else, there are already those collaborative things. I think everyone in this room commends what the municipality is trying to do in terms of assuring that public dollars are going to the right place, that is part of their fiduciary responsibility. All I would say is that there are other ways to get there and that more collaborative conversations that the Mayor (M. Junkin) has referred to.

S. Abram (FOPL)

What I am concerned about is that the sense was a six-month trial and then review how we might move forward. Not a six-month trial to fill in and then we hire a CEO full time. We have no case law on this, you could be the case that gets brought forward. As a board you have directors and officer's insurance, that would pay your legal costs and



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everything, however if the case is decided that you violated the law then your directors and officer's insurance is void. That is just the normal way it's done. If we ever had case law and somebody chose to move this forward because they were worried about how it might impact all the other libraries in the province, that would be a potential risk.

G. Pepper

Since we are being told that this is about money, my question is public library budgets are often considered too high by municipal Councils who do not understand their value. Please explain the return on investment that public libraries offer for municipalities investment.

S. Abram (FOPL)

There's a master report up on [fopl.ca](http://fopl.ca) that every library in Ontario is ranked by measurements not statistics. We have been spending a lot of time since I hosted three symposia every year for three years about three years ago to build a measurement and impact strategy for Ontario rather than a statistics strategy. We can say that Toronto Public Library is the outlier and the busiest but small town libraries often rank higher than Toronto Public Library because they're very focused on the needs of their community and their boards and staff are very focused on the needs of what community based on whatever their collections and demographics are. The data that we put together shows that. Then we have valuing libraries process. We have Algonquin University and the Nordik Institute build a process based on a study done by Toronto Public Library so that it could be repeatable on an affordable basis across all libraries in Ontario to show the economic return. With the Martin Prosperity Institute of Toronto was purely economic. Then they did the digital impact, that it is mostly used by people who are poor, don't have access, mostly seniors, mostly for homework, mostly for finding job, what's that impact. Then we did the social return on investment on how do you value what we do with kids. Library programs have grown 73% of our programs bases, every time in the presentation libraries were described as books and that is a very small part of our portfolio. It is growing at 8% but when you have 73% penetration on library users in Ontario, you can not grow that by 100% but we have grown programs by 73% in the last seven years. That is radically going up, we target those programs to the needs of the community. Does this community have an anti-poverty need, does it have substance need, does it have an attracting millennials need because the demographics have changed and people don't have kids until they're 35 on average now rather than 25. If I am in Woodstock, we started doing are you smarter than a librarian trivia night in the local craft brewery and we were able to double the number of library cards such that the one branch in Woodstock had 600,000 visitors a year digital and in person. That's a small town. The strategic side of it is what are you going to focus on. Are you focusing on senior social isolation? In Woodstock they were focusing on teen suicide. They were getting 12 suicides over two months and we know that small town teens are 4x more at risk than big city teens. Your kids are safer in Toronto than they are in a small town because there is not as much diversity and there is not as much to do. How do we put things to do? How do we build a makerspace? How do we build the clubs? How do we get boys interested in lyrics because we aren't going to call it poetry because they won't come in for poetry but they'll come in for lyrics? How do we lend them a guitar or give them guitar lessons or partner with business around town such that we create a



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sustainable social fabric for the town that is stigma free? So that when someone is having issues with her husband beating her, and she doesn't want to go to the welfare office because that is stigmatized cause everyone in a small town knows what you are doing, but goes to the librarian for advice. Our services are people driven, and as much as I love the Bibliotheca software and I think it's a good choice to make if that is part of your strategy to have extend hours, but the people side vs the transaction side, librarians are transformational, paying your bills is transactional. Good customer service isn't keeping people happy through that transaction. Good customer service in a library is transformational, the person leaves a better person after working with us.

G. MacDougall

If a municipality renders a library board as absolved of their duties, what effect or future implications might this have on library service in that community?

A. Madziak (SOLS)

I don't know because there is no provision in the legislation, in any of the legislation, for firing. I do know of another town that tried to fire their library board a number of years ago and the Ministry did intervene. In the same way that there is no means of firing our elected officials, there is no means within our democratic society to fire a library board once appointed. The legislation only speaks to the appointment process and that the term for the library board is concurrent with the term of Council. There's no provision for firing, so I don't know what would happen.

S. Abram (FOPL)

To be fair, I did not hear any proposal to that effect, just to be clear.

N. Nolan (Library Board Chair)

This is a question for Stephen (S. Abram FOPL). FOPL recently conducted a peer study for the Pelham Public Library, can you briefly state how Pelham rates in comparison to its peers.

S. Abram (FOPL)

It's a very deep study and there are 17 different measures. Most small towns, especially those with an agriculture tax base, target to be funding at P50. You are just below P50. Which means you are at the median, not the average. You are about where you should be funded for the affordability that you do. The CEO leads the ability for the things we do well, like your programs are growing, your partnerships are growing. That requires you to go work with all the Niagara Region libraries to make something happen. It requires you to take advantage of SOLS to get your training down so staff are aware of new technologies. That is part of the time consuming nature of building partnerships. You are doing well on the service envelope, you're out performing your funding envelope but it's a matter of the board setting the priorities on your strategic plan and where you are not getting funding you choose not to invest mostly because you are not the most diverse community in the world so you are missing some of the places other libraries would choose to invest because they have an issue. Teens in Ottawa, where they have a huge opioid problem, they have a lot of money being spent to keep the kids off opioids and to keep the laid off GM (General Motors) workers off opioids. I think that the key thing is



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that the dollars per resident is quite low. When you are spending about five Starbucks coffees a year per resident in his community. That is an excellent return on investment.

N. Nolan (Library Board Chair)

I want to ask Amy (A. Guilmette) a very quick question. I know you have been doing user surveys, could you briefly say what type of feedback you are getting from users?

A. Guilmette (Pelham Public Library, Acting-CEO)

We put out a customer survey starting in early January to get feedback from those that use the library about how our services are doing. We have over a 92% rate for customer service and for information services. If you include the ones that said it was a good service, not just excellent, it would go up to 98%. It seems like the people that are using the library are happy with what we are doing. Programming, again it was well over 80%, I believe it was 90% for programming. A big portion of the 10% that weren't in there said that it was not applicable to them.

N. Nolan (Library Board Chair)

Would anyone from the audience like to ask questions of our panel at this time?

Patron (Unidentified)

I think most people here aren't opposed to looking at different alternatives but it was the way it was gone about. Our last election was based on transparency because the prior Council was not and they also had some lawsuits that affected our tax rate. My question is if the town, you mentioned, forced this process on the board, the board would then be in a liable situation. What happens to the Town? Is the Town also in a liable situation and are we really because we can't sit down and talk to each other, building a huge legal bill?

S. Abram (FOPL)

Just to get the premise right, the Town doesn't have the ability to force the board to do something. They can ask the board to consider something. The Town does have some leverage because they give guidance of the libraries budget, saying we are willing to put this much in and if you need more than you better have a good justification for it. That would be the normal way that budgets are driven in public libraries. The challenge is, someone once said to me that no one gets re-elected by hurting libraries. That isn't the point here, the point here is that the Town is trying to provide leadership and the board is trying to provide leadership.

I saw olive branches going both ways, I think that is very healthy. I don't think that you are headed for a legally liable situation where you are going to be in legal quandaries if you continue with a good discussion and make it work. Things like payroll are almost always in small towns done by the Town. IT tends to be a problem because you can have the Town run all the Towns IT but the library can't have filters on it because of intellectual freedom. So you may not want the towns staff to be able to surf travel sites because you can them to be effectively working on their work and maybe only open up the travel sites for people doing tourism and economic development. However, when you look at the complexities of an integrated library system (ILS), and I was Vice-



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President of innovation for the largest integrated library system in the world, and I don't know which one you have but they tend to have about 4-7 changes needed everyday. That is not the same as a financial or Microsoft operating system. It has a lot more weight and it has a month or two of training and then you need the experience to do it. It's not simple software. You say, well it should just run like Amazon. Well Amazon only sends the books out, it's a very different system to get the books back. We have the challenges now, this is one of my lobbying tasks, that the big five publishers in the world, charge us 3-5x more per title than what you spend on Amazon. Every time we buy one e-book, which are more popular in rural centers than not and they are more popular with over 55 than they are with young people, we can't buy 4 other books. SOLS buys a basic system of 30,000 e-books for everyone at the most cost effective way possible and adjusts it regularly. That is an important piece of how we collaborate to make things work well because you cannot afford with your size of staff to be making those selection decisions on e-books and be rotating them through. We need a professional doing it and looking at what is happening.

### A. Madziak (SOLS)

In keeping with what our Mayor (M. Junkin) was talking about, in terms of getting more bang for your buck, it is that collaborative and cooperative purchasing that SOLS facilitates that would not be available to a library. Was it Gwen that asked the question about the legality of the board? There is no provision out of the Public Libraries Act, you know how some legislation actually has written into it some exceptions before you even get into the legislation as to who it applies to and who it does not. The Public Libraries Act applies to once any municipal Council establishes a library board it is under the Public Libraries Act. Then the act itself goes into the different kinds and exceptions. It's not just that \$40,000 that would be lost but it is all those collective purchasing that you have access to that you would not have access to if you were not in compliance with the Public Libraries Act. There is more than that \$40,000 in there, there is access to SOLS services and that includes things like those discounts on purchasing, as well as some of the other opportunities.

### S. Abram (FOPL)

Part of it is the cooperation to do this and just looking in for outside and listening in to what the Mayor said and what the boards questions implied, what the Mayor implied. There is a lot of education that needs to go on here. The Mayors ideas were good, just that 95% of them were implemented 25 years ago and we've done it well. We have been through several cycles of upgrading. Now there are other things like Bibliotheca and staff-less, extend hours which is what Hamilton did, they did not have a staff-less library, that is what Toronto did. Extended hours is quite a different thing. What we know in Hamilton is that they have been able to justify extending the staffing in the next budget for one of the branches that had the Bibliotheca in it because they were able to get the volume up by people who can get there. You guys need to understand the municipal needs as well as you, and the staff and Council need to understand the library situation, what they offer and how it impacts the quality of life in the community.



# TOWN OF PELHAM PUBLIC LIBRARY

## LIBRARY BOARD MEETING MINUTES

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Patron (Lynn Shatford)

I'm Lynn Shatford and I would like to do something a little different. I would like to answer a question. The question was asked, what difference does it make to have a town staff be the CEO, if it can save so much money what does it really matter? Not sure if we have any politics junkies in the room but you might remember when there was the whole crisis with Jody Wilson-Raybould and all that stuff that was going on. The problem with that was that she had two jobs. She was the Minister of Justice but she was also the Attorney General. As Minister of Justice her allegiance was to her Party, but as the Attorney General her allegiance was to the law. As long as those two allegiances never conflicted, things were fine. We all ran into problems when those two allegiances came into conflict and then there was a problem. I do worry that a similar situation that could happen here, and this is nothing against Vickie (V. van Ravenswaay) or whoever. It's just if you have two different allegiances, you have one where you need to think about the library but also you need to think about municipal law and money, eventually those two things if they come into conflict you will need to choose one thing or the other. That to me is a problem. In case we have any royalty fans here, I think the same thing happened with Harry and Meagan. They wanted to be financially independent, but they also wanted represent the queen and the queen solved it all by saying you are either in or out. I guess that's my advice, take the queens advice and have one or the other but don't have both. I just don't see that working well.

N. Nolan (Library Board Chair)

Could we turn that into a question, about the competing piece and if you had any thoughts about if this were to happen and the conflicting piece, what do you think about that?

S. Abram (FOPL)

The first question I talked about was the conflict of laws, that's the legal piece. That's not the right way to proceed. Once you are suing each other, you're hurting your community and no library board or librarian wants to do that. They want to do what is best for the community. But it needs to be done fully aware of what's going on. I brought along the Guidelines of Libraries which describe everything a library should be doing that this library is doing. An untrained person would not even know that the document existed and then they would need to be brought up to speed on it and then they discover it is a full time position. The real challenge is building the consultation process that you layer the stuff in to educate before you make a decision. The board doesn't have a full community engagement piece of what the community needs, the mayor doesn't have organization development, all the collaboration the library is doing, reading the CEO job description, there's too much lack of information going on here to even start a conversation effectively. Potentially good or bad ideas may be thrown on the table but no studies from the outside have been done. We all have to put our big boy pants and shoes on, and suck it up and do that study and make sure you are fully aware of all the consequences and ripples of any decision.

A. Madziak (SOLS)

I just wanted to say that increasingly in my experience, library CEOs and library boards, do not find themselves in conflict with municipal goals and objectives. In the last decade



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public libraries have worked really, really hard to build bridges with the municipal personnel so that they were developing programs and services, specifically because they were inline with municipal goals and objectives. It's hard for me to imagine from the libraries side, that what the municipality wants and needs in terms of community needs, is in conflict. I think that where there is a position of conflict is around things like the counsel reps on the library board. They play a crucial role but it's a challenging role. It's challenging to remember your two hats. Sometimes the conflicts are there but I have found in recent years a lot of good will and a lot of political will around finding the win-wins that allow the community and the library to move forward. Quite frankly the libraries whole reason for being is closely tied to the community wellbeing and vitality. It's not a conflicting situation by nature.

Patron (Unidentified)

Just sitting here tonight has been really eye opening. I sat on the library board for many years, I also sat on Town Council and I have used the library my whole life. I guess my biggest thing is that I am passionate, as well as many people in this room are passionate about the library and I don't think that is here to debate. I think that the information you brought here tonight is most useful and helpful. I want to thank each and every one of you.

I think what I really want to say tonight is that I think that the biggest burning thing is the communication piece. I know when I first started on the library board it was a huge learning curve for myself to understand all these organizations. I just thought the library was a place to go pick up my books and maybe chat or get involved in a program. I realize that it is much more than that. I understand where the Town is coming from with financial dollars, and I think that there are a lot of places where there can be collaboration. Communication and getting together I think as the past chair of the library board had asked, can we start at ground zero and look at all these things, I think there's big education that can come from both sides that can help move this wheel in the direction we want it to go. My question here tonight is can we please proceed with something along that line, having experts at our fingertips as well and all the experts at town hall with what they know they do well, as far as financing. I think that we have a great community, I would like to see us starting and getting that resolved and communicating really well to get to a resolution

S. Abram (FOPL)

She mentioned ground zero, in your process ground zero is the community. The lens to which you measure it are strategies, priorities and finance. Approaching a social institution with just a financial lens or just an organizational lens, doesn't respect the institution and how it works. You measure libraries on community outcomes. That's the approach it takes. Start with studying your community, know what works. I worked with the Niagara Region Vitality Report and got the library measurements into it and that is all part of what goes on here.

Patron: (David Cribs, Town of Pelham CAO)

Good evening. Thank you for your time. I have to say, I do have a library card. It doesn't surprise me that your survey found that we hit about the median and that our services are on the good end of that. My name is David Cribs. I am the Chief Executive Officer at



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the Town of Pelham. That being said, I was hoping that one or all three of your organizations have a best practice or guideline or a target for administration costs relative to operating costs. I can tell you that across the municipal world, we have them for all sorts of areas. In Ontario Works and Administration, they aim for 6% in administration relative to dollars spending. I don't know if that exists in the world of libraries. I would like your commentary on that. Whether or not there is an answer to that, I am wondering whether philosophically your organizations, we have heard from the Mayor this evening that the goal is not to remove money from the system, the goal is to see if we can find a way to reallocate from administration straight into frontline. Be that books, programming, what have you in operations. Would you have any comments on that?

### S. Abram (FOPL)

The data was collected and made comparable to all other municipal government departments but they stopped library data three years ago. Now the definition of administrative vs service delivery is odd in a small library. How much of Amy's (A. Guilmette) time is administrative should be low when she's a CEO and higher when she is a Deputy-CEO. Most small town and small to medium sized libraries, the CEO are also program deliveries, dealing with that sort of stuff, so our numbers are a little bit off on that. We do have per capita costs that compare across Ontario and we have collection costs and how your library does against your peer group on where you are spending on electronic, print, staffing and a few others. That is all collected and available through public library operating grant. In order to receive your grant, you have to give your data to the province and then the province uses that to measure libraries across it. They were doing it by volume instead of measurement of impact. FOPL restudies it to get it into a number that actually becomes a management number instead of just a big ball of wax saying we did this.

### A. Madziak (SOLS)

I can not remember when it got dropped from those municipal measurement programs. I don't think that the library world has gone to that kind of efficiency measure that we are aiming for. That is not something that we have done. I don't know many CEOs that are 100% CEO all the time so they will also work the circulation desk or the information desk, or they do programs. There is no easy way to break down that CEO position to how much of it is actually administrative and it is different for different libraries because we didn't measure it when all libraries were autonomous and now we have such a mixed bag of things. We now have CEOs who are also the HR Managers but in the library next door we have the Town doing the HR function. There is so much variation locally in what the makeup of the CEO position is that no we have not been able to come up with that kind of efficiency measure.

### S. Abram (FOPL)

You should be measuring what is important. In our case our administrative costs are very low compared to transactional based services because we are all delivering services. What we have been doing across North America is a project led by SOLS called Project Outcomes because we think the most important thing we should be measuring is are we achieving the goals of our programs. Are the kids learning? Are



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they school ready? Are they college ready? One of the things we are promising the government right now is that if you put the right health programs in a library that you will have emergency room diversion. We know that emergency room diversion is a huge issue in this province, how can we deliver a program that does that? Well the number one cause of bad emergency room visits is senior social isolation because your pain is worse when you are alone. We're thinking that it is more important for us to focus on the project outcomes and strategic outcomes because our productivity scores are actually quite high when we are doing triple bottom line analysis on our libraries.

### A. Madziak (SOLS)

One other thing, I do also know that prior to the election, I would say in the last year, a lot of the Councils did these service reviews and libraries were included in some of those service reviews. Part of those reviews were definitely efficiency measurements but I have not ever been made aware of the results.

### S. Paterson (OLA)

I don't know if this specifically answers your question but in a way it is sort of like comparing apples to oranges. One of the things we are very good at in the library world is benchmarking against each other to make sure that we are efficient. So what are the best practices, what are libraries doing, what is it costing? We have a study we issue around child and teen services that is just one example. We look at what is the square footage, what is the budget, what are libraries doing. We can look to see libraries that are the same size and say we are spending too much here or we aren't spending enough here. There's a lot of that going on. I think that there is a uniqueness to the library profession and to what libraries are doing that makes it a little different from some other kinds of services that are really important but more transactional in nature.

### A. Guilmette (Pelham Public Library, Acting-CEO)

You mentioned Project Outcome, we were participating in it with our last CEO and it is one of the things that we haven't been able to do without a permanent CEO and we have had to put it aside for now.

### Patron (Unidentified)

I have lived in Pelham since 2001, I have a background in education, adult literacy and I have worked in three different kinds of libraries. I wanted to turn around the question of the costs to the Town, the administrative costs, to ask what are the costs to the Town of not recognizing the staff including the CEO, as a valuable resource. Maybe the panel can help to identify why staff is a resource so when the Mayor (M. Junkin) said we would save money on the CEO and plow that back into resources in the library he seemed to be implying that those resources were other than people and things that staff and people bring to the library. So what are the costs of not investing in trained and experienced staff specifically to the library in terms of the cost to our community and the cost to the Town? What kinds of things are the Town and the community going to give up when they give up staff and people and their knowledge as resources?



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### S. Abram (FOPL)

To use a metaphor, under Governor Reagan in California, he shut down all school libraries in the state. Within three years their standardized testing scores dropped 30 points. We know that having a school library properly staffed and maintained adds 15 points to standardized testing scores at the school because libraries deal with both ends of the spectrum. We do the one on one stuff, which is why we talk about the transformational because there are 100 moments of truth everyday in the library that fundamentally shift someone's success as a resident, as a human being. We are able to do a lot of that.

### A. Madziak (SOLS)

Wow, that is a really tough question to try to answer. What I do know is that library staff are incredibly well trained and committed to continuing to learn on an ongoing basis and that is the reason they can provide the service they provide. I think Amy's (A. Guilmette) comment there about Project Outcome and how it is something they started to do but it is something that has laid by the wayside right now, is something that my organization can identify with big time. We were hit with a massive budget cut. There are way too many things that are the forward reaching things, the strategic things, the things that may not make a difference today or tomorrow but will make a difference down the road. It's not to say that there isn't some administrative savings to be found by furthering one of the partnerships that are already happening. Don't overlook those possibilities. The hardest part for me is that I can not put a cost to it. There's a lot that would be lost over time. We might not see it immediately, but it is over time. A room with resources does not equal a library.

### Patron: (Unidentified)

I'm a librarian at the Hamilton Public Library and I'm the Chair of the Grimsby Public Library board. I just wanted to say that you spoke about coming to Hamilton, we've actually increased staff hours since the Bibliotheca technology has been instituted at the location. It's not a pilot anymore and we are going back to Council to ask for more money to increase staff at those locations. So it is not what you think it is. You talked about getting on a bus to come visit Hamilton, but it sounds like you need to get on a bus and visit Amy (A. Guilmette).



## MCC HOSPITALITY ADVISORY COMMITTEE MINUTES

MEETING DATE: Wednesday January 8, 2020 –3:00 PM  
Town of Pelham, MCC Meeting Room, Fonthill

**Present:** Vickie vanRavenswaay (Director of Recreation, Culture & Wellness)  
Karen Blake (RCW Administrative Assistant)  
Julie Cook (Recreation and Wellness Programmer)  
Patricia Shannon (Resident)  
Bill Huisman (Resident)  
Councillor Mike Cioffi  
Jake Dilts (Service Club Representative)  
Mara Bray (Purchasing Coordinator)  
Tim Toffolo (Pelham Panther's JR B Representative)  
Brian McLeod (Resident)

**Absent with Regrets:**

**1 WELCOME**

The Chair, Patricia Shannon, declared quorum and called the meeting to order at 3:03pm.

**2 ADDITIONS TO THE AGENDA**

**3 ADOPTION OF THE AGENDA**

Moved by: Brian McLeod  
Seconded by: Jake Dilts

THAT the agenda for the January 8, 2020 MCC Hospitality Advisory Committee meeting be approved, as presented.  
CARRIED

**4 APPROVAL OF LAST MEETING'S MINUTES**

Moved by: Bill Huisman  
Seconded by: Jake Dilts

THAT the minutes of the November 6, 2019 MCC Hospitality Advisory Committee meeting be approved, as presented.  
CARRIED



## **MCC HOSPITALITY ADVISORY COMMITTEE**

### **MINUTES**

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**MEETING DATE: Wednesday January 8, 2020 –3:00 PM**  
**Town of Pelham, MCC Meeting Room, Fonthill**

#### **5 FEEDBACK RE: DISCUSSION/PROGRESS SINCE LAST COMMITTEE MEETING**

##### **5.1 Pelham Arts Advisory Committee Meeting – Vickie**

Vickie updated the Committee on the Art Committee discussion surrounding concerts and live music shows at the MCC. The Art Committee gave the Hospitality Committee its blessing to lead any concert or live music show at the MCC but to keep them informed about events like this.

##### **5.2 Update on Catering RFP – Patricia**

Patricia updated the Committee on the meeting about the RFP with Mara. Vickie updated the Committee that the RFP will be published on Friday January 10<sup>th</sup>. Julie will supply a list of past caterers to Mara that should be aware of the RFP. There is a list of businesses from the Welcome Centre in the summer that should be contacted as well. Karen will contact a local reporter from Niagara This Week to see if they are interested in writing a story about the RFP.

##### **5.3 Surveys – Karen**

Karen reviewed the results of both the rental feedback and the MCC Hospitality surveys. She noted the highlights of it. The Committee discussed the length of the survey. The Committee noted that the survey may need to be reworked for the future. Karen will send out the results in an email to the Committee.

#### **6 SERVERY DEVELOPMENT**

##### **6.1 Update on Servey Sales**

Julie distributed the sales reports for the Servery for November and December. She noted that the consistency of the hours of the servery has helped with sales. The Committee also noted that the future branding of the Servery may help as well. Vickie asked the Committee about closing the servery if a rental asks. The Committee discussed and decided that the servery will remain open but no alcohol will be allowed in the area of the rental and signs will be posted.

## MCC HOSPITALITY ADVISORY COMMITTEE MINUTES

MEETING DATE: Wednesday January 8, 2020 –3:00 PM  
Town of Pelham, MCC Meeting Room, Fonthill

### 6.2 Branding – Next Steps

Vickie updated the Committee on the status of the branding the Servery. A community member has agreed to oversee the project and has started brainstorming ideas. Vickie will send them the schematics of the building. The Committee discussed a completion date and decided upon September 2020. Vickie discussed getting a group of locals to brainstorm themes, historical significance and trivia to help with the branding. The Committee discussed general themes. Vickie will send a callout other community members for their input. This group will brainstorm and send their ideas to the main community contact. Vickie updated the Committee on new directional signage for the MCC.

## 7 BUDGETS

Vickie updated the Committee on the revenues and expenses and distributed the Financial and Usage report for 2019. The Committee discussed this document and the break down of availability in prime and non-prime hours. Patricia inquired about the total hours usage at the MCC.

## 8 IDEAS FOR SUMMER 2020

### 8.1 Concert/Show Ideas; next steps to put plan/schedule in place

The Committee discussed current special events scheduled for the MCC during spring and summer 2020. The Committee discussed having a music concert on the arena pad. However, after further discussion, the Committee decided to continue to work towards a concert but extend the timeline to summer 2021.

The Committee also discussed holding smaller scale events during summer 2020. Councillor Ciolfi suggested having a community dance similar to the ones put on in the past. The Committee discussed this and suggested to reach out to Pelham service clubs to attend the next Committee meeting to discuss next steps. The Committee also discussed the opportunity to have smaller scale musical performances at the MCC with local artists.

### 8.2 MCC Monthly Financial & Usage Reports

As noted in section 7, this report was distributed and the Committee discussed the facility usage.

## 9 METRICS: DISCUSSION re: ESTABLISHING METRICS FOR COMMITTEE

Patricia discussed metrics that the Committee could use as measurements for success. The Committee discussed the difficulty in measuring community and social impacts of a facility. Vickie mentioned that Brock University may be interested in a research project about the social impact of a facility like the MCC.



## MCC HOSPITALITY ADVISORY COMMITTEE MINUTES

MEETING DATE: Wednesday January 8, 2020 –3:00 PM  
Town of Pelham, MCC Meeting Room, Fonthill

### 10 OTHER BUSINESS

### 11 NEXT MEETING

Next meeting: February 12<sup>th</sup> @ 4:30pm  
March 4<sup>th</sup> @3pm  
April 1<sup>st</sup> @3pm  
May 6<sup>th</sup> @3pm  
June 3<sup>rd</sup> @3pm  
July 8<sup>th</sup> @3pm  
August 5<sup>th</sup> @3pm  
September 2<sup>nd</sup> @3pm  
October 7<sup>th</sup> @3pm  
November 4<sup>th</sup> @3pm  
December 2<sup>nd</sup> @3pm

### 12 ADJOURNMENT

Moved by: Bill Huisman  
Seconded by: Jake Dilts

THAT the meeting of the MCC Hospitality Advisory Committee, January 8, 2020, be adjourned at 4:46pm.  
CARRIED

  
\_\_\_\_\_  
Chair of MCC Hospitality Advisory Committee  
Patricia Shannon

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



**Pelham Senior's Advisory Committee Agenda**  
**Thursday, November 21<sup>st</sup>, 2019 @ 1:30 p.m.**

**Present:** Julie Cook (Recreation and Wellness Programmer)  
Sharon Cook (President)  
Councillor Marianne Stewart  
Gwen MacDougall (Library)  
Del Leney (Vice President)  
Wayne Olson  
Susan Buckingham  
Anne Villalta  
Dave Nicholson  
Elena Simone-Simonetti  
Brittany MacLean (Active Living Programmer)

**Absent with Regrets:** Anna Oakes (Lookout Ridge)

1. **Declaration of Quorum and Call to Order-1:30pm** by Sharon Cook
2. **Additions to Agenda**
  - a. Excursions
  - b. Recent Funding for Seniors Active Living Programs
  - c. 55+ Member Activities
  - d. Senior Exercise Class Update
3. **Adoption of Agenda**  
Motioned by: Gwen MacDougall  
Seconded by: Del Leney
4. **Disclosure of Pecuniary Interest and General Nature thereof**  
None.
5. **Approval of Minutes of Previous Meeting.**  
Moved by: Wayne Olson  
Carried by: Del Leney

From the Department of



6. **Correspondence**-None.

7. **Business Arising from Minutes:**

- **Niagara Age Friendly Network Meeting October 24, 2019-**
  - **“Lets chat”**- The proposal to have specific benches with a sign “Lets chat” for people to sit and talk to one another. If you sit on the bench, you are showing you are open to conversation. Talk of one being inside of the MCC.
  - **Talks of a News Letter**-Age friendly feel as though it would be beneficial to have a news letter in order to share what other groups are doing to be age friendly
  - **Niagara Forum in the spring (May)**- Age Friendly Network is planning for a forum for Seniors month. At the last meeting they discussed hosting it at the MCC, but the event would be based on donations, as they have no budgets, so they are looking to hold it free. One idea shared was to host an obstacle course for seniors (Canadian sport for life).
  - **Sharon will go to the next meeting on the 29<sup>th</sup> and report back**
  - **Jane’s Walk**- Dave Nicholson discussed that the Active Transportation Committee are looking to lead a Jane’s walk. In order to be considered a “Jane’s walk” it must be structured around the following criteria: 1) free without charge 2) no commerce or politics 3) Stimulate conversation. The walk they are planning follows the theme of forestry and appreciation of trees. This will be a guided 1-2 hour walk with stops along the way. With this happening in May, there was talk about combining this event with another event to keep seniors active yet at a more “gentle” pace for those who are less mobile.
  
- **PSAC Logo**- Julie had reached out to Marc, who had provided 5 logos he created. PSAC members like the idea of incorporating the town ball or the colours used within the town ball. They felt as though it is important for the logo to demonstrate movement, ‘reaching out’, as well as having the font and colours be large and bold enough to be considered senior friendly. They would also like “Pelham Seniors” to be a bigger font than “Advisory Committee”. Julie will be sending the designs back to Marc with the suggestions from PSAC members, with hopes to have Marc redesign before the next meeting.
  
- **Automatic Door Opening to Lounge**- After the last meeting, the request has been taken to James, the Facility Supervisor, who is looking into pricing to see if it is possible. His findings will be discussed at the next meeting.
  
- **Forum November 27<sup>th</sup> with Brock Godfrey**- We have 60 registrants so far with the numbers continuing to grow. People are having difficulty registering through Eventbrite, so having the option to call in was important. We have promoted the event in the Voice and on posters throughout the MCC, with another publication

going out in Niagara This Week this weekend. Brock Godfrey will be speaking from 10:30-11:30am, and from 1:30 to 2:30pm, with an optional \$3 lunch. Brock will be Educating on current scams and how to protect yourself. Will check to see if we have notepads and pens for people to take notes.

- **VIP Program** - The first round of Service Excellence training took place with Senior VIP participants. We have a second training coming up on January 23<sup>rd</sup>, 2020. For the registration of the next training date, PSAC has asked that we specify that the training is for the MCC ambassador program only and identify what the program is all about, as there has been some confusion about the program. Vests are being ordered and an orientation is taking place on November 28<sup>th</sup>, 2019.
- **PSAC Goals Brochure**- Julie had sent the new PSAC goals to Marc which he has updated. He has created a tri-fold brochure, which PSAC made a few alterations to. These will be sent back to Marc to update. PSAC has asked for a second bulletin board to post the brochure, as well as holders for other brochures to put in the lounge. PSAC has decided to wait until they have chosen a logo before printing- this will go on the front fold in place of "Seniors Advisory Committee". Julie will determine the cost of the printing in order to decide on how many to print.
- **Update on Fair Financials**- PSAC used all of their funding they received on their Seniors Information and Active Living Fair this year, costing them some money from their own budget. This is because they received more money last year, being their first year. The honorarium for the keynote speaker also added to the costs this year.

#### 8. New Business

- **PSAC and Housing Regulation Changes**- Elena has asked that the topic be deferred until next meeting.
- **SAY IT! Seniors and Youth Intergenerational Theatre**
  - SAY IT! Is having their performance on December 13<sup>th</sup> and 14<sup>th</sup> at 7pm. Members tickets are \$5, non members are \$10. This process started with conversation circles and interviews of the seniors, which then incorporated youth, where they worked alongside the seniors to create their play together. The success of this program has lead to plans for a second play happening in the New Year.

#### 9. Excursions

- PSAC started to brainstorm ideas for excursions which included seeing the lights in Niagara Falls (buses must book ahead), a show or night out. The Pelham Christmas light bus tour was also discussed, as this is an excursion that is currently being planed for December.

#### 10. Recent Funding for Seniors Active Living Programs

- With the news of the funding for the Seniors Active Living Programs in Pelham, there was some confusion and discussion around where the money is going. Julie shared that the money comes in 2 parts- \$42,700

goes to pay for running the lounge in the facility and part of the Recreation and Wellness Programmer Wage. The other \$10,000, will go towards furniture for the lounge, money for guest speakers and lunches and hearing devices.

#### 11. Member Activities

- This month we hosted our first Ladies Social where we had 6 ladies in attendance. The next ladies social will have a cookie exchange for the holidays, and there will be no cost to attend.
- This month we hosted our first Men's Breakfast where we had 11 registered and 9 attended. We already have had many sign up for next month, so we are hoping to see an increase in numbers.
- We are looking for new speakers to be part of our Speaker Series for the new year. Some ideas include Alzheimer society, elder abuse and fall prevention.

#### 12. Senior Exercise Class Update

- The Brock University Seniors program partnership is coming to the MCC starting in January. This will be a pilot of 2 12 week programs. Their kinesiology students will be coming here to instruct the program. It will cost approximately \$120 per 12-week session, and will take place 3 times a week. This program will focus on circuit training around balance, with some cardio. Each participant will have their own chart to track their progress.
- Stay fit and Balance Classes will be resuming at the MCC. Their funding does not allow for them to spend money on a place to host, but Council has approved this program continuing for the next 2 years.

13. **Next Meeting:** Thursday, December 18<sup>th</sup>, 2020 from 1:30-3:30pm

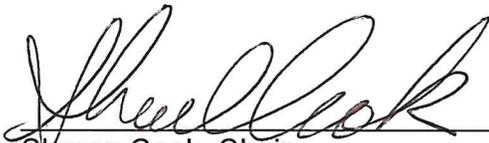
#### 14. Adjournment

Moved by: Elena Simone- Simonetti

Seconded by: Gwen MacDougall

THAT the meeting of the Pelham Seniors Advisory Committee meeting, November 21, 2019 adjourned at 3:07pm.

CARRIED.

  
Sharon Cook, Chair

  
Secretary

**Pelham Senior's Advisory Committee Agenda**  
**Tuesday, December 18<sup>th</sup>, 2019 @ 1:30 p.m.**

**Present:** Sharon Cook (President)  
Councillor Marianne Stewart  
Del Leney (Vice President)  
Wayne Olson  
Susan Buckingham  
Elena Simone-Simonetti  
Brittany MacLean (Active Living Programmer)

**Absent with Regrets:** Anna Oakes (Lookout Ridge)  
Dave Nicholson  
Anne Villalta  
Gwen MacDougall (Library)  
Julie Cook (Senior Programmer)

1. **Declaration of Quorum and Call to Order-1:45pm** by Sharon Cook
2. **Additions to Agenda**
  - Caregivers Club with Alzheimer's Association
  - PSAC goals brochure
3. **Adoption of Agenda**  
Moted by: Wayne Olson  
Seconded by: Del Leney
4. **Disclosure of Pecuniary Interest and General Nature thereof**  
None.
5. **Approval of Minutes of Previous Meeting.**  
Moved by: Elena Simone-Simonetti  
Carried by: Wayne Olson

THAT the minutes of the November 6, 2019 Pelham Seniors Advisory Committee meeting be approved, as amended.  
CARRIED

From the Department of



**Recreation, Culture  
& Wellness**

6. **Correspondence-None.**

7. **Business Arising from Minutes:**

- **Niagara Age Friendly Network Meeting November 29, 2019- Big event in May for Seniors in the Region-** An event will take place at the MCC in May and will encourage seniors to get moving. This event will include keynote speakers, lunch and circuit style activities to get seniors moving. The ideas for names created by PSAC members include “Seniors in motion” or “the confidence course”. The hope is to partner with Niagara College or Brock University to help lead activities. Sharon will be having a telephone conference on January 7 to arrange the organizational aspect of the event and will provide us more information at the meeting to follow. When discussing finances, members had the idea of having each municipality contribute a couple hundred dollars to help pay for the rental, guests, equipment, etc. It was also discussed that the equipment purchased for the Brock Fit program to used for this event. There is full support from the Seniors Advisory Committee, who have all offered to pitch in wherever they can. May 5<sup>th</sup> or 12<sup>th</sup> are the dates currently being discussed, but a confirmed date will follow discussions at further Niagara Age Friendly Meetings.
- **PSAC Logo- approved**  
Motioned by: Susan Buckingham  
Seconded by: Elena Simone-Simonetti
- **Automatic Door Opening to Lounge-** A request has been made with James, and an inquiry is in place for the price. We will follow up at our following meeting.
- **Forum Evaluation with Brock Godfrey-** The forum was a great success, and we heard great feedback from the attendees. The only issue discussed was with the lunch, as we ran out of food. It was suggested that we either a sign to indicate that payment for lunch is needed, or offer a boxed lunch to guarantee everyone gets the same portions food based on what they had paid. Brock is interested in returning for more forums in the future, and having him back in November 2020 is currently being discussed.
- **Housing regulations for seniors-** The province of Ontario is changing how non-for-profits are running, where it must be transparent who owns the building. Talk of another forum or information session on landlord tenant rights is being discussed. This would help to inform renters and tenants what their rights are, while also providing resources for seniors to gain further information.
- **Say it on Stage Report-** SAY IT was a great success! During the performance Youth would help the Seniors out when lines were missed to take the place of

private pauses. This provided the seniors with the opportunity to have fun, when many of their lives require caring for loved ones, health difficulties, etc. There is discussion about having this program run again in the future. A recommendation has been made to consider purchasing mats to cover the ice in the large arena, which would be paid for the events being held there or through grants. This would provide space for a theatre opportunity, as the community and members feel as though the Accursi room was not adequate for large theatre performances.

**Motioned:** Susan Buckingham

**Second:** Del Leney

- **PSAC Goals Brochure-** PSAC approve of the changes that have been made, and would prefer having it printed on a glossy paper when the printing process takes place. The front panel is too wide when folded, so the layout should be looked at before the final copies are printed. The year should be changed from 2019 to 2020. Members will take the brochure home to review and it will be discussed at the next meeting.

#### 8. **New Business**

- **Seniors calendar in the Voice-** Members feel as though this method is too costly, and are inquiring about the cost of having it as an insert in the paper rather than on a page. We will be going ahead with it for January, but will be reconsidered for the new year.
- **Name Tags-** Susan, Elena, Mary-Anne need name tags and Elena and Mary-Anne needs a t-shirt. Members are interested in obtaining pricing for jackets. This conversation led to the motion that members should be informed each month of their monthly financial report
  - Moved by Susan Buckingham
  - Seconded by Elena
- **Evaluation 2019-** PSAC has accomplished more this year than in years past, and have become efficient and action oriented as a team. The Seniors Fair, Forum, memberships and SAY IT have all been successful, and PSAC have plans to move ahead and continue this way in the future. The evaluation was very positive from all members
- **Looking to 2020-** PSAC has goals planned; Landlord tenant act forum, region wide event in May, Brock Godfrey for a second scam forum in November, volunteer opportunities event and more. Some priorities include building the memberships, the Senior VIP Program and seniors month events. PSAC is interested in knowing how much money they have to spend from the grant we just received and the parameters on how we must spend it. A proactive list for the future will be made to showcase what expenses will be required throughout the year, which will assist in budgeting the money available. At the January meeting an expenditure list for 2021 will be created, which will be updated monthly to propose to council as a budget request for 2021 list.

- **Caregivers club-** We will be partnering with the Alzheimer Society on April 1 to host a free screening of The Caregivers Club, from 1-3pm. This is a film about 4 families and their journey with dementia. This event will include refreshments, treats and a Q&A after the screening.

9. **Next Meeting:** Thursday, January 16<sup>th</sup>, 2020 from 1:30-3:30pm

10. **Adjournment**

Moved by: Sharon Cook

THAT the meeting of the Pelham Seniors Advisory Committee meeting, December 18, 2019 adjourned at 3:26pm.

CARRIED.

  
\_\_\_\_\_  
Sharon Cook, Chair

  
\_\_\_\_\_  
Secretary

**Pelham Senior's Advisory Committee Minutes**  
**Tuesday, January 16, 2020 @ 1:30 p.m.**

**Present:** Sharon Cook (President)  
Del Leney (Vice President)  
Wayne Olson  
Susan Buckingham  
Dave Nicholson  
Gwen MacDougall (Library)  
Julie Cook (Senior Programmer)  
Brittany MacLean (Active Living Programmer)

**Absent with Regrets:** Anna Oakes (Lookout Ridge)  
Elena Simone-Simonetti  
Councillor Marianne Stewart  
Anne Villalta

1. **Declaration of Quorum and Call to Order-1:31pm** by Sharon Cook
2. **Additions to Agenda**
  - a. SAY IT
3. **Adoption of Agenda**  
Moved by: Wayne Olson  
Seconded by: Gwen MacDougall
4. **Disclosure of Pecuniary Interest and General Nature thereof**  
None.
5. **Approval of Minutes of Previous Meeting.**  
Moved by: Susan Buckingham  
Seconded by: Gwen MacDougall

THAT the minutes of the December 18, 2019 Pelham Seniors Advisory Committee meeting be approved, as amended.  
CARRIED

6. **Correspondence-None.**

7. **Business Arising from Minutes:**

- **Niagara Age Friendly Network Meeting January 7<sup>th</sup>, 2020- Big event in May for Seniors in the Region-** After the meeting on January 7<sup>th</sup>, the final date chosen for this event will be May 13<sup>th</sup> and is currently being referred to as 'Seniors in Motion'. The development of a general agenda is being created, including a keynote speaker and a Thai chi warm up, before active stations in the arena pad. After lunch, 3 speakers in the health field will speak. Seniors will then return to the active stations for more activities, before a closing taking place at approximately 3:00pm. The next scheduled meeting is January 22<sup>nd</sup>, where the Chair will report back to the Committee with more information at the next meeting.
- **Automatic Door Opening to Lounge-** The automatic door opener has been removed from an old Town building and is waiting to be installed to the walking track door entrance of the Active Living Lounge.

**Seniors Calendar Schedule in the 'Voice'**- Putting the 55+ Calendar in the Voice is costing approximately \$400 a month. Committee members do not feel as though this cost is a good way to spend their budget. Alternatively, the Active Living Programmer will continue to send the calendar out by email to the contacts in our Senior data base, as well as posting the calendar in the library, in the MCC and having them available at the front desk. Committee Members would like to negotiate a deal with the Voice, such as a contract for a set amount of months at a reduced cost. The Chair will be contacting the Voice to negotiate the cost. Marc, the Communications and Public Relations Specialist, will be invited to the next meeting to discuss possible alternative options.

- **Getting to know your Municipal Leaders-** have the members of the town come and share what they do to better make seniors aware of their roles within the community. Taking place on Wednesdays every second week around 2:00pm. Starting the week of February 12<sup>th</sup> and 26<sup>th</sup>.

**Motion:** To spend \$400 a month for 6 months to continue advertising the 55+ calendar in the Voice, while negotiating this price with the Voice.

Moved by: Wayne Olson

Seconded by: Del Leney

Differed.

Committee Members continued to discuss other options and the targeted demographic they are reaching through advertising in the paper. Through this, the Committee came to a collective agreement to continue advertising the 55+ calendar in the Voice for the Month of February, while continuing discussions with

Marc and the Voice regarding prices and options. This decision and other options will be visited again at meetings in the future.

- **Name Tags, Shirts and Jackets-** Name tags for Committee Members have been ordered. Julie will be ordering shirts for Members who do not yet have a PSAC shirt.
- **2020 Initiatives- Seminars** – Some initiatives the Committee is discussing include hosting a “know your rights” seminar for renters and landlords to help them better understand the landlord tenant act, informing those individuals of their rights and responsibilities. Looking at a cooking for 1 class in partnership with a Niagara Health Dietitian, covering the topics of planning, shopping and cooking for 1. It has been suggested that Wellspring next door would be a great place to host as they have a full kitchen, and is easily accessible by transit for attendees. The last Brock Godfrey forum was a great success, with hopes that he will be available to return in the fall for an additional forum in Pelham. Hosting a 3<sup>rd</sup> annual Fall Seniors Fair is also in discussion, emphasizing the involvement of the service clubs to promote where volunteers are needed within the community. The dates of these events will be decided on at the next meeting.
- **Care Givers Club-** The Pelham Seniors Advisory Committee will be partnering with the Alzheimer Society to host a free screening of The Caregivers Club, on April 1 from 1-3pm. This is a film about 4 families and their journey with dementia. This event will include refreshments, treats and a Q&A after the screening.

## 8. New Business

- **Elder Abuse Meeting Report-** Crime Stoppers – The Ontario Trillium Foundation is giving \$52,500 of funding to host Crime Stoppers forums in each of the municipalities on elder abuse. PSAC hopes to have the opportunity at hosting one in Pelham at the Meridian Community Centre.
- **Seniors Lounge Agenda-** The 2020 initiatives and seminars as discussed above will be added to our monthly 55+ Active living lounge calendars to help promote the events, and offer more speakers and forums to help educate and make seniors aware of resources and programs within the community.
- **Disabled Parking-** Disabled parking at the MCC is not being monitored and individuals who are using these spots do not always need or have the permits to use these spots. Signs must be visible in front of the parking spot in order for them to be enforceable. Currently the MCC only has 2 spots with accessible parking signs, yet they are still not being enforced. The Committee discussed that because this is a Designated Seniors Centre, that accessible parking should be made a priority to better accommodate and assist the guests visiting the Community Centre Daily

for programs and activities. Members from PSAC have agreed to bring this issue to council in order to create a change.

- **SAYIT-** The Senior and Youth Intergenerational Theatre is starting up at the end of the month, with dates soon to be announced. This program will start from the beginning, using interviews and conversation circle style conversations between seniors and youth to create dialogue and context for the performance they will create. This year, a second group will be created, where they will be discussing and critiquing parts of a play, similar to a book club.
9. **Next Meeting:** Thursday, February 20<sup>th</sup>, 2020 from 1:30-3:30pm

**10. Adjournment**

Motion to Adjourn: Wayne Olson

THAT the meeting of the Pelham Seniors Advisory Committee meeting, January 16, 2020 adjourned at 2:48pm.

CARRIED.



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Sharon Cook, Chair



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Secretary

**Meeting #:** 12/2019  
**Date:** Tuesday, December 3, 2019  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** Donald Cook  
Bill Sheldon  
Sandra Marsh

**Staff Present** Holly Willford

**Others Present** Applicants, Authorized Agents and other interested parties of the public.

**1. Attendance**

Applicants, Authorized Agents and Interested Citizens

**2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff**

Noting that a quorum was present, Chair Cook called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

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

**4. Requests for Withdrawal or Adjournment**

None.

**5. Applications for Minor Variance**

**5.1 A26/2019P - 1611 C Lookout Street**

**Purpose of Application**

Application for relief, pursuant to Section 6.1 (c) "Maximum Height" to a permit an accessory building height of 4.9m whereas the by-law permits 3.7m.

**Representation**

The Applicant was present.

**Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Anna Pliousnina
5. Betty Lou and Andrew Lynds
6. Eric Hill
7. Garry and Roberta Kivell
8. Georgina George

**Applicant's Comments**

The Applicant advised the larger paved area is for his oldest son whom is in a wheelchair and requires hard surfaces for accessibility. The applicant further indicated the purpose of the garage height is to allow a wheelchair accessible van within the garage. The location of the detached garage is intended to not impede views from the neighboring property.

**Public Comments**

There were no verbal comments received from the public.

**Members Comments**

Committee Member's discussed the amount of proposed hard surface on the property and the proposed drainage plan. The applicant indicated the drainage plan was prepared by Upper Canada Consultants and further indicated the property would have a swale and drainage would flow to a retention pond. Further discussion regarding the proposed drainage continued.

A Member requested what type of medium to large capillary trees being proposed as condition would be required. In response, the Town planner, Mr. Thompson indicated any tree from the Town's tree planting list could be planted. Further discussion commenced regarding the requirement of the required trees to be coniferous or deciduous trees. Through discussion, the applicant agreed he would plant coniferous trees. It was stated by a Member he wished to have a landscape plan to be submitted as a condition and the condition regarding the two capillary trees be amended to indicate the trees must be coniferous.

Discussion regarding the need to potentially defer the application until a finalized drainage plan is received by the Town commenced. The Assistant-Secretary Treasurer, Ms. Holly Willford advised the Committee a drainage plan, to the satisfaction of the Director of Public Works would be required at building permit stage.

Furthermore, discussion regarding potentially requiring the applicant, as a condition, to complete an easement agreement or mutual drainage agreement with other neighbouring properties was discussed. In response, Ms. Willford indicated this may be an unreasonable condition as it would be difficult or may be impossible for the applicant to achieve this. The Committee agreed and determined this would not be requested. The Committee determined a landscape plan and drainage plan would be included as conditions of the application.

**Moved By Bill Sheldon**

**Seconded By Sandra Marsh**

**THAT the proposed conditions shall be amended to include:**

- 1. Submit an Overall Lot Grading & Drainage Plan to the satisfaction of the Director of Public Works, and that the drainage shall not negatively affect the lands to the east;**
- 2. Submit a landscape plan for review and approval to the satisfaction of the Director of Community Planning & Development; and**
- 3. Plant two medium or large caliper coniferous trees between the rear lot line and proposed detached garage.**

**Carried**

**Moved By Bill Sheldon  
Seconded By Sandra Marsh**

**Application for relief, pursuant to Section 6.1 (c) "Maximum Height" to a permit an accessory building height of 4.9m whereas the by-law permits 3.7m, is hereby: GRANTED.**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature given the semi-urban context, scale of the neighbourhood's rear yards, building location and steep topography.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate use of the land as it will provide enhanced storage.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

- 1. That Prior to the issuance of Building Permits written documentation be provided to the satisfaction of the Chief Building Official that the applicant has submitted a comprehensive Overall Lot Grading & Drainage Plan to the satisfaction of the Director of Public Works, and that the drainage shall not negatively affect the lands to the east.**
- 2. That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official.**
- 3. That the applicant shall within 6 months from the date of this decision, or prior to building permit, plant a minimum of two (2) medium or large caliper coniferous trees between the rear lot line**

and proposed detached garage. One tree shall be located north of, and the other south of the existing rear yard tree (which shall remain), the trees shall be equally spaced from the existing tree and their respective side lot lines, while not impacting any drainage swales and to the satisfaction of the Director of Community Planning & Development.

4. Prior to the issuance of building permit that a landscape plan be submitted for review and approval to the satisfaction of the Director of Community Planning & Development

Carried

## 5.2 A27/2019P - 997 Canboro Road

### Purpose of Application

Application for relief of 6.14 (a) "New Development in or Adjacent to An Agricultural 'A' Zone or Special Rural 'SR' Zone" to permit a reduction in the minimum Distance Separation 1 formula to facilitate construction of a dwelling within 201m of a livestock or poultry operation whereas the by-law requires a 300m setback.

### Representation

The applicant and his authorized agent, Craig Rohe from Upper Canada Consultants was in attendance.

### Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region
5. Henk and Helen Fennema

### Applicant's Comments

The authorized Agent, Mr. Rohe indicated he and his client agrees with the Planning Departments report. Mr. Rohe stated there is a general base line for MDS, being 300m, however there is a calculation that can be done

for minor variance applications. He has done the calculation and the application is requesting that calculated amount, being 201m.

### **Public Comments**

Cynthia Kaman indicated she is concerned about future development and how future development may affect her property. She indicated she purchased the neighbouring property for retirement. The Chair indicated her concerns go beyond the requested variance and the Town would not be able to indicate what 'future' development may take place on the property. Currently the Town is looking at the MDS variance being requested.

Henk Fennema indicated he is the owner of the neighbouring chicken barn and indicated he is concerned about future owners of this property complaining about farming odours.

Helen Fennema requested for clarification as to what the potential owner plans to do with the property. In response, the applicant indicated he wishes to build a home and a garage and live on the property. The rest of the property will be farmed or rented to a farmer.

### **Members Comments**

A Member of the Committee asked if the owner of the poultry barn wished to explain his operation, notwithstanding this application he would have to request a minor variance or zoning by-law amendment. In response, Mr. Thompson indicated that is correct. The owner of the poultry barn would be required to comply with MDS 2 calculations and if the owner could not comply would be required to request a minor variance.

A Member of the Committee also stated to the public there will be a condition registered on title for all future owners to be made aware that this property is in close proximity to a poultry barn.

**Moved By** Sandra Marsh

**Seconded By** Bill Sheldon

**Application for relief of 6.14 (a) "New Development in or Adjacent to An Agricultural 'A' Zone or Special Rural 'SR' Zone" to permit a reduction in the minimum Distance Separation 1 formula to facilitate construction of a dwelling within 201m of a livestock or poultry operation whereas the by-law requires a 300m setback., is hereby: GRANTED.**

The above decision is based on the following reasons:

1. The variance is minor in nature overall given the lack of nuisance complaints with other existing dwellings in close proximity to the east and the prevailing westerly winds directing odour from the nearby livestock operation to the east.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land as it would provide for the development of a single detached dwelling.
5. This application is granted without prejudice to any other application in the Town of Pelham.

The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official.
2. Obtain approval from the Niagara Region Private Sewage Systems division for septic system compliance prior to building permit application.
3. The applicant shall enter into a Development Agreement with the Town for the purposes of developing the lot to include:
  1. Obtaining an Entrance Permit from the Public Works Department for the installation of a driveway / culvert, as applicable, in accordance with Town standards.
  2. An owner warning clause specifying that, "The owner acknowledges that their property is located within a 300 metre baseline Minimum Distance Separation spatial requirement in the Town's Zoning By-law and that they may potentially, from

time to time, experience unpleasant odours from an existing adjacent livestock operation.”

3. An owner warning clause stating that, “Should deeply buried archaeological remains / resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture & Sport and the Owner’s archaeology consultant shall be notified immediately. In the event that human remains are encountered during construction, the Owner shall also immediately notify the Police or coroner and the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services.”
4. Restrictive covenant that the attached garage shall perpetually be prohibited from being converted into residential living space due to its location within the calculated MDS radius.

Carried

**6. Applications for Consent**

None.

**7. Minutes for Approval**

SM and BS

**Moved By** Sandra Marsh

**Seconded By** Bill Sheldon

**That the minutes of the August 13, 2019, Committee of Adjustment Hearing be approved.**

Carried

**8. Adjournment**

**Moved By** Sandra Marsh

**Seconded By** Bill Sheldon

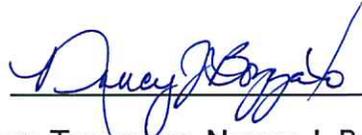
**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for January 14, 2020 at 4:00 pm.**

**Carried**



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Don Cook, Chair



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Secretary-Treasurer, Nancy J. Bozzato

*[Faint handwritten text]*

**Meeting #:** CofA 1/2020  
**Date:** Tuesday, January 14, 2020  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** Donald Cook  
Bill Sheldon  
Bernie Law

**Members Absent** John Klassen  
Sandra Marsh

**Staff Present** Holly Willford  
Sarah Leach  
Barb Wiens  
Curtis Thompson

**1. Attendance**

Applicants, Agents and Interested Citizens

**2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff**

Noting that a quorum was present, Chair Cook called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

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

**4. Requests for Withdrawal or Adjournment**

The Assistant Secretary-Treasurer, Holly Willford stated there have been no requests for withdrawal or adjournment. Ms. Willford did suggest, perhaps the

Committee would like to hear applications B9/2019P, B10/2019P and B12/2019P prior to the Alan Crescent application. The Chair concurred with the suggestion and asked the remaining Members if there were any objections. There were no objections.

**5. Applications for Minor Variance**

**6. Applications for Consent**

**6.1 B9/2019P - 711 Quaker Road**

**Purpose of Application**

Application is made for consent to to partial discharge of mortgage and to convey 2,182.97 square metres of land (Part 4), to be added to the abutting property to the east (Part 5), for residential use. Part 3 is to be retained for continued residential use of the dwelling known municipally as 711 Quaker Road.

**Representation**

The authorized agent was present.

**Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Town of Pelham Tax Department
5. Niagara Region

**Applicant's Comments**

The authorized Agent, Mr. William Heikoop, provide a short presentation to further explain the application. Mr. Heikoop indicated it is the intention of the owner to merge Parts 2 and 4 with Part 5 allowing for a larger development. He further stated the future development would likely require a re-zoning amendment and a condominium application.

**Public Comments**

There were no comments received from the public.

**Members Comments**

A Member of the Committee asked what the final size of the project would be and if the development will be a multi-family development. In response, Mr. Heikoop indicated the project will roughly be 10,000 square feet and at this time he is unsure of the project details; however it will be some type of multi-family development. Mr. Heikoop indicated currently the project is focused on compiling the required lands.

A Member of the Committee asked if all the lands on Claire have been sold. In response, Mr. Heikoop indicated he was not aware if all lands had been sold.

The Member asked if the application was circulated to the Fire Department. In response, Town Planner, Mr. Thompson, indicated the Fire Department was circulated the application.

**Moved By** Bernie Law

**Seconded By** Bill Sheldon

**Application is made for consent to partial discharge of mortgage and to convey 2,182.97 square metres of land (Part 4), to be added to the abutting property to the east (Part 5), for residential use. Part 3 is to be retained for continued residential use of the dwelling known municipally as 711 Quaker Road, is hereby: GRANTED.**

**The above decision is based on the following reasons:**

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**
- 4. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Secretary-Treasurer**

1. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the east (Part 5 on said sketch), the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel.
2. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. That the final certification fee of \$395, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

**Carried**

**6.2 B10/2019P - 717 Quaker Road**

**Purpose of Application**

Application is made for consent to partial discharge of mortgage and to convey 2,182.97 square metres of land (Part 2), to be added to the abutting property to the east (Part 4 and 5), for residential use. Part 1 is to be retained for continued residential use of the dwelling known municipally as 717 Quaker Road.

**Representation**

The authorized agent was present.

**Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Town of Pelham Tax Department
5. Niagara Region

#### **Applicant's Comments**

The authorized Agent, Mr. William Heikoop indicated he had no additional comments.

#### **Public Comments**

There were no comments received from the public.

#### **Members Comments**

There were no comments made by the Committee Members.

**Moved By** Bill Sheldon

**Seconded By** Bernie Law

**Application is made for consent to partial discharge of mortgage and to convey 2,182.97 square metres of land (Part 2), to be added to the abutting property to the east (Part 4 and 5), for residential use. Part 1 is to be retained for continued residential use of the dwelling known municipally as 717 Quaker Road, is hereby: GRANTED.**

**The above decision is based on the following reasons:**

1. **The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
2. **This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
3. **The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Treasurer**

1. That all municipal taxes owing to the Town of Pelham on the subject lands, as detailed in correspondence from the Treasurer and Tax Collector, dated December 6th, 2019 be paid in full to the town, to the satisfaction of the Treasurer

**To the Satisfaction of the Secretary-Treasurer**

1. That application for consent, file B10/2019P receive final certification of the Secretary-Treasurer concurrently with application B9/2019P.
2. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the east (Part 4 and 5 on said sketch), the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating application for consent file B9/2019P (Part 4) transfer shall be registered on title prior to the registration of consent file B10/2019P (Part 2) and that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel.
3. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
4. That the final certification fee of \$395, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

**Carried**

**6.3 B12/2019P - 686 Quaker Road**

**Purpose of Application**

Application is made for consent for partial discharge and to convey 907 square metres of land (Part 1) for future development, undetermined at this time. 1,382 square metres of land (Part 2) is to be retained for the existing commercial use. The application proposes to divide the parcel along pre-existing lot lines wherein the lots inadvertently merged in title.

### **Representation**

The authorized agent was present.

### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Bell Canada
5. Ken Shugart Comments
6. Dave Robertson Comments
7. Stan and Petra Pazour Comments

### **Applicant's Comments**

The authorized Agent, Mr. Joe Tomaino indicated the owner thought he would be purchasing separate lots, however the lots merged in title.

### **Public Comments**

There were no comments received from the public.

### **Members Comments**

There were no comments made by the Committee Members.

**Moved By** Bernie Law

**Seconded By** Bill Sheldon

**Application made for consent for partial discharge and to convey 907 square metres of land (Part 1) for future development, undetermined at this time. 1,382 square metres of land (Part 2) is to be retained for the existing commercial use. The application proposes to divide the parcel along pre-existing lot lines wherein the lots inadvertently merged in title, is hereby: GRANTED.**

**The above decision is based on the following reasons:**

1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.
2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.
3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

The above decision is subject to the following conditions:

**To the Satisfaction of the Director of Public Works**

1. That the new lot is serviced with an individual 20 mm Ø water service and 125 mm Ø sanitary sewer lateral in accordance with Town standards. Installation of any service will require a Temporary Works Permit(s) to be obtained and approved by the Public Works Department. The applicant shall bear all costs associated with these works.
2. Submit a drawing, to the satisfaction of the Director of Public Works, indicating the locations of the individual water service and sanitary laterals for all lots to confirm no existing service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards for all lots shall be required after the installation of new services.
3. Submit a comprehensive overall lot grading & drainage plan demonstrating that the drainage neither relies upon nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective boundaries of the new parcel, to the satisfaction of the Director of Public Works.

**To the Satisfaction of the Director of Community Planning & Development**

1. Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-

**in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.**

**To the Satisfaction of the Secretary-Treasurer**

- 1. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**
- 2. That the final certification fee of \$395, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

**Carried**

The Chair Called a 5 minute recess.

The Chair reconvened the meeting from the recessed break.

**7. B11/2019P, A28/2019P and A29/2019P - 20 Allan Crescent Applications**

**7.1 B11/2019P - 20 Alan Crescent**

**Purpose of Application**

Application is made for consent to partial discharge of mortgage and to convey 432.82 square metres of land (Part 1) for construction of a residential dwelling. 835.94 square metres pf land (Part 2) is to be retained for continued use of the residential dwelling known as 20 Alan Crescent.

**Representation**

The authorized agent was present.

**Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department

4. Bell Canada
5. Foster Zanutto Comments
5. Robert Jansen Comments
6. Sheila Boyle and Frieder Honig Comments
7. Keith and Deborah Powell Comments
8. Tito De Concily's Comments
9. Franz Tauss and Edda Tauss Comments
10. Kerry Black Comments and pictures
11. Ellie Stefaniuk Comments
12. Deborah and Randy Crysler Comments
13. David Reid Comments
14. Ted and Angeline Galotta Comments
15. Ernie and Charlotte Chiola Comments
16. Paula and Rob Berketo Comments
17. Peggy and Roger Barnsely Comments
18. Yolanda Bostock Comments
19. Jeff Kerr Comments
20. Jim Marando Comments
21. Jackie Oblak Comments
22. Diane Belanger Comments
23. Graeme Potts Comments
24. Upper Canada Consultants Presentation

#### **Applicant's Comments**

The authorized Agent, Mr. Craig Rohe, provide a short presentation to further explain the application. Mr. Rohe indicated there are two mature trees on the property with one tree to be removed and the other tree will hopefully be preserved. Furthermore, Mr. Rohe indicated he and his client agree with staff comments and suggested conditions.

## Public Comments

Mr. Foster Zanutto voiced concerns regarding how the Town's Planning Department responded to public comments and the general process of receiving public comments. In response, Mr. Thompson, Planner, indicated the Town's Planning Department reviews all comments made by the public in full and is required to evaluate the said comments based on planning policy. Furthermore, the Chair indicated all public comments received, in full, are forwarded to the Committee Members.

The Chair further advised the gallery the Committee Members are required to review consent applications in accordance with Section 51 (24) of the *Planning Act*. The Chair provided a synopsis of this section of the *Planning Act*.

Mr. Robert Jensen voiced concerns regarding how the Town's Planning Department responded to public comments and stated he felt the Planning Department 'cherry picked' comments and missed other comments with merit. Further, Mr. Jensen stated he believed allowing the addition of a lot would be inconsistent with the neighbourhood. He stated this potential consent would negatively affect his property and referenced the home would look out into neighbours backyards. He further stated the reorientation of the lot would not be fair to the surrounding neighbours. In response, Mr. Thompson and the Chair stated although public comments are not repeated verbatim, comments in full are provided to the Committee Members.

Mr. Ron MacDonald indicated he has concerns regarding storm sewers and is concerned about flooding. In response, The Chair stated, if granted, a condition of the consent would be to provide an overall drainage plan to the satisfaction of the Town. Mr. Rohe further indicated the applicant would provide a grading and drainage plan demonstrating no negative effects on any other property and that the property may have rear yard catch basins or swales.

Mr. Peter Moore, stated he grew up on 19 Alan Crescent and stated there is a social dysfunction in the neighbourhood and found it interesting that 'who' is going to be living in the home was considered irrelevant. The Chair indicated that is beyond the scope of the Committee of Adjustment.

Ms. Berketo indicated she grew up at 14 Alan Crescent and is speaking on behalf of herself, her son and her son's partner. She indicated she did not feel the applications pass the minor variance tests of the Planning Act. She stated she has concern regarding rain water, the visual

appearance of the home looking out of character, location of window openings, trees to be affected, and that she felt this application was not good planning. In response, Mr. Thompson referenced the Planning Justification Report and that proposed use is identical to the current use; therefore keeping the character of the property. Mr. Rohe further advised the proposed building design and large trees to be planted keeps with the spirit of the neighbourhood and therefore character.

Mr. Marando stated he would like to present a petition of 22 signatures of people whom object to the proposal. Ms. Willford, Assistant Secretary–Treasurer to the Committee of Adjustment accepted the petition. Mr. Marando indicated he felt the minor variances were not minor. The Chair advised currently the Committee is reviewing the consent application only.

Ted Galotta indicated the Provincial Policy Statement indicates items such as social benefits, economic benefits are required to be considered. He stated he believes the property should not be severed and believes all properties on Alan Crescent should stay in their current form. He stated he sees no benefits to severing the lands. He stated he purchased his home on Alan Crescent from a severed lot and built his home to fit the neighbourhood and suggests the owner of 20 Alan Crescent could renovate the property instead.

The Chair asked the Director of Community Planning and Development, Ms. Barb Wiens, if she would like to comment on the comments made regarding the Provincial Policy Statement. In response, Ms. Wiens indicated Planning Staff do look at the Provincial Policy Statement in its entirety when reviewing applications and making recommendations. She stated social considerations are important and have been reviewed as reflected in the report. In addition, Mr. Rohe indicated his Planning Justification Report discussed the benefits to the community as well.

Randy Walinga stated he has lived in the neighbourhood for 20 years and said it would be a shame to change the neighbourhood and was concerned this would set a precedent.

### **Members Comments**

A Member of the Committee stated Pelham is a small community and that this application does not meet the criteria he is looking for. He further stated he is concerned about storm water runoff. Furthermore, the Member stated in his opinion the proposed house is too large for the property. The Member indicated he personally objects to this development, being a large home on a small lot.

A Member of the Committee stated with respect to the severance application, the severance itself in principal works and meets most, if not all planning policies and good planning practices. Furthermore, he stated infill applications are a good thing; however indicated it becomes tricky when a neighbourhood or enclave is disrupted. The Member indicated planning polices do call for intensification, however does not indicate the intensification shall retroactively go into established neighbourhoods. The Member questioned *what is a neighbourhood*. In addition, the Member asked if the severance or the minor variance applications are an issue. The Member further questioned if the Committee should make the decision on the minor variance, or if it should rather be a decision of Council as a re-zoning application. In response, the Chair referenced the Committee should look to judge the severance application based on the criteria set out by the *Planning Act*.

A Member of the Committee discussed the possibility of refusing the severance application and the potential for an appeal from the developer. The Member further stated if the Committee grants the severance application and refuses the minor variance application the severance application dies.

A Member of the Committee referenced the criteria set out by the *Planning Act* and cited Section 51 (24) (g) and stated he believes the required minor variances would be considered a restriction, however this alone would not be sufficient in refusing the severance application. The Member also discussed the need for intensification and the issue of intensifying in an established neighbourhood. The Member echoed the sentiments of wanting Council to determine the zoning on the property. Furthermore, the Member indicated intensification appears to be a justification for severing properties within an established neighbourhood. The Member indicated he agrees with his colleague and questioned *what is a neighbourhood*. The Member stated he is against the severance, however more against the minor variance.

A Member asked if the applications may be heard concurrently. In response, Ms. Willford indicated the consent application is required to be heard first and if the consent is granted the Committee may hear the minor variance applications concurrently. Ms. Willford further stated the Committee has the power to grant or refuse each minor variance on its own merits. Furthermore, Ms. Willford indicate it is not permitted to hear the minor variance application first, as if approved the minor variance runs with the land. She further indicated if the consent application were to be refused, the minor variance files would require a technical refusal.

A Member asked if the severance is granted and the minor variances requests are refused, would the application die. In response, Ms. Wiens stated in that circumstance the application is not dead, rather the applicant has the ability to appeal or may apply for a zoning by-law amendment. Ms. Wiens stated if the consent is granted it would be a provisional consent with conditions to fulfil within a year. She further indicated if the applicant is unable to fulfil the conditions of the consent application within a year the application would die.

A Member stated if the minor variance applications were denied then the applicant may appeal the decision or apply for a zoning by-law amendment; therefore being a council decision.

The Chair requested clarification regarding the requirement for intensification. In response, Ms. Wiens indicated infill and intensification can be one lot or multiple unit developments. She stated the Town of Pelham requires to intensify at a target of 15% being 300 new dwelling units. Ms. Wiens indicated these new dwellings apply to established neighbourhoods and do not apply to greenfield developments. Ms. Wiens was requested to further explain which lands within the Town would apply to this target. A Member stated he was not sure if the Committee has the jurisdiction to hear the applications and suggested a potential deferral.

Mr. Rohe stated his client followed all protocol and had been directed by Town staff to apply for a consent and minor variance. Mr. Rohe expressed concerns regarding the minor variance being deferred to Council as the consent requires condition to be fulfilled within a one year time period. Mr. Rohe stated his client is prepared to appeal and would request a decision be made that evening.

Ms. Wiens was asked by a Member if all three applications may be heard concurrently. In response, Ms. Wiens indicated there are three application before the Committee and all application may be hear concurrently with the consent to be heard first. Conversation regarding hearing the applications concurrently commenced.

A Member indicated he would like to have the matter deferred and stated he was not sure if the Committee has the jurisdiction to make the decision and he believes the Planning Department has not looked at the fabric of the community as it exists. Another Member of the Committee asked the Director of Community Planning and Development if the Committee may refuse the application as the Committee does not believe they have jurisdiction over the matters. In response, Ms. Wiens stated the Committee of Adjustment has jurisdiction to deal with the consent and

minor variance applications. Ms. Wiens indicated if the Committee feels the variance request are not minor and it more appropriate to be heard as a zoning by-law amendment that would be a valid reason for refusal. She further indicated if the Committee refuses the consent application they have the jurisdiction to do so, however must state reason as to why the consent is not in conformity with policy. Further discussion regarding procedure commenced.

A Member proposed the applications B11/2019P, A28/2019P and A29/2019P be deferred. Through conversation, the Committee determined the applications would be deferred to receive more information regarding Official Plan Policy B1.1.3 regarding residential intensification and information regarding *what is a neighbourhood*.

**Moved By** Bill Sheldon

**Seconded By** Bernie Law

**THAT applications B11/2019P, A28/2019P and A29/2019P be deferred to receive more information regarding Official Plan Policy B1.1.3 regarding residential intensification and information regarding *what is a neighbourhood*.**

**Carried**

**7.2 A28/2019P - 20 Alan Crescent (Part 1)**

Application was deferred. Please see file B11/2019P for more information.

**7.3 A29/2019P - 20 Alan Crescent (Part 2)**

Application was deferred. Please see file B11/2019P for more information.

**8. Minutes for Approval**

None.

**9. Adjournment**

**Moved By Bill Sheldon**  
**Seconded By Bernie Law**

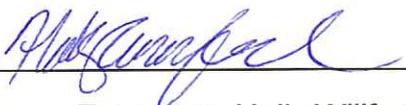
**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for January 28th, 2019 at 4:00 pm.**

**Carried**



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Don Cook, Chair



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Assistant - Secretary-Treasurer, Holly Willford

**Meeting #:** Special CofA 1/2020  
**Date:** Tuesday, January 28, 2020  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** Donald Cook  
Sandra Marsh  
Bernie Law

**Members Absent** John Klassen  
Bill Sheldon

**Staff Present** Nancy Bozzato  
Holly Willford  
Curtis Thompson

**Others Present** Applicants and Authorized Agents

**1. Attendance**

Applicants, Agents and Interested Citizens

**2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff**

Noting that a quorum was present, Chair Cook called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

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

**4. Requests for Withdrawal or Adjournment**

None.

## **5. Applications for Minor Variance**

### **5.1 A22/2019P - 250 Canboro Road**

#### **Purpose of Application**

Application for relief, pursuant to Section 7.7 (a) "Maximum Lot Coverage (Accessory)" to permit a maximum lot coverage of an accessory building of 2.7% whereas the by-law permits 1%; and Section 7.7 (d) "Maximum Accessory Building Height" to permit a maximum accessory building height of 5m whereas the by-law permits 3.7m.

#### **Representation**

The Applicant and authorized Agent was present.

#### **Correspondence Received**

1. Town of Pelham Planning Department (January 28, 2020)
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Public comments received for September 10th, 2019 hearing:
5. Michael Woods
6. Quartek Group Inc.

#### **Received after Written Submission Deadline**

7. Michael Woods (letter of withdrawal received Jan. 27, 2020)

#### **Applicant's Comments**

The Agent indicated the applicant made various changes to the original proposal after having several discussions with the neighbour who previously objected to the proposed building. He further stated the neighbour is now happy with the proposal and has formally withdrawn his objection.

#### **Public Comments**

There were no comments received from the public.

#### **Members Comments**

There were no comments made by the Committee Members.

**Moved By Sandra Marsh  
Seconded By Bill Sheldon**

**Application for relief, pursuant to Section 7.7 (a) "Maximum Lot Coverage (Accessory)" to permit a maximum lot coverage of an accessory building of 2.7% whereas the by-law permits 1%; and Section 7.7 (d) "Maximum Accessory Building Height" to permit a maximum accessory building height of 5m whereas the by-law permits 3.7m, is hereby: GRANTED.**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature given the given the parcel size.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as it allows for enhanced storage and use of both the facility and property.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

- 1. That All necessary building permits are required prior to construction commencing, to the satisfaction of the Chief Building Official, and shall not be approved for living accommodations or plumbing within the accessory building and the reconfigured gravel driveway does not extend any closer to the raised tile bed than what it is currently.**
  - a. A building permit must be applied for with respect to the "existing 5.0m x 9.1m storage shed", located in the back south corner.**
  - b. A building permit will be required for "proposed detached garage addition".**

2. **The applicant must submit a comprehensive Overall Lot Grading & Drainage Plan to the satisfaction of the Director of Public Works.**

**Carried**

## **5.2 A3/2020P - Part 5 on 59R-1605 and Part of Block 4 on 59M**

### **Purpose of Application**

Application for relief, pursuant to Section 7.7 (a) "Maximum Lot Coverage (Accessory)" to permit a maximum lot coverage of an accessory building of 2.7% whereas the by-law permits 1%; and Section 7.7 (d) "Maximum Accessory Building Height" to permit a maximum accessory building height of 5m whereas the by-law permits 3.7m.

### **Representation**

The authorized Agent was present.

### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Better Neighbourhoods Presentation

### **Applicant's Comments**

The Agent indicated there will be additional landscaping.

### **Public Comments**

There were no comments received from the public.

### **Members Comments**

A Member asked if the proposed development would be condominium, how snow will be removed, and if there would be on street parking. The Agent indicated the proposed development would be condominium with snow removal being internally removed. She further advised there would be no street parking as the street will be a fire route; however there will be sufficient parking elsewhere.

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**Application for relief, of By-Law No. 3543 (2014) "Section 2 (c)(i) Maximum Street Setback" to permit a maximum street setback of 3.6m for units 11, 15, 21 and 23 of Block D whereas the by-law requires 3m and By-Law No. 3543 (2014) "Section 2 (c)(v) Minimum Parking Lot Setback" to permit a minimum parking lot setback of 1.3m whereas the by-law requires 3m and By-Law No. 3543 (2014) "Section 2 (c)(vi) Minimum Distance Separation between Townhouses" to permit a minimum distance separation between Townhouses of 2.3m whereas the by-law requires 3m, is hereby: GRANTED.**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature as the set back will maintain a relatively consistent building alignment as originally intended, because it will be landscaped and help leave space for the internal community mailbox and waste collection area and as adequate spatial setback is maintained for a pedestrian walkway, privacy and access for maintenance purposes.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land at it provide subtle architectural charm to the block.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

**None.**

**Carried**

**6. Applications for Consent**

None.

**7. Minutes for Approval**

None.

**8. Adjournment**

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for February 4th, 2020 at 4:00 pm.**

**Carried**



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Don Cook, Chair



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Secretary-Treasurer, Nancy J. Bozzato

**Subject:** Proposed Town Solicitor Shared Services Agreement**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-0032 ;**

**AND THAT Council approve the creation of a part-time Town Solicitor position in conjunction with the Township of Wainfleet and the Town of Fort Erie;**

**AND THAT the Chief Administrative Officer and Human Resources Coordinator be directed to initiate the recruitment process.**

**Background:**

During the closed session of the December 2, 2019 Special Meeting of Council, Town Council approved in principle (only) the creation of a Town Solicitor position and the Chief Administrative Officer was instructed to investigate the degree of interest of local government institutions in potentially sharing a Town Solicitor. Two willing and interested municipal partners have been identified. This report is being written to update Town Council and obtain instruction on whether to proceed.

Since 2014, the Town of Fort Erie has employed a Town Solicitor on a part-time basis, typically working two or three days per week. That individual is set to retire, requiring the Town to find a new solicitor; as such the Town of Fort Erie is a potential partner in hiring a new and shared Town Solicitor. The other municipality interested in participating in this endeavor is the Township of Wainfleet. Wainfleet's administration has conducted a business case analysis, similar to that by Pelham, and concluded that it has demand for the equivalent of one day per week legal services.

**Analysis:**

The three Chief Administrative Officers have met and held multiple discussions on pragmatic, operating considerations. The CAOs are essentially in agreement that the Town Solicitor would be a direct employee of the Town of Pelham. Pelham would therefore incur all of the immediate employment obligations such as

provision of benefits, OMERS pension plan, law society dues, training budget, etc. The other two municipalities will ultimately be invoiced for their proportionate share (40% to the Town of Fort Erie, 20% to the Township of Wainfleet) of total employment costs.

Each municipality will provide office space to the Town Solicitor, inclusive of phone and computer. In Pelham, this office space will be created by transforming the "North Wing Meeting Room" into an office. For those occasions where the lawyer needs to work for one municipality, but is physically located at another, arrangements shall be made for remote log-in capabilities. Each of the three municipalities happens to employ at least one person who is a former law clerk, and so has an employee with the skills necessary to support the lawyer in creating legal documents, should occasion demand.

The Town Solicitor will track her/his time by Municipality (and further by file, if appropriate). Invoices will be submitted to the municipal partners quarterly. It is anticipated that the exact amount of time worked for any municipality will vary from month-to-month, but is expected to ultimately result in the 40-40-20 split based on historical data. Functionality of the working relationship will be routinely reviewed by the CAOs at the six and twelve month mark. If the percentage paid by each municipality requires future adjustment, the issue can be addressed at that time through both contractual and budgeting processes.

Performance reviews and evaluations will be conducted by the Town of Pelham's CAO, with input from the other two CAOs. In the event of serious problems or potential need for discipline, the CAOs will consult with each other prior to taking any disciplinary action.

Both the Towns of Pelham and Fort Erie hold their council and committee meetings on Monday nights. The Township of Wainfleet's meetings occur on Tuesday nights. Pelham's meetings start before Fort Erie's, and it is common for Pelham to start even earlier when legal advice is going to be received. The CAOs of Pelham and Fort Erie are entirely confident that the Town Solicitor's time can be equitably shared by effectively communicating and negotiating schedules.

### **Financial Considerations:**

As Council will recall, the previous report on this topic estimated that an appropriate hourly cost would be approximately \$80 per hour. Fort Erie's experience has been more in line with a cost of \$90 per hour. The CAOs are in mutual agreement that employment costs should be consistent with the skill and experience level of the successful candidate, so the exact starting wage will be

subject to negotiation, but in no case will the total employment cost exceed \$90 per hour (subject to future inflationary increases).

While the potential long-term savings of replacing \$350 per hour costs with \$80-\$90 per hour legal costs are clearly significant, during the transitional phase the Town's legal spend is likely to remain consistent. This will occur because external counsel will continue to work on files, at their existing rates, that would now otherwise be handled by the Town Solicitor. While the Town Solicitor is expected to take over all routine legal matters (leaving conflict work and specialized work to Pelham's highly capable external counsel) as they arise, there will be an estimated six to nine month period of time in which the Town cannot achieve the anticipated financial benefits.

### **Alternatives Reviewed:**

Maintaining the status quo is a viable alternative. The Town has been and continues to be well served by external legal counsel. This proposal is anticipated to produce savings for the municipality and enhance institutional capacity, but there is no statutory or business requirement to pursue this initiative. If Council prefers to maintain the status quo, it can simply receive this report and take no further action.

### **Strategic Plan Relationship: Strong Organization**

In the (anticipated) event that the Town Solicitor will become involved in insurance litigation files, the person will inevitably become a corporate champion for risk management best practices. Further, a staff lawyer would be involved in various policy and bylaw initiatives at the time of inception, and is likely to demonstrate value by providing advice that can lead to better work product that more fulsomely protects the Town's legal and corporate interests. As the previous report identified, external counsel will continue to be needed and utilized, albeit at a reduced volume. To the extent that routine legal work can be done at roughly 20-25% of the current cost, this proposal also supports financial sustainability.

### **Consultation:**

SLT, the Human Resources Co-ordinator, the CAO of the Town of Fort Erie and the CAO of the Township of Wainfleet were consulted in the preparation and drafting of this report.

### **Other Pertinent Reports/Attachments:**

The December 2, 2019 Town Solicitor Proposal is attached for Council's convenience.

The Town of Fort Erie Job Description is also attached. If this report is approved, this document will be slightly modified for the Town of Pelham's purposes.

**Prepared and Submitted by:**

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

**Subject:** Proposal for Town Solicitor Position**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2019-0144 ; and THAT Council approve in principal the establishment of a Part-time Town Solicitor Position.**

**Background:**

The Town of Pelham has experienced elevated levels of legal expenses during the past few years. The purpose of this report is to make a business case for the creation of a permanent, part-time Town Solicitor position, with the twin goals of reducing cost and increasing institutional capacity. Essentially, the business case is predicated upon replacing \$350 per hour bills for external legal counsel and \$100 per hour bills for external paralegals with a staff lawyer who will cost approximately \$57 - \$78 per hour in total employment cost. This course of action would not end the Town's working relationship with external legal service providers, but would reduce their utilization.

Council is being asked to approve in principle the creation of Town Solicitor position for either two or three days per week (16-24 hours per week). Should such approval be granted, staff will formally approach pre-selected area municipalities so as to determine whether a shared employee model can be accomplished. The Chief Administrative Officer has reason to believe that the civic administration in several area municipalities and/or local government bodies have interest in collaborating with Pelham in pursuit of a shared staff lawyer. Because of previous success with a similar endeavor elsewhere, and given the Chief Administrative Officer's familiarity with the subject matter, it was decided that this report should first be brought to Pelham Town Council so as to determine viability of concept, prior to obtaining approval elsewhere.

**Analysis:**

Since at least 2016, the Town of Pelham has exceeded its legal services budget.

The 2019 data is incomplete, however actual expenditure is expected to once again be in the \$200,000 range as a direct result of the various items of Cannabis related litigation, challenges to the Development Charges By-Law, the unionization of some Town staff and anticipated resulting grievances and miscellaneous litigation. Since most of these items will carry on into 2020, there is currently no reason to anticipate a reduction in next year’s legal spend either.

The table below highlights both recent annual legal budgets and recent annual actual legal expenditures:

<b>Table 1.0: Town of Pelham Legal Expenditures (Excluding Insurance)</b>		
<b>Year</b>	<b>Budgeted Amount</b>	<b>Actual Expenditures</b>
2016	\$102,500	\$111,607
2017	\$102,500	\$285,522
2018	\$102,500	\$207,089
2019	\$152,500	\$107,952 to November 21, 2019

**Limited Scope**

It is important to clarify that this proposal is not meant to fully replace the use of external legal counsel. No single staff lawyer (full-time or part-time) can reasonably be expected to handle all of the Town’s legal work – some work will require specialized knowledge, some will have the potential to create conflicts for the lawyer, and depending on timing there may well be workflow issues.

In the event that Council endorses the recommendations of this report, the Town’s valued relationship with its existing external legal counsel will continue. All files currently being handled by the external counsel would remain with them, and the current service providers will continue to be relied upon for quality advice in areas in which the Town Solicitor lacks expertise. What is envisioned is that the majority of routine, transactional type work will be kept in house so as to achieve the potential cost savings identified in this report.

Furthermore, based on the current volume of work, it is not being suggested that the Town Solicitor position would constitute full-time work. The Town appears to generate enough work to keep a lawyer busy for two days per week (assuming a 46-week work year, with eight-hour work days, working 2 days per week, equals 736 hours). Based on recent years’ billings, this would cover a large proportion of billable hours, but also leave work available for external counsel, as previously discussed. There exists an arguable case for using a staff lawyer three days per week, but this may be ambitious during the transitional introductory phase.

### **Pragmatic Considerations**

While some details can only be worked out when other municipal partners have been confirmed, it is anticipated that the Town Solicitor would spend two days per week working at Pelham Town Hall. The current "North Wing" meeting room could easily be transformed into appropriate office space. The Town Solicitor would be a direct report to the Chief Administrative Officer and would be considered part of the Office of the CAO for administrative purposes and part of the Senior Leadership Team for management purposes. Support services for the Town Solicitor could come from a combination of the Executive Assistant to the Mayor/CAO and the Deputy Clerk, who has professional experience as a Legal Assistant. The Office of the CAO area is already equipped for secure file storage and offers an appropriate measure of privacy for sensitive work.

### **Type of Work to be Conducted**

Ultimately, any staff lawyer requires the capacity to work as a generalist. Like other municipalities, the Town operates in many fields which touch upon various areas of the law and so this proposed position is not appropriate for someone who wishes to work as a specialist in only one area.

Past experience clearly demonstrates that Pelham consistently spends money on labour & employment advice, real estate and real property advice and planning & municipal law. Beyond those, there has been consistent, but low demand need for corporate/solicitor type work. Fortunately, this means that with the exception of lawyers who primarily practice in family or criminal law, this position could be held by lawyers with a variety of difference backgrounds, so long as they either have broad legal exposure or a willingness to learn new areas of law. The Chief Administrative Officer is prepared to offer mentorship to a junior candidate in labour & employment or municipal law if such is required.

While it is generally thought that a mid-level lawyer would be the ideal hire, this position could also be attractive to junior counsel (who would start at a lower rate of pay) or the position could also be attractive to a solicitor who would like to work less than full-time hours.

Because Pelham can essentially afford to be flexible in the type and level of experience in the lawyer that is hired, this will allow for more effective negotiations with potential municipal partners, some of which may have stronger preferences for a background in planning law or labour law, or corporate law, depending upon their major challenges and spending patterns.

## Context

There is no bright line rule for how large a municipality should be so as to justify establishing a staff lawyer position. Population tends to be a good measure of demand upon municipal services, but so too is economic growth, as planning and development work frequently causes significant amounts of litigation and legal transactions. The Town of Pelham would be the direct employer and would receive financial transfers from the partner municipalities proportionate with service provision.

Table 2.0 contains a list of reasonably comparable municipalities with their populations and staff lawyer compliments.

<b>Location</b>	<b>Population</b>	<b># of Lawyers</b>	<b>Staff Lawyers Per Capita</b>
Brant County	37,686	2	1/18,843
Chatham-Kent	103,000	4	1/25,570
Innisfil	36,370	1	1/36,370
Lakeshore	36,734	1	1/36,734
Middlesex	71,551	3	1/23,850
North Bay	51,553	2	1/25,776
Sarnia	71,594	2	1/35,797
St. Catharines	133,113	3	1/44,371

By way of contrast the three largest single or lower tier municipalities in the Province not to have a staff lawyer are Welland (52,000), Timmins (41,788) and Woodstock (31,564).

The Town of Pelham has roughly 17,500 residents, making it fall below the threshold of a population base that can justify employing a full-time lawyer. The tension between not being large enough to justify a full-time position, but nevertheless engaging high levels of legal expenditure, as indicated in Table 2.0, is that the Town both lacks the staff capacity associated with having a lawyer on the team, but also currently pays significant fees for legal services. This is essentially the worst of both worlds – for the amount of money being spent, staff and Council should have ongoing access to a legal professional without having to incur an hourly bill.

## **Financial Considerations:**

The proposed job description has been appended to this report. After being run through the Town's job evaluation process, it has been determined that an appropriate salary range is Grade 13, which carries a salary range of \$90,269 - \$129,761. When the cost of benefits, law society dues and the like are added, total employment cost is expected to be in the range of \$120,000 - \$163,000 (approximately \$57/hr - \$78/hr).

An exact quantum of potential savings cannot be identified because of the variables of legal services demand and the unknown of the lawyer's exact starting wage. However, conservatively assuming that the staff lawyer would start at the highest wage, and would provide limited services that only avoid 400 hours of external billing, the potential savings would be approximately \$43,600 per annum (calculated in the following manner: \$350/hour - \$78/hour x 400 hours - 2 days per week, being employment cost of 40% x \$163,000). In the event that legal billings continue at the rate of the past three years, the potential for cost savings increases dramatically.

## **The Unquantifiable Benefits**

While the expenditure and potential savings analysis is fairly straightforward - the Town can spend less money to have a lawyer provide services than it is currently paying for external paralegals - much of the benefit of a staff lawyer is difficult to quantify. Having a legally trained person attend meetings and contribute to such work product as an RFP or policy development throughout the project offers many opportunities to avoid costly mistakes or make better informed decisions. The capacity for staff to ask a quick question and make less risky decisions has tremendous upside - but defies easy quantification.

Exploratory conversations have occurred with the Town's insurance broker regarding the potential for utilizing the Town Solicitor to handle litigation files that are below the Town's deductible. This has the potential to reduce the cost of claims handling, and is a course of action that has been taken by other municipalities in Ontario. This too cannot presently be quantified because of several variables, but represents a real opportunity for further potential cost savings that have not been factored into this report.

For the past five months, the Town of Pelham has begun to derive the benefits of having a legally-trained employee, including the capacity to go into closed session to ask for impromptu legal advice, and some better informed review of Town By-

laws and contracts. This benefit would be significantly magnified by having a devoted staff resource.

**Alternatives Reviewed:**

Maintain Status Quo – the benefit of the status quo is that the Town is receiving quality legal advice from external counsel. The Town only pays for services that it uses, and there is a high level of trust between senior staff and external counsel. The status quo is not cost efficient, but the service level is quite good.

Hire a Full-time Town Solicitor – while having a full-time resource would be wonderful to address challenges to existing staff workload, at present levels of legal spend it is not clear that such staffing is fully justified. It is more appropriate for Pelham to begin with a part-time position and then if future demand increases to the point that a stronger case can be made transition into a full-time position.

**Strategic Plan Relationship: Strong Organization**

A Town Solicitor, even on a part-time basis, would provide a significant increase to the Town’s institutional capacity and magnify staff capabilities in addressing future challenges.

**Consultation:**

Consultation was made with the Senior Leadership Team and various area CAOs.

**Other Pertinent Reports/Attachments:**

Proposed Job Description

**Prepared and Submitted by:**

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

**Department:** Corporate Services  
**Division:** Legal  
**Reports to:** Director, Corporate Services

**Purpose:**

Lead and direct the delivery of legal services to achieve departmental and organizational goals; co-ordinate the activities of the Law Clerk and serve as Corporate Legal Counsel and Deputy Clerk.

**Duties & Responsibilities**

1. Provides general legal advice and counsel of all kind to Council and Corporation staff; acts as The Corporation's primary contact for all legal communications.
2. Coordinates all legal matters with respect to planning/land matters; real estate transactions; insurance claims, public highway matters and road closures.
3. Negotiates, drafts (or oversees drafting), reviews and approves the form and content of by-laws, contracts, leases, agreements and other legal instruments; executes agreements and other legal documents on behalf of The Corporation.
4. Administers the Town's insurance portfolio; negotiates annual renewals and consults with insurers on issues such as claims, liability and risk management strategies.
5. Conducts research and prepares and/or approves reports, resolutions and motions for consideration of Council and Council-in-Committee in consultation with the Chief Administrative Officer, other associates and stakeholders.
6. Remains current of statutory and regulatory enactments/amendments, common law and recommends appropriate operational, compliance and/or policy responses.
7. Oversees and directs the coordination of statutory notices, letters, advertisements, and postings.
8. Supervises the preparation for and represents The Corporation at judicial, quasi-judicial and administrative proceedings, as well as outcomes and appeals; acts as co-counsel if and when The Corporation requires specialized legal expertise.
9. As Deputy Clerk, exercises all the statutory powers and duties in absence of Clerk.
10. Develops or recommends amendments to corporate and departmental policies, procedures and business practices; proactively identifies, develops and implements/recommends process improvements.
11. Participates in senior corporate decision-making, policy/goal-setting and sits on administrative committees, including the Emergency Management Program Committee.

**Education & Experience**

- Bachelor of Law Degree or equivalent and successful completion of the Ontario Bar Admission Course
- Member in good standing of the Law Society of Upper Canada

- Barrister and Solicitor entitled to practice law in Ontario
- Demonstrated success in a senior management position in a municipal corporation
- Experience leading prosecutions and representing both plaintiffs and defendants
- Experience appearing before the courts and quasi-judicial bodies, particularly the Ontario Municipal Board
- Experience with records management

## Knowledge

- Technical knowledge of relevant statutes and regulations i.e. Municipal Act, Municipal Elections Act, Assessment Act, Limitations Act, Land Titles Act, Building Code Act, Registry Act, Highway Traffic Act, Planning Act, Heritage Act, Statutory Powers and Procedures Act, Interpretation Act, freedom of information legislation and their predecessors/successors
- Technical knowledge of judicial, quasi-judicial and administrative rules of procedure
- Technical knowledge of risk management/mitigation strategies
- Advanced, applied knowledge of computers and office software
- General knowledge of local government structure, protocol, procedures, budgeting and funding
- General knowledge of municipal council procedures and practices
- General knowledge of routine office procedures, practices and equipment
- General knowledge of by-law enforcement procedures
- General knowledge of customer service
- Competent within the meaning of the Occupational Health and Safety Act

## Skills & Ability

- Excellent negotiation, presentation and communication skills; listens, understands, responds
- Develops and sustains positive relationships with peers, the public and stakeholders
- Partners with other staff and stakeholders to define problems/issues, identify and recommend innovative, practical solutions
- Resourceful, self-confident, self-managing; accepts multiple, challenging assignments
- Advocates for the municipality
- Demonstrates ethical conduct, political sensitivity, discretion, integrity and reliability

## Supervision

Supervises Law Clerk and Legislative Assistant (shared resource with the Clerk)

**Work Demands**

- Work is primarily self-directed or assigned as broad objectives and goals, in accordance with Council and Corporation directives and policies and subject to available resources
- Legal decisions are generally made independently, but can involve consultation with subject-matter experts, stakeholders, external legal resources
- Target completion dates vary widely from days to years
- Some administrative matters require consultation with Chief Administrative Officer
- Pressure to provide immediate opinions based on incomplete facts
- Communication involves clarification, explanation and negotiation
- Frequent periods of highly concentrated mental alertness
- Frequent deadlines and interruptions
- Work is performed in an office environment
- Long periods of sitting; occasional exposure to dust, dirt, noise; rare exposure to weather and water
- Some evening meetings; some attendance out of town
- Desire to represent and serve the public’s interest
- Errors may result in further litigation, involve council and other departments, re-work, additional costs and embarrassment to The Corporation

**Position History**

This position of Director, Legal & Legislative Services was created in April 2006 as the result of an internal reorganization. The job description was amended in September 2006. The position was vacated in April 2012. In November 2013, Council decided to recruit a part-time Town Solicitor on a pilot basis. The job description was updated in March 2017.

This Job Description was reviewed in July 2017 for AODA compliance and organizational changes and reporting.

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Chief Administrative Officer

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Date

**Subject:** Procedural Planning Issue regarding Cannabis

**Recommendation:**

**THAT COUNCIL receive Report #2020-0026, Procedural Planning Issue Regarding Cannabis;**

**AND THAT Council direct Staff to proceed in accordance with the legal advice received from Aird and Berlis, LLP in this regard.**

**Background:**

Town Council established the Cannabis Control Committee (“CCC”) to serve as a citizen-led body to investigate methodologies of addressing concerns relating to the Cannabis industry in general. This group has worked very hard since its first meeting of May 29, 2019 and is now producing its first substantive recommendations to Council. These recommendations will include an “Odorous Industries Nuisance By-Law” and proposed amendments to the Town’s Official Plan (“OP”) and Zoning Bylaw (“ZBL”). The CCC has provided Council with an update on its process on multiple occasions.

Presently, the CCC and Town staff are at an impasse on the question of whether or not to hold a Public Meeting to discuss these draft documents. Staff take the position that a public meeting needs to be held for public commentary and review, the CCC takes the position that a Public Meeting is unnecessary. Instead the CCC is prepared to hold an Open House style event for public educational purposes.

**Analysis:**

At time of writing, neither Town staff nor the CCC can state with absolute certainty whether or not a Public Meeting is required. Section 34(17) of the *Planning Act* states:

*Where a change is made in a proposed by-law after the holding of the public meeting mentioned in clause (12) (a)(ii), the council shall determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court irrespective of the extent of the change made in the proposed by-law.*

Typically when the by-law is altered following the public meeting, staff recommend that Council approve the following motion:

*That the revisions to the proposed by-law are minor in nature and that no further Statutory Public Meeting is required in accordance with Section 34 (17) of the Planning Act.*

**Staff Position:**

Staff are of the opinion that if Council accepts the recommendations proposed by Staff in the Land Use Planning Report pertaining to Cannabis a Public Meeting should be held. The reasoning for this position is that the changes to the proposed policies and regulations are significantly different and in the eyes of Staff are not minor in nature. Therefore, it would be best practice to conduct an additional public meeting.

At time of writing staff have not been made privy to the draft OP and ZBL amendments that the CCC are working on. It is assumed that these changes will be substantially different from concepts presented at the Public Meeting held back on September 10, 2019 and as such would warrant a further public meeting.

Staff recommend providing additional opportunities for consultation rather than fewer as public input is a valued and critical part of the planning process and is an important element to providing transparency in the decision making process. The required 20 day notice period prior to a statutory public meeting would allow the public and commenting agencies sufficient time to properly review proposed changes and provide constructive feedback at the public meeting.

**CCC Position:**

The CCC is of the opinion that because the changes to the ZBL and OP are not substantive, a Public Meeting, as defined by the Planning Act, is unnecessary. Instead, it is possible to host an Open House to provide an educational opportunity for residents. This will not create a formal commentary period and will not create systemic delay in ultimately producing changes to the OP and ZBL. Open houses are more informal, are not held as meetings of Council and are not minuted.

**Potential Public Meeting Date:**

In the event that Council wishes to hold a Public Meeting, potential dates include April 9, 2020 (the Thursday before a Holiday long weekend) or April 15, 2020 (the Wednesday following). Should Council direct convening a public meeting, the Staff recommended date would be April 15<sup>th</sup>, 2020. The Accursi Room at the Meridian Community Centre has been tentatively reserved for both dates. In accordance

with past directions, the meeting start time would be scheduled for 6:30 p.m. unless otherwise directed.

A notice of public meeting would be required to be published in the newspaper a minimum of 20 days prior to the meeting with the draft policies and regulations available for review during this time period.

**Financial Considerations:**

A public meeting in the Accursi Room at the MCC costs between \$1,500 - \$2,000 between broadcasting costs and additional staff time. An Open House would likely not be broadcast, but would still require some additional staff time and meeting space.

**Alternatives Reviewed:**

In the event that Council determines that any changes made to the draft documents since the 2019 Public Meeting are not substantive, but rather are minor in nature, it can instead pass a motion to this effect, indicating this position.

**Strategic Plan Relationship: Communication and Engagement**

Whether Council approves an Open House or a Public Meeting, either will be an exercise in communications and engagement. The engagement is more formal, and governed by statute, in a Public Meeting under the *Planning Act*.

**Consultation:**

The Town's Senior Planner, the Director of Planning and Development and the Chief Administrative Officer each contributed to the drafting of this report. Legal advice will be provided in a closed meeting companion report from Aird and Berlis, LLP.

**Other Pertinent Reports/Attachments:**

Closed Session Legal Advice; privileged.

**Prepared and Submitted by:**

Shannon Larocque, MCIP, RPP  
Senior Planner

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

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

**Subject:** 2019 Gypsy Moth Monitoring Program Report  
and 2020 Gypsy Moth Management Program

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2020-0021 2019 Gypsy Moth Monitoring Report and 2020 Gypsy Moth Management Program Report for information; and**

**THAT Council approve the extension of Contract No. 2019-PW-19 to Lallemand Inc/Bioforest to include the services required to develop and administer an aerial spray and public volunteer program, estimated at \$35,000.00 + HST; and**

**THAT Council approve the use of Zimmer Air Services to conduct the 2020 aerial spray program; and**

**THAT Committee recommend that Council direct staff to conduct a gypsy moth aerial spray program as described in Option 2, utilizing the approved budget of \$150,000.**

**Background:**

**2019 Gypsy Moth Monitoring Program**

In November 2019, Lallemand Inc./BioForest was awarded Contract No. 2019-PW-19 to develop Gypsy Moth monitoring plots, conduct egg mass density surveys and provide a report to the Town of Pelham including:

- 1) An assessment of the gypsy moth infestation,
- 2) Forecasts of likely defoliation for these areas in 2020,
- 3) Short and Long Term management options, and
- 4) Specific recommendations for management in the affected areas for 2020.

The 2019 Gypsy Moth Monitoring Program Report has been added as an attachment to this report as Appendix A.

The report states that, based on the data collected during January of 2020, the Town is likely to experience severe levels of defoliation throughout Fenwick, the

northwest area of Fonthill, as well as, in forested areas south of Fenwick.

Numerous small blocks were sprayed in the spring of 2019, including many private rural properties. In some cases, it appears to have reduced population levels and prevented severe defoliation, but in the majority of cases, high egg mass densities still remain. The lack of efficacy could be the result of spray timing, weather conditions, or populations migrating from nearby untreated areas.

The report confirms the need to continue with an aerial spray program in 2020 to manage the gypsy moth population and reduce defoliation.

Based on the gypsy moth data collected an estimated 1185 hectares (ha) have been recommended for aerial spraying. The available budget (net of program administration costs of \$40,000) allows for approximately 125 ha based on an estimated unit cost provided by Zimmer Air Services of \$880 per ha.

### **Committee Report #2020-0017**

During the February 18<sup>th</sup>, 2020 Committee of the Whole meeting, Council was presented with the preliminary findings from the Bioforest 2019 Gypsy Moth Monitoring Program Report, as well as, four (4) options to consider regarding the management of gypsy moth populations in 2020.

The options provided for gypsy moth management are summarized below:

- 1) Take no action on trees and execute a strong public education program.
- 2) Implement a targeted aerial spray program of approximately 33 ha of municipal property and 90 ha of private property with a cost of \$150,000.
- 3) Implement a large scale, extensive aerial spray program of approximately 1185 ha of urban and rural property with a cost of \$1,040,000.
- 4) Implement a targeted aerial spray program within or adjacent to the urban boundaries with an estimated treatment area of 574 ha with an estimated cost of \$500,000.

The Committee of the Whole Report #2020-0017 has been added as an attachment to this report as Appendix B.

### **Analysis:**

BioForest was founded in 1996 by two former Canadian Forest Service Insect and Disease Rangers. Since its inception the company has specialized in commercial and urban forest pest management. BioForest has experience providing gypsy moth consulting services to the following municipalities: Oakville, Mississauga, Toronto, Hamilton, Burlington, London, Barrie, and Sarnia.

BioForest was retained by the Town of Pelham through the competitive bid

submission process in the fall of 2019. As a company, they have the experience, qualifications, specialized staff and hands on knowledge of the current gypsy moth infestation in the Town of Pelham.

Following the successful completion of the 2019 Gypsy Moth Monitoring Program and based on their performance, past experience working for other municipalities in Southern Ontario, and direct field knowledge of the infestation in the Town of Pelham, staff recommends the extension of Contract NO. 2019-PW-19 awarded to Lallemand Inc./BioForest to include: 1) The development of treatment areas with the aerial spray applicator; 2) Hold two (2) Public open houses regarding gypsy moth biology; 3) Pre-aerial spray larval emergence and leaf development assessments; 4) Aerial spray daily weather monitoring; 5) Post-aerial spray efficacy assessment (ADAM kit); 6) Defoliation surveys of host species once feeding has ceased; and 7) Technical report of findings.

The cost of the services described above is estimated at \$25,000.00 (based on the quotation received from Bioforest (See Appendix C). Staff has reviewed the quotation provided by BioForest to undertake the next phase in the 2020 gypsy moth management program, and can confirm that the price, and level of service is in line with industry standards. In addition, staff has requested Bioforest to oversee a public volunteer program which will assist staff in gathering information to assist in future spray programs. The estimated cost to complete this additional task is between \$5,000 and \$10,000 and will be a provisional item included as part of their assignment.

Additional costs associated with program administration including obtaining the necessary permits and approvals, program advertising and education, the preparation and presentation of public open house materials, and completing the necessary traffic control and program project management is estimated at \$5,000. These services will be provided by Town staff.

As a result, it is estimated that the total administration of the program in 2020 will be approximately \$40,000.

Retaining a forestry consultant to provide the service described above through the request for proposal process was considered; however, time is of the essence and staff are concerned that time required to complete the process, develop spray blocks and communicate the areas that will and will not be treated to the public, will not leave private land owners the time required to organize their own pest management services if they so desire.

In addition, the implementation of aerial spray application is highly specialized. Low-level, aerial spraying over residential areas requires the use of a double-engine helicopter, as well as, federal and provincial permits. Staff has explored options for aerial spray service providers, including contacting other municipalities that have undertaken aerial spray programs. Staff has confirmed that there is only one known service provider in eastern Canada. As a result, it is necessary to enter into a non-competitive procurement contract with Zimmer Air Services as was done in 2009 and 2019 to complete the aerial application for gypsy moth control.

Staff received an estimated budget price for aerial application of Btk from Zimmer Air Services of \$880.00 per ha; however, this figure is based on large, uniform spray blocks. Pricing will be determined once spray blocks are developed. Attempts will be made to increase the efficiency when designing the spray blocks and treatment areas to keep the unit price as low as possible.

The Committee of the Whole Report #2020-0017 (See Appendix B) included four options for the management of the gypsy moth infestation in 2020. Based on the approved budget of \$150,000 to address the gypsy moth infestation in 2020, staff's recommendation is to proceed with Option 2.

Option 2 includes the implementation of a targeted aerial spray program that would have the greatest impact on the gypsy moth population, within the limits of the existing budget.

Public Works Policy S801-14 will be used to guide the decision making process in the development of spray blocks to treat sensitive municipal property including; parks, cemeteries and environmentally sensitive areas. The treatment program will also focus on areas where tree health and vigor are impacted by the urban environment. Trees that are stressed are more vulnerable to defoliation and possible tree mortality. Urban trees are subject to a wide variety of disturbance factors that can increase susceptibility to pests including: road construction, utility line clearing, sidewalks, driveways, poor soil nutrients, soil compaction, and high salinity. Repeated defoliation of urban trees by the gypsy moth are more likely to experience higher mortality rates than trees in rural woodlots.

Staff have reached out to other 12 local area municipalities and only West Lincoln has budgeted for gypsy moth control measures in 2020. The approved budget for West Lincoln to address the gypsy moth issue is \$7,000. It is the opinion of staff that without a widespread coordinated spray program with neighboring municipalities the most practical approach is to complete a spray program within the approved budget allotment and focus on the most sensitive areas.

### **Financial Considerations:**

Based on the expected level of infestation, and the requirement to complete as much aerial spraying as possible within the approved budget, staff is recommending that the fall egg mass surveys be completed in January of 2021 and the costs associated with the surveys be included in the 2021 budget. The estimated cost to complete the egg mass surveys in the fall is approximately \$20,000 (excluding applicable taxes).

The financial considerations for 2020 include the development of a 2020 spray program, public communication and education programs, advertisement of the 2020 spray program, obtaining permits through the Ministry of Environment, pre and post spray assessments, spray efficacy assessments, defoliation surveys, and the preparation of a summary report regarding the 2020 spray program. The estimated cost to complete the above work is \$40,000 (including Bioforest's contract extension, staff resources, permits and approvals and advertising programs).

As a result, the available budget to complete the actual spray in accordance with Option 2 is approximately \$110,000 (excluding applicable taxes). Based on the estimated unit price of \$880 per ha provided by Zimmer Air Services this represents a spray area of approximately 125 ha.

An aerial spray program to manage the gypsy moth population and reduce defoliation, with the prioritization of Municipal property and highly susceptible trees as described in Option 2, can be completed within the available budget allotment.

**Alternatives Reviewed:**

Options 1 through 4 as described in Committee Report #2020-17 were reviewed. Option 2 can be completed within the approved budget of \$150,000 and will protect municipal trees, as well as, the most susceptible urban trees from defoliation.

Retaining a Forestry Consultant for the services described above through the competitive bid process was reviewed.

**Strategic Plan Relationship: Grow Revenue - Promote Cultural Assets and Protect Environment**

The tree canopy within the municipal boundary is vital to increasing the quality of life within the Town of Pelham, and is an asset that sets the Town apart from neighboring municipalities.

**Other Pertinent Reports/Attachments:**

Appendix A – 2019 Gypsy Moth Monitoring Program Report  
Appendix B - Report #2020-0017  
Appendix C - Lallemand Inc./BioForest Quotation

**Consultation:**

Lallemand Inc/BioForest provided; 2019 Gypsy Moth Monitoring Program Report and treatment area estimates.

Zimmer Air Services provided the estimated cost per hectare for aerial spraying.

**Prepared and Recommended by:**

Jason Marr, P. Eng  
Director of Public Works

**Approved and Submitted by:**

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

**CONFIDENTIAL**



**2019**  
**Gypsy Moth Monitoring Program**  
Town of Pelham  
2019 Population Assessments and 2020 Forecasts

Prepared For:

JASON MARR  
DIRECTOR, PUBLIC WORKS  
20 PELHAM TOWN SQUARE, PO BOX 400  
FONTHILL, ON L0S 1E0

Prepared By:

LALLEMAND INC./BIOFOREST  
8-180 NORSEMAN STREET, TORONTO ON  
PHONE: (705) 942-5824 EXT. 218  
EMAIL: [ACRAIG@BIOFOREST.CA](mailto:ACRAIG@BIOFOREST.CA)  
WEBSITE: [WWW.BIOFOREST.CA](http://WWW.BIOFOREST.CA)



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DRAFT

# Introduction

## Gypsy Moth Background

### Gypsy Moth in North America

Gypsy moth (*Lymantria dispar*) is native to Europe and Asia and was introduced to North America from Europe in 1869. Interested in developing a silkworm industry in North America by crossing European gypsy moths with North American silkworms, Professor L. Trouvelot brought gypsy moths from France to Massachusetts. In 1870, a small number of gypsy moths escaped and, within 20 years, gypsy moth had become a serious regional pest.

Although the United States government has had a quarantine in place since the early 1900s, gypsy moth has been advancing slowly westward from the northeastern United States. In the United States, gypsy moth has spread from western Pennsylvania, through Ohio, Michigan, and Illinois and is now in central Wisconsin. It is estimated that gypsy moth is currently spreading at a rate of 21 km/year (USDA 2003). To address the gypsy moth invasion in the United States, the U.S. Forest Service has implemented the Slow the Spread (STS) project. The STS project is a large integrated pest management program that aims to eradicate or suppress colonies of gypsy moth detected along the expanding front of the population.

In Canada, the first gypsy moth was detected in British Columbia in 1912, but it did not become established. The first gypsy moth infestation in Canada happened in southwestern Quebec in 1924 and the second in New Brunswick in 1936. These eastern detections were the result of the expanding gypsy moth population in the northeastern United States. Intensive egg mass removal programs were used to eradicate both infestations. Since 1955, when gypsy moth was detected again in Quebec, gypsy moth has become established in southern Ontario, Quebec, Prince Edward Island, New Brunswick, and Nova Scotia (Natural Resources Canada 2003). In Canada, the Canadian Food Inspection Agency (CFIA) is responsible for preventing the introduction and spread of invasive pest species, including gypsy moth. Figure 1 (below) shows the areas of Canada that CFIA regulates for gypsy moth.

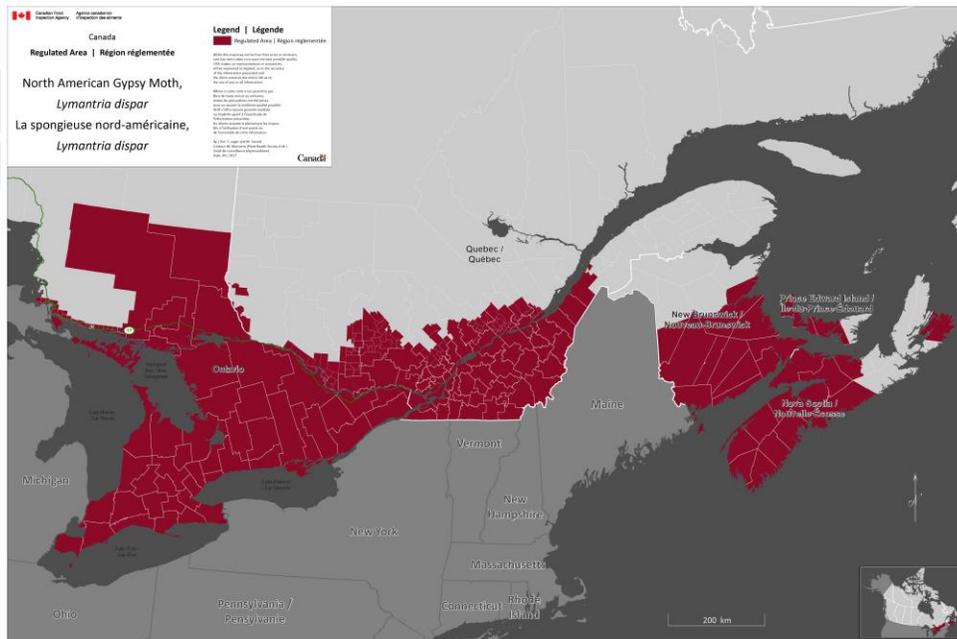


Figure 1. Areas in Canada currently regulated for gypsy moth by the Canadian Food Inspection Agency (Source: CFIA 2017).

## Gypsy Moth in Ontario

Gypsy moth is a relatively new pest to Ontario. After its accidental release into Massachusetts in 1870, gypsy moth expanded its range over the next 100 years and was first detected in Ontario in 1969 on Wolfe Island, south of the city of Kingston. In 1981, the first major area of gypsy moth defoliation in the Province was detected near Kaladar in eastern Ontario. By 1985, gypsy moth was a serious problem throughout southeastern Ontario. As of 1996, the distribution of gypsy moth larvae includes the southern third of the Province and the northern boundary runs from North Bay to Sault Ste. Marie.

In Ontario, gypsy moth populations have peaked in 1985, 1991, and 2002, according to the 2019 Forest Health Conditions Report produced by the Ontario Ministry of Natural Resources and Forestry (OMNRF 2019). The last outbreak in Ontario, in 2008, was much less severe than previous ones.

Gypsy moth defoliation has been up and down since 2011, peaking at 23,335 hectares in 2014 and collapsing in 2016, but in 2017 this invasive defoliator caused 10,856 hectares of moderate-to-severe defoliation (Figure 2). All defoliation was mapped in Southern Region, 81% of it in Guelph District and the remaining areas in Peterborough and Aylmer Districts. In the Regional Municipality of Niagara, defoliation was mapped throughout woodlots around Smithville south to Wellandport in West Lincoln, and from the Welland River south to Hwy 3 in Wainfleet Township. Large swaths of moderate-to-severe defoliation were also mapped through the Town of Pelham, particularly around Ridgeville, and Effingham. In many of these areas, gypsy moth larvae were observed feeding alongside populations of fall cankerworm larvae, particularly in Hamilton (including communities of Copetown, Dundas, and Ancaster) and areas of Haldimand County.

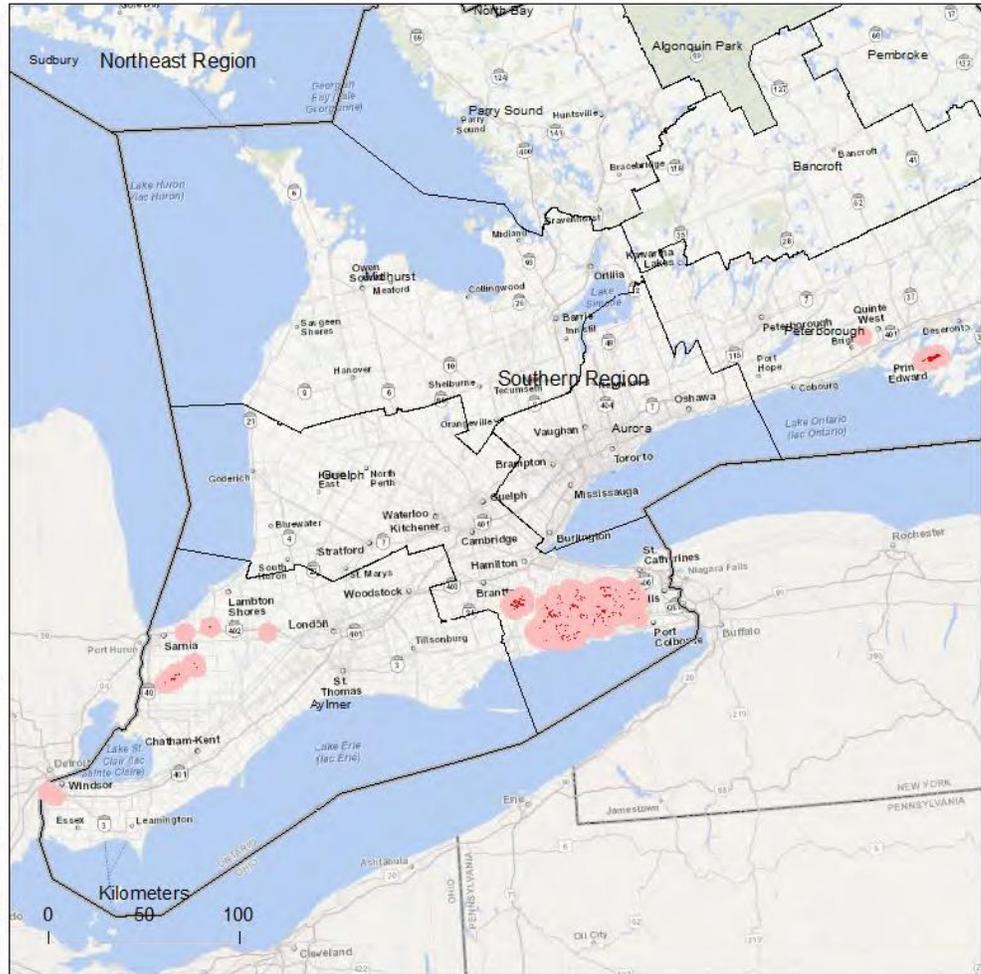


**Gypsy Moth  
2017**

Southern Region  
Areas within which gypsy  
moth caused defoliation

**Moderate-to-severe = 10,856 ha**

 Area of moderate-to-severe  
defoliation



**Figure 2. Gypsy moth defoliation mapped by Ontario Ministry of Natural Resources and Forestry, 2017.**

In 2018 (Figure 3), gypsy moth defoliation increased by 4,081 hectares in Southern Region compared to 2017. Extensive defoliation was recorded throughout the Golden Horseshoe, from St. Thomas to St. Catharines and up through Cambridge to Mississauga. In Guelph District, 11,154 hectares of moderate-to-severe defoliation were aerially mapped from the Cambridge area through to the Niagara region. The largest areas of defoliation were recorded south of Brantford in the eastern part of Six Nations Reserve close to Hwy 6, in Haldimand County near Hwy 3, west of Hamilton in the Lancaster area, and east of Brantford along Hwy 403. Smaller, more scattered areas of defoliation were observed east of Oswego Park to Niagara Falls and south to southwest of Cambridge.



### Gypsy moth 2018

Areas in the Southern Region  
where gypsy moth caused  
defoliation

Moderate to severe = 14,937 ha

 Area of moderate to severe  
defoliation

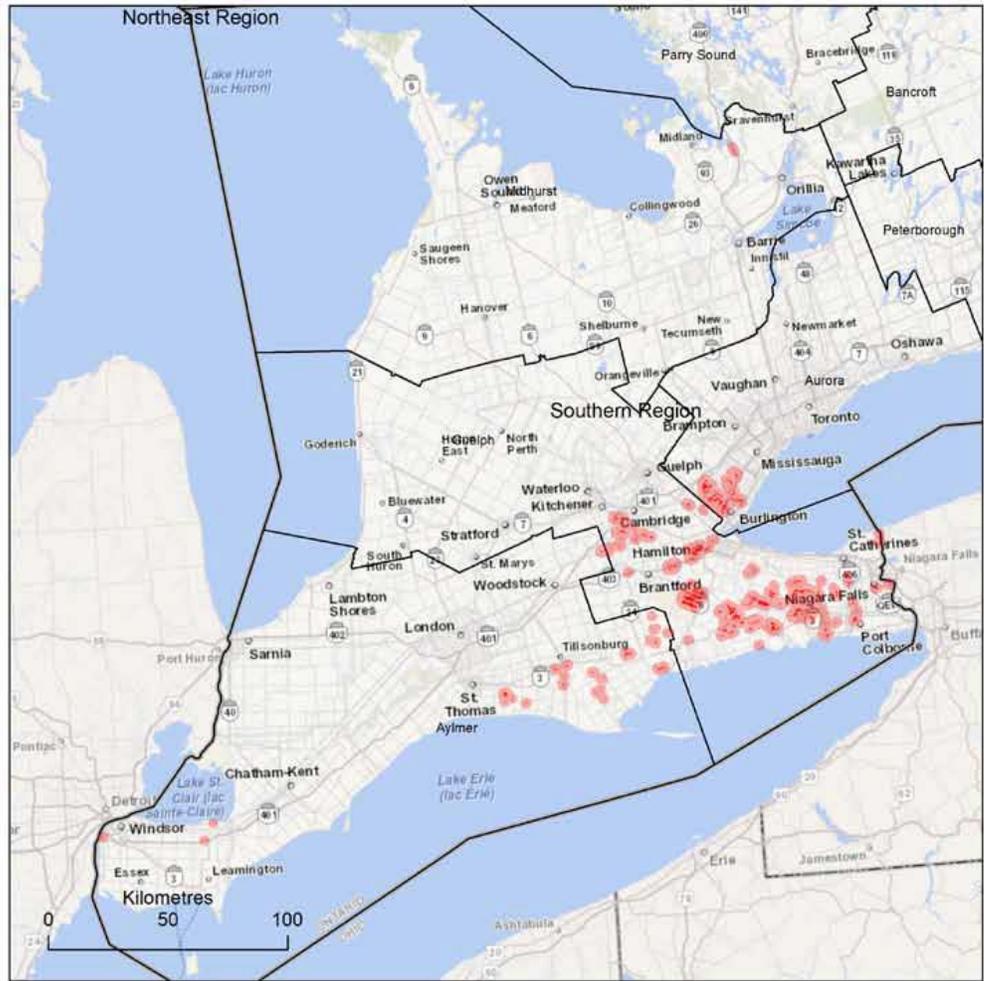


Figure 3. Gypsy moth defoliation mapped by Ontario Ministry of Natural Resources and Forestry, 2018.

In 2019, that number rose to more than 43,000 hectares (Figure 4). Defoliation was observed all throughout southern Ontario; notable locations included Hamilton, Niagara Peninsula, London, Sarnia, Norfolk Peninsula, Windsor, Guelph, west of Barrie and the Midland area. These maps show the expansion and progression of gypsy moth throughout southern Ontario over the past three years and fairly significant repeated defoliation in parts of the Niagara Region.

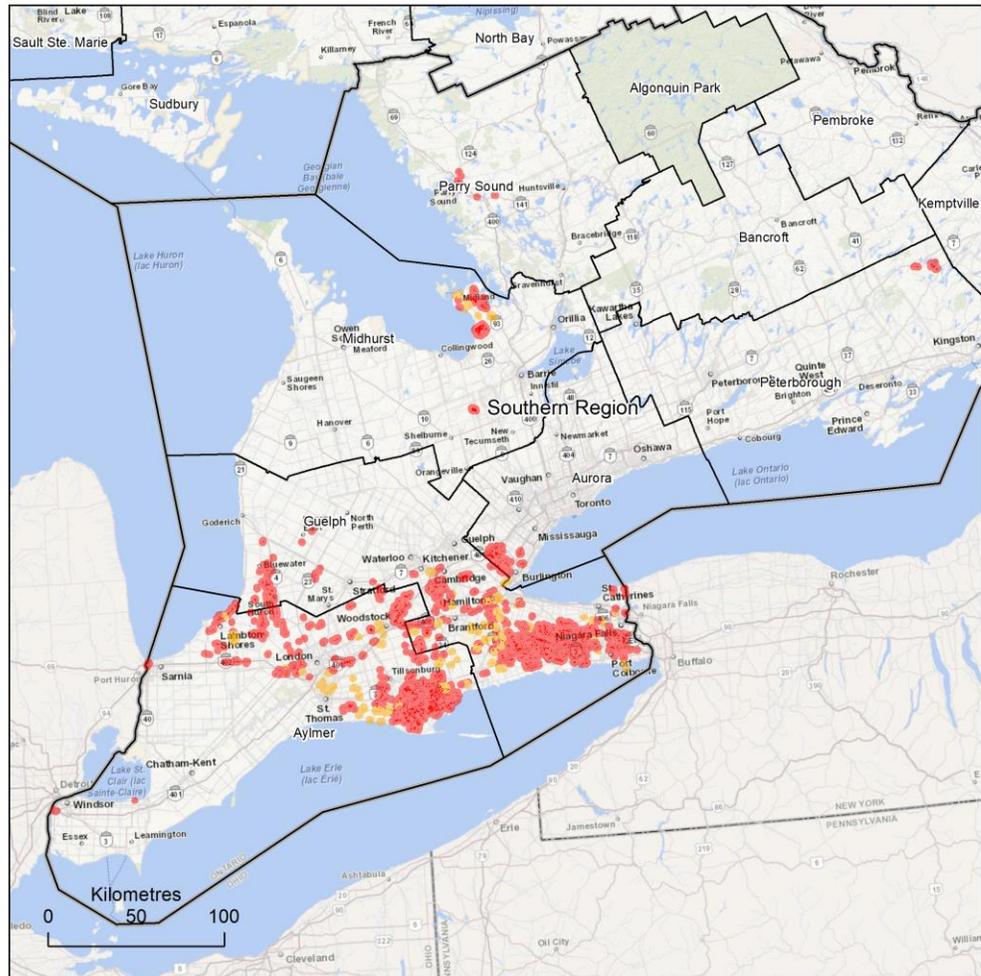


**Gypsy moth  
2019**

Areas in the Southern Region  
where gypsy moth caused  
defoliation

Light = 4,046 ha  
Moderate to severe = 43,064 ha

- Area of light defoliation
- Area of moderate to severe defoliation



**Figure 4. Gypsy moth defoliation mapped by Ontario Ministry of Natural Resources and Forestry, 2019.**

**Gypsy Moth Biology and Life Cycle**

Figure 5 presents the life cycle of the gypsy moth. Gypsy moth is in the order Lepidoptera, which consists of moths and butterflies, and has one generation per year with four life stages: egg, larva, pupa, adult. Gypsy moth eggs are laid in late July or early August. Weather, food sources, and factors such as diseases all affect the exact time that eggs are laid. Eggs are usually laid in dark, sheltered areas such as in bark crevices, on the underside of branches, or in leaf litter, although they can be also be found on a wide variety of surfaces such as rocks, buildings, lawn furniture, and automobiles. The eggs are covered with fine brown hairs from the female’s abdomen, giving the egg mass the appearance of a small piece of chamois (OMNR, undated). Egg masses can vary in size from being about the size of a dime to being larger than a one-dollar coin and may contain from 100 to 1,000 eggs. Smaller egg masses tend to indicate that a gypsy moth population is in decline, while larger egg masses indicate a stable or growing population.

Fully formed, dormant larvae, or caterpillars, spend the winter inside the eggs. Generally, egg masses are resistant to drying and cold temperatures. However, if temperatures drop below  $-32^{\circ}\text{C}$  for an extended period, egg masses above the snow line may be susceptible to winter kill. Eggs below the snow line are likely able to avoid winter mortality (Leonard 1974). When temperatures are warm enough in late April or early May, buff-coloured larvae chew through the egg mass coverings and emerge. Shortly after emerging, the larvae turn black. If conditions are favourable, larvae,

attracted by light, begin moving upward towards foliage. If conditions are not favourable, the larvae will remain clustered on the egg mass until conditions improve.

Stage	Month											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Egg 	█							█				
Larva 					█							
Pupa 						█						
Adult 							█					

Figure 5. Gypsy moth life cycle in Ontario.

Of the four life stages of the gypsy moth, the larval stage is the only one that feeds. As a larva develops, it passes through stages called instars, separated by molts during which the larva’s skin is shed and replaced with a new one. The male gypsy moth has five larval instars, while the female has six. Depending on weather, the first larval instar lasts five to 10 days, the next three (male) or four (female) instars last about a week, and the fifth (male) and sixth (female) instars last about 10 to 15 days (OMNR, undated). First instar larvae are approximately 4 mm long. Full-grown larvae are hairy and range in length from 35 to 90mm and have pairs of five blue and six red dots along their backs.

First instar larvae are very lightweight and covered with an abundance of fine hairs. While feeding throughout the crown of a tree, the larvae spin silken threads that can be caught by the wind, dispersing the larvae to new host trees. This form of dispersal is known as “ballooning.” Some larvae balloon several times before they start feeding (Liebhold et al. 1992). Ballooning generally transports larvae short distances, moving gypsy moth larvae up to 1km. Gypsy moth are generally dispersed greater distances by people moving objects such as firewood, recreational vehicles, Christmas trees, and boats that have larvae, pupae, or egg masses on them. Although people can inadvertently disperse all gypsy moth life stages, they most commonly transport egg masses.



Figure 6. Gypsy moth defoliation (Source: Ontario Ministry of Natural Resources and Forestry).

First instar larvae begin feeding by cutting small holes in the surface of leaves. As the larvae develop, they feed on the edge of leaves (Figure 6). The first three larval instars remain on the foliage and feed day and night. When populations are very low (i.e. fewer

than 250 egg masses/ha), larvae in instars four through six feed at night and at dawn look for shelter where they spend the day protected from the sun and predators. At higher populations (i.e. more than 1,250 egg masses/ha), shelter becomes less important and all larvae feed in the day and night (Brooks and Hall 2005). When the host plant is depleted, larvae crawl to find another suitable host (USDA 1995a).

Gypsy moth larvae are active from approximately early May to mid-July. During that time, one larva is able to consume an average of 1m<sup>2</sup> of foliage, which is roughly the equivalent of 10 to 15 entire red oak leaves (Nealis and Erb 1993). Males generally eat slightly less than 1m<sup>2</sup> and females eat slightly more. Larvae in the last instar cause the most defoliation, consuming three quarters of the total amount of foliage that they eat (OMNR, undated). Sixth instar female larvae are the most ravenous feeders and are often twice the size of full-grown male larvae.

After feeding is complete around mid-July, pupation occurs in a cocoon that can be found in many places including trees, rocks, houses, boats, trailers, fences, picnic tables, and firewood. In 13 to 17 days, the moths emerge. Male moths usually emerge one to two days before females (USDA 1995a). Both sexes have wings, but only the male can fly. The female is too heavy bodied to fly, so gypsy moth relies on the larval stage for dispersal. The male moth is dark brown to beige, is medium-sized, flies during the day, and is a very erratic flyer. Dark wavy lines cross the male moth's forewings and its wingspan ranges from 35 to 40mm. The female is mostly white and has a wingspan between 60 to 70mm. Dark wavy lines also cross the female moth's forewings but, because the female is lighter in colour, these lines are more prominent.

To attract males, female moths emit a powerful pheromone, or sex attractant. Males have large feathery antennae for detecting the pheromone, and can do so from about 1.5km away. Within about 24 hours of mating, the female lays eggs in a mass of 100 to 1000 on tree trunks, branches, houses, and fences and under rocks and forest floor debris (Figure 7). Since the female cannot fly, eggs are laid close to where pupation occurred. The female dies about one day after egg laying and the male survives about one week, after mating with several different females (Nealis and Erb 1993).



Figure 7. Female gypsy moth laying eggs.

Although in Europe and Asia there is evidence of cyclical outbreaks of gypsy moth, a clear pattern of outbreaks in North America has not yet been established (Liebhold et al 1994). However, gypsy moth populations do appear to exist in one of four phases: innocuous, release, outbreak, decline (Elkinton and Liebhold 1990). The innocuous phase is characterized by very low population levels. The release phase usually takes place over the course of one or two years and can result in population density increases of several orders of magnitude. During the outbreak phase, populations are high enough to cause noticeable defoliation and damage to host trees. After this point, high levels of gypsy moth mortality are observed usually due to starvation or disease and the population crashes. This is considered the decline phase.

Area-wide outbreaks can last up to ten years, but generally population densities in localized areas remain high for two to three years (Cloyd and Nixon 2001).

### Gypsy Moth Natural Controls

Natural factors such as weather, predators, parasites, and pathogens significantly influence gypsy moth population densities.

Weather conditions can favour either low or high density populations. Extreme weather conditions characterized by prolonged periods of cold temperatures (colder than  $-32^{\circ}\text{C}$ ) can kill unprotected eggs, which can help to keep low density populations low or decrease high density populations. In contrast, warm, dry conditions tend to accompany increases in gypsy moth populations (Skaller 1985). Heavy rainfall during egg hatch may result in drowning of larvae; rainy weather during the first instar can delay migration and cause larvae to congregate on the underside of leaves (National Parks Service 2010). The conditions can also increase the duration of this instar.

Low density populations are normally kept in check by natural enemies such as predators and parasites (Brooks and Hall 2005). Predators that feed on gypsy moth larvae include about 40 species of birds such as vireos, chickadees, tanagers, orioles, robins, blue jays, grackles, starlings, blackbirds, and cuckoos (OMNR, undated); other insects; and small mammals such as skunks, white-footed mice, squirrels, and raccoons. Insect parasitoids kill gypsy moth by laying their eggs in gypsy moth eggs, larvae, and pupae.

At the start of a gypsy moth outbreak, natural enemies have little effect on the gypsy moth population (Brooks and Hall 2005). Populations increase when suitable conditions exist such as favourable weather and abundant foliage. Population decreases tend to happen in cooler, wetter conditions that favour pathogens. Gypsy moth is susceptible to a variety of naturally occurring infectious diseases that are caused by bacteria, fungi, and the nucleopolyhedrosis virus (NPV) (Campbell and Podgwaite 1971). *Entomophaga maimaiga* and NPV, the most significant natural enemies of gypsy moth, are capable of killing large numbers of gypsy moth larvae and represent the largest and most important factors in high density gypsy moth population crashes. *E. maimaiga* is a fungus that is specific to gypsy moth and is prevalent throughout low-to-high density gypsy moth populations. Although it is not completely clear how *E. maimaiga* first became established in North America, it was first recovered from North American gypsy moth in the northeastern United States in 1989. It was recovered from gypsy moth in southern Ontario in 1990. A late larva killed by *E. maimaiga* hangs vertically with its head pointed downward and its body tight to the trunk of the tree (Figure 8). An early larva killed by *E. maimaiga* generally remains on the foliage (Reardon and Hajek 1998). NPV was inadvertently introduced to North America with the gypsy moth or its parasites. Like *E. maimaiga*, NPV is specific to gypsy moth. NPV is often referred to as "wilt" due to the soft, limp appearance of the diseased larvae (Nealis and Erb 1993). A larva killed by NPV hangs on the tree in the shape of an inverted "V" (Figure 9).

No single natural enemy or combination of natural control agents can completely eliminate a gypsy moth population. Natural control agents can keep gypsy moth populations low, however, at times, outbreak conditions occur and the natural enemies are not able to control the growing gypsy moth populations (OMNR, undated).

### Gypsy Moth Hosts and Impacts

Gypsy moth has been found on approximately 500 different tree species (OMNR, undated) and is a major defoliator of forest, ornamental, and orchard trees. Gypsy moth defoliates mainly



Figure 8. Gypsy moth larva killed by *Entomophaga maimaiga* (Source: Steven Katovich, USDA Forest Service, Bugwood.org).



Figure 9. Gypsy moth larva killed by nucleopolyhedrosis virus.

hardwoods and some conifers. Table 1 lists the most common host species for gypsy moth and categorizes them by ‘most preferred’, ‘preferred’, and ‘least preferred’.

A gypsy moth infestation can impact an area in a number of ways. In the short term, high populations of larvae cause defoliation that affects the aesthetic and recreational value of an infested area. Generally, leaf loss becomes noticeable when a tree sustains 30 to 40% defoliation. Also in the short term, egg masses can be a nuisance because they can be laid on such a wide variety of surfaces including tree trunks, branches, rocks, logs, fences, picnic tables, and buildings. In the long term, a gypsy moth infestation can cause twig, branch and, in some cases, whole tree mortality, invasion from secondary pests such as rot, and thin tree canopies.

Several factors affect how a tree responds to gypsy moth defoliation including the amount of foliage removed, the weather, the number of years of repeated defoliation, the timing of defoliation in the growing season, the presence and number of other insects and diseases, and the health and vigor of the tree at the time of defoliation (OMNR, undated). For example, damage from gypsy moth may increase substantially if trees are growing on poor sites or if defoliation occurs during the same period as drought.

Most healthy trees can withstand a single year of moderate to severe defoliation, but two to three years of heavy defoliation (less than or equal to 50%) can result in branch or whole tree mortality. A tree’s crown condition plays an important part in its ability to survive gypsy moth defoliation. A tree with less than 25% dead branches in its crown is more likely to survive defoliation than a tree with more than 50% dead branches in its crown (Gottschalk 1993). Trees that are diseased, crowded, or stressed may die after one or two years of defoliation (OMNR, undated).

**Table 1. Most preferred, preferred, and least preferred gypsy moth tree hosts (Source: GM-06-105).**

<b>Most Preferred</b>	<b>Preferred</b>	<b>Least Preferred</b>
Oak (all species)	Beech	Black ash
Largetooth aspen	Yellow birch	Green ash
Trembling aspen	Cherry (all species)	White ash
White birch	Butternut	Black locust
Grey birch	Chestnut	Mountain maple
Basswood	White elm	Red spruce
Tamarack	Eastern hemlock	White cedar
Alder	Ironwood	Eastern red cedar
Apple	Maple (most species)	Sumac
Hawthorn	White spruce	Red mulberry
Willow	Norway spruce	Tulip-tree
Manitoba maple	Pine (all species)	Balsam fir
Mountain ash	Hickory	Sycamore
Carolina poplar	Black walnut	
Larch	Sassafras	
	Serviceberry	

The impact of an outbreak on an area can be influenced by when the defoliation occurs. Defoliation that happens in mid-season can be more damaging than that which occurs in the spring because in mid-season, trees do not have time to replenish food reserves and new buds do not have time to harden before colder temperatures start (Gottschalk 1993).

Tree location can also play a role in how susceptible a tree is to gypsy moth defoliation. Gypsy moth generally prefers ridge top sites and steep, south or west facing slopes. These sites tend to have the tree species that gypsy moth prefers and the trees are often crooked, are low in vigour, and have deep fissures in their bark, providing good gypsy moth habitat. In the winter, the temperature on these sites rarely drops below –32°C, the threshold below which gypsy moth egg masses die. Therefore, more eggs survive to hatch in the spring. In the spring, these sites are not likely to be exposed to late spring frosts that would kill young gypsy moth larvae. In the summer, these sites tend to be hot and dry, which helps gypsy moth larvae to survive and thrive (Gottschalk 1993).

Healthy, vigorous trees on lower, north or east facing slopes are likely going to be less susceptible to gypsy moth defoliation. These sites tend to have deep, fertile soils and tend not to be stressed by drought. Trees on these sites are often straight and fast-growing with smooth bark and healthy crowns, making them more resistant to gypsy moth damage (Gottschalk 1993).

The composition of trees in an area can affect the amount of damage that gypsy moth causes. For example, areas with mostly oak, birch, or poplar are more susceptible than areas with predominately sugar maple, ash, spruce, or pine (OMNR, undated).

## Objectives

The objectives of this report are to provide the Town of Pelham with: 1) an assessment of the gypsy moth situation in selected areas of the Town, 2) forecasts of likely defoliation for these areas in 2020, 3) short- and long-term management options applying a philosophy of Integrated Pest Management (IPM), and 4) specific recommendations for management in the affected areas in 2020. All options will be considered and evaluated.

## Assessment of Gypsy Moth Population

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An essential component of any pest management action is a thorough assessment of the distribution and density of the pest population (i.e. where is it and how bad is it). A number of sampling methods have been developed for gypsy moth and are discussed below. The results of these surveys are used to define the suite of actions best suited for management of the pest.

### Gypsy Moth Population Assessment Methodologies

A variety of sampling methods have been developed for assessing gypsy moth populations and forecasting potential damage to host trees. Gypsy moth is a difficult insect to sample accurately because of its association with many host species, the activity of the insect during the larval stage, and the dramatic fluctuations between low endemic and high outbreak populations over a relatively short period of time (Nealis and Erb 1993). Another factor that can complicate gypsy moth population assessments and forecasts is the tendency of early instar larvae to disperse by ballooning over the landscape, often in large numbers. This can result in areas suffering high defoliation rates even though egg mass densities were low, or in some cases, non-existent.

Sampling methods have been developed for each stage of the gypsy moth life cycle.

**Larvae:** Burlap or sticky bands placed around the main stem of the tree can be used to trap gypsy moth larvae and pupae. Gypsy moth larvae seek shelter under the bands during the later feeding stages and often will pupate under these bands. Larval densities can vary greatly from day to day, and even during the day. Weather, tree species, larval density, and larval development can affect numbers, therefore, this method is not considered a reliable method for population assessment.

Larvae can also be sampled from foliage collected from the tree canopy. The accuracy of this method has not been assessed but can be used to determine the presence or absence of gypsy moth larvae, especially during the early instars.

A third method for assessing gypsy moth larvae populations is the collection of frass in containers placed on the ground (Liebhold and Elkinton 1988a and Liebhold and Elkinton 1988b). This is the most accurate method but is a time-consuming process that requires some expertise and therefore is usually restricted to research and not reliable in an urban environment because of potential sample tampering by pedestrians.

**Adults:** Female gypsy moth adults do not fly but attract the male moths by releasing a powerful airborne attractant called a pheromone. This pheromone has been synthetically reproduced and is used to lure male moths to a variety of

sticky or bucket-like traps. This is an effective method for detecting the presence of low level gypsy moth populations and is widely used in the United States and Canada (Gage et al. 1990). Because this pheromone is so efficient, gypsy moth pheromone traps are less effective during periods of high populations when they tend to become saturated with moths, making it difficult to develop relationships between trap catches and subsequent populations and forecasted host damage.

**Egg Masses:** Gypsy moths lay their eggs in masses of up to 1,000 eggs on the stems and branches of trees, as well as on the forest floor and man-made objects in July and August each year. They will remain in the egg mass until hatch begins sometime in April or May the following year. This provides the longest period for assessing gypsy moth populations and is considered the most reliable method. Egg masses are easily counted, especially following leaf fall in the autumn, and old egg masses are generally easily distinguishable from new egg masses, allowing for more accurate counts of the current year population. Egg mass size can also be measured and is a good indicator of outbreak status – large egg masses (greater than 30mm) indicate a healthy, increasing population and small egg masses (less than 20mm) indicate a decreasing population (Nealis and Erb 1993). Moore and Jones (1987) provide a simple equation for estimating the number of eggs per mass based on a measure of egg mass length.

A number of sampling methods have been developed for estimating egg mass densities and forecasting host defoliation in the following year:

1. **Walkthroughs:** Observers count all egg masses visible during a walkthrough of an area. This method can be used as a quick survey tool but is often imprecise and is usually followed-up with a more detailed survey.
2. **Fixed-area plots:** Observers count all egg masses within a standardized area. Results can be extrapolated into numbers per hectare, which allows comparison between years. In the United States, the fixed-area plot (5.4m radius) of 1/40 acres (0.01ha) is the most commonly used. In Ontario, the 10m by 10m Modified Kaladar Plot (MKP) has been used since the gypsy moth was detected in the Kaladar region of eastern Ontario in the early 1980s.

### Egg Mass Surveys in Forest vs. Urban Environments

Definitions of urban and suburban environments may vary but Fleischer et al. (1992) defined these areas as having a minimum of one house per ten acres (4.04ha). With the exclusion of some municipal parks, this would apply to most of the areas surveyed within the urban areas of the Town of Pelham. Use of fixed-area plots is the most accurate method for assessing gypsy moth densities and is the most frequently used method in forest environments. Generally, groups or clusters of three to five MKPs were used in Ontario to estimate average egg mass densities and forecast defoliation in specific areas. In urban or suburban environments, however, the 10m by 10m fixed-area plot may not be practicable when egg mass surveys are limited to street trees, and when access to private property and backyards is a constraint.

The urban environment is influenced by man-made objects and the distribution of gypsy moth egg masses is more clumped than in the forest (Fleischer et al. 1992). This probably reflects the distribution of preferred host species and the discontinuous nature of treed areas in urban environments. Sample methods for urban and suburban environments need to reflect this difference in egg mass distribution.

BioForest has developed the '**Modified MKP**', a version of the original MKP that is more suited to the constraints of the urban and suburban environment. The Modified MKP uses five trees in close proximity to each other, which would be typical of the number of mature trees found in a 0.01ha fixed-area MKP plot. One tree, preferably a mature oak, is selected to be the plot center and the four next closest appropriate host trees are surveyed as one "plot".

## Gypsy Moth Egg Mass Surveys in Pelham

In 2009, the Town of Pelham partnered with Trees Unlimited and Zimmer Air to implement control measures when gypsy moth populations reached outbreak levels. Those measures were successful in reducing the population to acceptable levels.

In 2017, the Town began receiving concerns from citizens regarding the re-emergence of gypsy moths and in the spring of 2018 the Town conducted an aerial spray in Hillcrest Park (6.47 hectares). Throughout the summer of 2018, staff continued to receive reports and concerns regarding gypsy moth activity throughout the urban boundary. Trees Unlimited was again contracted to conduct egg mass surveys in early 2019, and 17 residential, park and cemetery properties were surveyed. Six of the properties surveyed had severe defoliation forecasts (Canboro Road at Concord Street, Hillcrest Park, Pancake Lane south to Beechnut Court, Oak Lane, Kunda Park, and Fonthill Cemetery). In response, the Town sprayed 161.2 hectares of public and private property within the urban boundary. Post spray surveys conducted in all treated areas indicated a significant reduction in caterpillars and tree defoliation (with some exceptions).

Throughout the summer and fall of 2019, the Town continued to receive reports of gypsy moth activity throughout the urban boundary. The Town received and logged all service requests and resident calls related to gypsy moth.

### 2019 Gypsy Moth Egg Mass Surveys

In order to cover a large area in a systematic manner, BioForest recommended a grid-based approach, using a combination of previously reported gypsy moth activity and high-risk areas to prioritize grids to be surveyed. A desktop review resulted in a total of 45 grids (1km by 1km) to be surveyed at varying intensities based on: 1) historical gypsy moth activity, 2) host distribution and availability, 3) connectivity through natural areas or continuous forest canopy, and 4) land use and classification (urban vs. rural).

BioForest crews established plots based on host availability and distribution, with the aim of obtaining good coverage and fair representation throughout all grids. The urban areas of Fonthill and Fenwick were surveyed with the greatest intensity. The survey was focused on mature oak trees where possible, with highest priority given to addresses (or addresses in close proximity) that logged a service request during the summer of 2019, or in some cases 2018. Street trees were surveyed and crews ensured that the trees surveyed were an adequate representation of the general tree composition (both public and private), in order to gather unbiased data. Where oak trees were not present, crews surveyed other preferred hosts of gypsy moth such as apple, aspen, beech, birch, black walnut, hickory and maple.

Plot trees were surveyed by examining the trunk and scanning the entire tree, from base to crown, using binoculars. At least two opposite sides of each tree were surveyed. All egg masses observed on the tree, both old and new, were recorded.

The total number of egg masses on each tree were summed. In a separate count, egg masses that were easily distinguishable as old or new were tallied. As many intact egg masses within reach were measured and recorded as old or new, in order to obtain 2019 egg mass size data. A total of 133 plots were established and a total of 665 trees were surveyed.

All gypsy moth egg mass data was entered and managed in a Microsoft Excel database. In addition, a point shapefile of all plots was created in ArcMap. All plot centers were drawn in ArcMap, and categorized based on the adjusted number of egg masses present within that plot and the defoliation forecast for 2020. The predicted defoliation values were obtained using a USDA defoliation prediction model (Gansner et al. 1985) based on egg mass counts.

Gypsy moth egg mass age (new vs. old ratio): The proportion of new and old egg masses is an indicator of population vigor. A low proportion of old egg masses (i.e. less than 25% old) indicates a healthy, building population while a high proportion of old egg masses (i.e. more than 50% old) suggests a population in decline (Liebhold et al. 1994). Crews distinguished the age of all egg masses on each tree trunk and summed both old and new egg masses observed for each grid cell.

In 2019, approximately **58%** of egg masses surveyed by BioForest crews were new. This represents a fairly large proportion of new egg masses, and points to a potentially healthy gypsy moth population.

Gypsy moth egg mass size: The actual size of the egg mass is a vital statistic for assessing gypsy moth populations. Larger egg masses (more than 500 eggs per mass, greater than 30mm) indicate a healthy, increasing population whereas smaller egg masses are characteristic of a decreasing population (less than 20mm in size) (Nealis and Erb 1993). The number of eggs per mass can be estimated by measuring the length of egg masses in the field.



Figure 10. Large new egg mass measured by BioForest staff.

Within each property surveyed, BioForest crews measured as many egg masses as possible to provide more information on the infestation status.

In 2019, **84%** of all new egg masses measured were considered to be “large” (25mm or greater) (Figure 11). As no data from previous years’ exists, this can serve as a baseline measurement for future year’s surveys. The average size of all new egg masses was 33.5mm (n=309), which is a potential indicator of a healthy population.

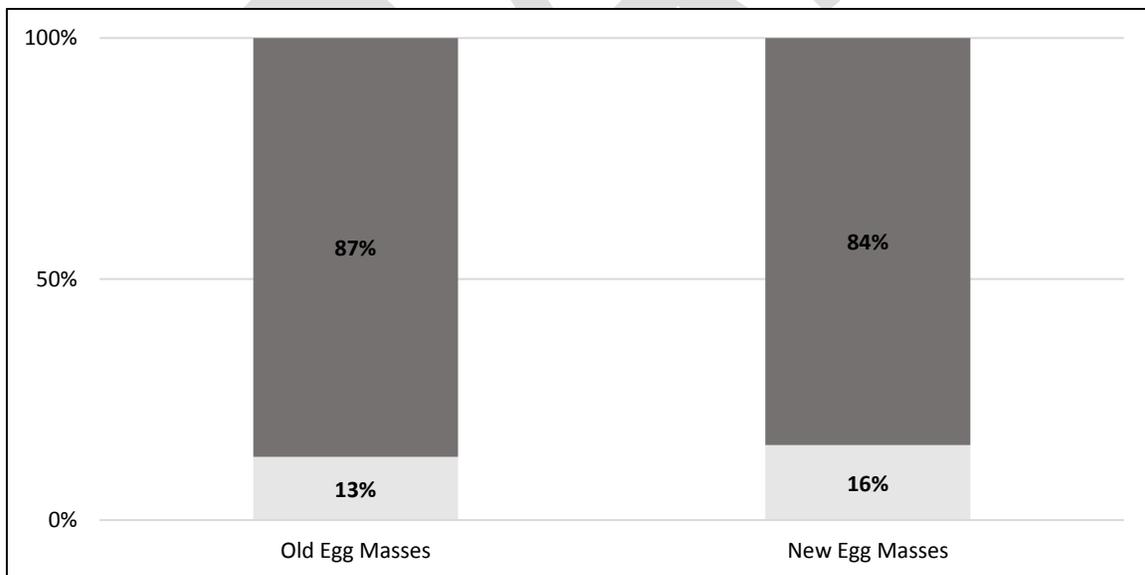


Figure 11. Relative size distribution of old and new egg masses in Pelham, 2019.

Natural controls: BioForest crews observed a small number of caterpillars affected by *E. maimaiga* and NPV during the egg mass surveys.

## 2020 Gypsy Moth Defoliation Forecasts in Pelham

Gypsy moth forecast surveys using egg mass densities to predict defoliation are difficult to conduct in the urban environment. Most of the methodologies developed to date are suitable for continuous forested environments, but are not easily adapted to the city where tree species and tree densities can vary considerably and where access is often limited. In 2019, BioForest crews conducted surveys in residential neighbourhoods on public trees, in a selection of parks and along rural roads to assess egg mass densities and egg mass size. A 2020 forecast map was developed based on a calculation of the density of gypsy moth egg masses per hectare, the standard measure for temporal and spatial comparisons of populations and defoliation forecasts in forests.

Gypsy moth defoliation is difficult to predict with a high degree of probability. As noted earlier, populations are subject to a wide variety of biotic and abiotic factors that complicate the forecasting process. Some degree of defoliation is likely to occur in all areas where egg masses have been observed. However, the data collected in the 2019 surveys does indicate clear areas that are likely to be affected in 2020. It should be noted that the forecasts presented in this report are based **only** on observed egg masses occurring on public trees in residential neighbourhoods, within those parks and along those rural roads that were surveyed. Private property was not surveyed, with the exception of a few front yard or private woodlot trees where necessary.

The 2019 survey focused on areas where gypsy moth populations were observed and reported on during the summer of 2019, and in some cases 2018, as well as areas that were connected to these locations through significant natural corridors or continuous forest canopy. It is likely that other areas of the Town, including parks, natural areas and large private property that were not included in this survey are also harbouring gypsy moth populations, just not yet reported. Depending on the composition and geographic characteristics of these areas (i.e. species, age class, slopes, etc.), they could potentially be a breeding ground for gypsy moth populations next year and into the future.

Table 2 illustrates the egg mass density thresholds that were used for defoliation forecasts, and the anticipated management impacts associated with each level of defoliation. It is important to remember, however, that these are just estimations and that the actual level of defoliation and damage is dependent on a variety of other factors such as tree condition, previous years' defoliation, presence of other pests, etc.

**Table 2. Gypsy moth defoliation predictions based on egg mass densities per hectare and associated management impacts. Thresholds derived from USDA defoliation prediction model developed by Gansner et al. 1985.**

Egg Mass Density (Em/Ha)	Defoliation Forecast	Defoliation Forecast Range (%)	Management Impacts
0	Nil	0 to 5	None
1 to 1,250	Light	6 to 25	Up to 20% Defoliation
1,251 to 3,750	Moderate	26 to 65	Nuisance and Aesthetics; Noticeable Defoliation
3,751 to 5,000	Heavy	66 to 90	Wildlife and Recreation; Growth Loss
> 5,001	Severe	91 to 100	Tree Mortality

Intervention thresholds are defined by the management objectives and could include nuisance abatement, foliage protection, and prevention of tree mortality or a combination of these objectives. The relationships between egg mass density and subsequent damage (defoliation) will guide the manager in establishing these thresholds, which in turn will determine when and where treatments are needed. Some helpful guidelines for hardwood forests include:

- Damage is not noticeable from the air until defoliation levels reach about 30%;
- Growth loss in trees begins when defoliation reaches about 40%;
- Re-foliation occurs when about 60% of the trees' foliage is lost. This can cause a reduction in the tree's overall health and survival.

Managers may choose to modify tolerance thresholds to lower levels if these neighbourhoods have been subjected to other stresses that may predispose trees to mortality, or if unusually high value or specimen trees are involved (Liebhold

et al. 1994). General stand condition and vigour can be influenced by tree age and human-related disturbances to the environment that negatively affect tree health.

Tree mortality is of course normal in any environment, and typically averages between 1 to 2% per year in natural forests, and 5% or more in the urban environment (Nowak et al. 2004). Insect and disease outbreaks can accelerate tree mortality, thus reducing the benefits to residents and the urban environment. Damage to forests can be increased when insect outbreaks occur during periods of environmental stress. Short and long term climate changes can increase stress levels on trees making them more susceptible to pests such as the gypsy moth.

The density at which gypsy moths become a nuisance in residential or recreational areas is not well established. The sight of one or two larvae may be intolerable for some individuals, while others may be comfortable with much higher populations. According to Liebhold et al (1994) an intervention threshold of 600 egg masses per hectare has been widely used in the past for intervention in both general forest and residential areas. While this value may be justified for reducing certain nuisance impacts (such as service calls or resident complaints), it may not be justified for other management objectives (Liebhold et al 1994).

In this discussion of management intervention thresholds, it must be noted and understood that it is impossible for managers to predict defoliation levels without a certain amount of error.

## Results

Figures 12 and 13 provide an overview of the location of all plots surveyed in 2019 and the 2020 defoliation forecasts for each plot surveyed. Figure 14 and 15 show close up maps of Fonthill and Fenwick, the urban areas within Pelham.

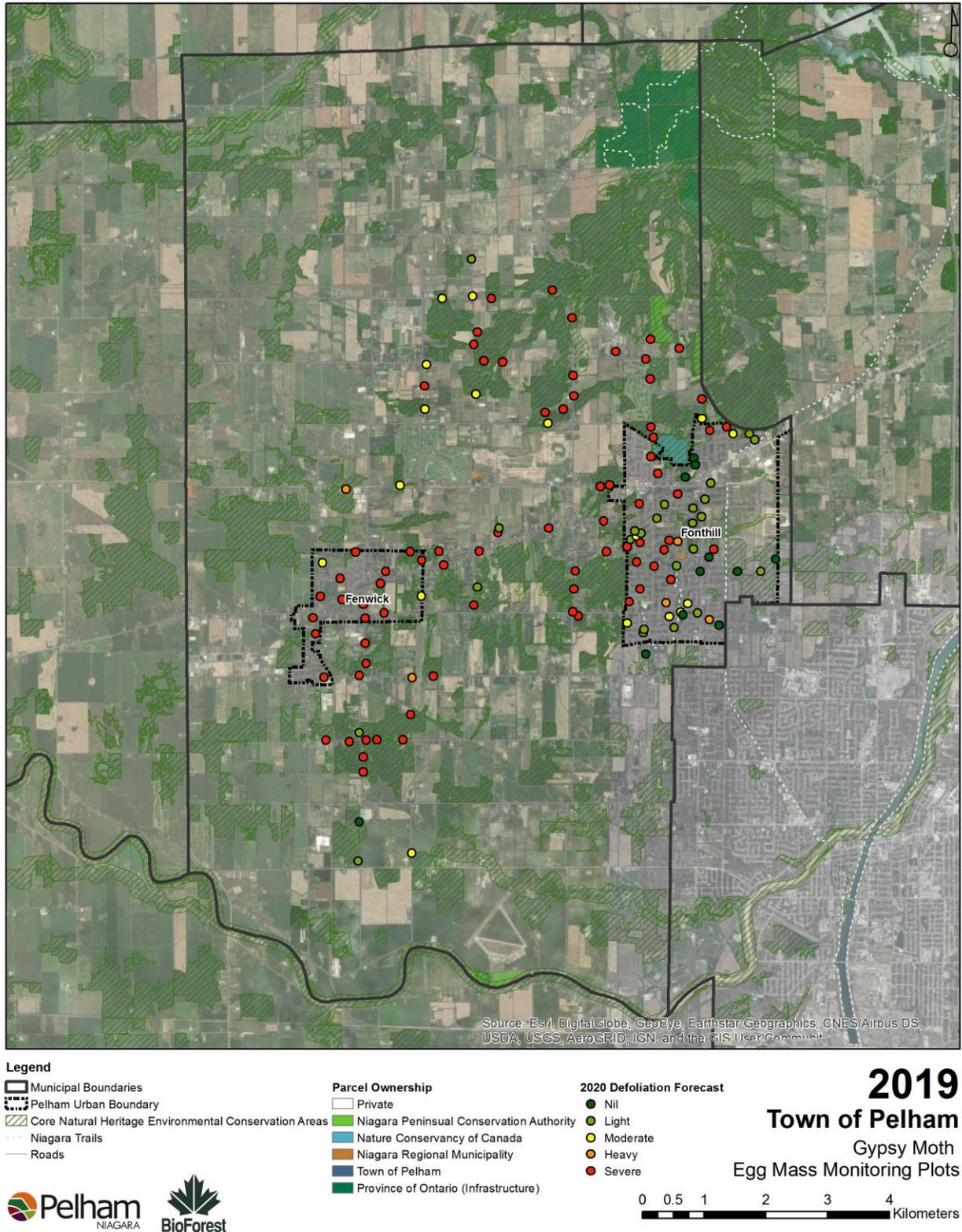


Figure 12. All gypsy moth egg mass monitoring plots surveyed in January 2020, Town of Pelham.

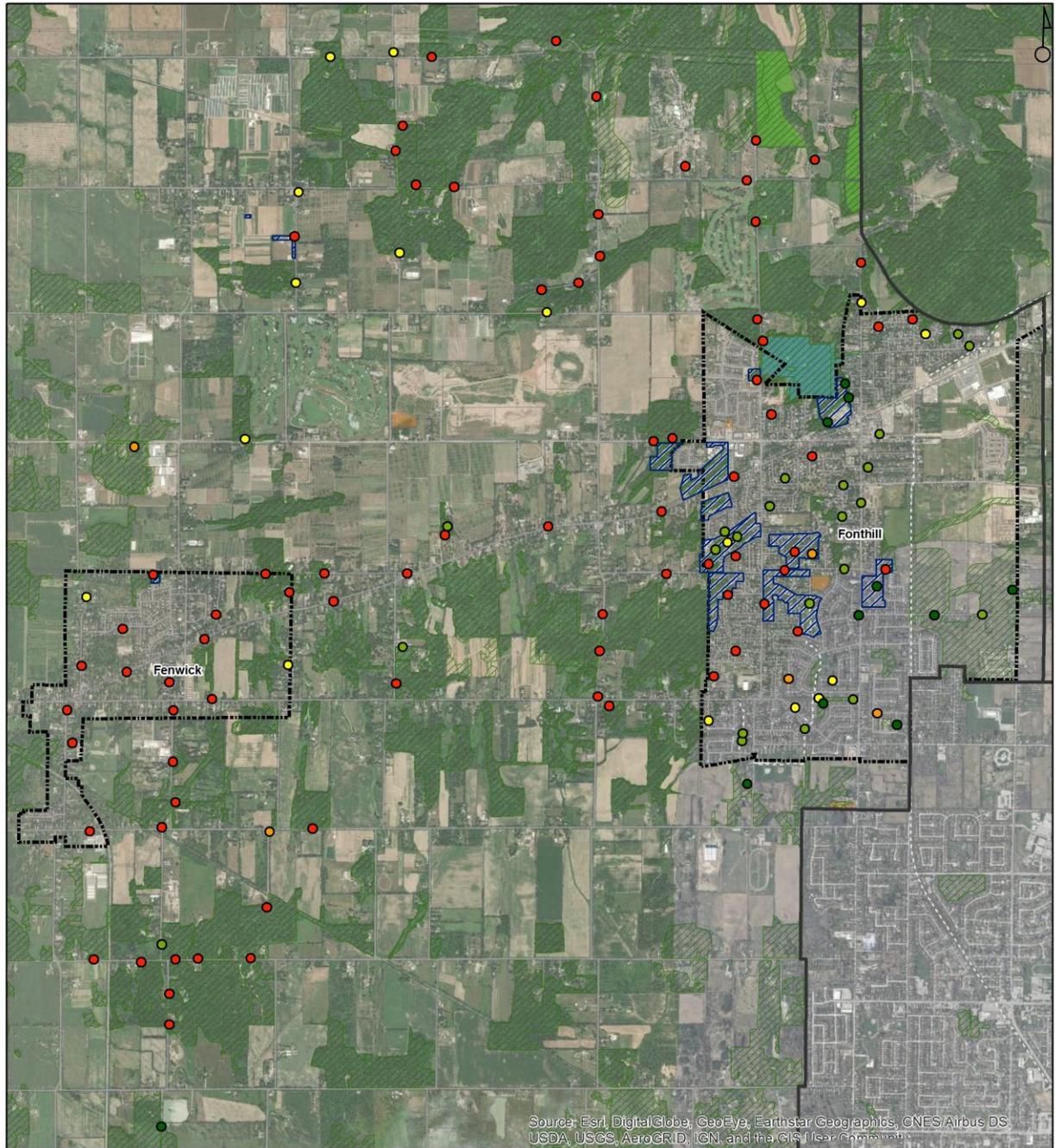


Figure 13. All gypsy moth egg mass monitoring plots surveyed in January 2020 and all blocks sprayed in May-June 2019, Town of Pelham.

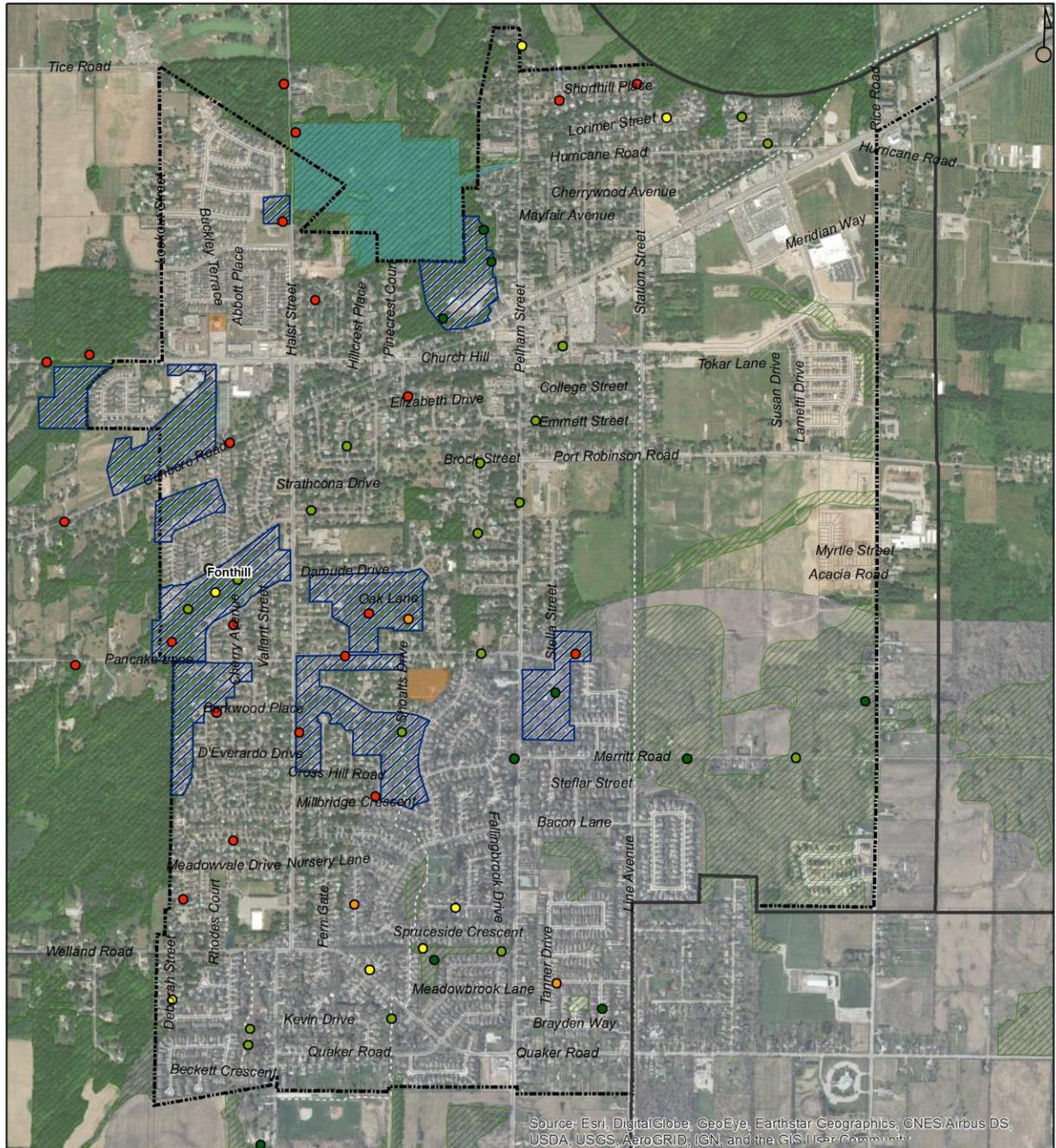


Figure 14. All gypsy moth egg mass monitoring plots surveyed in January 2020 and all blocks sprayed in May-June 2019, Fonthill, Town of Pelham.



**Legend**

- Municipal Boundaries
- Pelham Urban Boundary
- Core Natural Heritage Environmental Conservation Areas
- Niagara Trails
- Roads
- 2019 Spray Blocks

**Parcel Ownership**

- Private
- Niagara Peninsular Conservation Authority
- Nature Conservancy of Canada
- Niagara Regional Municipality
- Town of Pelham
- Province of Ontario (Infrastructure)

**2020 Defoliation Forecast**

- Nil
- Light
- Moderate
- Heavy
- Severe

**2019 Town of Pelham Gypsy Moth Egg Mass Monitoring Plots**

0 0.0750.15 0.3 0.45 0.6 Kilometers

**Pelham** NIAGARA **BioForest**

Figure 15. All gypsy moth egg mass monitoring plots surveyed in January 2020 and all blocks sprayed in May-June 2019, Fenwick, Town of Pelham.

The 2020 defoliation forecast results for the entire area surveyed (Figure 12) show high gypsy moth egg mass densities, or moderate-to-severe defoliation forecasts (represented by yellow, orange and red dots on the map), occur in 98 plots out of 133, or 74% of plots with the majority of those being severe (76 plots). Light defoliation (represented by the light green dots on the map) is forecasted in 24 out of 133 plots, or 18%, and no defoliation (represented by the dark green dots on the map) is forecasted in 11 plots, or 8%.

The most severe defoliation is anticipated to occur throughout Fenwick, south of Fenwick (Balfour Road, Foss Road and Sumbler Road), the area between Fenwick and Fonthill (Canboro Road, Effingham Street and Pancake Lane), the northwest areas of Fonthill, and northwest of Fonthill (Centre Street, Effingham Street, Haist Street, Kilman Road, Metler Road and Moore Drive).

**Table 3. Summary of grids and plots surveyed in 2019 Town of Pelham Gypsy Moth Egg Mass Surveys.**

Location	Grid	Plot	Plot Centre Address	Total Egg Masses	Adjusted Total Egg Masses	New Egg Masses/Hectare (Em/Ha)	2020 Defoliation Forecast
<b>Fenwick</b>							
	73	73.3	1159 Maple Street	1,246	935	93,450	Severe
	73	73.2	746 Canboro Road	1,047	785	78,525	Severe
	73	73.4	73 Cherry Ridge Boulevard	989	742	74,175	Severe
	74	74.1	612 Memorial Drive	1,065	623	62,292	Severe
	63	63.5	1043 Church Street	700	582	58,154	Severe
	73	73.1	90 Sandra Drive	698	524	52,350	Severe
	73	73.5	1115 Garner Avenue	637	478	47,775	Severe
	64	64.1	663 Welland Road	508	399	39,914	Severe
	74	74.2	1284 Cream Street	664	388	38,838	Severe
	74	74.4	688 Canboro Road	549	321	32,111	Severe
	63	63.2	698 Welland Road	297	247	24,674	Severe
	63	63.4	999 Church Street	287	238	23,843	Severe
	74	74.5	1160 Sunset Drive	216	126	12,634	Severe
	73	73.6	1229 Maple Street	25	19	1,875	Moderate
	74	74.3	1144 Cream Street	29	17	1,696	Moderate
<b>Fonthill</b>							
	78	78.5	38 Pancake Lane	901	790	78,992	Severe
	88	88.2	Hillcrest Park	1,355	468	46,832	Severe
	78	78.4	1183 Haist Street	489	429	42,871	Severe
	88	88.11	173 Canboro Road	1,026	355	35,461	Severe
	78	78.3	22 Berkwood Place	403	353	35,332	Severe
	88	88.1	15 Blackwood Crescent	775	268	26,786	Severe
	98	98.4	16 Marlene Stewart Drive	308	252	25,200	Severe
	78	78.1	55 Rolling Meadows	276	242	24,197	Severe
	78	78.2	18 Rolling Meadows	218	191	19,112	Severe
	78	78.6	72 Millbridge Crescent	173	152	15,167	Severe
	79	79.1	43 Stella Street	204	115	11,530	Severe
	88	88.12	7 Highland Avenue	332	115	11,475	Severe
	99	99.3	6 Shorthill Place	130	107	10,739	Severe

Location	Grid	Plot	Plot Centre Address	Total Egg Masses	Adjusted Total Egg Masses	New Egg Masses/Hectare (Em/Ha)	2020 Defoliation Forecast
	88	88.7	10 Oak Lane	302	104	10,438	Severe
	99	99.2	23 Shorthill Place	82	68	6,774	Severe
	98	98.1	18 Peachtree Park	77	63	6,300	Severe
	69	69.3	27 Tanner Drive	54	49	4,860	Heavy
	88	88.6	8 Bruce Wood	124	43	4,286	Heavy
	78	78.8	13 Deer Park Crescent	45	39	3,945	Heavy
	68	68.3	1081 Deborah Street	44	33	3,335	Moderate
	88	88.4	Hillcrest Park	83	29	2,869	Moderate
	109	109.2	Across 1708 Pelham Street	75	28	2,750	Moderate
	68	68.5	88 Woodside Square	30	23	2,274	Moderate
	68	68.4	1 Arbor Circle	29	22	2,198	Moderate
	99	99.1	5 Leslie Place	22	18	1,817	Moderate
	79	79.4	11 Fallingbrook Drive	27	15	1,526	Moderate
	88	88.9	28 Concord Street	36	12	1,244	Light
	88	88.3	Hillcrest Park	34	12	1,175	Light
	88	88.13	127 Daleview Drive	33	11	1,141	Light
	68	68.2	1077 Edward Avenue	13	10	985	Light
	69	69.4	Behind 52 Woodside Square	9	8	810	Light
	88	88.8	42 Strathcona Drive	18	6	622	Light
	78	78.7	Behind 19 Parkhill Road	6	5	526	Light
	89	89.1	1 Petronella Parkway	8	5	509	Light
	88	88.5	Hillcrest Park	13	4	449	Light
	89	89.2	14 Donahugh Drive	5	3	318	Light
	89	89.3	1353 Pelham Street	5	3	318	Light
	80	80.2	220 Merritt Road	3	3	300	Light
	100	100.2	11 Scottdale Court	4	3	267	Light
	68	68.1	1077 Edward Avenue	3	2	227	Light
	89	89.4	1 Emmett Street	3	2	191	Light
	79	79.5	2 Pancake Lane	2	1	113	Light
	99	99.6	20 Pelham Town Square	1	1	83	Light
	68	68.6	Along trail behind Maureen Court	1	1	76	Light
	100	100.1	1 Stonegate Place	1	1	67	Light
	69	69.1	88 Woodside Square	0	0	0	Nil
	69	69.2	15 Mason Drive	0	0	0	Nil
	79	79.2	57 Stella Street	0	0	0	Nil
	79	79.3	Across 1253 Pelham Street	0	0	0	Nil
	79	79.6	90 Merritt Road	0	0	0	Nil
	80	80.1	1304 Rice Road	0	0	0	Nil
	99	99.4	Trail behind 10 Elm Avenue	0	0	0	Nil
	99	99.5	Trail behind 1532 Pelham Avenue	0	0	0	Nil
	99	99.7	33 Park Lane	0	0	0	Nil

Location	Grid	Plot	Plot Centre Address	Total Egg Masses	Adjusted Total Egg Masses	New Egg Masses/Hectare (Em/Ha)	2020 Defoliation Forecast
<b>Rural</b>							
	75	75.1	546 Memorial Drive	2,664	2131	213,120	Severe
	67	67.2	273 Welland Road	2,335	1843	184,342	Severe
	75	75.3	554 Canboro Road	1,704	1363	136,320	Severe
	87	87.1	250 Canboro Road	1,688	1249	124,912	Severe
	53	53.3	910 Balfour Street	1,171	1171	117,100	Severe
	77	77.1	1139 Effingham Street	1,967	852	85,237	Severe
	44	44.1	617 Sumbler Road	830	830	83,000	Severe
	118	118.1	Across 155 Metler Road	1,273	821	82,129	Severe
	107	107.2	Across 307 Moore Drive	934	657	65,726	Severe
	118	118.2	1936 Haist Street	957	617	61,742	Severe
	43	43.5	625 Balfour Street	807	605	60,525	Severe
	87	87.2	250 Hwy 20 W	799	591	59,126	Severe
	43	43.4	595 Balfour Street	732	549	54,900	Severe
	117	117.1	1974 Effingham Street	1,511	525	52,465	Severe
	43	43.2	716 Sumbler Road	607	455	45,525	Severe
	98	98.3	1615 Haist Street	498	407	40,745	Severe
	115	115.2	1934 Centre Street	673	404	40,380	Severe
	43	43.3	725 Balfour Street	507	380	38,025	Severe
	63	63.3	925 Balfour Street	410	341	34,062	Severe
	97	97.1	245 Hwy 20 West	660	337	33,702	Severe
	125	125.2	461 Kilman Road	724	336	33,577	Severe
	115	115.1	1951 Centre Street	525	315	31,500	Severe
	63	63.1	961 Balfour Street	379	315	31,486	Severe
	126	126.1	350 Kilman Road	301	301	30,100	Severe
	115	115.3	1951 Centre Street	482	289	28,920	Severe
	106	106.1	345 Tice Road	443	271	27,072	Severe
	98	98.2	1636 Haist Street	316	259	25,855	Severe
	44	44.2	631 Sumbler Road	229	229	22,900	Severe
	67	67.1	1005 Effingham Street	282	223	22,263	Severe
	77	77.3	230 Pancake Lane	478	207	20,713	Severe
	117	117.2	205 Metler Road	571	198	19,826	Severe
	86	86.3	353 Canboro Road	301	180	17,963	Severe
	77	77.2	1160 Effingham Street	387	168	16,770	Severe
	116	116.1	1951 Centre Street	202	152	15,150	Severe
	53	53.1	764 Foss Road	151	151	15,100	Severe
	118	118.3	1902 Hansler Street	229	148	14,774	Severe
	104	104.2	1780 Cream Street	391	123	12,347	Severe
	54	54.2	770 Groen Road	115	115	11,500	Severe
	86	86.1	451 Canboro Road	191	114	11,398	Severe
	107	107.3	315 Moore Drive	140	99	9,852	Severe

Location	Grid	Plot	Plot Centre Address	Total Egg Masses	Adjusted Total Egg Masses	New Egg Masses/Hectare (Em/Ha)	2020 Defoliation Forecast
	43	43.1	775 Sumbler Road	129	97	9,675	Severe
	54	54.1	Across 586 Foss Road	96	96	9,600	Severe
	107	107.1	1770 Effingham Street	129	91	9,078	Severe
	75	75.5	Across 1116 Centre Street	101	81	8,080	Severe
	108	108.1	Across 1861 Haist Street	157	79	7,850	Severe
	109	109.1	1747 Pelham Street	149	55	5,463	Severe
	75	75.2	491 Canboro Road	68	54	5,440	Severe
	83	83.1	740 Hwy 20 W	139	41	4,107	Heavy
	54	54.3	586 Foss Road	39	39	3,900	Heavy
	104	104.3	1732 Cream Street	118	37	3,726	Moderate
	125	125.3	591 Kilman Road	79	37	3,664	Moderate
	94	94.1	653 Hwy 20 W	27	23	2,314	Moderate
	104	104.1	1895 Cream Street	70	22	2,211	Moderate
	106	106.2	345 Tice Road	33	20	2,017	Moderate
	34	34.1	Across 310 Cream Street	16	16	1,600	Moderate
	105	105.1	1797 Centre Street	25	15	1,500	Moderate
	125	125.4	485 Kilman Road	31	14	1,438	Moderate
	53	53.2	725 Balfour Street	10	10	1,000	Light
	86	86.2	451 Canboro Road	14	8	835	Light
	33	33.2	Behind 701 Webber Road	7	7	700	Light
	125	125.1	2180 Centre Street	7	3	325	Light
	75	75.4	1165 Centre Street	3	2	240	Light
	33	33.1	Behind 700 Chantler Road	0	0	0	Nil
	68	68.7	940 Haist Street	0	0	0	Nil

### Fonthill

Public and private trees along many streets are expected to experience severe levels of defoliation in 2020, especially in the north and west areas of the community (Figure 14). Large numbers of new egg masses were observed on numerous streets in this area.

Those streets most at risk are north of Welland Road, west of Pelham Street. New egg masses were observed on a wide variety of species, and appeared on both large diameter and small diameter trees on both public and private property. Given the density of egg masses, combined with the fact that this is the second or third year of significant defoliation in this location, defoliation in 2020 has the potential to negatively impact tree health.

### Fenwick

Public and private trees throughout the community of Fenwick are likely to experience severe levels of defoliation in 2020 (Figure 15). There is not a significant amount of forested area throughout Fenwick, but new egg masses were observed on a wide variety of species, and appeared on both large diameter and small diameter trees on both public and private property. Like Fonthill, given the density of egg masses, combined with the previous years of defoliation, trees are likely to experience a decline in 2020.

### Rural Areas

Rural, forested property south of Fenwick, between Fenwick and Fonthill, as well as northwest of Fonthill are also at risk of severe defoliation in 2020. Surveys in these areas were conducted primarily along roadways along the perimeter of these properties, in order to not trespass on private land (unless homeowners were on-site and gave permission), therefore the forecasts are representative of edge populations, which can be higher than more interior forests (Bellinger et al 1989). It is possible that these perimeter plots are an over-representation of the counts throughout the property, however the counts are so extreme (ranging from 5,440 up to 213,120 egg masses per hectare) that it is very possible that interior counts are still high.

## Potential Impacts of No Intervention

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Despite its arrival in North America in 1869, gypsy moth is a relatively new pest in the forests of Canada. It joins a number of other native insect pests, such as the forest tent caterpillar (*Malacosoma distria*) and the spring and fall cankerworms, as a potential defoliator of many different tree species and is, therefore, another potential stress on our forests.

The urban environment, while in many ways similar to forested environments, generally involves several unique features that influence pest problems (Coulson and Witter 1984) and consequently management strategies. For example, in urban environments:

- The diversity of valued host species is generally greater;
- Host trees consist of both native and exotic species;
- There is usually a greater range of age-class of host trees;
- Mature, and often senescent trees, are especially valued.

Urban trees are under considerable stress. The urban forest is subject to a wide variety of disturbance factors that generally reduce tree vigour and increase susceptibility to pests. These disturbances include: road construction, transmission line clearing, building construction, sidewalks, driveways, poor soil nutrients, compaction, high salinity and pH, and photochemical oxidation. Therefore, predicting the full impacts of a gypsy moth outbreak in the natural forest is different than in the urban setting.

### Environmental Impacts

Environmental impacts of a gypsy moth outbreak will be greatly influenced by a number of factors including urban canopy composition, forest age, stand vigour, soils, and climate. Some general observations from previous outbreaks are:

- Generally, areas of mature to overmature forests with a high composition of host tree species will be the most heavily impacted by gypsy moth defoliation;
- Vigorous trees can usually withstand severe defoliation for a few years. Eventually, however, these trees will become more susceptible to attack by secondary pests such as two-lined chestnut borer (*Agrilus bilineatus*), oak decline, *Armillaria* root rot, etc.;
- Heavy defoliation over large areas of urban forest reduces water use by the trees and can result in increased fluctuations in run-off (Benoit and Lachance 1990);
- In heavily defoliated areas, sunlight falls directly onto ground vegetation and soils, raising temperatures. This may drive away predators such as snakes, lizards and frogs and may cause root damage and increase the effects of drought;
- Some thin-barked tree species may be damaged by the sudden increase in sunlight penetration;

- The aesthetic value of treed areas within the city is lessened and their utility as windbreaks and privacy barriers is reduced;
- Several years of heavy defoliation may kill host trees and, therefore, reduce the proportion of susceptible host trees in an area. This is a slow process, but may ultimately reduce the susceptibility of the stand by increasing the proportion of less susceptible tree species;
- Less favoured food species and understory vegetation may benefit indirectly from gypsy moth defoliation through increases in light, moisture and nutrients (Campbell 1979). Conversely, increased light, moisture and nutrient availability in the understory can provide the right conditions to allow for the spread of invasive understory species such as buckthorn (*Rhamnus cathartica*), garlic mustard (*Alliaria petiolata*), dog strangling vine (*Vincetoxicum rossicum*), etc.;
- Gypsy moth infestations can have positive and negative effects on wildlife. Defoliation of the overstory can result in more growth of shrubs, grasses, and herbs, which provides additional habitat for some wildlife species. In some cases, however, defoliation may reduce or compromise habitat for some wildlife species. For example, defoliation may make bird eggs vulnerable to predation due to the reduction in protection from a tree's foliage (Gottschalk 1993);
- Outbreaks can also impact waterways. For example, increases in frass, or droppings, and leaves into streams can reduce the quality of the water. Loss of canopy cover due to gypsy moth defoliation can cause the temperature of streams to increase, which can have harmful effects on organisms in the streams (Gottschalk 1993).

## Human Health Impacts

During low population periods there is little human exposure to gypsy moth life stages. However, as populations increase, children and others who spend a lot of time outdoors can be affected in a number of ways (USDA 1995b):

- Allergic reactions in some people to the gypsy moth larval hairs, the hairs that coat egg masses, and wing scales have been reported;
- Rashes or other skin irritations from contact with larvae;
- Eye irritation;
- Respiratory tract irritations;
- Some individuals may be psychologically affected by high numbers of caterpillars or adverse effects of the outbreak on local aesthetics;
- Safety hazards may be created when larvae and their droppings make walkways and roads slippery;
- Dead or dying trees caused by gypsy moth defoliation can pose a hazard as tree crowns deteriorate and dead limbs break and fall to the ground.

Damage caused by gypsy moth in the urban environment can result in an increase in factors that can indirectly harm human health. These include:

- Increased air pollution;
- Local climate extremes;
- Increased noise pollution.

## Economic Impacts

Gypsy moth outbreaks can impact local or regional economies. Outdoor activities can be reduced significantly when populations of either pest are high, thus impacting recreation and tourism businesses. Repeated defoliations can affect the aesthetics of an area, reducing the numbers of visitors for periods of several years beyond the duration of the outbreak. Property owners may incur costs for:

- Treating gypsy moth with a pesticide;
- Removing larvae or their droppings;
- Removing egg masses;
- Repainting buildings;
- Pruning or removing declining or dead trees;
- Replacing damaged or dead trees and shrubs;
- Increased liability for damage or injuries sustained from falling trees and branches.

Studies have also shown the contribution of trees to the overall property value of a residence. In an early study, Payne (1971) evaluated the contribution of trees to property values of homes in Massachusetts and found that they contributed an average of 7% and as much as 15% to the value of a residence. More recent valuations can be found in Miller (1996) and Pandit et al. (2013).

Economic impacts to the Town of Pelham could include:

- Increased tree removal and replacement costs;
- Loss of aesthetics in parks and woodlands resulting in reduced usage;
- Increased tree inspection costs;
- Increased tree pruning and maintenance costs;
- Potential liability costs for damage to property and personal injury.

## Management Options: An Integrated Pest Management Approach

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While definitions of Integrated Pest Management (IPM) vary, it is essentially a philosophy, concept and methodology for dealing with destructive insects and diseases affecting trees either in an urban environment or in the natural forest (Coulson and Witter 1984). Waters (1974) provides a good definition:

*“IPM is the maintenance of destructive agents, including insects, at tolerable levels by the planned use of preventive, suppressive, or regulatory tactics and strategies that are ecologically and economically efficient and socially acceptable.”*

Components of an IPM strategy include: pest surveys and monitoring, and a decision-making process based on surveys and other supportive data (Reardon et al. 1987). In the case of gypsy moth this could include:

- Egg mass densities and quality;
- Larval and pupal counts;
- Male moth captures;
- Defoliation estimates;
- Area affected;
- Stand susceptibility;
- Environmental sensitivity; and
- Parasite and disease incidence.

The decision-making process in an IPM strategy results from an evaluation of available treatment options and an analysis of impacts. Information requirements include knowledge of pest biology and population dynamics, tree impacts and stand dynamics. The final component of the IPM strategy is a benefit-cost analysis. In the urban forest everyone is a potential participant in the implementation process.

The options described in this report reflect the philosophy of an IPM system for gypsy moth control. The overall strategy is to maintain pest populations at tolerable levels in terms of tree impacts and effects on human health and safety. The tactics employed will be influenced by the status of the gypsy moth population at any point in time but, to be effective, strategies and tactics must be communicated and implemented.

The application of an IPM system will not eradicate gypsy moth from the forests and streets of the Town of Pelham. That is not the goal of an IPM system and it would imply a degree of knowledge about this pest that scientists and pest management practitioners do not have. Outbreaks of this pests will most certainly occur again in the future. The objective of an IPM system is to reduce the frequency and severity of future outbreaks.

## Do Nothing

The “Do Nothing” option is the one most often chosen for most pest outbreaks in Canada. A review of major pest outbreaks and control efforts in North America between 1985 and 1997 showed that of the 156,549,000 hectares infested by pests such as gypsy moth, spruce budworm and hemlock looper, only 13,841,000 hectares, or 9%, were actually treated with an aerial application of an insecticide (Hayes et al. 1998). Doing nothing is always an option to be considered and may be the most practical option in specific areas of the current gypsy moth population.

Pest outbreaks come and go. Based on the historical record of gypsy moth in North America and Ontario, it is likely that the current outbreak in the Town of Pelham will collapse naturally over the next several years. As described earlier in this report, predators, parasites and pathogens will bring about a significant decrease in gypsy moth populations to low endemic levels. The pest will exist at these low population levels until conditions allow for another rapid rise to outbreak levels.

Potential consequences of the “Do Nothing” option are described in the section of this report entitled *Potential Impacts of No Intervention*. It should be noted, however, that the nuisance factor resulting from gypsy moth/human contacts and experiences in the outbreak will be variable but frequent in some areas, forcing residents to respond with their own management efforts. This is a concern because in some cases residents will choose to mitigate impacts to their properties by applying pesticides on their own or through a commercial tree care company. The end result of potentially hundreds of property owners taking their own control measures is a significant increase in the overall use of pesticides within the Town of Pelham, and the consequent increased risk of exposure for users, bystanders and the environment. Homeowners with a lack of sufficient training or knowledge of pesticide application may also apply pesticides incorrectly. Thus, in urban and suburban areas, the “Do Nothing” option may actually result in an increase in pesticide use. Other innovative control measures employed by homeowners may not be very effective and some may actually cause more harm than good to trees.

## Gypsy Moth Management Options

### Maintain or Enhance Tree Health

Trees stressed by other factors such as drought or disease are more vulnerable to defoliation caused by insect pests such as gypsy moth, or to attack by secondary pests such as the two-lined chestnut borer and *Armillaria* root rot. Therefore, efforts should be made to maintain or improve tree vigour and property owners should be encouraged to consider the following (McManus et al. 1979):

- Maintain good soil conditions to encourage the development of the tree’s fine feeder roots. Many activities such as construction, cutting and filling, paving, changing grades and tree removal can have harmful effects on soil/moisture relations;
- In wooded areas or in transition zones between lawns and forested areas, keep the forest floor as natural as possible. Oaks thrive under acidic soil conditions, so removal of the organic acid-rich leaf litter can be harmful;

- Maintain the natural layers of leaf litter to reduce drying in the surface soils where most of the tree's feeder roots occur. This will also provide natural habitat for mice and shrews, predators of gypsy moth larvae and pupae;
- Mulching isolated trees growing on lawns will also improve growing conditions. Mulch out to the edge of the canopy drip line to reduce competition from grasses which compete for soil moisture and nutrients;
- Water trees during periods of drought. A light pruning will thin the crown and reduce moisture demands.

### Low Population Strategies

During periods when gypsy moth populations are low, homeowners can mitigate future outbreaks by:

- Cleaning yards of objects that may provide shelter for gypsy moth larvae, pupae and egg masses (e.g. dead branches and trees, stumps, and debris such as boxes, tires, containers etc.);
- Diversifying the tree species in an area to reduce the proportion of preferred gypsy moth host species. Select tree species most compatible with the local climate and soil conditions to encourage tree vigour.

### Destroying Egg Masses

Finding and destroying egg masses is a management technique that homeowners can use to reduce gypsy moth damage on their properties. Finding egg masses on trees is easiest from fall until early spring when the leaves are off the trees. Egg masses can be found on tree trunks, under branches, on rocks, woodpiles, fences, or almost any other surface. Egg masses can be scraped into a container of soapy water (e.g. one teaspoon of detergent in 1 litre of water) and soaked for one week or scraped into containers of household bleach or ammonia. Egg masses should not be simply scraped onto the ground because this will not prevent them from hatching. It is important to wear gloves when removing and destroying egg masses because many people are sensitive to the hairs that cover egg masses.

### Sticky Barrier Bands

Barrier bands intercept early instar larvae crawling up and down trees. Barriers can be created using sticky material applied to bands wrapped around tree trunks. To make barrier bands, wrap duct tape (sticky side towards bark) or tar paper around the trunk of a tree in overlapping bands about 1.5m from the ground. The total width of the band should be at least 12.5cm. Press the band into the bark crevices so that the larvae cannot crawl underneath the band. Tuck the edges of the tape or paper into the bark and apply a vegetable-based sticky material to the band. Do not apply sticky substances directly to the tree trunk. Sticky substances can kill thin-barked trees and will leave permanent dark stains on all trees. Avoid petroleum-based products because they may cause swelling and cankering on thin-barked trees. The small insects will get caught in the sticky material as they crawl on the trees. Replace the sticky bands as they get covered with larvae and dirt. Larvae can be destroyed by dropping them in buckets of soapy water (e.g. one teaspoon of detergent in 1 litre of water) and letting them soak for one week. For gypsy moth, it is important to wear gloves when removing and destroying larvae because many people are sensitive to the larval hairs. Barrier bands can be removed when they are no longer catching larvae or when the larvae have pupated.

### Burlap Barrier Bands

Burlap bands wrapped around trees is a control method that takes advantage of the movement of gypsy moth larvae during the day. Fourth, fifth and sixth instar larvae do most of their feeding at night and seek protection from the sun and predators during the day by, in some cases, crawling to the ground for shelter in dead leaves and underbrush. Burlap bands wrapped around trees will intercept larval movement and the larvae will seek shelter in the bands. The larvae can then be removed from the bands and destroyed.

Hiding bands can be made using cloth or burlap. Bands should be 30 to 45cm wide and fastened to trees at chest height. Use twine to loosely tie the middle of the bands to the trees and fold the tops of bands over the bottoms. Bands must be checked and larvae removed daily because the bands will neither kill the larvae nor keep them from crawling back

up the tree. Late afternoon is the best time to remove larvae. Larvae can be destroyed by dropping them into buckets of soapy water (e.g. one teaspoon of detergent in 1 litre of water) and letting them soak for one week. It is important to wear gloves when removing and destroying larvae because many people are sensitive to the larval hairs. Burlap banding is a popular method of control but, if done improperly, can cause more damage to trees than gypsy moth. For example, foil and plastic wrap should never be wrapped around a tree in place of burlap or cloth because they can scar or kill the tree.

### Homeowner Sprays

Homeowners can use insecticides for small scale treatment of shrubs and small trees on their properties to protect them from gypsy moth defoliation. Insecticides registered in Canada for control of gypsy moth include *Bacillus thuringiensis* (Btk), carbaryl, pyrethrin, phosmet, and permethrin. Homeowners should follow all pesticide label instructions, or call a licensed applicator to perform the treatment where necessary.

### Ground treatments with TreeAzin® Systemic Insecticide

Ground treatments with TreeAzin® will help to reduce feeding pressure from gypsy moth on individual trees. The product targets the larvae as they feed on the foliage, and as it is applied systemically through the trees' vascular system via micro-injection technology, there is no exposure risk to the public. Treatments must be applied post-bloom and at the time when gypsy moth eggs are starting to hatch.

### Ground/Aerial Application of *Bacillus thuringiensis* (Btk)

*Bacillus thuringiensis* var. *kurstaki* (Btk) is the most common commercial product used to control large-scale gypsy moth infestations and has been extensively used in previous aerial control programs against gypsy moth in both Canada and the United States. This product targets only Lepidoptera larvae feeding at the time, and is non-toxic to birds, animals, humans, honeybees, fish, and most other insects. The spray must be applied while the early instar larvae are actively hatching and feeding on the foliage, usually early to mid-May. Within about two to three hours of consuming the product, the larvae stop feeding and die within a few days (City of Regina 2016). Ground applications tend to be most effective when the spray is able to cover a high percentage of the canopy – effectiveness tends to decrease significantly if spray equipment does not reach the upper canopy.

In terms of environmental safety, Btk is considered to be a very safe option. It is a naturally occurring bacteria found in the soil, not a chemical, and it works by producing proteins that are toxic to larvae. It degrades rapidly in the environment (within 1 to 4 days) due to sunlight and other microorganisms, so the exposure window is limited. It does not travel into the soil beyond 25 cm, therefore there are no concerns with leaching into groundwater (Perez 2015). In fact, pest control products containing Btk have been registered for use in Canada for 40 years and it is the most widely used pest control product in the world and can be used on certified organic farms.

Btk specifically targets immature insects (larvae) in the Lepidoptera family. An extensive literature exists on the consequences of non-target organisms to Btk, including reports of several long-term field studies. The data have been reviewed periodically (e.g. Melin and Cozzi 1990, Otvos and Vanderveen 1993) and the range of non-target species that have been found to be susceptible to direct toxic action of Btk has remained small. Spring feeding Lepidoptera species (leafrollers, fruitworms, cankerworms, and budmoths) may be affected and species richness may be locally and temporarily reduced following a spray event. Significant Lepidoptera species such as monarchs and swallowtails are not affected as they are not in the susceptible life stage when the spray is applied.

According to the World Health Organization, Btk has been sprayed over populated areas in several countries including the USA, Canada, and New Zealand. Some of these applications have been followed by public health surveillance programs and in general no (or very few) harmful effects have been reported among residents of the sprayed communities. A large epidemiological study conducted by the University of British Columbia concluded that “the largescale spray program of Btk in the lower mainland for control of the Asian and European gypsy moth did

not cause any measurable increase in serious community unwellness that could be attributed to the spray” (Otvos and Vanderveen 1993).

## Conclusions and Recommendations for 2020

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The objective of this report was to provide the Town of Pelham with: 1) an assessment of the gypsy moth situation in selected areas of the Town, 2) forecasts of likely defoliation for these areas in 2020, 3) short and long term management options applying a philosophy of Integrated Pest Management (IPM), and 4) specific recommendations for management in the affected areas in 2020.

A large proportion (**58%**) of gypsy moth egg masses observed in January 2020 were new, and of these new egg masses a great percentage (**84%**) were considered to be large. As no recent comparable historical data exists for gypsy moth in Pelham, it is not possible to draw conclusions about the trend of the current gypsy moth population, however the egg mass size data suggests that the existing gypsy moth population is robust in all areas surveyed in 2019.

Based on the gypsy moth data collected during January 2020, the Town is likely to experience severe levels of defoliation throughout Fenwick, the northwest area of Fonthill as well as forested areas south of Fenwick and northwest of Fonthill. It is possible the defoliation will extend beyond the areas surveyed, especially north of Kilman Road west of Effingham Street throughout these continuous heavily forested areas and west into Thorold.

Anecdotal evidence from Town staff and residents encountered throughout the surveys would suggest that 2020 will be the second or third year of defoliation in many of these locations, therefore a subsequent year of defoliation may start to negatively impact tree health, depending on a variety of other compounding factors such as previous year defoliation (prior to 2019), environmental conditions, additional pest pressure (i.e. cankerworm), etc. The effects are likely to be noticeable given the high percentage of dominant oak trees on private property. If no action is taken in 2020, and populations are as high as forecasted by these models, there is the risk of gypsy moth migration beyond the current infestation boundary into new territory in search of additional trees on which to feed.

Numerous small blocks were sprayed in the spring of 2019, including many private rural properties for which we do not have the geographical boundaries. In some cases these treatments appear to have reduced population levels (in the absence of data from 2019, the reduction is an assumption), especially in Marlene Stewart Street Park, but in the majority of cases moderate-to-severe egg mass counts remain throughout the 2019 spray blocks. This lack of efficacy could be the result of spray timing, weather conditions, or populations migrating from nearby untreated areas.

The Town has three management options for 2020, which are outlined below: 1) “Do Nothing”, where the Town does not intervene and allows the gypsy moth population to run its natural course, 2) targeted treatment of areas within urban boundaries of Fonthill and Fenwick, with the option of adding the forested areas directly adjacent to the urban boundaries, or 3) large-scale treatment including areas within urban boundaries of Fonthill and Fenwick as well as rural regions of the Town.

**Option 1:** The Town takes no action on public trees and executes a strong communication and engagement program throughout the communities of Fenwick and Fonthill, as well as rural landowners. Landowners should be educated on what their treatment options are (ground treatments with Btk or TreeAzin®, manual egg mass removal, or burlap banding) as well as the pros and cons associated with each option, focusing on cost and efficacy. Communication should be executed through a variety of avenues in order to reach as many people as possible. A combination of public open houses, direct mailings/letter drop-off/door hanger, website and social media (Twitter, Facebook, Instagram) will reach a wide audience. Open houses should be hosted on multiple evenings in early spring (March/April), and distributed materials should include a gypsy moth fact sheet and options summary, burlap band and twine, as well as information on what the Town is doing. This option requires much less time and fewer resources than the subsequent options,

however with a population as severe as this it is very unlikely that management on private property alone would control the current outbreak. As a result, varying levels of defoliation will still occur and there is the risk that the gypsy moth population will persist for another year, thus prolonging the cost of management. Additionally, since this is likely the second or third year of high population levels, some decline in tree health may start to be observed such as branch dieback or reduced vigor, and tree mortality in some cases. Finally, given the political context of the gypsy moth issue over the past few years, this option may not be acceptable.

The consequences associated with inaction may result in overall tree health decline and further expenses required due to hazard tree removal, service requests, pruning, etc. as a result of a persisting and severe gypsy moth population and all of the impacts described under the section "Potential Impacts of No Intervention". The upside of this approach is the reduced immediate cost to the Town in 2020.

**Option 2:** The Town implements a targeted aerial spray program within the urban boundaries of Fonthill and Fenwick, supported by a strong public outreach and communications program as described in Option 1, targeted towards private landowners with moderate-to-severe defoliation forecast plots located on their property. An aerial spray program including both public and private property would be the most effective method of controlling the gypsy moth population and reducing the risk to tree health in Fonthill and Fenwick. The downside of such a program includes significant staff time and upfront costs associated with organization, communication and implementation. The upside would be the immediate and dramatic reduction in gypsy moth populations, reduced number of resident complaints, and preservation of tree health. This approach may be cost-prohibitive if Pelham is the sole municipality undertaking an aerial spray program. However, there may be the opportunity to work with other southern Ontario municipalities who are also interested in a spray program to achieve some cost-effectiveness through cooperation. Private landowners located outside of the spray blocks, especially those with moderate-to-severe forecast plots on their property, should be communicated with in a similar manner as described below in Option 1. They should be encouraged to take action on their property using one of the management options available to the public.

High value trees (i.e. significant and/or mature trees) that have high 2019 egg mass counts, but do not get included in the spray blocks, should be considered as candidates for alternative control methods such as ground treatments with Btk or TreeAzin®, manual egg mass removal, or burlap banding. These measures will help to mitigate the effects of gypsy moth defoliation on these individual trees.

This option could limit the spray to public property, however, due to the landscape nature of this pest it is possible that the sprayed public areas could be re-infested by populations in neighbouring untreated private areas. This option could also include the treatment of forested areas directly adjacent to the urban boundaries in order to provide more comprehensive and effective landscape control and avoid re-infestation from properties just on the other side of the geographical urban/rural boundary.

**Option 3:** The Town implements a large-scale, extensive aerial spray program within the urban boundaries of Fonthill and Fenwick, as well as throughout rural areas of Pelham that have high defoliation forecasts. The downside of such a program include all those mentioned in Option 2, though the cost increases due to the inclusion of rural areas.

Regardless of the option selected, timely and comprehensive communication with the public about the Town's plan and the expected role of private landowners is key to a successful program. If left untreated, the current gypsy moth outbreak has the potential to impact a significant component of Pelham's urban forest. Therefore, given the results from the 2019 egg mass surveys in combination with the historical gypsy moth activity in the area, the Town should strongly consider implementing a gypsy moth-focused tree protection program in 2020, with the goal of reducing unacceptable levels of defoliation and mitigating the overall impact to the health and sustainability of Pelham's urban forest.

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DRAFT

**Subject:** Town of Pelham Gypsy Moth Policy and 2020 Gypsy Moth Management Options

**Recommendation:**

**THAT Committee of the Whole receive Report #2020-0017 Town of Pelham Gypsy Moth Policy and 2020 Gypsy Moth Management Options; and**

**THAT a Forestry Health Reserve Fund be established and the necessary by-law be prepared; and**

**THAT Committee of the Whole recommend that Council approve the Public Works Gypsy Moth Management Policy S801-14.**

**Background:**

During the September 3<sup>rd</sup>, 2019 Policy and Priorities meeting, Council directed staff to develop a Gypsy Moth Management policy and that no final policy decision would be made until after feedback is received following a Public Meeting held on October 23, 2019.

Staff received thirty seven (37) responses from the public. Twenty six (26) responses favoured Alternative 5; where the Town would spray public and private property, within and outside of the Urban Boundary, with infestation levels of at least moderate to severe, and that the cost of spraying would be distributed over the entire tax base.

The proposed Public Works Policy S801-14 for Gypsy Moth Management is closely aligned with Alternative 5. It was developed to provide a road map for staff to implement a gypsy moth management program, based on the analysis of egg mass survey results, and the most appropriate Integrated Pest Management (IPM) strategy, which depends upon a number of environmental and ecological variables.

IPM can be defined as “the maintenance of destructive agents, including insects, at tolerable levels by the planned use of preventive, suppressive, or regulatory tactics and strategies that are ecologically and economically efficient and socially acceptable”.

The Public Works Policy S801-14 for Gypsy Moth Management has been added as an attachment to the Town of Pelham Gypsy Moth Policy and 2020 Gypsy Moth Management Options report as Appendix A.

### **Analysis:**

In the fall of 2019, The Town of Pelham retained the services of Lallemand Inc./Bioforest to conduct egg mass surveys and prepare a report to provide staff with: 1) an assessment of the gypsy moth situation within the municipal boundary; 2) forecasts of likely defoliation in 2020; 3) short and long term management options applying a philosophy of IPM; and 4) specific recommendations for management in the affected areas.

The Town of Pelham received a draft report from Lallemand Inc./Bioforest in the last week of January; however, the final version was not available in time to include in this report.

The preliminary findings predict that both public and private trees in Fenwick and Fonthill, as well as rural properties south of Fenwick and northwest of Fonthill are at risk of severe defoliation in 2020. Egg mass counts in some areas range between 5000 and 213,000 egg masses per hectare.

Approximately 1185 hectares (ha) have been recommended for aerial spraying in 2020 consisting of 250 ha inside and adjacent to the Urban Boundary of Fenwick, 308 ha inside and adjacent to the Urban Boundary of Fonthill and 626 ha of property in the rural areas of Pelham. These numbers represent preliminary estimates only as spray blocks have not yet been developed. The cost of spraying 1185 ha is estimated at \$1,040,000.

The total budget approved for the 2020 Gypsy Moth Management program is \$150,000. Municipal property identified at severe risk of defoliation consists of 32.75 ha and has an estimated cost to treat of \$30,000. Design and administration of a treatment program including; post spray assessments, public education and fall egg mass surveys has an estimated cost of \$40,000. This leaves an estimated \$80,000 budget to treat heavily infested areas.

Options for Council to consider regarding Gypsy Moth Management in 2020 are as follows:

- 1) The Town takes no action on public or private trees and executes a strong communication and engagement program throughout the community to educate

the public on options to protect their trees. This would include public meetings and direct mailing options. There is an adequate budget allotment for this option.

2) The Town implements a targeted aerial spray program of approximately 33 ha of municipal property and approximately 90 ha of private property. Staff would work in conjunction with a forestry consultant to design a program that would have the greatest impact on the gypsy moth population, within the limits of the existing budget. Public Works Policy S801-14 would be used to guide the decision making process in the development of spray blocks, and the execution of the spray program. This option would also be supported by a strong public outreach and communication program as described in Option 1. This option can be completed utilizing the existing budget allotment.

3) The Town implements a large-scale, extensive aerial spray program within the urban boundaries, as well as throughout the rural area of Pelham that meet the criteria stated in the Gypsy Moth Management Policy. This option would also be supported by a strong public outreach and communication program as described in Option 1. The estimated cost of this option is \$1,040,000. Pursuing this option would require Council to approve a net tax increase of \$930,000 since \$110,000 is already budgeted in the 2020 budget for spraying.

The budget shortfall would require an adjustment to the 2020 Budget which will impact the tax levy and be applied to the general tax base, which effectively increases tax rates by 6.64% over 2019 as a special gypsy moth levy, in addition to the approved 5.95% increase after growth in the 2020 operating budget, for a total increase of 12.59%. For the average household, this would be a total increase of \$224 to their tax bill from 2019. Approximately \$106 represents the approved 5.95% tax increase and the \$118 represents the additional tax increase for the Gypsy Moth Infestation Spray Program for the Town.

The option to bill residents separately and possibly charging commercial property owners a higher rate than residential owners has been considered and it has been deemed impractical since the commercial properties only represent 2% of the tax properties. Administratively, it would be a very time consuming, manual process. Adjusting the 2020 budget and increasing the tax levy would be the most efficient collection method, and would be consistent with the manner in which other Town services are levied upon the taxpayers in Pelham.

In the event that Council wishes to pursue this option, staff recommends the following motion:

“THAT Council approves the recommendation to adjust the 2020 budget by

\$930,000 and increase the tax levy by an additional 6.64% on top of the 5.95% increase previously approved to support the Gypsy Moth spraying of severely invested areas in Pelham.”

4) The Town implements a targeted aerial spray program within or adjacent to the urban boundaries of both Fonthill and Fenwick that meet the criteria stated in the Gypsy Moth Management Policy. This option would also be supported by a strong public outreach and communication program as described in Option 1. The estimated cost of this option is \$500,000. The budget shortfall of \$390,000 would require an adjustment to the 2020 Budget which will increase the tax levy by approximately 2.8% bringing the total tax levy increase to 8.75% after growth and be applied to the general tax base.

### **Financial Considerations:**

The Public Works Gypsy Moth Management Policy S801-14 identifies how the periodic gypsy moth infestation is treated by the Town of Pelham as part of an overall Integrated Pest Management Strategy.

The Policy requires a Forestry Health Reserve Fund be created to fund programs related to the health of the forests and tree canopy within the Town of Pelham.

Future Gypsy Moth Management Programs will be funded through the Forestry Health Reserve with Council approval.

Financial Considerations for 2020 Gypsy Moth Management Options were discussed in the Analysis Section above. It is important to note that the exact cost of these options will not be known until a consultant can be retained through the Request for Proposal process to develop the spray blocks and administer the treatment program based on the Gypsy Moth Management Policy and finalized Gypsy Moth Monitoring Program Report.

### **Alternatives Reviewed:**

The alternatives reviewed for gypsy moth management options have been included in the analysis section.

### **Strategic Plan Relationship: Grow Revenue - Promote Cultural Assets and Protect Environment**

The tree canopy within the municipal boundary is vital to protecting the environment and the quality of life within the Town of Pelham, and is an asset that set us apart from neighboring municipalities.

**Consultation:**

Lallemand Inc./BioForest provided; 2019 population assessments, 2020 defoliation forecasts, treatment area estimates, potential management options and policy improvement recommendations.

**Other Pertinent Reports/Attachments:**

Appendix A – Public Works Gypsy Moth Management Policy S801-14  
Public Works Report – 2019-0053 Town of Pelham Gypsy Moth Policy Development

**Prepared and Recommended by:**

Jason Marr, P. Eng.  
Director of Public Works

**Reviewed by:**

Teresa Quinlin, MBA, CPA, CA  
Director Corporate Services & Treasurer

**Prepared and Submitted by:**

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



**Lallemand Inc. / BIOFOREST**  
 59 Industrial Park Crescent, Unit 1  
 Sault Ste. Marie, ON P6B 5P3

# Quote

Date: February 6, 2020  
 Quote Number: AC014  
 Customer Account Number: from CRM  
 Expires: April 6, 2020  
 Customer PO: xxxxxxxxxxxx

Bill To: Jason Marr  
 Director of Public Works  
 Town of Pelham  
 20 Pelham Town Square, PO Box 400  
 Fonthill, ON L0S 1E0

Ship To: Jason Marr  
 Director of Public Works  
 Town of Pelham  
 20 Pelham Town Square, PO Box 400  
 Fonthill, ON L0S 1E0

Salesperson	Payment Terms	Currency
Allison Craig	Due on receipt or Net 45, 1% per month thereafter	CAN

Qty	Item Number and Service	Description of Services	Unit Price	Line Total
1	910001089 - Professional Services - Support for Aerial Spray Block Development	In collaboration with Town staff and the aerial applicator, BioForest staff will use the results from the 2019 Gypsy Moth Egg Mass Surveys, and other available and applicable data layers, to recommend treatment areas for 2020.	\$ 425.00	\$ 425.00
1	910001089 - Professional Services - Pre-Aerial Spray Larval Emergence and Leaf Development Assessment	Through a combination of computer temperature modelling and ground surveys, BioForest will track and monitor leaf development and larval emergence in order to provide guidance on ideal spray window. Continuous updates will be provided to Town staff.	\$ 10,400.00	\$ 10,400.00
2	910001089 - Professional Services - Aerial Spray Daily Weather Monitoring	Using portable weather stations, BioForest staff will monitor weather patterns and record crucial weather condition data during the aerial spray window. Weather conditions will be closely monitored in the field to ensure that the applications are made during meteorological conditions that are best suited to maximize spray deposit in the spray blocks and minimize off-target movement. NOTE: Unit Price is per day; quote assumes two (2) spray days.	\$ 295.00	\$ 590.00
1	910001089 - Professional Services - Post-Aerial Spray Efficacy Assessment (ADAM Kit)	Efficacy assessments will be performed using the ADAM Kit methodology within 24 hours of each spray event to evaluate Btk deposit. Sampling density will be determined as per the manufacturer's specifications and by the industry standard sampling rate.	\$ 6,750.00	\$ 6,750.00
1	910001089 - Professional Services - Post-Aerial Spray Defoliation Surveys	Defoliation surveys will be performed after host trees have reached full leaf development and gypsy moth caterpillars have ceased feeding. Results will provide an early indication of spray success, prior to the follow-up egg mass surveys to be conducted later in the fall/winter.	\$ 2,450.00	\$ 2,450.00
1	910001089 - Professional Services - Technical Summary Report	A technical report will summarize findings of optimal larval emergence and leaf development, weather condition data, post-spray efficacy assessments and post-spray defoliation surveys. The report will include maps, graphs and charts to illustrate the results of the spray program.	\$ 1,850.00	\$ 1,850.00
1	910001089 - Professional Services - Communication and Outreach Support	One (1) BioForest technical staff will attend two (2) open house events in the spring of 2020 in order to answer resident inquiries regarding gypsy moth biology. The same staff member will attend as a delegation and present the results of the 2020 aerial spray program at one (1) Council meeting in the fall of 2020.	\$ 1,450.00	\$ 1,450.00
			Subtotal	\$ 23,915.00
			Sales Tax	13%
			Total	\$ 27,023.95

Quotation prepared by: Allison Craig

For TreeAzin purchases:  
 This pest control product is for use only in accordance with the directions on the label. Any use of this product inconsistent with the label directions is an unauthorized use. The user assumes all risk to persons, plants or property of any unauthorized use of this product and will indemnify BioForest Technologies Inc. for all damages and costs incurred by it arising from the user's unauthorized use of this product.

To accept this quotation, sign here and return: \_\_\_\_\_

**Thank you for your business!**

**Remit Payments to:**

Lallemand Inc. / BIOFOREST  
 59 Industrial Park Crescent, Unit 1  
 Sault Ste. Marie, ON P6B 5P3

1-888-236-7378 / support@bioforest.ca / order@bioforest.ca

\*\*TAX Numbers: GST: 894788835RT003 / QST: 1000093161TQ0508 / SASK 2643252\*\*



THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW #4207(2020)

**Being a by-law to adopt, ratify and confirm the actions of  
the Council at its special meeting held on the 2nd day of  
March 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 2nd day of March, 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 2<sup>nd</sup> DAY OF March, 2020 A.D.

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MAYOR MARVIN JUNKIN

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TOWN CLERK, NANCY J. BOZZATO