

## REGULAR COUNCIL AGENDA

**C-06/2020 - Regular Council**

**Monday, April 6, 2020**

**5:30 PM**

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

**20 Pelham Town Square, Fonthill**

During this unprecedented global pandemic, Novel Coronavirus COVID-19, the Town of Pelham Council will continue to convene meetings in compliance with Provincial directives. Attendance by most Members of Council will be electronic. Public access to meetings will be provided via Livestream publication of the meetings and subsequent publication to the Town's website at [www.pelham.ca](http://www.pelham.ca).

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February 12, 2020

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February 20, 2020

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February 12, 2020

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**10. Presentation & Consideration of Reports**

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**11. Unfinished Business**

**11.1 Site Plan Approval - Summersides Mews (SP-03-19) - Recommendation Report, 2020-0036-Planning 116 - 169**

**12. New Business**

**12.1 Update on Impacts to Town of Pelham From COVID-19**

The following verbal updates will be provided:

1. B. Lymburner - Community Emergency Management Coordinator

2. T. Quinlin - Financial Impacts

3. V. vanRavenswaay - Pelham Transit

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

170 - 191

1. By-law 4218(2020) - Being a by-law to authorize the Mayor & Clerk to enter into Agreements with five (5) establishments licensed by the Alcohol and Gaming Commission of Ontario that are situate within the Summerfest licensed area, those establishments being namely The Butcher and Banker Fonthill Inc., Root and Bone, 1856 Social Ltd. (O/A HillFire SMK & BBQ), Gelato Village and Kame and Kettle Beer Works for the purposes of obtaining a Special Occasion Permit for the Summerfest event to be held on Friday, July 17 and Saturday, July 18, 2020, and to Repeal By-law 4095(2019).

2. By-law 4220(2020) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the south side of Quaker Road, west of Kevin Drive, municipally known as 1084 Quaker Road, Town of Pelham, Regional Municipality of Niagara, by changing the zoning from the R1-26 (Residential 1 – 26) zone to the R1-298 (Residential 1 – 298) zone. Town of Pelham. File No. AM-01-20

3. By-law 4221(2020) - Being a by-law to Establish an Administrative Monetary Penalty System for Non-Parking Related Offences and to amend all By-Law's referenced in Schedule 'A'

4. By-law 4222(2020) - Being a By-law to amend Environmental Protection By-law 3357(2013) to prohibiting or regulating the placing or dumping of fill within Pelham.

5. By-law 4223(2020) - Being a By-law to regulate Open Air Burning in the Town of Pelham, and to Repeal and Replace By-law # 3160(2010).

### **14. Motions and Notices of Motion**

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

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

### **17. Resolution to Move in Camera**

Pursuant to *Municipal Act*, 2001, Section 239(2)(d) - labour relations



and employee negotiations

**17.1 Closed Session Report - Chief Administrative Officer**

**18. Rise From In Camera**

**19. Confirming By-Law**

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**20. Adjournment**

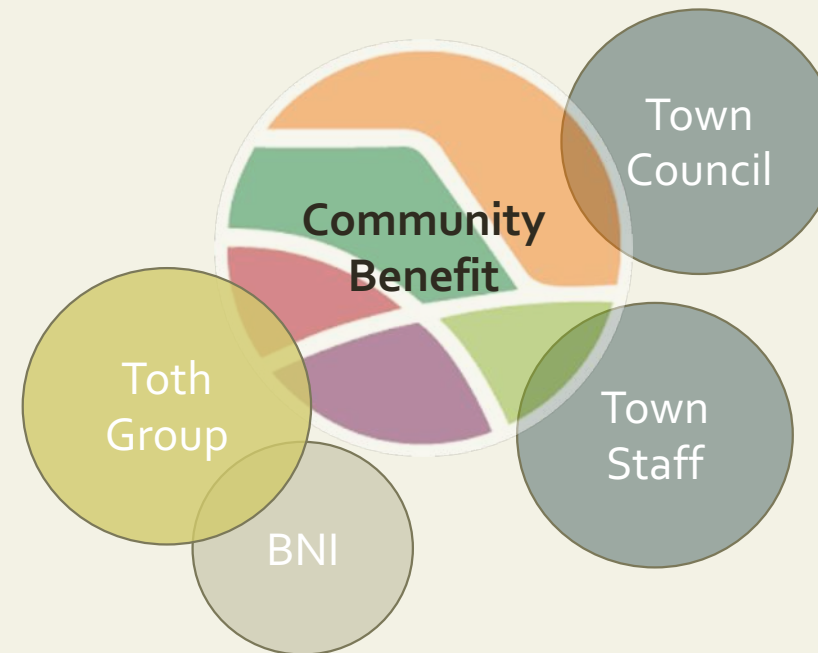
# SUMMERSIDES MEWS

FONTHILL, PELHAM



# TEAM

- Toth Group
- Better Neighbourhoods
- Town Staff
- Town Council



# 4750 Huron St Niagara Falls

Project by Toth Group  
Completed 2016





555 King St  
Port Colborne

**Project by Toth Group**  
Completed 2019



# Aspen Common

125 Rykert St.  
St. Catharines

**Project by Toth Group  
with Better Neighbourhoods**

(under construction)





# Village on the Twelve

St. Catharines

Project by  
**Better Neighbourhoods Inc.**

Phase 1 through 5 complete  
Phase 6 now under construction



# PLANNING PROCESS





# PROPOSED DEVELOPMENT

- Diverse housing options
- Sense of place
- Traditional urban design
- Enhanced streetscape along neighbourhood entrance



# PROPOSED DEVELOPMENT



***SUMMERSIDES BOULEVARD***

# THE PARKING EQUATION

Town Zoning Requirement

Number of Units

Transit Access & Neighbourhood Walkability

Market Expectations & Future Needs

Existing Supply

Visitors

Site Functionality



# PARKING PROVISION



## ZONING REQUIREMENT

Minimum 1 stall/dwelling =	41
Maximum 1.25 stalls/ dwelling =	51

## PARKING PROVIDED

Block A:	24
Block B:	12
Unit C:	7
Block D/E:	18
<b>TOTAL ON-SITE PARKING:</b>	<b>61</b>
Public Curbside Stalls:	17
<b>TOTAL PARKING PROVIDED</b>	<b>78</b>

# COMMUNITY BENEFITS



**30 FAMILIES READY  
TO MOVE TO  
PELHAM**



**DIVERSE HOUSING  
OPTIONS**



**AWARD WINNING  
DEVELOPMENT IN  
PELHAM**



**TOWN SALE  
OF LAND**



**INCREASED TAX  
ASSESSMENT**



**20 MORE ON-SITE  
STALLS  
THAN REQUIRED**



**MECHANISMS TO  
GOVERN ILLEGAL  
PARKING**



**17 ADDITIONAL  
PUBLIC ON-STREET  
PARKING STALLS**

We are ready  
to put the  
shovel in the  
ground



## **SPECIAL COUNCIL MINUTES**

**Meeting #:** SC-05/2020 Special Council  
**Date:** Tuesday, March 17, 2020, 5:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

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

**Staff Present** David Cribbs  
Nancy Bozzato  
Bob Lymburner  
Jason Marr  
Teresa Quinlin

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

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:00 p.m. Councillors Hildebrandt and Wink attended via teleconference and were not considered as part of the quorum however participated fully in the meeting, as provided in the Procedural By-law.

### **2. Approval of the Agenda**

**Moved By** Marianne Stewart

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT the agenda for the March 17, 2020  
Special Meeting of Council be adopted as circulated.**

**Carried**

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

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

### **4. Staff Report**

#### **4.1 COVID-19 Preparation, 2020-0045-Chief Administrator Officer**

The Chief Administrative Officer provided an overview of the staff report, submitted for information.

**Moved By** Lisa Haun

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT Council receive Report #2020-0045; for information purposes.**

**Carried**

**Moved By** Mike Ciolfi

**Seconded By** Ron Kore

**BE IT RESOLVED THAT Council suspend all Advisory Committee meetings save and except the Cannabis Control Committee, and that the Cannabis Control Committee be directed to convene at the Meridian Community Centre and recognize the required social distancing, and having no more than ten people in physical attendance, wherein other Members may attend via electronic means and that one of the individuals present be a Member of Staff, during the pandemic period.**

**Carried**

## **5. Consideration of By-laws**

The By-law was divided to permit Council to consider each article separately and to provide for a recorded vote for each separate article.

**Moved By** Ron Kore

**Seconded By** Mike Ciolfi

**BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-laws do now read a first, second and third time and do pass same, and THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-laws:**

**By-law 4215(2020) - Being a by-law to Delegate Authority to the Mayor, the Chief Administrative Officer and Various Municipal Officers or Departmental Directors, or any of their Designates for Certain acts During a Pandemic and/or Other Emergency Period, divided and voted separately as follows:**

**Carried**

**Moved By** Ron Kore

**Seconded By** Mike Ciolfi

### **Article 1:**

**1. THAT the CAO and the Treasurer, or designates, are jointly delegated as the financial signing authority for expenditures outside the current budget, exceeding \$25,001 as contained in the Town of Pelham Procurement By-law for pandemic or emergency related expenses that are deemed reasonable under the circumstances as determined by the CAO and Treasurer and**



**that Section 23(2) of the Purchasing Policy Procurement of Supplies and Services is hereby suspended relating to Council approval.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt		X
Ron Kore		X
Marianne Stewart	X	
<b>Results</b>	<b>4</b>	<b>2</b>
<b>Carried (4 to 2)</b>		

**Moved By** Ron Kore  
**Seconded By** Mike Ciolfi  
**Article 2:**

**THAT the CAO and Clerk, or designates, are jointly delegated the authority to extend and/or execute any current Agreement of Purchase and Sale pertaining to the disposition of any real or personal property where Council has previously authorized the sale.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt		X
Ron Kore		X
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>5</b>	<b>2</b>
<b>Carried (5 to 2)</b>		

**Moved By** Ron Kore  
**Seconded By** Mike Ciolfi  
**Article 3:**

**THAT the Mayor or the CAO and the Clerk, or designates, are jointly appointed signing authority for all agreements pursuant to Article 2.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		X
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>1</b>

Carried (6 to 1)

Moved By Ron Kore  
Seconded By Mike Ciolfi

Article 4:

THAT the CAO and the appropriate Department Director, or designates, are jointly delegated authority to proceed on any recommendation having received approval at either Committee of the Whole or the Policy and Priorities Committee but not yet having obtained Council ratification.

Recorded	For	Against
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt		X
Ron Kore		X
Marianne Stewart	X	
John Wink	X	
Results	5	2
Carried (5 to 2)		

Moved By Ron Kore  
Seconded By Mike Ciolfi

Article 5:

THAT the CAO and/or the appropriate Department directors, or designates, be authorized to approve work-from-home provisions for municipal staff and to authorize payroll-related matters as they relate to the specific pandemic or emergency situation.

Recorded	For	Against
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

Moved By Ron Kore  
Seconded By Mike Ciolfi

Article 6:

THAT the CAO and the appropriate Department Directors, or designates, be authorized to eliminate the appearance of delegations before Council, save and except delegations that are related to a specific mandated corporate business, and that any such delegation be limited to one representative.

**Amendment:**

**Moved By** Ron Kore

**Seconded By** Mike Ciolfi

**THAT Article 6 be amended by adding:**

**and that the CCC be provided the provision to allow one person to attend as a delegation and if not available to be present in person, be permitted to present via electronic means**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
<b>Carried (7 to 0)</b>		

**Moved By** Ron Kore

**Seconded By** Mike Ciolfi

**Article 6, as amended:**

**THAT the CAO and the appropriate Department directors, or designates, be authorized to eliminate the appearance of delegations before Council, save and except delegations that are related to a specific mandated corporate business, and that any such delegation be limited to one representative, and that the Cannabis Control Committee be provided the provision to allow one person to attend as a delegation and if not available to be present in person, be permitted to present via electronic means.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
<b>Carried (7 to 0)</b>		

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

**Article 7:**

**THAT all Standing committee meetings, such as Committee of the Whole and Policies and Priorities Committee be suspended for the duration of the pandemic or emergency period, or as advised by the Corporation's Community Emergency Management co-ordinator (CEMC) and in consultation with the Senior Leadership Team, and that only matters of a time sensitive nature be presented to Council.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		X
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>1</b>
<b>Carried (6 to 1)</b>		

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

**Article 8:**

**THAT unless otherwise proclaimed by the Province of Ontario, and in accordance with The Act, Council meetings shall achieve a quorum of no fewer than four Members physically present while three Members may attend through electronic means, and meetings shall be live-streamed for the viewing public, whereas the public is prohibited from personal attendance.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
<b>Carried (7 to 0)</b>		

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

**Article 9:**

**THAT the Chief Administrative Officer be and is hereby appointed as a Deputy Clerk with all of the duties and responsibilities of the Clerk in the Clerk's absence.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt		X
Ron Kore		X
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>5</b>	<b>2</b>
<b>Carried (5 to 2)</b>		

**Moved By** Ron Kore  
**Seconded By** Mike Ciolfi  
**Article 10:**

**THAT the mayor and Clerk, or designates, be authorized to execute any Agreement previously reported to Council that may have not yet been ratified through By-law.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Mike Ciolfi		X
Lisa Haun	X	
Bob Hildebrandt		X
Ron Kore		X
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>4</b>	<b>3</b>
<b>Carried (4 to 3)</b>		

**Moved By** Ron Kore  
**Seconded By** Mike Ciolfi  
**Article 11:**

**THAT the CAO shall report to Council on any actions taken under the provisions of this by-law.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt		X
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>1</b>
<b>Carried (6 to 1)</b>		

**Moved By** Ron Kore  
**Seconded By** Mike Ciolfi  
Article 12:

THAT this By-law shall take effect immediately and remain in force only during a period of a declared pandemic or other similar emergency.

**Amendment:**

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

**THAT Article 12 be amended as follows:**

**Replace "or other similar emergency" with "being the novel coronavirus, COVID-19".**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		X
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>1</b>
<b>Carried (6 to 1)</b>		

**Moved By** Ron Kore  
**Seconded By** Mike Ciolfi  
**Article 12 as amended:**

**THAT this By-law shall take effect immediately and remain in force only during a period of a declared pandemic, being the novel coronavirus, COVID-19.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt		X
Ron Kore		X
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>5</b>	<b>2</b>
<b>Carried (5 to 2)</b>		

**6. Confirming By-law**

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

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

**Being a By-law No. 4216(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 17th day of March, 2020.**

**Carried**

**7. Adjournment**

**Moved By** Marianne Stewart

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next regular meeting scheduled for March 23, 2020 at 5:30 pm.**

**Carried**

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Mayor Marvin Junkin

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Town Clerk, Nancy J. Bozzato

## **REGULAR COUNCIL MINUTES**

**Meeting #:** C-05/2020 - Regular Council  
**Date:** Monday, March 23, 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 (Electronic)  
Bob Hildebrandt (Electronic)  
Ron Kore  
Marianne Stewart  
John Wink (Electronic)

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

**Other:** T. Nohara, Item 5.2.1

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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 6:10 p.m. with apologies for a late start due to a previous meeting.

### **2. Singing of National Anthem**

To officially open the meeting, the Mayor read remarks relating to COVID-19, Novel Coronavirus in place of the National Anthem in this instance.

### **3. Approval of Agenda**

**Moved By** Ron Kore

**Seconded By** Lisa Haun

BE IT RESOLVED THAT the agenda for the March 23, 2020 Regular meeting of Council be adopted.



**Amendment:**

**Moved By** Marianne Stewart

**Seconded By** Bob Hildebrandt

**THAT the Agenda for March 23, 2020 be amended to include correspondence dated March 20, 2020 from Sullivan Mahoney LLP and Inch Hammond Barristers & Solicitors as part of the Consent Agenda as items 9.5.4 and 9.5.5;**

**AND that an Item of New Business, Item 13, be added relating to tax and water penalties during the pandemic;**

**AND that By-law Item 14.4, By-law 4202(2020) be considered immediately following the delegation.**

**Carried**

**Moved By** Ron Kore

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT the agenda for the March 23, 2020 Regular meeting of Council be adopted, as amended.**

**Carried**

**Moved By** Lisa Haun

**Seconded By** Ron Kore

**THAT, for future meetings, only matters of a time-sensitive or an urgent nature be presented to Council for consideration and that Committee meetings be postponed during the Novel Coronavirus COVID-19 Pandemic.**

**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**

None

**5.2 Delegations**

**5.2.1 Cannabis Control Committee**

Mr. Nohara described the Cannabis Control Committee's significant changes to the proposed odorous industries by-law, which is being presented for Council consideration.

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

**BE IT RESOLVED THAT Council receive the delegation by Tim Nohara, Chair, Cannabis Control Committee;**  
**AND THAT Council consider the Committee recommendation to approve the Odorous Industries Nuisance By-law as presented on the agenda for March 23, 2020 at Item #14.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
<b>Carried (7 to 0)</b>		

**5.2.1.1      Consideration of By-law 4202(2020) -  
Being a by-law to regulate certain matters and  
nuisances related to odorous industrial  
facilities.**

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

**BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law do now read a first second and third time and do pass same, and**  
**THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-law:**  
**By-law 4202(2020) - Being a by-law to regulate certain matters and nuisances related to odorous industrial facilities.**

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Mike Ciolfi	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
		<b>Carried (7 to 0)</b>

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

**BE IT RESOLVED THAT Council direct staff to present a report for the proposed mechanism, methodology, process and purchase of technology regarding licensing, regulations, fees and charges for implementation of the odorous industries by-law.**

**Carried**

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

None

### **6. Adoption of Minutes**

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

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

**1.C-04/2020 Regular Council Minutes - March 2, 2020**

**2. SC-03/2020 Special Council Minutes - February 24, 2020**

**3. SC-04/2020 Special Council Minutes - March 2, 2020**

**Carried**

### **7. Business Arising from Council Minutes**

None

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

No items were lifted

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

**Moved By** John Wink

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT** the Consent Agenda items as listed on the March 23rd, 2020 Council Agenda be received and the recommendations contained therein be approved, as applicable.

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**9.3 Staff Reports of a Routine Nature for Information or Action**

**9.3.1 2019 Council and Board Remuneration, 2020-0031-  
Corporate Services**

**BE IT RESOLVED THAT** Council receive Report #2020-0031 for information.

**9.5 Information Correspondence Items**

**9.5.1 Ministry of Municipal Affairs and Housing - Provincial  
Policy Statement, 2020**

**BE IT RESOLVED THAT** Council receive, for information, correspondence from the Minister of Municipal Affairs and Housing, introducing the 2020 Provincial Policy Statement that will come into effect May 1, 2020 and supports the More Homes, More Choice: Ontario's Housing Supply Action Plan.

**9.5.2 Summerfest Wins Top 100 Festivals in Ontario for Sixth  
Year In A Row**

**BE IT RESOLVED** that Council receive the media communication regarding 'Summerfest Wins Top 100 Festivals in Ontario for Sixth Year in a Row', for information.

**9.5.3 2019/2020 Gas Tax Program Funding Allocation -  
Ministry of Transportation Ontario**

**BE IT RESOLVED THAT** Council receive, for information, correspondence from the Ministry of Transportation of Ontario regarding the 2019/2020 Gas Tax Program Funding notification for the Town of Pelham.

**9.5.4 Sullivan Mahoney LLP Letter re Odourous Industries  
Nuisance By-law**

**BE IT RESOLVED THAT** Council receive correspondence dated March 20, 2020 from Sullivan Mahoney LLP regarding the draft Odourous Industries Nuisance By-law, for information.

**9.5.5 Inch Hammond Barristers & Solicitors Letter re Odourous  
Industries Nuisance By-law**

**BE IT RESOLVED THAT Council receive correspondence dated March 20, 2020 from Inch Hammond Barristers & Solicitors regarding the draft Odourous Industries Nuisance By-law, for information.**

**9.7 Committee Minutes for Information**

**9.7.1 Cannabis Control Committee Minutes**

**BE IT RESOLVED THAT Council receive the Cannabis Control Committee minutes dated December 11, 2019, January 8, 2020 and January 15, 2020, for information.**

**9.7.2 Mayors Youth Advisory Council Minutes**

**BE IT RESOLVED THAT Council receive the Mayors Youth Advisory Council minutes dated December 17, 2019, for information.**

**9.7.3 Committee of Adjustment Minutes**

**BE IT RESOLVED THAT Council receive the Committee of Adjustment minutes dated November 5, 2019, for information.**

**Carried**

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

No items were lifted for separate consideration.

**11. Presentation & Consideration of Reports**

**11.1 Reports from Members of Council:**

No reports.

**11.2 Staff Reports Requiring Action**

**11.2.1 Zoning By-law Amendment - 695 Quaker Rd (AM-09-19) Recommendation Report, 2020-0040-Planning**

**Moved By** John Wink

**Seconded By** Mike Ciolfi

BE IT RESOLVED THAT Council receive Report #2020-0040-Planning for information as it pertains to Zoning By-law Amendment application file No. AM-09-19 – 695 Quaker Road and recommend;

THAT Council approve the By-law, attached hereto as Appendix D, amending the zoning of 695 Quaker Road.

**Amendment:**

**Moved By** Ron Kore

**Seconded By** Mike Ciolfi

**THAT Consideration of this report be deferred for consideration following the Novel Coronavirus COVID-19 pandemic.**

**Carried**

**11.2.2 2020 Gypsy Moth Aerial Spray Program, 2020-0039-Public Works**

**Moved By** John Wink

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT Council receive Report # 2020-0039 for information;**

**AND THAT Council consider amending By-Law No. 4106(2019) to allow for the implementation of an aerial spray program in 2020;**

**AND THAT the blocks identified in Report # 2020-0039 be aurally sprayed for the Gypsy Moth in 2020;**

**AND THAT the Town holds two (2) Public Open Houses to communicate the spray blocks and address the concerns of residents with respect to the Gypsy Moth during the month of April.**

**Carried**

**11.2.3 The Town of Pelham's Enhanced and Optional Enhanced Waste Collection Services, 2020-0044-Public Works**

**Moved By** Marianne Stewart

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT Council receive and approve Report #2020-0044-Public Works and;**

**AND THAT Council 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 is not interested in the Optional Enhanced Services of:**

- c. 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);**
- d. 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 THAT Council endorse the recommendation from Town staff to continue with the Town's existing in-ground collection service provider until further investigation on alternative in-ground collection systems are explored.**

**Carried**

**12. Unfinished Business**

None

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

**Moved By** Ron Kore

**Seconded By** Mike Ciolfi

**THAT consideration of By-law 4209(2020) regarding 695 Quaker Road be deferred for consideration following the Novel Coronavirus COVID-19 pandemic.**

**Carried**

**Moved By** John Wink

**Seconded By** Mike Ciolfi

**BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-laws do now read a first, second and third time and do pass same, and**

**THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-laws:**

**1. By-law 4208(2020) - Being a by-law authorizing the implementation of a 2020 spray program respecting the gypsy moth, and to Repeal and Replace By-law 4106(2019)**

~~2. By law 4209(2020) - Being a by law to amend Zoning By law 1136 (1987), as amended, for lands located on the south side of Quaker Road, west of Clare Avenue, municipally known as 695 Quaker Road. The Zoning By law Amendment rezones the lands from the Residential 1 (R1) Zone to a site specific Residential 2 (R2) and Residential Multiple 1 (RM1-281{H}). Janusz Szymala, Pawel Ryzlak. File No. AM-09-19 - DEFERRED~~

**3. By-law 4210(2020) - Being a by-law to Authorize the Execution of Grant Funding Agreements between the Town of Pelham and Her Majesty the Queen in Right of Ontario, as represented by the Minister of Municipal Affairs and Housing, Relating to Funding Provided as follows: (1) \$49,354.00 – Public Works Operational Review; (2) - \$39,534.00 – Savings and Efficiencies Review with the City of Port Colborne, the Townships of Wainfleet and West Lincoln, and the Town of Pelham; and (3) \$19,425.00 – Review of Current Information Technology Services with the Township of Wainfleet**

~~4. By law 4202(2020) - Being a by law to regulate certain matters and nuisances related to odorous industrial facilities. (CONSIDERED SEPARATELY)~~

**5. By-law 4211(2020) - Being a by-law to appoint Jason Longhurst and Andrew McMurtrie as Provincial Offences Officers for the Corporation of the Town of Pelham.**

**6. By-law 4214(2020) - Being a by-law to authorize the execution of an Agreement with Her Majesty The Queen In Right of the Province of Ontario as represented by the Minister of Transportation for the Province of Ontario - Dedicated Gas Tax Funds 2019-2020, and to Repeal and Replace By-law #4067(2019).**

**Carried**

#### **14. New Business**

Consideration of Resolution to waive penalties for non-payment of taxes and water utility bills.

**Moved By** Mike Ciolfi

**Seconded By** John Wink



**WHEREAS the Town of Pelham, along with the global community, is experiencing a World health Organization declared pandemic being the Novel Coronavirus, COVID-19,**

**AND WHEREAS the Town of Pelham municipal building is closed to the walk-in public in light of this pandemic;**

**AND WHEREAS the global economy is experiencing an unprecedented financial impact;**

**AND WHEREAS the Town of Pelham is desirous to initiate measures to ensure business continuity and to support the well-being of the residents of the Town of Pelham,**

**NOW THEREFORE BE IT RESOLVED THAT Council for the Town of Pelham waive the Town of Pelham's penalty for non-payment of taxes or any installment for taxes or water/wastewater payments,**

**AND THAT Council approves of a one-month exemption until April 30th, 2020 at which time a further assessment of the pandemic implications will be reviewed and further recommendations will be made as necessary.**

**Carried**

**15. Motions and Notices of Motion**

None

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

None

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

None

**18. Resolution to Move in Camera**

The meeting was recessed and reconvened following the Committee of the Whole meeting.

**Moved By** Mike Ciolfi

**Seconded By** John Wink

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

**Carried**

**Moved By** Mike Ciolfi  
**Seconded By** Marianne Stewart

**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**

**Moved By** Bob Hildebrandt  
**Seconded By** Ron Kore

**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,**

**Subsection 239(2)(c) proposed or pending acquisition or disposition of land by the municipality or local board; and 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose (1 item);**

**Subsection 239(2)(e) - litigation or potential litigation (1 item);**

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

**Subsection 239(2)(b) - personal matters about an identifiable individual including municipal or local board employees; and 239(2)(d) labour relations or employee negotiations (1 item)**

**Carried**

## **19. Rise From In Camera**

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

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

**Carried**

**Moved By** Ron Kore  
**Seconded By** 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 March 23, 2020.**

**Carried**

**20. Confirming By-Law**

**Moved By** Lisa Haun  
**Seconded By** Bob Hildebrandt

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

**Being a By-law No. 4213(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 23rd day of March, 2020.**

**Carried**

**21. Adjournment**

**Moved By** Ron Kore  
**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for April 6, 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-06/2020 - Special Council  
**Date:** Monday, March 23, 2020, 4:30 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

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

**Staff Present** David Cribbs  
Nancy Bozzato  
Teresa Quinlin  
Barbara Wiens

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

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

### **2. Approval of the Agenda**

**Moved By** Lisa Haun

**Seconded By** John Wink

**BE IT RESOLVED THAT the agenda for the March 23, 2020 Special Meeting of Council be adopted as circulated.**

**Carried**

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

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

### **4. Consideration of Amendment to Procedural By-law**

**Moved By** Marianne Stewart

**Seconded By** Mike Ciolfi

**BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-laws do now read a first, second and third time and do pass same, and THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-laws:**

**1. Being a by-law to amend By-law No. 4107(2019) being a by-law to govern the proceedings of the Town of Pelham Council,**

its Committees, the conduct of its members and the calling of meetings, to provide for Electronic Meetings During a Declared Emergency.

Carried

**5. Resolution to Move in Camera**

**Moved By** Bob Hildebrandt

**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:

**Municipal Act, Section 239(2):**

**1. Section 239(2)(c) proposed or pending acquisition or disposition of land by the municipality and Section 239(2)(f) advice subject to solicitor-client privilege (2 items; File L07-2018-04-S; and L07-2018-01-S); and**

**2. Section 239(2)(i) trade secret, technical, commercial, financial information supplied in confidence to the municipality which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with contractual or other negotiations (1 item)**

Carried

**6. Rise From In Camera**

**Moved By** Ron Kore

**Seconded By** John Wink

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

Carried

**Moved By** Mike Ciolfi

**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 March 23, 2020.

Carried

**7. Confirming By-law**

**Moved By** Marianne Stewart

**Seconded By** Bob Hildebrandt

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

**Being a By-law No. 4212 (2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 23rd day of March, 2020.**

**Carried**

**8. Adjournment**

**Moved By** Lisa Haun

**Seconded By** Bob Hildebrandt

**BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next regular meeting scheduled for March 23, 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 Public Meeting under the Planning Act held March 9, 2020

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BE IT RESOLVED THAT COUNCIL HEREBY approves the following  
Recommendations Resulting from the Public Meeting under the Planning Act meeting of  
March 9, 2020:

1. **THAT the agenda for the March 9th, 2020 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.**
2. **THAT Committee receive Report #2020-35 for information as it pertains to 1084 Quaker Road (File no. AM-01-20) 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. Norm Mailhot
2. Nigel and Pamela Shelton
3. James Shannon

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

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

# Recommendations of the Committee of the Whole held March 23, 2020

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BE IT RESOLVED THAT COUNCIL HEREBY approves the following Recommendations Resulting from the COW-03/2020 Committee of the Whole of March 23, 2020:

1. **THAT the agenda for the March 23, 2020 regular meeting of Committee be adopted.**

2. Motion to Defer – DEFEATED

THAT this item be deferred for consideration following the COVID-19 pandemic.

## Motion

THAT Committee receive Report #2020-0036 - Planning pertaining to Site Plan control file SP-03-19 and recommend to Council:

THAT the By-law and Site Plan Agreement for Part 5 on RP 59R-16105 be approved by Council and the Mayor and Clerk be authorized to sign the Site Plan Agreement with the purchaser 2494557 Ontario Inc.

## Motion

**THAT Committee refer the report back to staff; and**

**THAT staff investigate additional onsite parking with the proponent; and**

**THAT staff report back to Council on the matter.**

3. **THAT Committee receive Report #2020-0041 and recommend to Council:**

**THAT Staff include the preparation of a comprehensive Parking Study/Strategy in the 2021 Budget;**

**AND THAT Staff prepare the necessary by-law to establish a Parking Reserve Fund prior to 2021 budget;**

**AND THAT Staff prepare a report on cash-in-lieu of parking policy and appropriate fee structure.**

4. **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.**

5. **THAT Committee receive Report #2020-0022 and recommend to Council:**

**THAT the administrative monetary penalty bylaw be approved and staff be directed to prepare the necessary bylaw for council consideration on March 23, 2020**

6. **THAT Committee receive Report #2020-0025 and recommend to Council:**

**THAT council approves the amendment to the environmental protection bylaw 3357 (2013) at the March 23<sup>rd</sup>, 2020 regular meeting of council.**



**7. THAT Committee receive Report #2020-0020 and recommend to Council:**

**THAT the Town of Pelham open air burn bylaw 2020 be approved and staff be directed to prepare the necessary bylaw for council consideration on March 23, 2020**

**8. Motion**

THAT Committee of the Whole receive Report #2020-0024 for information;

AND THAT Committee recommend that Council approve the award of an engineering assignment to complete a Municipal Class Environmental Assessment Study to determine the preferred alternative with respect to rehabilitation options, and complete the detailed design and preparation of tender documents to CIMA+ in the amount of \$129,878 (plus HST).

**Amendment**

**THAT this project be placed on hold for 4 months; and**

**THAT staff be directed to release a Request for Proposals for a design-build project to seek interest for this reconstruction initiative.**

**Motion as Amended**

THAT Committee of the Whole receive Report #2020-0024 for information;

THAT this project be placed on hold for 4 months; and

THAT staff be directed to release a Request for Proposals for a design-build project to seek interest for this reconstruction initiative.

**9. THAT COMMITTEE receive Report #2020-0037 - Recreation and recommend to Council:**

**THAT the Clerk be authorized to make application for a Special Occasion Permit for Pelham Summerfest on Thursday, July 16, 2020, Friday, July 17, 2020, Saturday, July 18, 2020 and Sunday, July 19, 2020; and**

**THAT the Mayor and Clerk be authorized to enter into agreements with the five licensed establishments located within the Summerfest festival area that have requested they be included in the Festival Licensing pursuant to the Town's application for a Special Occasion Permit, those establishments being: Root and Bone, 1856 Social (Operating As HillFire SMK & BBQ), The Butcher and Banker Fonthill, Kame & Kettle Beer Works and Gelato Village; and**

**THAT the Town of Pelham offer no objection to the request from Root and Bone, 1856 Social, The Butcher and Banker Fonthill and Gelato Village for their respective applications for a Temporary Extension to their existing Liquor Sales Licence from the Alcohol and Gaming Commission of Ontario during Pelham Summerfest, subject to the following condition:**

**THAT the selling and serving of liquor to the approved outdoor area shall occur only between the hours of 4:00 pm and 11:00 pm on Friday, July 17, 2020, all patios must be cleared of patrons by 12 midnight; and between 11:00 am and midnight on Saturday, July 18, 2020 and the outdoor area shall be cleared of patrons by 1:00 am on Sunday, July 19, 2020.**

**THAT Council authorize a variance to the Town of Pelham By-law No. 3130(2010), being a by-law to regulate and control noise for the purpose of facilitating the Summerfest musical venues being conducted as part of the event from 4:00 pm Friday, July 17, 2020 until 1:00 am on Sunday, July 19, 2020; and**

**THAT Council authorize the following road closures:**

**Pelham Town Square from the rear entrance to the Fonthill Plaza to 60 m west from 4:00 pm Thursday, July 16, 2020 to 10:00 pm of the same day;**

**Pelham Town Square entrance off Pelham Street from 7:00 am Friday, July 17, 2020 to noon, Monday, July 20, 2020;**

**Pelham Street from Regional Road #20 (Hwy 20) to the south property line of 1419 Pelham Street from 7:00 am Friday, July 17, 2020 to 12:00 pm on Sunday, July 19, 2020;**

**Pelham Street from the south property line of 1419 Pelham Street to College Street from 7:00 am Saturday, July 18, 2020 to 6:00 pm on the same day;**

**Pelham Town Square from 150 m west of Station Street to its termination at the Fonthill Plaza entrance from 7:00 am Sunday, July 19, 2020 to 5:00 pm of the same day.**

**10. THAT this Regular Meeting of Committee be adjourned until the next regular meeting scheduled for April 6, 2020 following Council.**

**Committee of the Whole Meeting**  
**Minutes**

Meeting #: PCOW-02/2020  
Date: Monday, March 9, 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: Nancy Bozzato, Barbara Wiens, Shannon Larocque

Media: Rick and Del Leney  
Interested Citizens

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

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30 p.m.

**2. Adoption of Agenda**

**Moved By Councillor** Marianne Stewart

**THAT the agenda for the March 9th, 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-01-20 1084 Quaker Road**

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

**4.1 Planning Report**

Senior Planner S. Larocque presented information relating to the zoning by-law amendment application relating to 1084 Quaker Road.

**4.1.1 Information Report - Application for Zoning By-law Amendment - 1084 Quaker Road, 2020-0035-Planning**

**Moved By Councillor** John Wink

**THAT Committee receive Report #2020-35 for information as it pertains to 1084 Quaker Road (File no. AM-01-20) 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**

Del Leney, applicant, informed Council that those in opposition may not realize the reason for this application, having been requested as part of a permit application for accessibility needs. She explained the insurance proposals regarding the health of Mr. Leney and his need for installation of various equipment installations in their home. She indicated that their main focus at this time is to permit accessibility. She also noted that the property next door, 1086 Quaker Road, is a triplex that was grandfathered about thirty years ago.

Ms. Wiens informed Council that the applicants submitted a building permit application to allow for the installation of measures for accessibility purposes. In order to obtain a building permit, the property must be in compliance with the zoning by-law, which zones this property for a single detached dwelling. The zoning amendment is needed in order to allow for recognition of two separate and distinct dwelling units. She clarified that it is not an accessibility permit that is being sought, but rather a building permit to allow for renovations to make the dwelling accessible.

Mrs. Leney suggested to the Council that accessibility is a human right and as such, this should not be denied.

It was noted that the second unit is a basement unit and it was asked if this were removed would a permit be issued. Ms. Wiens advised that the applicants are not willing to take this step as they want to maintain the second dwelling unit.

Mrs. Leney advised that this is not something she wants to do because she does not want to evict her tenants with no other affordable housing available. She suggested that this type of living accommodation should have been allowed years ago by the Town. That stated, she indicated that in order to get the building permit to provide for her husband's needs, they would give up the basement unit.

Ms. Wiens advised that there would be no building additions or new structures if this amendment is approved. Mrs. Leney advised that they are not planning any new construction, noting the additional dwelling units have existed for some twenty years.

**Moved By Councillor John Wink**

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

**Carried**

### **4.3 Public Input**

Nigel Shelton, neighbouring property owner, sought clarification on the application as it appears that if the apartment is not present, the accessibility measures cannot be undertaken. Ms. Wiens provided clarification that the apartment has been in existence for some time, but was constructed without the issuance of building permits, so it does not exist legally. The zoning needs to be changed so as to permit the second unit, known as a duplex. Because the applicants want to make renovations to the home to install a lift for accessibility from the main floor to the second floor and lower units, as well as other issues such as widening the hallways, doors, etc., the structural changes require a building permit. A permit cannot be issued because the property, as it exists today, is not legal given the second dwelling unit constructed without a permit.

In response to an additional query, Ms. Wiens advised that there would be no ability to subdivide the property to allow for the two distinct units to be sold separately, as this situation is a contained apartment within the house that is under one ownership.

Richard Leney, son of the applicant, informed that the basement unit was originally built for his grandmother, and was initially a granny suite. It was originally attached to the rest of the dwelling with a common entrance. After his grandmother was no longer living in this unit, he moved in to that area and closed it off, making it a separate unit. He was there for two or three years and after he moved out, his parents brought in a college student. He indicated that one of this was done in bad faith, nor was it done to try to avoid obtaining permits

In response to a question by Council, Ms. Wiens advised that zoning does not zone "people", but rather, zones property so allowing this situation to remain while owned by Mr. and Mrs. Leney would not be permitted. The only ways to obtain a building permit would be to convert the residence back to a single, or to obtain a zoning amendment. In response to a question about the property previously being described as a triplex, Ms. Wiens noted that there is one additional granny flat that is integrated as part of the main floor and does not have a separate entrance.

If this application is approved, there are restrictions for lot coverage in terms of accessory buildings and the main structure. If those specific requirements are met, an addition could be constructed but a second dwelling building would not be permitted.

**Moved By Councillor** Lisa Haun

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

- 1. Norm Mailhot**
- 2. Nigel and Pamela Shelton**
- 3. James Shannon**

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

**Carried**

**4.4 Committee Input**

All Committee questions were answered during the previous discussions.

**5. Adjournment**

**Moved By Councillor** Mike Ciolfi

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

**Carried**

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Mayor: Marvin Junkin

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Town Clerk: Nancy J. Bozzato

## **COMMITTEE OF THE WHOLE MINUTES**

**Meeting #:** COW-03/2020 - Immediately Following Council  
**Date:** Monday, March 23, 2020  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

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

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

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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 7:50 p.m.

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

**Moved By** Mike Ciolfi

**THAT the agenda for the March 23, 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 Site Plan Approval - Summersides Mews (SP-03-19)  
- Recommendation Report, 2020-0036-Planning**

**Moved By** Ron Kore

THAT this item be deferred for consideration following the COVID-19 pandemic.

**Defeated**

**Moved By** John Wink

THAT Committee receive Report #2020-0036 - Planning pertaining to Site Plan control file SP-03-19 and recommend to Council:

THAT the By-law and Site Plan Agreement for Part 5 on RP 59R-16105 be approved by Council and the Mayor and Clerk be authorized to sign the Site Plan Agreement with the purchaser 2494557 Ontario Inc.

**Moved By** Mike Ciolfi

**THAT Committee refer the report back to staff; and**

**THAT staff investigate additional onsite parking with the proponent; and**

**THAT staff report back to Council on the matter.**

**Carried**

**4.1.2 Public Parking in Fenwick, 2020-0041-Planning**

**Moved By** Bob Hildebrandt

**THAT Committee receive Report #2020-0041 and recommend to Council:**

**THAT Staff include the preparation of a comprehensive Parking Study/Strategy in the 2021 Budget;**

**AND THAT Staff prepare the necessary by-law to establish a Parking Reserve Fund prior to 2021 budget;**

**AND THAT Staff prepare a report on cash-in-lieu of parking policy and appropriate fee structure.**

**Defeated**

Due to a material mistake of fact shared by all Members of Council the vote was conducted a second time.

**Moved By** Bob Hildebrandt



**THAT Committee receive Report #2020-0041 and recommend to Council:**

**THAT Staff include the preparation of a comprehensive Parking Study/Strategy in the 2021 Budget;**

**AND THAT Staff prepare the necessary by-law to establish a Parking Reserve Fund prior to 2021 budget;**

**AND THAT Staff prepare a report on cash-in-lieu of parking policy and appropriate fee structure.**

**Carried**

**Moved By** Marianne Stewart

**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**

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

##### **4.3.1 Administrative Monetary Penalty Bylaw 2020 (Non-Parking), 2020-0022-Fire Dept**

**Moved By** Lisa Haun

**THAT Committee receive Report #2020-0022 and recommend to Council:**

**THAT the administrative monetary penalty bylaw be approved and staff be directed to prepare the necessary bylaw for council consideration on March 23, 2020**

**Carried**

##### **4.3.2 Environmental Protection By-law Amendment 2020, 2020-0025-Fire Dept**

**Moved By** Ron Kore

**THAT Committee receive Report #2020-0025 and recommend to Council:**

**THAT council approves the amendment to the environmental protection bylaw 3357 (2013) at the March 23<sup>rd</sup>, 2020 regular meeting of council.**

**Carried**

#### **4.3.3 Open Air Burn By-law 2020, 2020-0020-Fire Dept**

**Moved By** Marianne Stewart

**THAT Committee receive Report #2020-0020 and recommend to Council:**

**THAT the Town of Pelham open air burn bylaw 2020 be approved and staff be directed to prepare the necessary bylaw for council consideration on March 23, 2020**

**Carried**

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

##### **4.4.1 Management Options for the Reconstruction and Roadway Improvements of Sulphur Springs Road, 2020-0024-Public Works**

**Moved By** Mike Ciolfi

THAT Committee of the Whole receive Report #2020-0024 for information;

AND THAT Committee recommend that Council approve the award of an engineering assignment to complete a Municipal Class Environmental Assessment Study to determine the preferred alternative with respect to rehabilitation options, and complete the detailed design and preparation of tender documents to CIMA+ in the amount of \$129,878 (plus HST).

**Amendment:**

**Moved By** Marvin Junkin

**THAT this project be placed on hold for 4 months; and**

**THAT staff be directed to release a Request for Proposals for a design-build project to seek interest for this reconstruction initiative.**

**Carried**

**Moved By** Mike Ciolfi

**THAT Committee of the Whole receive Report #2020-0024 for information;**

**THAT this project be placed on hold for 4 months; and**

**THAT staff be directed to release a Request for Proposals for a design-build project to seek interest for this reconstruction initiative.**

**Carried**

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

##### **4.5.1 Pelham Summerfest 2020, 2020-0037-Recreation**

**Moved By John Wink**

**THAT COMMITTEE receive Report #2020-0037 - Recreation and recommend to Council:**

**THAT the Clerk be authorized to make application for a Special Occasion Permit for Pelham Summerfest on Thursday, July 16, 2020, Friday, July 17, 2020, Saturday, July 18, 2020 and Sunday, July 19, 2020; and**

**THAT the Mayor and Clerk be authorized to enter into agreements with the five licensed establishments located within the Summerfest festival area that have requested they be included in the Festival Licensing pursuant to the Town's application for a Special Occasion Permit, those establishments being: Root and Bone, 1856 Social (Operating As HillFire SMK & BBQ), The Butcher and Banker Fonthill, Kame & Kettle Beer Works and Gelato Village; and**

**THAT the Town of Pelham offer no objection to the request from Root and Bone, 1856 Social, The Butcher and Banker Fonthill and Gelato Village for their respective applications for a Temporary Extension to their existing Liquor Sales Licence from the Alcohol and Gaming Commission of Ontario during Pelham Summerfest, subject to the following condition:**

**THAT the selling and serving of liquor to the approved outdoor area shall occur only between the hours of 4:00 pm and 11:00 pm on Friday, July 17, 2020, all patios must be cleared of patrons by 12 midnight; and between 11:00 am and midnight on Saturday, July 18, 2020 and the outdoor area shall be cleared of patrons by 1:00 am on Sunday, July 19, 2020.**

**THAT Council authorize a variance to the Town of Pelham By-law No. 3130(2010), being a by-law to regulate and control noise for the purpose of facilitating the Summerfest musical venues being conducted as part of the event from 4:00 pm Friday,**

**July 17, 2020 until 1:00 am on Sunday, July 19, 2020; and**

**THAT Council authorize the following road closures:**

**Pelham Town Square from the rear entrance to the Fonthill Plaza to 60 m west from 4:00 pm Thursday, July 16, 2020 to 10:00 pm of the same day;**

**Pelham Town Square entrance off Pelham Street from 7:00 am Friday, July 17, 2020 to noon, Monday, July 20, 2020;**

**Pelham Street from Regional Road #20 (Hwy 20) to the south property line of 1419 Pelham Street from 7:00 am Friday, July 17, 2020 to 12:00 pm on Sunday, July 19. 2020;**

**Pelham Street from the south property line of 1419 Pelham Street to College Street from 7:00 am Saturday, July 18, 2020 to 6:00 pm on the same day;**

**Pelham Town Square from 150 m west of Station Street to its termination at the Fonthill Plaza entrance from 7:00 am Sunday, July 19, 2020 to 5:00 pm of the same day.**

**Carried**

**7. Adjournment**

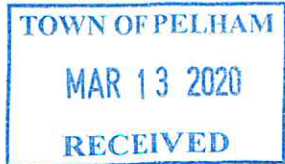
**Moved By** Marianne Stewart

**THAT this Regular Meeting of Committee be adjourned until the next regular meeting scheduled for April 6, 2020 following Council.**

**Carried**

\_\_\_\_\_  
Mayor: Marvin Junkin

\_\_\_\_\_  
Town Clerk: Nancy J. Bozzato



Mar. 11, 2020

Mayor and Council,  
Town of Pelham,  
20 Pelham Townsquare,  
Fonthill, Ont.,  
L0S 1E0

**Re: Several Municipal Issues**

Dear Mayor Junkin and Council;

It is with reluctance that I write this letter as I am sure I will be accused of merely throwing mud and of practicing sour grapes given my former position on Council and my defeat in the last election but I decided to write anyway because I felt that as a private citizen and tax payer I have every right to comment on issues impacting this Town; its reputation and my tax dollars. So here it goes!

I watched the meeting of Mar 2, 2020 as several items on the agenda were of interest to me; namely the issues surrounding the Cannabis matter and the issues surrounding the continued spending of unbudgeted funds.

At the outset, I would like to say how much I appreciate the hard work which the Cannabis Committee has put forward on behalf of the Town and my remarks are not in any way intended to be critical of them. This Town functions as well as it does because of the great work that our many community volunteers do. My comments are directed at what I see as an unbelievable divide between this committee and the Senior Planning Staff. Council seems unsure of which group to support. Till the meeting of the past Monday, this divide was for the most part behind the scenes; although somewhat apparent if one thoroughly read the various reports and watched the various presentations. This obvious discord provides fuel to the Cannabis industry producers if they choose to appeal any changes made to the various bylaws and Official Plan. It may also provide key witnesses for them from our own Town staff. What took place on Monday; was in my opinion unseemly and unprofessional. To have the type of open discord and disagreement between the Town's Professional Staff and a volunteer committee was unbelievable to me. These types of discussions should have taken place at a meeting convened by the CAO and the Mayor and a resolution arrived at and presented in a unified manner to the public and the opponents of the contemplated legislative amendments and bylaws. To have had the types of discussions seen; only adds fuel to the fire of the complainants.

As I continued to view the meeting; I was amazed at the report from the CAO concerning the public meeting issue and the discussion surrounding it. This report further pointed out the disagreement between the parties. It took no sides; when again in my opinion the CAO should have supported his staff. This support should have come about by way of a thorough and complete discussion with staff around their position on the matter. Any massaging of their position should have been done at the staff level and any disagreement sorted out there. Although the CAO could argue that he was relying on the opinion of outside Counsel, I question that that opinion argued in anyway against another public meeting. It merely pointed out that Council has the right to forgo this step if it is of the opinion that the changes proposed are not substantial. It further goes on to support; however, a public open house,



which I would argue would still require that proper notice be given to the public. Apparently at this open house; the Town would undertake to receive public input. Kind of sucking and blowing at the same time if you ask me. Our CAO is a lawyer and I am certain he could provide sound practical advice to this Council that goes beyond mouthing the words of the Act. Could he not interpret these words in a real world and factual situation? To argue over semantics at this point in the process seems counter-productive to me. We know that the industry is going to challenge the Town regardless of the changes made. They have made this clear. Why not reduce their arguments. This Council and Mayor ran on openness and transparency but here we have an issue where staff is recommending a statutory public meeting and for whatever reason this Council (on the wishes of the committee) are pushing back. If one looks at all the arguments for and against; I believe a public meeting serves several purposes. Firstly it removes the argument that the Cannabis growers did not have a fair and equitable opportunity to review the proposed changes, to evaluate the impacts on their businesses and to provide input in a formal way. Secondly by providing this opportunity; the Town and Staff will be made aware of the planning, business and legal challenges which the industry might mount on appeal and would have an opportunity to respond to those challenges either by way of prepared arguments or by way of amendments to the changes accomplished through negotiation. This opportunity could head off the appeal to the changes which could prove to be long and costly for both parties. I point out that the industry has far more funding than the Town. Lastly it would provide an opportunity for others in the public; growers of other crops and citizens alike; an opportunity to hear all the arguments for and against the changes and to provide their input. To Council; I say practice what you so loudly preached; openness and transparency should be your course of action and a formal public meeting will satisfy this regardless of the degree of changes proposed.

I realize that there will be those that read the above; who will say that I am merely an apologist for Senior Staff. Trust me that is not the case and never has been. Look at my record. There was no one who was harder on staff and demanded more from them than I. I was never afraid to ask tough questions but I tried to do these things without being insulting and derogatory. After reading staff reports; ask your questions of staff in the days leading up to the meeting. Give them a heads up that questions are coming at Council. It's a long 4 years when you are in an adversarial environment and it will limit what you will be able to accomplish.

I would like to make one further comment on the Cannabis matter. I am shocked that this Council is having the Committee respond to the letters put forward by legal teams for the various growers of Cannabis. These matters represent serious legal challenges to the Town and the response should only come from the Mayor and Council after a thorough vetting from legal. To direct a volunteer committee to deal with these matters is beyond the pale. I wonder who holds legal liability with respect to their response. Are the committee members insured against such matters? The minute there is a legal challenge or a hint of one; the matter should rest with Mayor and Council; Senior Staff and the Town's Legal advisors; not with a Volunteer Committee.

Now on to the spending of unbudgeted funds. This Council has constantly cried poor and stated that there is no money for anything. They developed a budget which showed a substantial increase to all citizens and yet every time one turns around, they are passing motions to spend more money. Money not budgeted for and therefore not provided for.

At the meeting which I am commenting on Council spent money of budget when it approved another \$30,000 for outside legal advice for the Cannabis Committee. It was only 2 weeks previous that \$50K was approved. I think the Council has now spent or authorized in excess of \$100K on this matter; much



of which was unbudgeted. This represents another approximate 1% on the levy to the tax payer. When will this end or is there an open account here. Would it not have been prudent to have obtained a fixed contract price to complete the work necessary to bring forward the changes necessary? Further; would it not have been prudent to have had staff involved in the discussions? How much staff time has been spent and therefore money; on developing reports that appear for the most part to be ignored? If the Town is going to rely on the outside experts then why has staff spent their time on reports? There is plenty for them to do without writing reports which basically go ignored. Lastly; was the procurement policy of the Town followed with respect to the hiring of the planners and legal firm?

The Gypsy Moth issue is another example where Council considered going off budget. The budget set aside \$150,000 to address the problem this year and yet a substantial amount of time was spent debating increasing the taxation on the public by another half percent, a move that would increase the area sprayed but would not cover all the areas needed. A great deal of time was spent arguing with staff on how this should be done despite staff advising on numerous occasions that it could not be done the way Council envisioned. Kind of "getting' in the weeds" don't you think? Eventually rational thought won out and a motion to proceed as budgeted moved forward; however with a proviso that the issue could be revisited. The Town should look after the Town lands (as was planned when the budget was struck) and provide information to the public on how they can take care of their own properties. This is the only fair and equitable way to proceed other than spraying the entire Town (more than 1 million dollars). The lessons learned last year with respect to spraying private property and then trying to collect the amount fronted by the Town should be a lesson well learned.

Creating the position of in-house Counsel is another example of off the books spending. While I like the idea of shared services and I can see a business case which could be made to bring some matters in-house, I would think that the legal issues which cost the most money will still need to seek outside expertise. The responsibility of taking on a new employee is significant. It is all too easy to hire and not so easy to remove an employee. Have the issues which could realistically be handled in-house been identified and quantified in terms of hours and then dollars. I question whether the Town can hire an experienced Municipal lawyer or for that matter even an experienced generalist for \$75-\$90 dollars. In fact; if you do hire at \$90/hr this amounts to substantially more when you add the costs of all benefits and liabilities. Would the legal liabilities of the Town increase by doing our own work in house as opposed to relying on outside Counsel to whom the Town could claim against if an issue went off the rails? Is there a contract with the current outside firm? Has any thought be given to looking at hiring a paralegal to handle the simple and mundane matters. I would argue that this would be a great deal more cost effective. Certainly with the expertise of the CAO overseeing such matters; this might be a viable alternative. This direction represents more unbudgeted money to be spent. Will the taxes be further increased? If not what services might be cut to offset the expenditures?

I would also like to comment on the hiring of a Policy Planner. I realize that the hire has already been done and I wish the new planner well and I am sure she will work hard for the Town but I do worry about these types of long term commitments. I certainly understand that the Zoning Bylaw is very outdated (the past Council was virtually at the point of having public input into the new bylaw) and that the OP needs review but again I wonder about the wisdom of taking on another full time employee. Will this position become redundant once these issues are resolved and the period of rapid growth and development passes? Contracting may have proved cheaper and more efficient with less long term liability to the Town. Was this option even evaluated? What were the results?

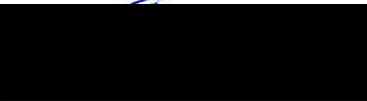


My last observation of concern; which I would like to draw to the attention of the Mayor and Council is a breach in the Code of Ethics and Confidentiality which occurred during the meeting and went completely unrecognized and unchallenged by the Chair. Legal advice given in camera is to be kept confidential as its revelation may in fact hurt the legal position of the Town at some point. I will not name the Councillor involved but I believe if the video of the meeting is reviewed it will become abundantly apparent when the breach occurred. The Chair should have stopped the speaker in his tracks, spoken to him regarding the breach and not allowed him to proceed with his quoting of the advice. Councillors have been removed from meetings for less. It begs the question; if this can occur in an open meeting of Council without recognition; what information gets revealed over a coffee or in a social setting or to the press without actually realizing that a breach has occurred. Perhaps a review of these issues should occur.

I realize Council has many challenges in front of them but I also realize the importance of having a committed Staff which knows it is appreciated for its expertise. I think your actions need to reinforce this. Being supportive of staff does not preclude a hearty discussion and question and answer period but at the end of the day there needs to be a realization that they are the professionals who carry out the policy direction of Council. It is not up to Council to run the day to day operations of the Town. Councillor Kore said in the meeting that he felt he got elected to make the tough decisions. Sometimes the toughest decisions are to support staff and to say no to the Public even if they are hard- working volunteers or tax payers in your ward. You; as Council are to be the informed on the issues at hand and need to act as such. Make the hard decisions for the entire Town!

Thanks you for your time and your service to the community.

Yours truly;

A black rectangular redaction box covering the signature of G.E. Accursi.

G.E. Accursi; DDS, MSc.

**MEETING DATE: Wednesday, February 12, 2020 – 5:30 PM**  
**Kinsmen Room, MCC, Town of Pelham, Fonthill**

**Present:**

Sally Jaeger (Special Events & Festivals Programmer)  
Karen Blake (RCW Administrative Assistant)  
Bill Sheldon (Resident)  
Councillor John Wink  
Remo Battista (Resident)  
Julie Milligan (Resident)  
Paul De Divitiis (Resident)  
Vickie vanRavenswaay (Director of Recreation, Culture & Wellness)  
Marlene Ouwendyk (PBA)  
Frank Adamson (Resident)

**Absent with Regrets:** Kelly Sauriol (Chamber of Commerce), Bill Gibson (PATC)

**1 WELCOME**

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

The Acting Chair, Bill Sheldon, declared quorum and called the meeting to order at 5:35pm.

**3 ADDITIONS TO THE AGENDA**

**4 ADOPTION OF AGENDA**

Moved by: Remo Battista  
Seconded by: Julie Milligan

THAT the agenda for the February 12, 2020 Summerfest Committee Meeting be approved, as presented.

CARRIED

**5 APPROVAL OF MINUTES OF PREVIOUS MEETING**

Moved by: Remo Battista  
Seconded by: Julie Milligan

THAT the Minutes of the January 29, 2020 Summerfest Committee meeting be approved, as presented.

CARRIED

## **6 ENTERTAINMENT**

Paul updated the Committee on the entertainment coordination including his conversations with beer and wine providers, new headliner band options and sound and lighting. Paul will share the beer and wine provider contacts with Sally. Sally will send Paul the entertainment contact information.

**6.1 Axe Throwing:** Sally updated the Committee on two companies that provide mobile axe throwing. The Committee discussed these opportunities and concluded that they would preferred to use the expenses for other entertainment purposes. They did agree that they would like to pursue the inflatable axe throwing in the Kids Zone this year.

**6.2 Kids Zone Entertainers:** Sally updated the Committee that past Kids Zone entertainers have started inquiring about their involvement in Summerfest 2020. Sally asked Julie and John to reach out to these entertainers. Sally will email Julie and John the entertainer's contact information.

## **7 MARKETING, COMMUNICATION & ADVERTISING**

### **7.1 Questions from Marc MacDonald:**

Sally relayed questions from Marc (Communications & Public Relations Specialist) with respect to the goals of the Committee relating to marketing of the event and some new ideas he has for 2020. The Committee discussed the opportunities for improving marketing and advertising, the 10<sup>th</sup> anniversary, cost cutting options, and timelines. Sally will follow up with Marc.

### **7.2 Quote for Social Media Management:**

Sally presented a proposal for Social Media Management. The Committee discussed what changes they would like to see in the marketing strategy this year. The Committee approved the proposal.

## **8 LOGISTICS**

The new location of the stage was presented to the Senior Leadership Team. The Director of Public Works asked that the Niagara Region be consulted due to the proximity to Highway 20. Sally has communicated this with the Region but has not heard back as yet. Sally updated the Committee that she has spoken to one business that would be closer to the stage and they were pleased about the change. Outreach to other affected businesses will take place once the Region's comments have been received.



The Committee discussed the new stage, bar and vendor locations and asked questions regarding the new layout.

## **9 VENDORS**

Vendor applications are available online and the early bird deadline is February 28<sup>th</sup>. Staff will bring the applications to the Committee during the first meeting in March. Sally updated the Committee on the Festival Licensing applications and the timeline to get them to Council.

## **10 SPONSORSHIP**

Several past sponsors have pledged their support and Kelly is exploring a few new leads. Remo updated that he has also reached out to a few new sponsorship opportunities. The Committee suggested a few more organizations or businesses to approach. Remo will reach out to these new opportunities.

## **11 KIDS ZONE**

Bill S and Remo updated the Committee on the splash pad. Remo has had conversation with a local company about this project. He and Frank will meet with them again to discuss materials, drainage, water pressure & sponsorship opportunities. It has been suggested that the splash pad have two areas to accommodate different age groups.

### **11.1 Bebe Station**

The Bebe Station is available on both Saturday and Sunday. The Committee discussed this opportunity, and decided to have the Bebe Station for Saturday and Sunday for 2020. The Committee will debrief after the event on the use of the booth on Sunday.

## **12 CAR SHOW**

No update.

## **13 SUNDAY BREAKFAST**

Bill S updated the Committee on the status of Sunday Breakfast. White Meadows has committed to at least the same supplies as 2019, if not more. Bill S requested that the Committee promote Sunday more to build attendance.

## **14 VOLUNTEERS**

Karen discussed a new online sign up system that she is planning on using for volunteer sign up for Summerfest. Vickie discussed also extending an opportunity for local non-profit associations like the sports clubs for bar

services similar to the Service Clubs. The Committee also discussed the waste management volunteers (ie. beer can collectors) and decided that requirements of the role need to be reevaluated.

**15 REBUILD THE ARCHES**

Frank advised the Committee that Rotary will look after the advertising and organizing of the Grand Opening. Bill S updated the Committee that he is still waiting to hear from the school in regards to the next meeting with building contractor. This meeting will set the budget and timeline for construction.

**16 OTHER BUSINESS:****17 NEXT MEETING**

Next meeting: **Wednesday February 26th at 5:30pm**

**18 ADJOURNMENT**

Moved: Marlene Ouwendyk

Seconded: Julie Milligan

THAT the meeting of the Summerfest Committee, February 12, 2020 be adjourned at 6:48pm.

CARRIED

\_\_\_\_\_  
Acting Chair of Summerfest Committee  
Bill Sheldon

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

**Pelham Senior's Advisory Committee Minutes.**  
**Thursday, February 20, 2020 @ 1:30 p.m.**

**Present:** Sharon Cook (President)  
Del Leney (Vice President)  
Wayne Olson  
Susan Buckingham  
Gwen MacDougall (Library)  
Councillor Marianne Stewart  
Dave Nicholson  
Anna Oakes (Lookout Ridge)  
Julie Cook (Senior Programmer)  
Brittany MacLean (Active Living Programmer)

**Absent with Regrets:** Elena Simone-Simonetti  
Anne Villalta

1. **Declaration of Quorum and Call to Order**-1:28pm by Sharon Cook
2. **Additions to Agenda**
  - a. Communication Procedure/Strategy
  - b. Invitation to developers to speak to the committee on seniors housing
  - c. SAY IT!
3. **Adoption of Agenda**  
Moved 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: Dave Nicholson  
Seconded by: Gwen MacDougall

THAT the minutes of the January 16, 2020 Pelham Seniors Advisory Committee meeting be approved, as amended.  
CARRIED

6. **Correspondence**-None.
7. **Business Arising from Minutes:**



- **Niagara Age Friendly Network- Report from January 22<sup>nd</sup> and February 10<sup>th</sup> 2020- Special Event Planning- “Active for Life”-** The “Active for Life” event taking place on May 13<sup>th</sup> at the Meridian Community Centre has had some changes made to the plans since the last time the Committee had met. The following schedule will be presented at the next Age Friendly meeting on February 27<sup>th</sup> to be approved. The schedule is currently as follows: at 9:00am the welcoming ceremony will begin, with Sport for Life as the keynote speaker, showcasing participatory demonstrations. Following the opening ceremony, there will be 4 participatory sessions, including Qigong, Niagara College, Brock university and chair yoga. Each participatory session will be ½ hour in length and will be instructed in a way that encourages participants to continue doing these activities at home. At 11:30 participants will have the option of participating in pole walking, while the Accursi room is being set up for lunch. Closing remarks will begin at 1:00pm. 120 participants will be invited to attend, on a first come first serve basis Region wide. This event will cost \$10.00 per person, which includes their lunch, and registration will be processed through Eventbrite. Sharon will advise the Committee after February 27<sup>th</sup> if Age Friendly Network accepts or makes any changes to this plan. Advertising will take place through the Age Friendly Network and will also be advertised on Town of Pelham social media and within the Meridian Community Centre.
- **Seniors Calendar Schedule in the ‘Voice’- Costs-** After communicating with the Voice, Sharon shared with the Committee that there will be no discounts for monthly Voice Submissions. An idea has been presented of doing a column to the Voice, highlighting what is new with the Pelham Seniors Advisory Committee, as well as Senior’s programs and events in the Active Living Lounge at the Meridian Community Centre. The Seniors Review Paper has been brought to the Committee’s attention, which may be an alternate form of print advertisement. A request will be sent to Marc MacDonald, the Communications and Public Relations Specialist, to inquire with the Seniors Review for pricing and more information.
- **2020 Initiatives- Seminars-** The Committee discussed upcoming events and seminars that they will be hosting, including the Landlord Tenant Act event, led by Sylvia from Justice Niagara, which will take place in April (either the 23<sup>rd</sup> or 28<sup>th</sup>). A Cooking for One seminar in partnership with Lookout Ridge will be taking place during the last week of March. This event will include a luncheon social to give participants the opportunity to enjoy what they create, while providing a chance to meet new people in their community. These event will be added to the upcoming Senior’s Calendar and will also be advertised at the Men’s Breakfast and Ladies Social in early March.



- **Getting to know your Municipal Leaders- February 12<sup>th</sup> and February 26<sup>th</sup>-** Our first Municipal Leaders social took place on February 12, with Vickie vanRavenswaay as the guest. Vickie discussed her job at the Town, and then had Facilities Staff give a tour of the operation equipment at the Meridian Community Centre. The next Meet your Municipal Leader Socials are scheduled for March 4<sup>th</sup> at 10:00am with David Cribbs and March 24<sup>th</sup> at 10:00am with Members from the Library Board.
  - **Parking-** As discussed at the previous meeting, there are only 2 legal accessible parking spaces in the parking lot at the Meridian Community Centre. Accessible parking spaces are only legal if a sign is present. As a designated Senior's Activity Centre, more accessible parking is needed to accommodate the participants coming in to utilize the activities offered at the facility. Due to the spaces that are present not being enforced, it is allowing patrons who should not be using accessible parking spaces to do so with no penalty. PSAC is asking for additional signs to make the spaces we have legal, as well as enforcement. When special events do take place, PSAC will have the responsibility to contact bylaw to inform them and request assistance with monitoring and enforcing parking for seniors.
8. **New Business**
- **Elder Abuse Focus Group-** Crime stoppers received a \$52,000 grant from the Trillium Foundation to run focus groups in Municipalities around elder abuse in the Niagara Region. There will be a focus group taking place at the Meridian Community Centre on March 18<sup>th</sup> from 1:00-3:00pm. More information about how to register can be found at the Customer Service Desk and on the bulletin board in the Active Living Lounge.
  - **Seniors Lounge Agenda-** The Active Living Lounge Memberships are not attracting the number of members that were envisioned. The social events are popular, yet the daily activities are lacking involvement. New ideas are needed to enhance the lounge and the activities available to members, to help encourage more members to join for these added benefits and discounts. The Committee is asked to think about how this program can be enhanced and report back to share these ideas at the next meeting. Some ideas discussed include: Day trips/ outings (botanical gardens, butterfly conservatory, theatre performances/shows, theatres in St. Catharines and Port Colborne, trips to the Outlet Mall with lunch at White Oaks), a book exchange/ lending library, Men and Women socials together, Women's breakfast, flower arrangements/gardening workshops, painting classes, etc. This will be further discussed by the Committee at the March meeting.
  - **Communication Procedures-** PSAC would like to explore new means of advertising 55+ Programs and the Active Living Lounge both within and outside

of the Meridian Community Centre. Some examples include writing a monthly column in the paper highlighting the lounge and events taking place for the month. There was also a suggestion to have business card size handouts with information highlighting the benefits of belonging to the lounge, which could be handed out by Senior V.I.P.'s to visitors on the walking track, during events and throughout the building.

- **Invitation to developers to speak to the committee on seniors housing-** A discussion took place to have Developers attend the next meeting and speak to and provide more information to the Committee regarding seniors housing. Sharon will be in contact with developers and invite them to the meeting on March 12<sup>th</sup>.
- **SAY IT!-** Deferred until March 12<sup>th</sup>

9. **Next Meeting:** Thursday, March 12<sup>th</sup>, 2020 from 1:30-3:30pm

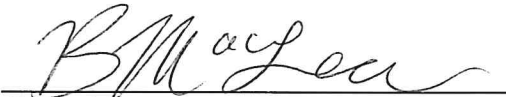
10. **Adjournment**

Moved by: Sharon Cook

Seconded by: Del Leney

THAT the meeting of the Pelham Seniors Advisory Committee meeting, February 20, 2020 adjourned at 2:45pm.

CARRIED.

  
Sharon Cook, Chair  
Secretary

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**MEETING DATE: Wednesday February 12, 2020 –3:00 PM**  
**Town of Pelham, MCC Kinsmen 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)  
Jake Dilts (Service Club Representative)  
Jeff Pickup (Fenwick Lions)  
Kevin Twomney (Kinsmen)  
Len Doyle (Kinsmen)  
Heather Scott (Rotary)

**Absent with Regrets:** Councillor Mike Ciolfi, Brian McLeod (Resident)

**1 WELCOME**

The Chair, Patricia Shannon, called the meeting to order at 3:01pm.

**2 IDEAS FOR SUMMER 2020**

**2.1 Community Dance**

Each service club representative introduced themselves to the Committee. Vickie described the past Community Dances, including the entertainment and attendance, which used to be held at the Haist St Arena. Vickie asked for feedback from the service clubs on their desire to participate in the organization and execution of a Community Dance on the arena pad of the MCC. The Committee discussed the dates of June 26<sup>th</sup> or 27<sup>th</sup>, 2020. Discussion surrounded the logistics, timeline, entertainment, ticket price, corporate sponsors, food vendors, themes and target audience, role divisions and distribution of expenses/profits between the organizations. Service Clubs were asked to bring this information back to their clubs and report their interest in participating in the dance to Vickie. As soon as Vickie hears back, she will send an email to the Committee. Service Club representatives left after this discussion.

During this discussion, quorum was met.

**2.2 Smaller scale Music Events in the MCC**

Vickie updated the Committee of smaller scale events at the MCC including a grant that the Town has applied to that would collaborate with the Kinsmen Club to run regular coffee houses in the Fall.



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### **3 ADDITIONS TO THE AGENDA**

#### **4 ADOPTION OF THE AGENDA**

Moved by: Jake Dilts

Seconded by: Bill Huisman

THAT the agenda for the February 12, 2020 MCC Hospitality Advisory Committee meeting be approved, as presented.

CARRIED

#### **5 APPROVAL OF LAST MEETING'S MINUTES**

Moved by: Jake Dilts

Seconded by: Bill Huisman

THAT the minutes of the January 8, 2019 MCC Hospitality Advisory Committee meeting be approved, as presented.

CARRIED

#### **6 CATERING RFP APPROVALS**

The Catering Service applications and evaluations were distributed. The Committee spent time reading through the applications and evaluated each applicant by the evaluation scale provided by the Purchasing Coordinator. The Committee approved two out of the three applicants. The Committee discussed the process/procedure of becoming an approved vendor, the billing process, and external vs. internal bookings. The Committee discussed the next steps involved in this process including the creations of a procedure to add additional caterers to the approved caterers list. Patricia will create the simplified application form and approval process. Julie will look into the billing process. Alterations will also have to be made to the MCC rental agreements to note the change of approved caterers and associated fees. The Committee discussed the start date of March 1<sup>st</sup> for the approved caterers list to be in place for future bookings.

#### **7 SERVERY DEVELOPMENT**

##### **7.1 Update on Servery**

Julie distributed the updated Servery Sales to the Committee and they discussed the sales. Patricia asked for sales of the Servery to be compared by month to the 2019 sales starting at the subsequent meeting.

**MCC HOSPITALITY  
ADVISORY COMMITTEE  
MINUTES****7.2 Branding – Next Steps**

Vickie updated the Committee on the status of the branding of the Servery.  
Discussion will continue during the subsequent meeting.

**8 Review of MCC Hospitality Committee's Goals and Priorities**

Deferred until the next meeting

**9 Actions from Survey Results**

Deferred until the next meeting

**10 Other Business**

Vickie updated the Committee on a meeting with the Pioneers Tournament.

**11 NEXT MEETING**

Next meeting: 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, February 12, 2020, be adjourned at 5:02pm.

CARRIED

  
Chair of MCC Hospitality Advisory Committee  
Patricia Shannon

  
RCW Administrative Assistant  
Karen Blake



**Subject:** Recommendation Report for Zoning By-law  
Amendment Application – 1084 Quaker Road

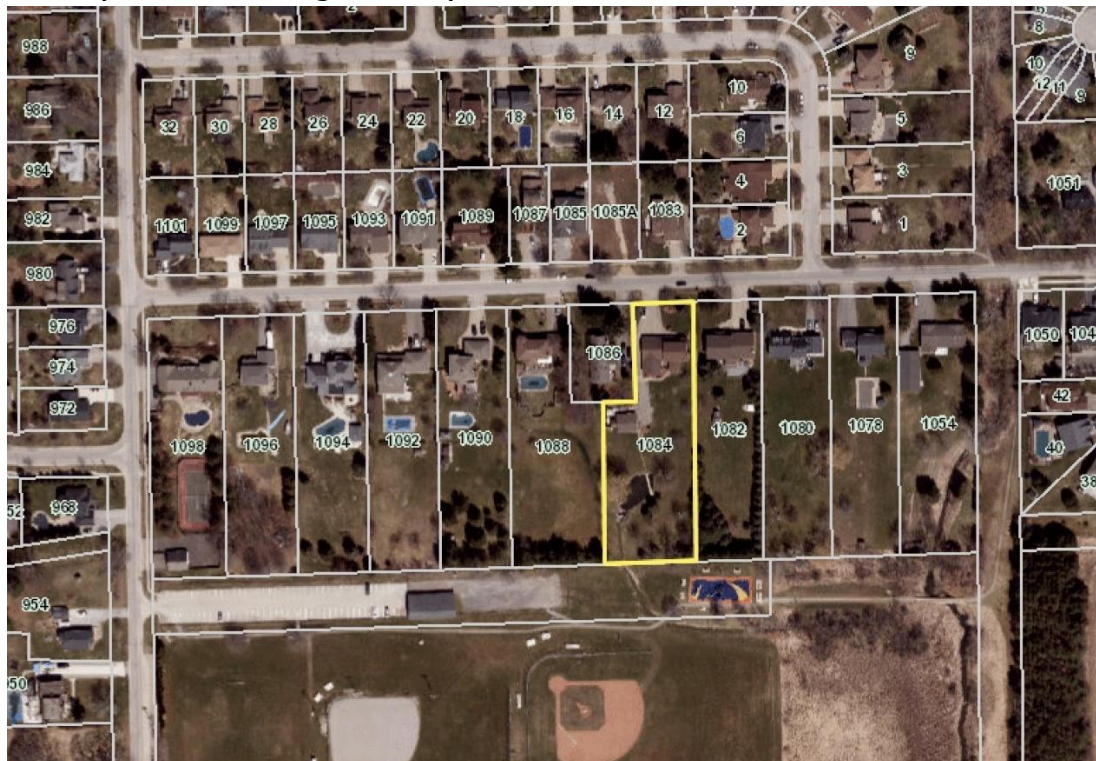
**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-46 as it pertains to 1084 Quaker Road (File no. AM-01-20);**

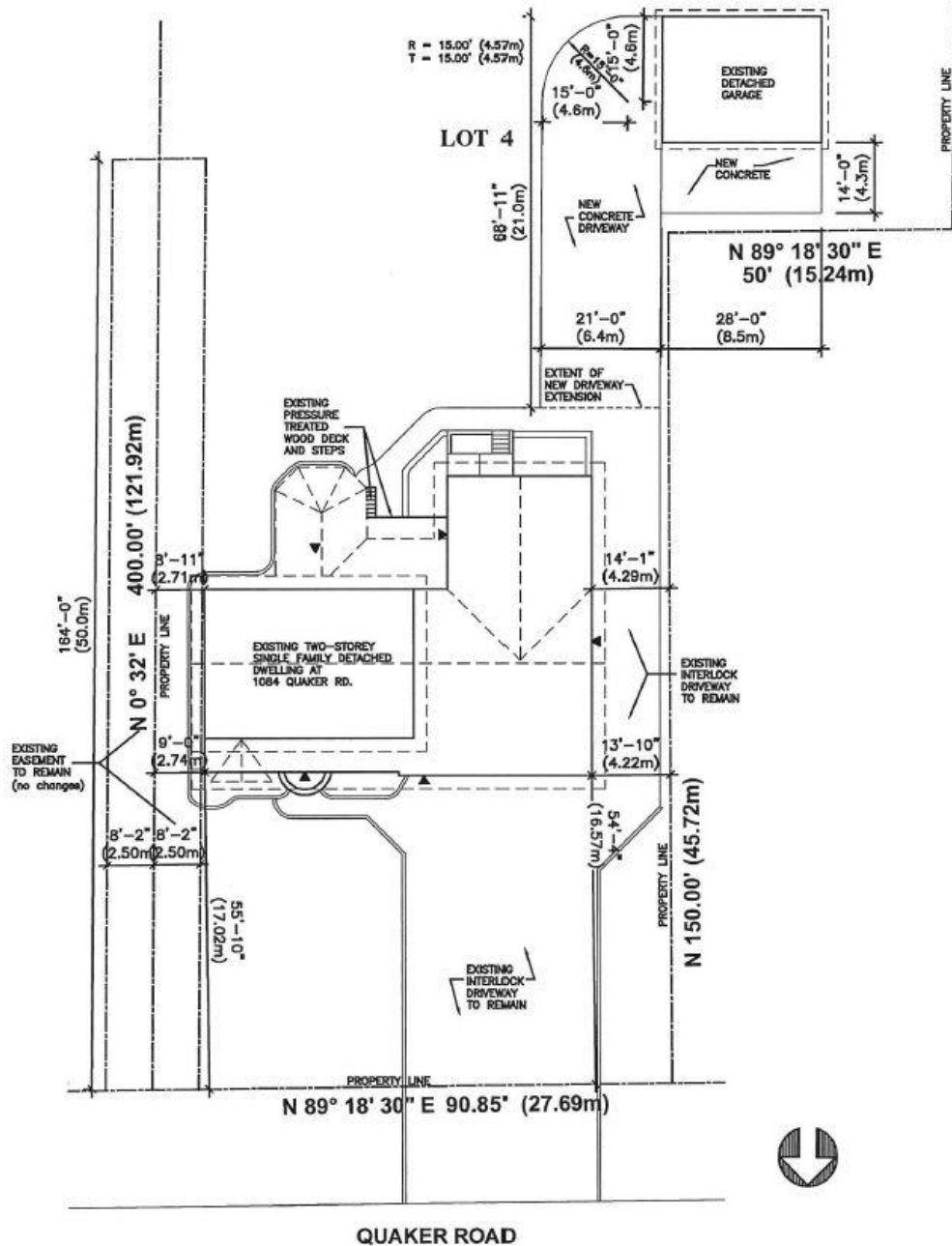
**AND THAT Council approve the By-law, attached hereto as Appendix D, amending the zoning of the subject property from the Site Specific Residential 1-26 (R1-26) zone to the site specific Residential 1 (R1-298) zone.**

**Background:**

The subject property is located on the south side of Quaker Road, west of Kevin Drive (see aerial image below).



The applicant seeks approval to rezone the property from R1-26 (Residential One) to a site specific R1 zone to permit the use of the property for a duplex dwelling. The requested zoning change will recognize an existing dwelling unit within the basement of the existing single detached dwelling. No additions or alterations are proposed to the existing dwelling or location of structures on the property as a result of the proposed zoning change (see existing site layout below).





## **Analysis:**

### ***Planning Act***

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, the decision of planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

### ***Provincial Policy Statement, 2014***

The subject parcel is designated as being within a Settlement Area according to the Provincial Policy Statement, 2014 (PPS).

The PPS provides policy direction on matters of provincial interest related to land use planning and development in Ontario.

It is recognized that the province’s long-term prosperity, environmental health, and social well-being depends on wisely managing change. Efficient land use and development patterns will achieve healthy, livable, and resilient communities that will protect the environment and public health and safety, and will facilitate economic growth.

Policy 1.1.1 outlines how healthy, livable and safe communities are sustained.

Settlement Areas shall be the focus of growth, and new development, in designated growth areas, should have a compact form and a mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities (Policies 1.1.3.1, 1.1.3.2 (a), and 1.1.3.6). Development should provide for an appropriate range and mix of housing types and densities to minimize the cost of housing, and facilitate compact form; provide for efficient use of land, infrastructure and public service facilities; support the use of active transportation; while maintaining appropriate levels of public health and safety (Policy 1.4.3). Healthy, livable, active communities meet the needs of pedestrians by fostering and facilitating active transportation and ensuring community connectivity (Policy 1.5.1). In addition, development shall efficiently use and optimize existing municipal sewage and water services; and, stormwater management shall promote best practices and low impact development (Policies 1.6.6.1 and 1.6.6.7).

The proposed zoning change will allow the creation of a new dwelling unit within the existing form of development and help to create more housing options that will use existing municipal infrastructure while helping to meet intensification targets. The development is located in close proximity to commercial and public service facilities and can be served by existing available facilities and schools. It is Planning staff's opinion that the proposed zoning by-law amendment is consistent with the Provincial Policy Statement.

***Greenbelt Plan, 2017***

The subject parcel is located in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

***Niagara Escarpment Plan, 2017***

The subject parcel is not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

***Growth Plan for the Greater Golden Horseshoe, 2019***

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

The proposed zoning by-law amendment will facilitate residential development and intensification within the delineated built-up area. The second dwelling unit will contribute to a mix of residential land uses and provides for a degree of housing choice and an affordable housing unit. Based on this, the application is consistent with the Growth Plan for the Greater Golden Horseshoe.

### ***Regional Official Plan, consolidated August 2015***

The subject land is located within the Urban Area Boundary of the Town of Pelham and is designated Built-up Area in the Regional Official Plan. Built-up Areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term (Policy 4.G.8.1). The minimum residential intensification rate for the Town of Pelham is 15% of total annual development (Policy 4.C.4.1).

The requested zoning by-law amendment will facilitate a residential use within the Built-up Area while contributing to the intensification rate. The application conforms to the Niagara Region Official Plan.

### ***Pelham Official Plan (2014)***

The property is located within the Urban Settlement area of Fonthill and is designated Urban Living Area/Built Boundary in the Town of Pelham Official Plan. Permitted uses in the Urban Living Area are single detached residential dwelling units, accessory apartments in single detached dwellings, semi-detached, townhouse, multiple and apartment dwellings, home occupations, bed and breakfast establishments in single detached dwellings, private home day care and complementary uses such as residential care facilities, daycare centres, institutional uses and convenience commercial uses.

Further, Policy B1.1.3 (c) requires intensification and redevelopment proposals to achieve a unit density that is in keeping with the character of the density of the neighbourhood.

The appearance and character of the existing dwelling on the property will not change as a result of the change in use; which will maintain the character of the existing neighbourhood. The impact of one additional dwelling unit on the property is virtually nil.

Policy B.1.13 requires the Town to accommodate at least 15% of projected housing growth within the existing built boundaries of Fonthill and Fenwick. Policy B1.1.3 (e) indicates that the creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification and represents the most gentlest form of intensification.

Policy B1.1.4 permits accessory apartments in single detached dwellings in the Urban Living Area designation provided the apartment will comply with the Ontario Building and Fire Codes as well as the Zoning By-law; adequate parking is available

on the lot for both dwelling units; and the second dwelling unit is designed and located in the interest of maintaining the character of a detached dwelling as viewed from the streetscape.

The requested zoning by-law amendment proposes to add one additional unit within the existing single detached dwelling resulting in a duplex dwelling. Policies B1.1.3 and B1.1.4 supports the addition of apartments within residential neighbourhoods and in single detached dwellings subject to the appearance of a detached dwelling being maintained from the streetscape, adequate parking and compliance with the Ontario Building and Fire Codes. As indicated earlier, the appearance of the existing dwelling will not change from the street as a result of the application. Sufficient parking is provided within the existing driveway and garage. The property owner will be required to obtain a building permit for the second dwelling unit to ensure compliance with the Ontario Building and Fire Codes.

As discussed above, it is Planning staff's opinion that the application conforms to the Town of Pelham Official Plan.

### ***Pelham Zoning By-law Number 1136 (1987)***

The subject land is currently zoned 'Residential 1' (R1-26), the permitted uses include:

- One single detached dwelling
- Accessory buildings
- Home occupations

The R1-26 zone requires a minimum rear yard setback of 61 metres.

The requested zoning by-law amendment would create a site specific R1 zone that permits a duplex dwelling in addition to the uses permitted in the R1 zone. Section 5 of the Zoning By-law defines a duplex as "a dwelling other than a converted dwelling, which is divided horizontally into two dwelling units, each of which has an independent entrance either directly from a yard or from a common vestibule."

The existing neighbourhood is primarily comprised of single detached dwellings. However, other types of residential uses also exist in the vicinity including a converted dwelling which is a triplex immediately adjacent to the subject lands to the west, and townhouse dwellings do exist within walking distance of the property. A mix of housing types can contribute to a thriving neighbourhood as well as provide housing options and inclusivity for people of various income levels and life stages.

The application is consistent with Provincial policies and conforms to Regional and Town of Pelham Official Plan policies. Further, the application represents good planning principles and provides for the most modest and gentlest form of intensification.

### **Financial Considerations:**

There are no financial costs associated with the requested Zoning By-law amendment. The property owner has provided an application fee which is intended to cover staff time to process, review and comment on the application.

### **Alternatives Reviewed:**

Though not recommended, Council could refuse the application. The property owner would then have to make alterations to the existing dwelling to remove the second dwelling unit in order to comply with the existing zoning. Alternatively, the applicant could appeal Council's refusal to the LPAT.

### **Strategic Plan Relationship: Build Strong Communities and Cultural Assets**

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

### **Consultation:**

Agencies were circulated for review and comment on the application prior to scheduling the public meeting. The following comments (Appendix A) were received:

*Enbridge Gas Inc.* "No objection."

*Niagara Peninsula Energy* "Property is outside of the service area."

*Canada Post Corporation* "No comments or conditions."

*Building Division* "A building permit will be required for the basement dwelling unit. Proper drawings will be required in accordance with the *Ontario Building Code Act*."

A notice of public meeting was circulated to property owners within 120 metres of the property and posted to the Town's website on February 14, 2020. In addition, public notice signs were posted to the property on February 19, 2020. The following public comments (Appendix B) have been received as of the date of writing of this report:

*Normand Mailhot*

- Opposed to the application.
- Concerned about neighbourhood property values, parking, traffic, garbage.
- Wants only single detached dwellings in the existing neighbourhood.

*James Shannon*

- Opposed to the application.
- Indicates that the street has been single family residences since its inception.

*Nigel and Pamela Shelton*

- Concerned about negative impacts to property values and the change to the dynamic of the neighbourhood.
- Feel that single family neighbourhood is at risk.

A public meeting took place on March 9, 2020 (Draft Minutes in Appendix C). Two members of the public spoke at the meeting, including the son of the property owners. Clarifying questions were asked and information was provided, however no further public comments were received.

While the few public comments received were in opposition and feel that the street is comprised of single detached residences, a triplex does exist immediately adjacent to the subject land and there has been no indication of any issues with this triplex. Further the subject lands have had the second dwelling for a number of years and there has been no indication of any issues or concerns with this second dwelling or with regards to parking, traffic or garbage. There is also no evidence that a second dwelling adversely impacts on property values. Often, homes with a second dwelling have a higher resale value and contribute positively to property values. In addition, neighbourhoods have a variety or mix of housing units provide for a more inclusive community and are desirable.

Overall, the application is to provide for one additional dwelling unit and it represents a very gentle form of intensification that will have virtually no impact. The application is consistent with Provincial policies and conforms to Provincial, Regional and Town of Pelham Official Plan policies. Further, the application represents good land use planning. Based on this analysis, it is Planning staff's recommendation that the application be approved.

**Other Pertinent Reports/Attachments:**

Appendix A Agency Comments  
Appendix B Public Comments

Appendix C Draft Minutes of Public Meeting  
Appendix D Draft Zoning By-law Amendment

**Prepared and Recommended by:**

Shannon Larocque, MCIP, RPP  
Senior Planner

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

**Prepared and Submitted by:**

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

# APPENDIX D

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

BY-LAW NO. (2020)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the south side of Quaker Road, west of Kevin Drive, municipally known as 1084 Quaker Road, Town of Pelham, Regional Municipality of Niagara, by changing the zoning from the R1-26 (Residential 1 – 26) zone to the R1-298 (Residential 1 – 298) zone.

**Town of Pelham**

**File No. AM-01-20**

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**WHEREAS**, Section 34 of the Planning Act, RSO 1990, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

**WHEREAS**, the Council of the Town of Pelham has recommended that such a by-law be enacted;

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

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

1. **THAT** Schedule A5 to Zoning By-law 1136 (1987) as amended, is hereby amended by rezoning the property from the R1-26 zone to the R1-298 zone.
2. **THAT** the following text is added to Section 30 of Zoning By-law 1136 (1987) as amended:

R1-298

In addition to the uses in the Residential 1 zone, this land may also be used for a duplex dwelling.

Notwithstanding the requirement of Section 13.2(g), a minimum rear yard of 61 metres is required for all permitted uses.

3. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

ENACTED, SIGNED AND SEALED THIS

20<sup>th</sup> DAY OF APRIL, 2020 A.D.



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MAYOR MARVIN JUNKIN

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CLERK NANCY J. BOZZATO

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Zoning By-law Amendment Comments

Date: February 27, 2020

Re: 1084 Quaker Road

The building department offers the following comments,

- A building permit will be required for the basement dwelling unit and compliance with the Ontario Building Code will be a requirement.
- Proper drawings depicting the basement unit must accompany the building permit application.

Respectfully,  
Belinda Menard, Dipl., Const. Eng. Tech.  
Building Intake/Plans Examiner

February 7, 2020

Planning & Development Services  
The Corporation of the Town of Pelham  
20 Pelham Town Square  
P.O Box 44  
Fonthill, Ontario, L0S 1E0

Re: Application for Zoning By-law Amendment - 1084 Quaker Road

Dear Shannon,

Canada Post Corporation has no comments or conditions regarding the proposed zoning by-law amendment. Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding this decision, I can be reached at 226-268-5914.

I appreciate the opportunity to comment on this project.

Regards,

*A. Carrigan*

Andrew Carrigan  
Delivery Services Officer  
[Andrew.Carrigan@Canadapost.ca](mailto:Andrew.Carrigan@Canadapost.ca)

## Shannon Larocque

---

**From:** Municipal Planning <MunicipalPlanning@enbridge.com>  
**Sent:** Monday, February 10, 2020 7:19 AM  
**To:** Shannon Larocque  
**Subject:** RE: Request for Comments - Application for Zoning By-law Amendment - 1084 Quaker Road

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com).

Regards,

**Alice Coleman**  
Municipal Planning Analyst  
Long Range Distribution Planning

**ENBRIDGE GAS INC.**  
TEL: 416-495-5386  
500 Consumers Road, North York, Ontario M2J 1P8

Enbridge.com  
**Safety. Integrity. Respect.**

---

**From:** Shannon Larocque <SLarocque@pelham.ca>  
**Sent:** Friday, February 7, 2020 2:45 PM  
**To:** Niagara Peninsula Energy (info@npei.ca) <info@npei.ca>; jim.sorley@npei.com; andrew.carrigan@canadapost.ca; Bell Canada <circulations@mmm.ca>; Hydro One- Land Use Planning (landuseplanning@hydroone.com) <landuseplanning@hydroone.com>; Municipal Planning <MunicipalPlanning@enbridge.com>  
**Subject:** [External] Request for Comments - Application for Zoning By-law Amendment - 1084 Quaker Road

**EXTERNAL: PLEASE PROCEED WITH CAUTION.**

This e-mail has originated from outside of the organization. Do not respond, click on links or open attachments unless you recognize the sender or know the content is safe.

Good Afternoon,

We are in receipt of an application to permit a duplex at the above property. The application is intended to legalize the existing dwelling unit that has been constructed in the basement.

A site plan has been attached for your reference.

Your comments would be appreciated by February 28<sup>th</sup>, 2020.

If you require any further information, please feel free to contact me.

Best Regards,

Shannon



**Shannon Larocque, MCIP. RPP.**

Senior Planner

Town of Pelham

T: 905-892-2607 x319 | E: [slarocque@pelham.ca](mailto:slarocque@pelham.ca)

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

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## Shannon Larocque

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**From:** Jim Sorley <jim.sorley@npei.ca>  
**Sent:** Monday, February 10, 2020 9:22 AM  
**To:** Shannon Larocque  
**Subject:** Request for Comments - Application for Zoning By-law Amendment - 1084 Quaker Road  
**Attachments:** 1084 Quaker - (2019) Existing Site Plan.pdf; doc22564920200131160647.pdf

Hi Shannon,

This project is outside of the service area of NPEI. We only service the Fonthill area in the Town of Pelham.

Regards,



**Jim Sorley** | Director of Engineering Services, L.E.T., ME  
Tel: (905) 356-2681 ext 6224 | Email: jim.sorley@npei.ca



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**Sent to External Source**

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**From:** Shannon Larocque [<mailto:SLarocque@pelham.ca>]  
**Sent:** Friday, February 07, 2020 2:45 PM  
**To:** INFO; [jim.sorley@npei.com](mailto:jim.sorley@npei.com); [andrew.carrigan@canadapost.ca](mailto:andrew.carrigan@canadapost.ca); Bell Canada; Hydro One- Land Use Planning ([landuseplanning@hydroone.com](mailto:landuseplanning@hydroone.com)); Municipal Planning  
**Subject:** Request for Comments - Application for Zoning By-law Amendment - 1084 Quaker Road

Good Afternoon,

Feb 22, 2020

Town of Pelham  
Town Clerk Nancy J. Bozzato  
PO Box 400  
20 Pelham Town Square  
Fonthill, ON L0S1E0

Subject: File AM-01-20  
1084 Quaker Rd Re-zoning

As a property owner near 1084 Quaker Rd, I am opposed to any amendments to the current zoning of the property. What is being asked here is a permanent change to the dynamics of our neighborhood. Zoning changes like this one should not happen after people have made significant investments in their homes.

By re-zoning this property I am afraid of the impact it will have on any future real estate values in the homes surrounding this property, and no one can say to me that it will be beneficial. I built here in 1987 under a certain set of known facts about the zoning and the future plans for the neighborhood and I made a decision based on that.

You can bet if this is allowed others will be asking for the same. There is an empty lot across the street from 1084 Quaker, and I don't want to see us revisiting the same issues with that one. Issues like parking, traffic flow, garbage etc. will all be stretched as the subdivisions were not built with that in mind.

But it's the future that scares me the most. How will future owners manage this property? My daughter lives in an area with a lot of rental houses and as we all know, when you don't own it you don't care so much about aesthetics, you're just in it for the income. This is a 3 unit dwelling (legal/ illegal) as it sits today. Someone could buy this and rent all three units. I am aware that one is supposed to be a granny suite but it would be so easy to change that (current case in point) without anyone knowing.

Changes like this should be made when new developments are done. Maybe create a new property category in that development that would allow such a dwelling to be built. At least people buying into that would know what they are getting into. Older existing developments should not allow owners to do this.

This is a quiet single family residential neighborhood, always was and always should stay that way. Considering this change will create a lot of bad blood amongst long time neighbors, it will no longer be the same as it has been. Don't change the rules in the middle of the game. Too many of us have made a purchase decision based on certain facts and by-laws. If rental income is what you're after then there are areas that are designed and zoned for you to do that without upsetting an entire neighborhood.

Thank you

Normand Mailhot

[REDACTED]

## Shannon Larocque

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**From:** James M. Shannon [REDACTED] >  
**Sent:** Tuesday, March 03, 2020 12:33 PM  
**To:** Shannon Larocque  
**Subject:** FW: File AM - 01-20

Shannon, I live at [REDACTED]. I received a public meeting notice re a home on Quaker Rd seeking a zoning amendment to become a duplex. I do not have the time to research and understand the implications of this. I am opposed. The street is single family residences and has been since its inception. I cannot make the March 9<sup>th</sup> meeting as I am the treasurer of Pelham Friends Church and we have a meeting that evening, however I would like to be notified of the results of the meeting and ideally be in a position to appeal, if required.

Regards

James Shannon  
[REDACTED]



## Shannon Larocque

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**From:** Pamela Shelton <[REDACTED]>  
**Sent:** Sunday, March 01, 2020 12:48 PM  
**To:** Shannon Larocque  
**Cc:** Nigel Shelton  
**Subject:** Proposed Zoning By-law Amendment File AM-01-20

Yesterday we received the subject notice dated February 14, 2020. As there is insufficient time to get this to The Town of Pelham by mail, please accept this electronic submission. We find the entire process to be time restrictive.

We take exception to this proposed amendment as it would negatively impact property values and change the dynamic of the neighbourhood. Had we wanted to live in a multi-family residential neighbourhood, we would have chosen to. Now our single family neighbourhood is at risk.

The notice says the information report will be available on March 06, one business day before the public meeting, which is hardly adequate time to understand the issues and submit a detailed response.

We believe if property owners wish to live in a multi-family neighbourhood, they already exist without compromising the dynamic of this lovely area.

We intend to be at the public meeting on March 09. Please keep us informed of any developments.

**We respectfully request our personal contact information remain private.**

Nigel and Pamela Shelton  
[REDACTED]

**Committee of the Whole Meeting**  
**Minutes**

Meeting #: PCOW-02/2020  
Date: Monday, March 9, 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: Nancy Bozzato, Barbara Wiens, Shannon Larocque

Media: Rick and Del Leney  
Interested Citizens

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

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30 p.m.

**2. Adoption of Agenda**

**Moved By Councillor** Marianne Stewart

**THAT the agenda for the March 9th, 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-01-20 1084 Quaker Road**

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

**4.1 Planning Report**

Senior Planner S. Larocque presented information relating to the zoning by-law amendment application relating to 1084 Quaker Road.

**4.1.1 Information Report - Application for Zoning By-law Amendment - 1084 Quaker Road, 2020-0035-Planning**

**Moved By Councillor** John Wink

**THAT Committee receive Report #2020-35 for information as it pertains to 1084 Quaker Road (File no. AM-01-20) 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**

Del Leney, applicant, informed Council that those in opposition may not realize the reason for this application, having been requested as part of a permit application for accessibility needs. She explained the insurance proposals regarding the health of Mr. Leney and his need for installation of various equipment installations in their home. She indicated that their main focus at this time is to permit accessibility. She also noted that the property next door, 1086 Quaker Road, is a triplex that was grandfathered about thirty years ago.

Ms. Wiens informed Council that the applicants submitted a building permit application to allow for the installation of measures for accessibility purposes. In order to obtain a building permit, the property must be in compliance with the zoning by-law, which zones this property for a single detached dwelling. The zoning amendment is needed in order to allow for recognition of two separate and distinct dwelling units. She clarified that it is not an accessibility permit that is being sought, but rather a building permit to allow for renovations to make the dwelling accessible.

Mrs. Leney suggested to the Council that accessibility is a human right and as such, this should not be denied.

It was noted that the second unit is a basement unit and it was asked if this were removed would a permit be issued. Ms. Wiens advised that the applicants are not willing to take this step as they want to maintain the second dwelling unit.

Mrs. Leney advised that this is not something she wants to do because she does not want to evict her tenants with no other affordable housing available. She suggested that this type of living accommodation should have been allowed years ago by the Town. That stated, she indicated that in order to get the building permit to provide for her husband's needs, they would give up the basement unit.

Ms. Wiens advised that there would be no building additions or new structures if this amendment is approved. Mrs. Leney advised that they are not planning any new construction, noting the additional dwelling units have existed for some twenty years.

**Moved By Councillor John Wink**

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

**Carried**

**4.3 Public Input**

Nigel Shelton, neighbouring property owner, sought clarification on the application as it appears that if the apartment is not present, the accessibility measures cannot be undertaken. Ms. Wiens provided clarification that the apartment has been in existence for some time, but was constructed without the issuance of building permits, so it does not exist legally. The zoning needs to be changed so as to permit the second unit, known as a duplex. Because the applicants want to make renovations to the home to install a lift for accessibility from the main floor to the second floor and lower units, as well as other issues such as widening the hallways, doors, etc., the structural changes require a building permit. A permit cannot be issued because the property, as it exists today, is not legal given the second dwelling unit constructed without a permit.

In response to an additional query, Ms. Wiens advised that there would be no ability to subdivide the property to allow for the two distinct units to be sold separately, as this situation is a contained apartment within the house that is under one ownership.

Richard Leney, son of the applicant, informed that the basement unit was originally built for his grandmother, and was initially a granny suite. It was originally attached to the rest of the dwelling with a common entrance. After his grandmother was no longer living in this unit, he moved in to that area and closed it off, making it a separate unit. He was there for two or three years and after he moved out, his parents brought in a college student. He indicated that one of this was done in bad faith, nor was it done to try to avoid obtaining permits

In response to a question by Council, Ms. Wiens advised that zoning does not zone "people", but rather, zones property so allowing this situation to remain while owned by Mr. and Mrs. Leney would not be permitted. The only ways to obtain a building permit would be to convert the residence back to a single, or to obtain a zoning amendment. In response to a question about the property previously being described as a triplex, Ms. Wiens noted that there is one additional granny flat that is integrated as part of the main floor and does not have a separate entrance.

If this application is approved, there are restrictions for lot coverage in terms of accessory buildings and the main structure. If those specific requirements are met, an addition could be constructed but a second dwelling building would not be permitted.

**Moved By Councillor** Lisa Haun

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

- 1. Norm Mailhot**
- 2. Nigel and Pamela Shelton**
- 3. James Shannon**

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

**Carried**

**4.4 Committee Input**

All Committee questions were answered during the previous discussions.

**5. Adjournment**

**Moved By Councillor** Mike Cioffi

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

**Carried**

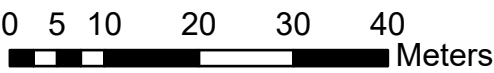
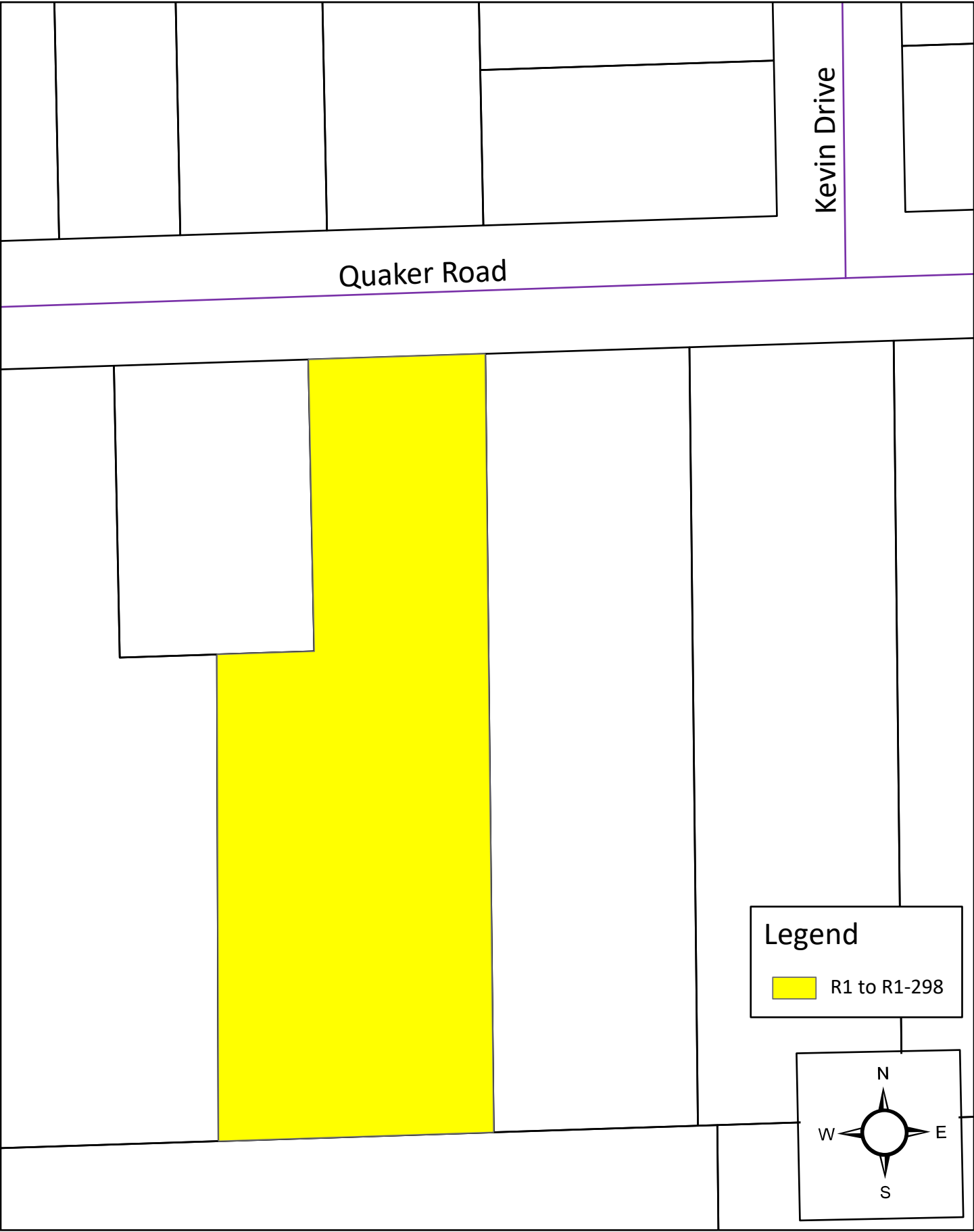
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Mayor: Marvin Junkin

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Town Clerk: Nancy J. Bozzato

Schedule 'A'



This is Schedule 'A' to By-law No. \_\_\_\_\_ (2020) passed the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor: Marvin Junkin

\_\_\_\_\_  
Clerk: Nancy J. Bozzato

**Subject:** Whistleblower Policy**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-0033;**

**AND THAT Council approve the Whistleblower Policy attached as Appendix "A"**

**Background:**

Currently, the Town of Pelham does not have a dedicated Whistleblower Policy. Having a clear Whistleblower Policy encourages a culture where wrongdoing is addressed quickly and mitigates potential legal, financial and reputational risks to the Town. It also fosters an environment where employees can work safely and appropriately, without fear of reprisal for their reporting of wrongdoing, or potential wrongdoing.

**Analysis:**

The Town of Pelham's corporate values include transparency and trustworthiness. It is in the public interest to maintain and enhance public confidence in the Town and its employees by providing for the disclosure of allegations of wrongdoing with respect to the Town's operations.

**Financial Considerations:**

There are no financial considerations with respect to this policy.

**Alternatives Reviewed:**

There is no legal obligation to adopt the proposed policy, therefore Council can decline to do so.

**Strategic Plan Relationship: Risk Management**

A formal Whistleblower policy and procedure will mitigate the risk of wrongdoing going unreported and unaddressed. This directly supports the strategic plan goal of risk management by reducing the perceived cost or disincentive to come forward with potentially important information.



**Consultation:**

The corporate policies of both the City of Welland and the Town of Fort Erie were reviewed prior to drafting the policy and this report.

**Other Pertinent Reports/Attachments:**

Appendix "A" – Whistleblower Policy

**Prepared and Submitted by:**

Brianna Langohr  
Human Resources/Health and Safety Coordinator



<b>Policy Name: Whistleblower Policy</b>	<b>Policy No: S600-11</b>
Committee approval date:	-
Council approval date:	April 6, 2020
Revision date(s):	-
Department/Division:	Human Resources

## 1. Purpose

This policy will provide a mechanism where employees who disclose serious wrongdoing by staff and management with respect to Town operations are protected from reprisal and where, under appropriate circumstances, investigations are undertaken in response to such disclosures.

The Town of Pelham's corporate values include transparency and trustworthiness. It is in the public interest to maintain and enhance public confidence in the Town and its employees by providing for the disclosure of allegations of wrongdoing with respect to the Town's operations.

## 2. Definitions

**"Appropriate Authority"** – an employee who has the delegated authority to make final decisions regarding discipline, Wrongdoing, harassment claims, and consequential actions. At the Town of Pelham, the Appropriate Authority is the Employee's immediate Director, the Human Resources Department, or the Chief Administrative Officer.

**"Good Faith"** – an act with positive intentions and which is not done trivially, frivolously, or for a vexatious or improper purpose.

**"Reprisal"** – Any demotion, suspension, termination, unfavourable transfer, denial of promotion, denial of benefits, threat, harassment or denial of compensation as a result of the reporting of wrongdoing.

**"Whistleblower"** – an employee who, in good faith, reports wrongdoing to the appropriate authority, in an attempt to have the activity brought to an end



**“Wrongdoing”** – includes instances of fraud and/or deliberate waste and refers collectively to conduct including, but not limited to:

- a violation of Town policy or Council direction
- a violation of any law
- the misuse or misappropriation of public funds or assets
- a gross mismanagement of Town resources
- a substantial and specific danger to public health or safety or;
- an abuse of authority

### **3. Policy Statement**

The Town of Pelham shall ensure that any employee who reports serious wrongdoing in good faith is protected from reprisal. Investigations and/or other appropriate actions will be initiated in response to credible reports of wrongdoing.

It is a violation of this policy for anyone to knowingly make a false complaint of Wrongdoing or to intentionally provide false information about a complaint. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

### **4. General Provisions**

#### **Reporting Procedure:**

Individuals who believe they have witnessed an act or acts of Wrongdoing should report the incident(s) to an Appropriate Authority, either verbally or in writing. The Appropriate Authority shall review the allegation and take appropriate action (in most instances this will be a formal investigation). The Human Resources Department will be informed of every allegation, except those involving Human Resources. The Human Resources Department has formal responsibility for maintaining all relevant corporate records.

Where the employee reasonably believes the wrongdoing places their immediate Appropriate Authority in a conflict of interest, the employee shall raise the incident with the Human Resources Department which will conduct an investigation, if appropriate. Human Resources will keep the Chief Administrative Officer apprised of the complaint.



Where the employee reasonably believes the Wrongdoing places the Human Resources Department in a conflict of interest, the employee shall raise the issue with the Chief Administrative Officer who will conduct an investigation, if appropriate.

Upon concluding that an instance of workplace wrongdoing has indeed occurred, the respondent will be subject to disciplinary action, which may result in suspension of duties, or outright termination of employment and possible legal action depending on the severity of the action. Disciplinary actions will be determined on the basis of the facts of each case and the extent of harm to the Town of Pelham's interests and business goals.

Any employee who wishes to file a complaint of violence or harassment must follow the procedure outlined in Policy S101-16. Whistleblower protection also applies to anyone reporting complaints of this nature.

**Whistleblower Protection:**

An employee who believes they are the subject of a reprisal related to their reporting of wrongdoing shall notify the Human Resources Department. Where a Supervisor, Manager, or Director becomes aware of Reprisal or potential Reprisal against an employee as a result of a report of wrongdoing, they shall inform Human Resources.

Any allegations of reprisals will be the subject of an investigation. Where an investigation substantiates the allegations of reprisals resulting from a report of wrongdoing, the employee responsible for the reprisal will be subject to disciplinary action, up to and including termination of employment.

**5. Attachments**

None.

**Subject:** Group Benefits Analysis**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-0034;**

**AND THAT Council direct the Human Resources Department and Treasurer to utilize the Town's Insurance Broker to obtain quotations for benefits coverage starting October, 2020;**

**AND THAT Council approve the extension of benefits coverage to include elected officials, while maintaining the capacity for elected officials to decline said coverage, starting October, 2020.**

**Background:**

The Town of Pelham has not spent almost two years with its current benefits provider. This is an appropriate time to evaluate the package, costs, and the level of service being provided. In 2017, the Town opted to transition from its former benefits provider to the current benefits provider. This change took effect on June 1, 2018 and saved the Town approximately \$40,000 annually in premiums.

As demonstrated in the results of the Engagement Survey completed in late 2019, Town employees are satisfied with the existing range of benefits. However, the current provider is proving to be troublesome. Staff are experiencing significant difficulty submitting claims and being reimbursed for out of pocket expenses. This, in turn, has substantially increased the amount of time Human Resources must spend dealing with the provider to correct errors.

The Town currently provides benefits to all staff members working at least 30 hours per week and covers the full cost of the benefits provided to full time staff. Members of Council have the option to enroll in a 'Councilors' benefit class, but in doing so are responsible to cover all premiums. Historically, members of Council have paid their monthly premiums through bi-weekly payroll deductions, which are remitted to the insurance provider on the Councilor's behalf. The benefit class that is currently offered to councilors includes Extended Health Care, Dental Care, Group Life Insurance, and Accident and Serious Illness Insurance. There is no principled

reason to exclude Councillors from the provision of benefits, whereas inclusion is consistent with corporate values.

### **Analysis:**

The Town's current benefit rates are up for renewal on October 1, 2020. As the problems staff are experiencing with the current provider have not subsided over the past 18 months, now is an appropriate time to go to market to determine if similar coverage, but with better service can be provided by another company. Pelham has a trusted relationship with its current insurance broke. It is possible to continue this relationship and have the brokerage complete the market analysis on Pelham's behalf. If the Town can provide staff with the same level of benefits while eliminating the frustration of dealing with the current provider, and also decrease the amount of staff time required to resolve claim issues then it is worthwhile engaging with this exercise. It is also possible that going to market will again produce cost savings, as occurred in 2018.

Town Councillors spend work significant hours on behalf of the community, in return for compensation of less than \$16,000 per year, essentially being paid less than minimum wage. To offset this unenviable level of compensation, and to provide an incentive for residents to run for office, it is appropriate to provide benefits coverage. Individual Councillors who have coverage elsewhere have the capacity not to enroll.

### **Financial Considerations:**

There are no direct costs to the Town to have the current insurance broker test the market.

There will be a modest financial impact if Council members are enrolled in the Town's benefits plan. Councillors will not be offered the full range of benefits provided to full time staff, which means that the cost associated with the Councillor benefit class is significantly less than the staff cost. The monthly premium rate per Councillor (only) would be \$173.01 plus all applicable taxes, while the family rate for the benefits package per Councilor each month is \$448.36 plus all applicable taxes.

The monthly premium cost breakdown is as follows:

Group Life Insurance: \$4.44

Accident & Serious Illness Insurance: \$1.22

Extended Health (Single): \$124.63

Extended Health (Family): \$320.40

Dental Care (Single): \$42.72  
Dental Care (Family): \$122.30

Please note that these are the premium costs under the current provider. It should also be noted that the Group Life Insurance and Accident and Serious Illness Insurance premiums are reduced by 50 percent if the member is over the age of 65.

The health and dental benefits can be waived if the plan member has alternate coverage in place. As such, the single and family premium amounts provided could be significantly less should the member not require all benefits. Accident and Serious Illness and Group Life Insurance are mandatory if enrolling into the benefit plan.

The cost of extending benefits to Council was not included in the 2020 budget. It is recommended that staff be instructed to obtain new quote's through the Town's insurance broker that include Council members. It is hoped that savings will be achieved (as occurred in 2018) and that said savings will offset for the two months of unbudgeted benefits participation by councilors. In the event that savings are not achieved, it is noted that two months of benefits provision for seven persons is not a material item for the Town's operating budget.

### **Alternatives Reviewed:**

There are a number of municipalities in the Niagara Region in a consortium benefit plan. This would have been an ideal solution that allowed Pelham to work conjunctively with our community. Human Resources compared our plan against theirs to determine if joining was a viable alternative. Pelham's benefit package is superior in almost all categories. It is therefore not recommended that this option be considered.

### **Strategic Plan Relationship: Strong Organization**

It is important that all those who work for the Town of Pelham have appropriate and easy to use benefit coverage for themselves and their loved ones. In keeping with the Town's basic value system, Council should extend benefits to themselves. Individual Councillors are free not to use the benefits, but the provision of benefits supports the health and well-being of community leaders and also supports the strategic plan by helping to attract future candidates to elected office.

### **Consultation:**

Consultation with the Town's Client Service Lead at GroupHEALTH confirmed monthly benefit costs and the ability to opt out of health and dental coverage.



The Treasurer confirmed the annual benefit premium savings.

**Other Pertinent Reports/Attachments:**

Attached is a schedule of the benefits included in the Councilor benefit package.

**Prepared and Submitted by:**

Brianna Langohr  
Human Resources/Health and Safety Coordinator

# ***Schedule of Benefits***

*In this section you will find a brief summary of the benefits included in your benefit plan.*

*This information includes, where applicable:*

**Coverage Amounts** – or formulas for how they are calculated;

**Covered Expenses** – what expenses are covered under the plan;

**Plan Deductibles** – how much you must pay before the plan pays;

**Benefit Percentages** – what percentage of a specific expense will be paid by the plan;

**Benefit Limits** – how much of a particular expense will be paid by the plan; and

**Benefit Maximums** – how much can be claimed in a calendar year or in your lifetime.

*For detailed information regarding a particular benefit, please refer to the **Description of Benefits** section of this document.*

## Group Life Insurance

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<i>Benefit Amount</i>	\$20,000
<i>Non-Evidence Maximum</i>	\$20,000
<i>Benefit Reduction</i> <i>(amended December 1, 2018)</i>	The amount of insurance reduces by 50% at age 65 and further reduces by 50% at age 75
<i>Waiver of Premium</i>	The elimination period for waiver of premium matches the elimination period for Long Term Disability if the insured is eligible to receive Long Term Disability benefits. Otherwise the elimination period for waiver is 6 months of continuous total disability
<i>Definition of Total Disability</i>	As defined under the Long Term Disability (LTD) benefit, or if not covered for LTD then as defined in the Group Life Insurance benefit description
<i>Conversion Privilege</i>	Included to age 65
<i>Living Benefit</i>	Employees who suffer a terminal illness may be eligible to receive 50% of their Group Life Insurance amount <ul style="list-style-type: none"><li>■ the maximum benefit payable under this section is \$50,000</li></ul>
<i>Termination Age</i> <i>(amended December 1, 2018)</i>	An employee's insurance terminates at age 85 or earlier retirement

## Accident & Serious Illness (ASI)

*Employee's Principal Sum*

Equal to the Group Life Insurance amount for all employees

*Benefit Reduction*

Same as Group Life Insurance

*Enhanced Schedule of Losses*

If, within 12 months of the date of the accident, Injury results in any of the following losses, the insurer will pay as follows:

Loss or Loss of Use of:	% of Principal Sum
Life	100%
Both Hands	100%
Both Feet	100%
Entire Sight of Both Eyes	100%
One Hand and One Foot	100%
One Hand and the Entire Sight of One Eye	100%
One Foot and the Entire Sight of One Eye	100%
Speech and Hearing in Both Ears	100%
One Arm	100%
One Leg	100%
One Hand	66⅔%
One Foot	66⅔%
Entire Sight of One Eye	66⅔%
Speech or Hearing in Both Ears	66⅔%
Thumb and Index Finger of Either Hand	33⅓%
Four Fingers of Either Hand	33⅓%
Hearing in One Ear	33⅓%
All Toes of One Foot	25%

*Paralysis Benefits*

Included at 200% of Principal Sum for

- quadriplegia (complete paralysis of both upper and lower limbs)
- paraplegia (complete paralysis of both lower limbs)
- hemiplegia (complete paralysis of upper and lower limbs of one side of body)

*Critical Disease Benefit*

Employees under age 65 who are totally disabled from a covered critical disease may be eligible to receive a benefit as follows:

- a lump sum payment equal to 10% of their Principal Sum
- the maximum benefit payable under this section is \$50,000
- covered critical diseases include Polio, Parkinson's, MS, ALS, Alzheimer's, Huntington's Chorea, Type 1 Diabetes, Peripheral Vascular Disease, Necrotizing Fasciitis

*Serious Illness Benefit*

Employees under age 65 may be eligible to receive a benefit if they suffer a covered serious illness as follows:

- a lump sum payment equal to 10% of their Principal Sum
- the maximum benefit payable under this section is \$10,000
- covered serious illnesses are Cancer, Heart Attack, Stroke and Kidney Failure

<i>Pre-Existing Conditions Applicable to the Serious Illness Benefit</i>	An exclusion applies to a serious illness which commences within 24 months of becoming insured, and which results from a pre-existing condition for which the employee sought or received medical advice, consultation, investigation, diagnosis, or for which treatment was required or recommended by a Physician during the 24 months immediately prior to becoming insured
<i>Day Care Benefit</i>	Included <ul style="list-style-type: none"> <li>■ maximum 5% of Principal Sum or \$5,000</li> <li>■ payable per year for 4 years for each child</li> </ul>
<i>Disability Fitness Benefit</i>	Included <ul style="list-style-type: none"> <li>■ maximum \$5,000</li> </ul>
<i>Education Benefit</i>	Included <ul style="list-style-type: none"> <li>■ maximum 5% of Principal Sum or \$5,000</li> <li>■ payable per year for 4 years for each child</li> </ul>
<i>Eyeglass &amp; Hearing Aid Benefit</i>	Included <ul style="list-style-type: none"> <li>■ maximum \$1,000</li> </ul>
<i>Family Transportation Benefit</i>	Included <ul style="list-style-type: none"> <li>■ maximum \$15,000</li> </ul>
<i>Funeral Expense Benefit</i>	Included <ul style="list-style-type: none"> <li>■ maximum \$5,000</li> </ul>
<i>Home Alteration Benefit</i>	Included <ul style="list-style-type: none"> <li>■ also includes Vehicle Modification Benefit</li> <li>■ combined maximum \$25,000</li> </ul>
<i>Parental Care Benefit</i>	Included <ul style="list-style-type: none"> <li>■ maximum 5% of Principal Sum or \$5,000</li> </ul>
<i>Psychological Therapy Benefit</i>	Included <ul style="list-style-type: none"> <li>■ maximum \$1,000</li> </ul>
<i>Rehabilitation Benefit</i>	Included <ul style="list-style-type: none"> <li>■ maximum \$15,000</li> </ul>
<i>Repatriation Benefit</i>	Included <ul style="list-style-type: none"> <li>■ maximum \$15,000</li> </ul>
<i>Seat Belt Benefit</i>	Included <ul style="list-style-type: none"> <li>■ benefit payable in the event of a loss is increased by 10% if the insured person was wearing a seat belt</li> </ul>
<i>Spousal Retraining Benefit</i>	Included <ul style="list-style-type: none"> <li>■ maximum \$15,000</li> </ul>
<i>Exposure and Disappearance</i>	Included
<i>Waiver of Premium</i>	Premiums are waived during the period that premiums are waived for Group Life Insurance
<i>Conversion Privilege</i>	Employees have the right to convert to individual coverage without health evidence when their employment terminates <ul style="list-style-type: none"> <li>■ any individual policy issued under the conversion privilege does not include the Critical Disease and Serious Illness Benefit</li> </ul>
<i>Termination Age</i> (amended December 1, 2018)	An employee's insurance terminates at age 85 or earlier retirement

## Extended Health Care

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### *Reasonable and Customary*

Claims for all expenses under the Extended Health Care benefit are paid on a reasonable and customary basis, unless a specific financial limit and/or claiming frequency is indicated for a particular expense.

Reasonable and customary is defined as the costs incurred for eligible, covered medical services or supplies that do not exceed the standard costs of other providers of similar standing in the same geographic area, for the same treatment of a similar illness or injury.

### *Calendar Year Deductible*

No Deductible

### *% Reimbursement of Eligible Expenses*

Prescription Drugs .....	100%
Hospital .....	100%
Health Care Practitioners .....	100%
Vision Care .....	100%
Other Medical Expenses .....	100%
Out-of-Province Medical Referral .....	100%
Travel Insurance and Assistance (Out of Province Emergency) .....	100%
Travel Cancellation Insurance .....	100%

*If the insured is a resident of Quebec, the percentage of reimbursement for prescription drug coverage in any calendar year will change to 100% once he has attained the out-of-pocket maximum set under Quebec's Basic Prescription Drug Insurance Plan (BPDIP) for that calendar year.*

## **Prescription Drugs – Included**

### *Prescription Drug Plan*

#### **Pay Direct Drug Card**

- covers the lowest cost generic equivalent product
- brand name drugs are only covered if the physician specifies no generic substitution

#### **Includes the following:**

- insulin supplies for diabetics
- lancets
- oral contraceptives, contraceptive patches, Nuvaring and intrauterine device (IUD)
- preventive vaccines

## **Hospital – Included**

### *Hospital Room*

Included - semi-private room

### *Hospital Indemnity*

Included

- Cash payment of \$40 per day with a combined maximum of 180 days per calendar year commencing on the 5th consecutive day in hospital

### *Convalescent Care*

Included

- \$40 per day with a combined maximum of 90 days per calendar year per disability

## Health Care Practitioners – Included

Maximums shown are per person per calendar year. Where certain practitioners are combined below, the fees of these practitioners are combined for purposes of satisfying the maximum indicated.

(amended September 1, 2019)

Practitioner	Maximum
Chiropractor (includes x-rays)	\$500
Christian Science Practitioner	\$500
Massage Therapist/Orthotherapist	\$500
Naturopath	\$500
Osteopath (includes x-rays)	\$500
Physiotherapist/Physical Rehabilitation Therapist	No annual maximum
Podiatrist/Chiropodist (includes x-rays)	\$500
Psychotherapist/Psychologist/Social Worker/Clinical Counselors	\$500
Speech Therapist	\$500

## Vision Care – Included

### Vision Care

Eyeglasses, contact lenses and laser vision correction:

- adults – maximum \$300 every 24 months
- dependent children – maximum \$300 every 24 months

## Other Medical Expenses

*\* Requires a referral or prescription from a physician*

### \*Artificial Limbs

\$10,000 per prosthesis per limb every 60 consecutive months

### \*Blood Glucose Monitor

Supplies for Continuous Glucose Monitors are covered but limited to:

- a maximum of 12 sensors per calendar year
- a maximum of 2 transmitters per calendar year

### External Breast Prostheses

1 per breast per calendar year

### \*Electric Hospital Bed

\$3,000 every 60 consecutive months

### Eye Examinations

One examination up to a maximum of \$75

- adults – every 24 months
- dependent children – every 24 months

### \*Foot Orthotics

Casted, custom-made orthotics

- \$300 per calendar year

### \*Hearing Aids

\$500 every 36 consecutive months

### \*Magnetic Resonance Imaging (MRI)

\$1,000 per calendar year

### \*Mobility Aids

Scooters and wheelchairs are subject to a combined maximum of \$3,000 every 60 consecutive months

### \*Nursing

\$10,000 per calendar year

### \*Off-the-shelf Orthopaedic Shoes and Orthopaedic Modifications

Stock-item orthopaedic shoes, including modifications and adjustments

- \$300 per calendar year

### \*Orthopaedic Shoes

Custom-made orthopaedic shoes

- \$300 per calendar year

### Sclerosing Agents

\$15 per visit



*Special Vision Benefit after  
Cataract Surgery*

Lifetime maximum \$300

*\*Stump Socks*

5 pairs per calendar year

*\*Support Hose*

4 pairs per calendar year

*Surgical Brassiere*

4 per calendar year

*\*Transcutaneous Electrical  
Nerve Stimulator (TENS)*

\$1,000 every 60 consecutive months

*\*Wigs (Including Hair Pieces)*

\$500 per lifetime

### **Out-of-Province Medical Referral – Included**

*Non-Emergency Treatment*

\$10,000 per calendar year

### **Travel Insurance and Assistance (Out of Province Emergency) – Included**

*Travel Insurance and Assistance*

\$5,000,000 per insured per trip

- maximum duration of coverage: up to 180 days per trip

### **Travel Cancellation Insurance - Included**

*Travel Cancellation Insurance*

\$5,000 per insured per trip

### **Diagnosis + - Included**

*Diagnosis +*

Allows an insured person under age 65 to obtain a medical second opinion

### **Employee and Family Assistance Program**

#### *Employee & Family Assistance*



LifeWorks is an Employee and Family Assistance Program (EFAP) and work-life/wellbeing resource designed to help you and your dependents with a variety of issues, concerns, or questions. [The program is an employee benefit and provided at no additional cost to you by your employer.]

LifeWorks is confidential support and services for work, life, family, health, money, and everything in between. The program includes:

- 24/7 access to expert consultants for work-life advice, information, and resources
- access to counselling
- referrals to community supports
- a secure desktop website full of practical wellbeing content
- mobile app for iPhone or Android

You can access LifeWorks 24 hours a day, seven days a week, 365 days a year, by toll-free number, online at [login.lifeworks.com](http://login.lifeworks.com), or by mobile app, for support related to:

- **Life:** Stress/Overload, Anxiety, Depression, Grief/Loss, Community Resources
- **Family:** Parenting, Separation/Divorce, Blended Families, Caring for Older Adults, Education
- **Money:** Saving/Investing, Debt Management, Estate Planning/Wills, Home Buying/Renting
- **Work:** Work Relationships, Job Stress/Burnout, Managing People
- **Health:** Fitness/Nutrition, Sleep, Addiction/Recovery, Smoking Cessation

## General Benefit Provisions

### *Dependent Children Eligibility*

Dependent children are eligible from birth to:

- age 21, or
- age 25 if in full time attendance as a student at a recognized educational institute

### *Survivor Benefit*

If an employee dies while insured, insurance will continue for his dependents who were covered under this benefit at the time of the employee's death:

- without premium payment
- until the earliest of the following dates
  - 24 months from the date of the employee's death
  - the date when insurance for the dependents would have terminated if the employee's death had not occurred
  - the date when the dependents become eligible for similar coverage under another insurance policy
  - the date the group policy terminates

### *Termination Age*

An employee's insurance terminates at age 85 or earlier retirement

## Dental Care

### Calendar Year Deductible

*Rates Based on Dental  
Procedure Fee Guide:*

### No Deductible

Current fee guide, less one year, for general practitioners in the province where the expenses were incurred

When a fee guide is not published for a given year, the term fee guide may also mean an adjusted fee guide established by the insurer

### % Payment of Eligible Expenses

Basic Dental Care..... 100%

- Diagnostic Services  
*Examinations and Diagnoses*
  - recall or periodic oral examination: once every 9 months
  - complete oral examination: once every 24 months
  - complete periodontal examination: once every 9 months

- Preventive Dental Care  
*Preventive Services*
  - polishing of coronal portion of teeth – 1 unit every 9 months
  - scaling and root planing – 15 units of time per calendar year
  - topical application of fluoride once every 9 months

Routine Dental Care ..... 100%

- Minor Restorative Services
- Endodontics
- Periodontics
- Rebase, Reline, Adjustment and Repair of Removable Dentures
- Repair of Fixed Bridges and Crowns
- Oral Surgery
- Additional Services

Dental Restorative Services ..... 50%

- Major Restorative Services and Fixed Prosthodontics
- Removable Dentures
- Fixed Bridges

Orthodontic Care ..... 50%

- Orthodontics (for dependent children under age 19 only)

### Maximum Amount Covered

Basic Dental Care and Routine Dental Care

- combined maximum of \$1,500 per insured per calendar year

Dental Restorative Services

- \$1,000 per insured per calendar year

Orthodontic Care

- \$1,500 per insured per lifetime

## **General Benefit Provisions**

### *Dependent Children Eligibility*

Dependent children are eligible from birth to:

- age 21, or
- age 25 if in full time attendance as a student at a recognized educational institute

### *Survivor Benefit*

If an employee dies while insured, insurance will continue for his dependents who were covered under this benefit at the time of the employee's death:

- without premium payment
- until the earliest of the following dates:
  - 24 months from the date of the employee's death
  - the date when insurance for the dependents would have terminated if the employee's death had not occurred
  - the date when the dependents become eligible for similar coverage under another insurance policy
  - the date the group policy terminates

### *Termination Age*

An employee's insurance terminates at age 85 or earlier retirement

**COMMITTEE REPORT- referred to Council  
COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT**

Monday, April 06, 2020

**Subject: Site Plan Approval Recommendation Report – Summersides Mews  
(SP-03-19) Part 5 on RP 59R-16105**

**Recommendation:**

**THAT Council receive Report #2020-0036-Planning pertaining to Site Plan Control file SP-03-19 and:**

**THAT the By-law and Site Plan Agreement for Part 5 on RP 59R-16105 be submitted for approval by Council at the next regular meeting, authorizing the Mayor and Clerk to sign the Site Plan Agreement with the purchaser 2494557 Ontario Inc.**

**Background:**

The purpose of this report is to provide Committee with information regarding an application for site plan control under Section 41 of the *Planning Act*, R.S.O. 1990, c. P. 13, for the lands described as Part 5 on RP 59R-16105, referred to as *Summersides Mews*. The subject lands are currently vacant and located on the northeast corner of the roundabout at Summersides Boulevard and Wellspring Way. The lands are surrounded by the Meridian Community Centre to the north, vacant land to the east and south, and a stormwater management pond to the west (Figure 1).

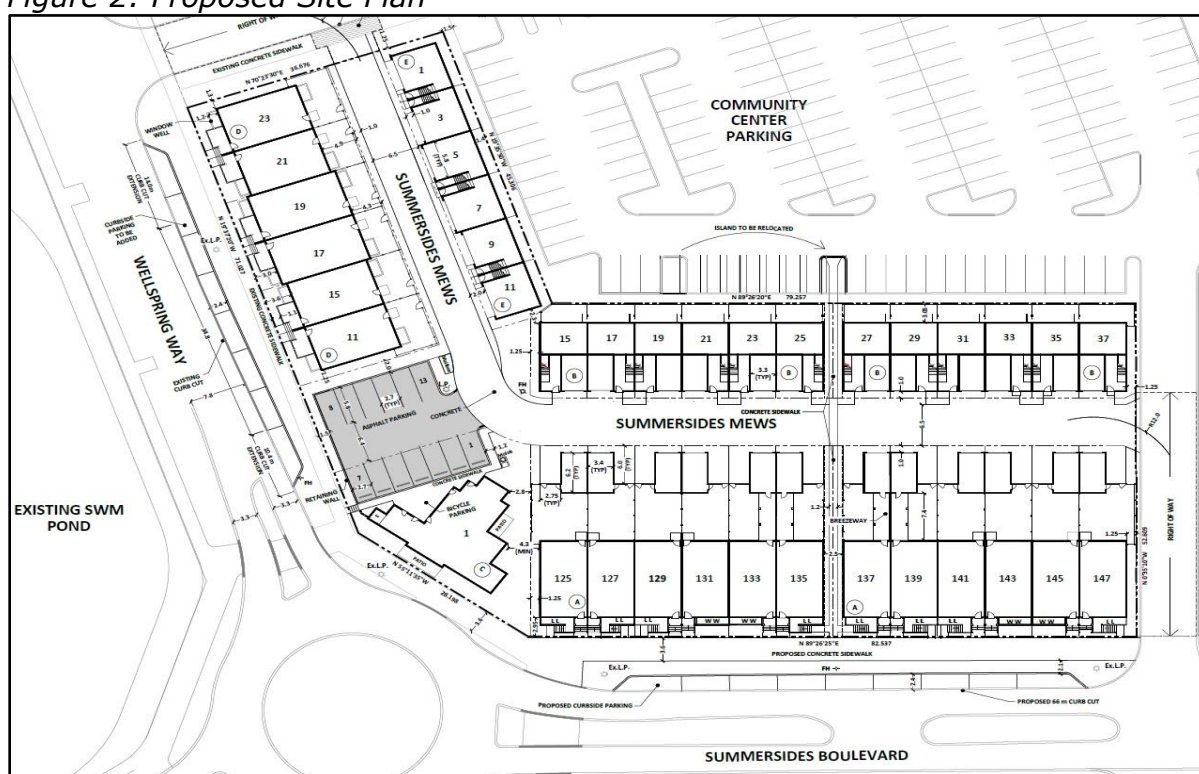
*Figure 1: Subject Lands*



The proposed Site Plan (Figure 2) is for the development of a multi-unit residential condominium. The draft plan of condominium application is currently under review. The residential development proposes a variety of housing types catering to different market needs, and income brackets consisting of:

- One five (5) unit, 3-storey apartment building (Block C);
- 36 townhouse dwellings
  - 12 of traditional style (Block A).
  - 6 of these function as second (accessory) dwelling units (Block E) connected in ownership with 6 of their more traditional, larger townhouse units (Block D).
  - 12 of these (referred to as *mews*, of British influence) represent 'above-the-garage' style living quarters (Block B).

Figure 2: Proposed Site Plan



Despite most of the site proposing townhouses, it is important to note that many of these units serve an important housing role which is difficult to find in Pelham and the Region at large. This is due to either its built form, living space and external design, form-based zoning regulations, or because of the proposed ownership structure facilitated by the draft plan of condominium. The proposed condominium's ownership model for six (6) of the townhouse units is unique for the Region because these houses could be subsidised by rental income of the accessory apartment (connected in ownership), or alternatively serve as an adaptable living arrangement for growing families. Typically, most condominium corporations enact very restrictive covenants and by-laws prohibiting such housing arrangements, effectively locking out, or excluding an integral sector of the population who may

need to rely on that supplementary rental income to qualify for mortgage financing, (i.e. young families), or to accommodate a multi-generational family.

The applicant has advised that all of the proposed townhouse units have already been pre-sold. On the topic of affordability, although the mews (of Block B) do not meet the official criteria defined by the Province for the Region of Niagara, they have been priced at a considerably more affordable rate than other local (townhouse) comparables in Fonthill and could meet an housing affordability for Pelham versus the Region. Also, the accessory apartments proposed for Block E will likely function as rentals, and given their floor area, conceivably be listed at a more affordable price point than other local (apartment) comparables that have much larger floor areas.

The proposed Site Plan would provide an additional 17 layby parking stalls along Summersides Boulevard and Wellspring Way for public use, as well as install a new public walkway connecting the Meridian Community Centre (MCC) with Summersides Boulevard, just east of the roundabout. To facilitate vehicular access to the development, the Town would need to grant a right of way over the existing western and southern driveways to the MCC in favour of the subject lands for access purposes.

The Town has an accepted offer through a Purchase & Sale Agreement with the applicant/purchaser 2494557 Ontario Inc. The sale is conditional upon receiving Site Plan Approval and entering into a Site Plan Agreement with the purchaser, among other things. Should Council approve the Site Plan application, the sale of these lands will close shortly thereafter.

## **Analysis:**

### Planning Act

Section 2 of the *Planning Act* addresses matters of Provincial interest and requires municipal Councils to have regard to, among other matters:

- a) The protection of ecological systems, including natural areas;
- b) The protection of the agricultural resources of the Province;
- e) The supply, efficient use and conservation of energy and water;
- f) The efficient use of transportation, water, wastewater and waste management systems;
- g) The minimisation of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing;
- l) The protection of the financial and economic well-being of the Province and its municipalities;
- n) The resolution of planning conflicts involving public and private interests;
- o) The protection of public health and safety;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, support public transit and to be oriented to pedestrians;



- r) The promotion of built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

Section 3 of the *Act* requires that, in exercising any authority that affects a planning matter, decisions of Council “shall be consistent with the policy statements” and “shall conform to the Provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.”

Section 41 (2) of the *Act* authorizes the council of a local municipality to designate areas within their jurisdiction under a ‘site plan control area’. Policy E1.4 of the Pelham Official Plan and By-law No. 1118 (1987) designates the entire Town as a site plan control area with certain exemptions. The proposed development is not exempt from site plan control.

Planning staff are of the opinion the proposed Site Plan meets, exceeds or does not conflict with any matter of Provincial interest identified in Section 2 of the *Act*. This is covered in more detail throughout the policy responses of this Report.

#### Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a ‘Settlement Area’ according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.4 states appropriate development standards should be promoted which facilitate compact form, while avoiding or mitigating risks to public health and safety.

The proposed Site Plan implements the current *form-based* Zoning code in effect on the subject lands, and complies with its regulations.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town’s Heritage Master Plan identifies this

area as having high archaeological resource potential, therefore an Assessment and Ministry Clearance was previously completed as part of the Village of East Fonthill Subdivision which created this block of developable land and the streets flanking it.

The proposed development seeks to increase the residential housing supply within the Urban Settlement Area of Fonthill, and more specifically within the East Fonthill Secondary Plan limits on designated Greenfield lands. Planning staff are of the opinion the Site Plan is consistent with the PPS and promotes appropriate development standards that help facilitate compact form while meeting *greenfield* density objectives, providing diversity in housing in an effort to accommodate a broader range of income levels and enhancing the urban character of the community.

#### Growth Plan for the Greater Golden Horseshoe (2019)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is a designated greenfield *area* and is located within a 'Settlement Area' according to the Growth Plan. Designated greenfield *areas* are required to accommodate forecasted growth to this Plan's horizon. Guiding principles regarding how land is developed:

- Support the achievement of complete communities to meet people's needs through an entire lifetime.
  - ✓ The Block E townhouses function as accessory dwelling units to Block D. These second units are better suited, and more adaptable to changing family needs over a lifetime than a single unit property.
- Prioritize intensification and higher densities to make efficient use of land and infrastructure.
  - ✓ The proposed development conforms with the Greenfield designation growth projections and density policies.
- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.
  - ✓ Provided through four (4) different housing types.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
  - ✓ Provided through four (4) different housing types.
- Integrate climate change considerations into planning and managing growth.
  - ✓ Compact urban form that accommodates a proportionately larger amount of housing / population in a complete community is superior in combatting negative impacts of climate change than low density sprawl alternatives in more rural areas.

Policy 2.2.1 Managing Growth – 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
  - i. have a *delineated built boundary*;
  - ii. have existing municipal water / wastewater systems; and
  - iii. can support the achievement of complete communities.

Complete Communities are defined as mixed-use neighbourhoods or other areas within a Town that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities may take different shapes and forms appropriate for their contexts.

Policy 2.2.6.2 Housing – states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:

- a) planning to accommodate forecasted growth to this Plan's horizon;
- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

Ground-oriented residential dwellings are the predominant housing type being proposed. However, the built form variety is more unique than what comes to mind in this area when ground-oriented dwellings are normally supplied. The proposed dwelling units are all permitted uses under the Zoning By-law and the variety proposed is considered desirable from a planning perspective as it helps provide more housing choice. The East Fonthill Secondary Plan Area yields a higher planned density threshold than the balance of built-up urban land found throughout Pelham. Dwelling unit types in this mixed-use area range from traditional townhomes, contemporary British inspired mews, detached second dwelling units (rentals) in the form of townhouses and garage apartments.

The subject lands are located around 1km from Downtown Fonthill, and less than 0.5km from grocery stores, other service commercial uses along Highway 20 east, trails and a future park. This places it within the realm of the desirable '10-minute' walking-shed neighbourhood. Two local elementary schools are also located nearby and the site is adjacent to the Meridian Community Centre (MCC).

The proposed Site Plan will help facilitate the construction of 41 residential dwelling units in a variety of housing types that are relatively compact, walkable in form and that help to support the existing municipal infrastructure within the East Fonthill neighbourhood. The proposal will also contribute towards the municipal property tax base which helps maintain linear infrastructure and public service facilities etc. Existing stormwater facilities, water and sanitary sewer mains front the subject lands.

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject land as 'Designated Greenfield Area' within the Urban Area Boundary.

Policy 4.G.6.2 indicates 'Urban Areas' will be the focus for accommodating the Region's growth and development.

Policy 4.C.5 states Designated Greenfield Areas will be planned as compact, complete communities by:

- a) Where permitted by scale, accommodating a range of land uses.
- b) Where limited by scale or configuration, making a significant contribution to the growth of the respective Urban Area.
- c) Providing opportunities for integrated, mixed land uses.
- e) Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas.

Town Planning staff are of the opinion the development makes effective use of the vacant lands situated in an evolving mixed-use neighbourhood by providing compact ground-oriented residential dwellings with a diverse range of housing types and tenures.

Policy 4.J.4 states the Region encourages private realm site design that addresses public safety, active transportation, landscaping, and human scale in buildings facing public space.

Policy 11.A.2 states the Region encourages the development of attractive, well designed residential construction that:

- c) Emphasizes the entrance.
- d) Is accessible to all persons.
- g) Provides an attractive, active transportation friendly streetscape.
- h) Contributes to a sense of safety within the public realm.
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.

The proposed development's site design positively reinforces the Summersides Boulevard and Wellspring Way streetscape using compact, front-facing built form with principle entrances at the sidewalk providing eyes-on-the-street. The active front façades enhance the pedestrian experience and comfort levels along both public streets, while the rear lane vehicle access otherwise eliminates unnecessary conflict points caused by vehicle driveways along the frontages. Therefore, Town Planning staff are of the opinion the development conforms to Regional policy.

Niagara Region staff do not object to the proposed Site Plan, subject to conditions (see appendix).

Pelham Official Plan (2014) & East Fonthill Site Master Plan

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage

features. The East Fonthill Site Master Plan was implemented as a result of the Official Plan's Secondary Plan policies for East Fonthill. This subsidiary Site Master Plan applies to the Commercial / Employment Centre lands which are generally bounded by Highway 20 (north), Rice Road (east), Summersides Blvd (south) and lands just west of 130 Highway 20 East (west).

*Figure 3 – Site Master Plan Development Concept Plan*



The local Official Plan designates the subject land as 'Secondary Plan Area' within the Fonthill Settlement Area. More specifically, the East Fonthill Secondary Plan designates this parcel as EF – Mixed Use within the Commercial/Employment Centre. Policy B1.7.8.3 outlines the permitted uses and intentions of this designation. Permitted uses include apartments, townhouses, secondary suites, live-work units among many other uses.

Policy A2.1.2 Natural Environment – states the natural environment objectives of this Plan are to make planning decisions that consider the health and integrity of the broader landscape as well as the long term and cumulative impacts on the ecosystem.

No key natural heritage features (i.e. Significant Woodlands, Provincially Significant Wetlands or valleylands etc.) are located near the subject lands.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage residential development applications occurring in the urban areas where full municipal water services and sanitary sewers are available, to provide for affordable housing and diversity in housing in an effort to accommodate a broad range of income levels among other things.

The subject lands are situated around 1 km from Downtown Fonthill, (2) public elementary schools and even closer to other service / neighbourhood commercial uses, public trails, and a future park which positions it well within walking distance of many daily amenities, including the Community Centre.

Policy A2.3.2 Urban Character – stated objectives of this Plan include (among others):

- To enhance the urban areas as diverse, livable, safe, accessible and attractive communities.
- To ensure that new development areas are integrated into the fabric of the existing community in conformity with approved Secondary Plans.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The proposed Site Plan would facilitate the construction of various ground-oriented residential dwellings in proximity to commercial, institutional and recreational uses. At this point, the neighbourhood character is undergoing major transformation in its role as a vacant designated greenfield area. Many neighbouring development applications are active and seeking to shape the future built form. The neighbourhood is envisioned as a walkable, mixed-use community according to the East Fonthill Secondary Plan and East Fonthill Site Master Plan.

The Summersides Mews development will help buffer the unsightly surface parking lot associated with the Meridian Community Centre (MCC) and it will also enhance the vehicle driveway entrances to the community centre parking lot. Town Planning staff are of the opinion the traditional row houses proposed along Summersides Blvd (Figure 4), the 3-storey apartment building at the roundabout (Figure 5), and the more contemporary townhouses along Wellspring Way positively reinforce the public streetscape and help shield the surface parking lot of the MCC (Figure 6).

*Figure 4: Proposed building Elevation of Block A townhouses fronting Summersides Boulevard*





*Figure 5: Proposed building Elevation of 3-storey Apartment building fronting roundabout*



*Figure 6: Proposed building Elevation of Block D townhouses fronting Wellspring Way*



Policy A2.5.2 Infrastructure – stated objectives of this Plan include maintaining existing infrastructure in a manner that is cost effective and contributes to the quality of life of citizens.

Policy A2.7.2 Cultural Heritage – states it is the Plan’s objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.

The Summersides Mews development, seeks an urban character with more housing choices, appropriate for the East Fonthill landscape through the use of sensitive gradient building massing, consistent building alignments that reinforce the public realm and streetscape, as well as a congruent use of higher quality exterior cladding material such as brick veneer, front porches, balconies and proportionally symmetric window openings. The efficient use of the subject lands also helps maintain existing infrastructure by financially contributing to the general tax levy once construction concludes.

No Part IV designated heritage properties flank the subject lands and an archaeological clearance from the Ministry of Tourism, Culture & Sport has been receipted as part of the previous draft plan of subdivision known as the *Village of East Fonthill* (file # 26T19-010-14).

Policy B1.7.3.1 (East Fonthill) Development Objectives – states that the following private (and public) development objectives will be implemented by the

mechanisms in the Official Plan, the implementing Zoning and Site Plan Approvals. The East Fonthill development objectives (that relate to this development) are:

- a) To ensure that the community is developed with a compact urban form and at an appropriate scale that is pedestrian-oriented and fosters community interaction;
  - ✓ The Site Plan proposes ground-oriented, public street facing residences which are human-scaled, enhance the streetscape and are compact in built form.
- b) To ensure a well-designed, attractive, pedestrian-and bicycle-friendly community that includes an appropriate mixture of housing types, as well as locally focused retail/commercial uses and places of worship;
  - ✓ Several housing types, unit sizes and tenure are being provided which help cater to different age cohorts and income brackets.
- c) To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan Area;
  - ✓ The Commercial / Employment Centre of East Fonthill is still in its early days and is in the midst of realizing its character.
- d) To create a complete community with a safe, healthy and functional environment that can accommodate between 6,500 and 7,500 new residents and jobs combined;
- e) To require that both the intensification and greenfield components of the community achieve a minimum gross density of 50 persons and jobs combined per hectare;
  - ✓ Town staff have calculated the projected density of the subject lands at 83 residents & jobs / hectare and 58 dwelling units / hectare and note that these metrics comply with the required greenfield densities.
- f) To provide a land use and community structure that supports the existing historic downtown and associated Town Centre of Fonthill;
  - ✓ The subject land is within close proximity of Downtown Fonthill and the additional housing units will help support local business vitality.
- j) To design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces, capable of performing a supporting role to the open space network;
  - ✓ The internal laneway is narrow and purposefully designed at a human-scale with careful urban design consideration to ensure an attractive streetscape both internally and along Wellspring Way and Summersides Boulevard. Furthermore, a north-south pedestrian walkway is being provided that better connects the MCC to Summersides Boulevard.
- k) To develop a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate transportation routes to most destinations;
  - ✓ The development provides several sidewalk connections to improve pedestrian mobility and layby parking which also helps calm traffic speed and improve the pedestrian experience along the public sidewalks by providing an additional physical buffer between moving traffic and those walking.



- l) To provide a hierarchy of collector and local roads that is based on a connected modified grid network that accommodates all modes of travel and that reflects and responds to the natural features of the community;
- m) To ensure that all new development occurs on the basis of full urban water and sanitary sewer facilities, as well as adequate utility networks.

Policy B1.7.3.2 Affordable Housing – states that it is the Plan’s objective that a minimum of 25% of all new residential development within the East Fonthill Secondary Plan Area meet the Provincial definition for affordable housing. Affordable housing will also be encouraged to locate in proximity to community facilities and existing or potential public transit routes and active transportation routes. Affordable housing may be achieved by:

- i) Promoting higher density housing forms;
- ii) Building smaller units;
- iii) Applying government grants and/or subsidies, including land dedication;
- iv) Waiving or reducing municipal permit fees, development charges, or taxes; and
- v) Encouraging the development of accessory apartments.

The proposed Site Plan consists of medium density, ground-oriented residential building types. Even the 5-unit apartment building proposes direct (or exclusive) ground floor access for each individual apartment. The apartment building, and several townhouse units accommodate smaller floor areas which help to ensure purchase (or rental) costs do not become overly exclusive in price. No government grants or subsidies are part of this proposal, or the Town’s Agreement of Purchase & Sale with the applicant. Six (6) of the townhouse units are actually connected in ownership to six (6) larger townhouses and will function as detached accessory apartments.

Policy B1.7.4.3 General Site Development Criteria includes, among others:

- i) Buildings shall be street-front oriented and provide direct street access for pedestrians;
  - ✓ Provided.
- ii) Large scale automobile parking areas shall generally be sited to the side or rear of buildings, preferably below grade. The softening of the impact of large surface parking lots through building orientation, landscaping is required;
  - ✓ The proposed parking lot is softened through the use of decorative fencing (consistent with the balconies of the adjacent apartment building) and landscaping, (Figure 7).

*Figure 7: Parking lot rendering viewed from Wellspring Way*



- iv) With the exception of single detached, semi-detached and townhouse dwellings, all new development shall provide outdoor bicycle racks at their main entrance.
  - ✓ Outdoor bicycle parking is proposed just north of the apartment building, (on the right side of the image in Figure 6).
- v) Compatibility between different land uses and scales of buildings shall be achieved through appropriate siting, design and landscape treatment.
  - ✓ The subject lands are situated in a transitioning neighbourhood and are surrounded by open space to the west, the Community Centre to the north, vacant land to the east, and three future mid-rise apartment buildings to the south.
- vii) High quality landscape treatments shall be provided;
  - ✓ See Landscape Plan.
- viii) Building form and siting shall minimise the impacts of noise, wind and shadows on adjacent properties and shall enhance views of landmark buildings and all components of the Greenlands System;
  - ✓ The proposed development is compact overall, but is actually smaller in vertical scale & building mass than the MCC and the (future) mid-rise apartment buildings opposite Summersides Blvd.
- ix) High density development shall generally be adjacent to:
  - Arterial and/or Collector Main Streets;
  - Retail and service commercial uses;
  - Community facilities; and
  - Public open spaces.
  - ✓ The subject lands are flanked by all of the above and are within walking distance to commercial uses.
- x) Where a non-residential use abuts, or is proximate to a proposed residential land use, fencing, landscaping, berming or a combination of these will be utilised to ensure adequate screening between the uses.
  - ✓ See Landscape Plan.
- xi) Outdoor refuse collection areas, shall be unobtrusive, screened and generally located at the side or rear of buildings.
  - ✓ Waste collection will be provided internally via the laneway and the apartment building will utilise Molok bins instead of unsightly dumpsters.
- xiv) Common vehicular access and internal circulation including service lanes connecting abutting lands shall be provided wherever possible.
  - ✓ Shared vehicle access is being provided via two existing public driveways to the MCC, helping to reduce unnecessary conflict points from extra driveway ramps and wasteful pavement.

Policy B1.7.8.2 c) General Policies (for the Commercial / Employment Centre) – states that prior to considering an application for Site Plan Approval, Council shall be satisfied that:

- i) Adequate parking for automobiles and bicycles are provided on the site;
- ii) Buildings located at the intersection of any Collector Main Street are designed to provide a desirable gateway to the community;

- iii) New uses incorporate landscaping to enhance the site and surrounding areas;

Subsection d) states that based on the mixed use nature of this designation, typical parking requirements may be reduced and shared parking considered in recognition of the parking efficiencies offered by mixed use development forms. The minimum and maximum parking standards throughout this designation for residential uses are 1 to 1.25 spaces per unit.

The proposed Site Plan complies with the Official Plan's parking requirement, with 61 parking spots proposed on-site as well as another 17 layby parking stalls on the public streets.

The proposed Site Plan conforms with the Pelham Official Plan as it supports additional housing, a variety of housing types & tenures, environmental responsibility, good urban design, compact built form, enhances the grid network of streets & laneways and is a compatible form of residential development in a walkable area and is implements the vision of the Site Master Plan for this area.

Pelham Zoning By-law No. 1136 (1987), as amended

The subject lands are zoned 'East Fonthill – Mixed Use 3' (EF-MU3) in accordance with Pelham Zoning By-law 1136 (1987), as amended by By-law No. 3543 (2014).

The proposed development complies with the Zoning By-law and were recently granted minor variance approval via the Committee of Adjustment for three (3) site-specific zoning requests related to design preferences (file: A3/2020P).

**Financial Considerations:**

The applicant (purchaser) is responsible for all costs (on-site & off-site) associated with the proposed development, which includes site servicing, landscaping, consulting & legal fees. The Site Plan Agreement also requires that the developer provide financial security to the Town in the event site works are not undertaken.

**Alternatives Reviewed:**

Council may choose to not approve the by-law to enter into a site plan agreement with the purchaser, however, this will also result in the Town not closing on the land sale pursuant to an Agreement of Purchase and Sale.

**Strategic Plan Relationship: Build Strong Communities and Cultural Assets**

The proposed development enhances the East Fonthill Mixed Use Centre by providing a variety of housing options, especially in close proximity to commercial, institutional & recreational uses, by efficiently using Greenfield designated urban land with careful consideration to good urban design practices and minimizing negative impacts associated with large surface parking lots. The proposed housing choices are relatively more affordable than local comparables and some do not have

sound comparables as the housing type/tenure is unique for the Region. Ultimately, Planning staff are of the opinion that the proposed development will positively contribute to building a more resilient, sustainable and strong community.

## **Consultation:**

### Agency & Public Comments

On May 2<sup>nd</sup> and September 25<sup>th</sup> 2019, a 'Request for Comments' was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Fire, etc.) and external agencies (i.e. Niagara Region, Canada Post, Enbridge etc.). Revisions were made to the plans and reports to address both Town and agency comments.

See appendices for complete agency / staff comments. The most recent comments to date have been summarized below:

- Public Works Department (March 4, 2020; January 21, 2020; October 23, 2019; May 23, 2019)
  - No objection, subject to Site Plan Agreement clauses.
- Fire Department (January 20, 2020; December 16, 2019; September 30, 2019; June 3, 2019)
  - No objection, pending the laneway maintains a clear width of 6.5m utilising a consistent surface treatment.
- Building Department (May 27, 2019)
  - At the time of building permit, spatial separation between structures will be a consideration under section 9.10.14 of the *Ontario Building Code*.
- Niagara Region Planning & Development Services (March 2, 2020; October 8, 2019; May 24, 2019)
  - No objection, pending Regional conditions of approval are fulfilled.
- Bell Canada (May 10, 2019)
  - No objection, subject to Site Plan Agreement clauses.
- Canada Post (May 10, 2019)
  - No objection, subject to Site Plan Agreement clauses.
- Enbridge Gas (May 15, 2019)
  - No objection, subject to Site Plan Agreement clauses.

For Council's information, site plan control is not a public consultative process under the *Planning Act* as it is an agreement between the land owner and the Town; therefore, there are no public notice requirements. However, opportunity was provided for public comment at the minor variance approval stage, as well as prior to 2014 when the original site-specific zoning was contemplated.

### Planning Staff Comments

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on December 20, 2018 to discuss the development applications.

The subject lands are located on the northeast corner of the roundabout intersection of Summersides Boulevard and Wellspring Way. The lands are currently surrounded by the Meridian Community Centre to the north, vacant land to the east & south, and an open space stormwater management pond to the west.

A minor variance application (A3/2020P) was approved by the Town's Committee of Adjustment on January 28, 2020. The relief sought was for three (3) site-specific zoning regulations. One to reduce a parking lot setback from Wellspring Way, another to increase the front yard setback for certain townhouse units fronting Wellspring Way, and the last to reduce the minimum distance separating certain townhouse blocks from one another.

The proposed Site Plan complies with the EF-MU3 zoning provisions, as well as all other applicable zoning regulations under By-law No. 1136 (1987), as amended.

Previously, there was some discussion as to whether or not the development will provide enough off-street parking stalls. The proposed Site Plan fully complies with the minimum parking requirements. The EF-MU3 zoning also regulates the maximum amount of parking stalls that can be provided, in accordance with the local Official Plan designation policy (B1.7.8.2 d) i)). Overall, there are 41 compliant parking stalls provided on-site while there are an additional 20 on-site stalls which do not meet the dimension requirements of parking stalls abutting a wall. The shortfall is approximately 20-30 cm in width. These stalls are still functional and would meet the default dimension standards of parking stalls unobstructed by abutting vertical structures. Overall, the total effective parking provided on-site would be 61 stalls. An additional 17 layby (on-street) parking stalls along Wellspring Way and Summersides Boulevard would be provided. These on-street stalls will also help buffer the sidewalk from moving traffic, increasing pedestrian comfort and act as an additional traffic calming measure via peripheral edge friction.

Planning staff have reviewed the Urban Design Brief submitted by Better Neighbourhoods Development Consultants dated March 2019, and agree with its commentary. Town Engineering staff also reviewed a Functional Servicing Report and associated drawings prepared by the same consultant firm, dated December 2019.

Planning staff visit the area frequently and understand the local context well. At present, this quadrant of the East Fonthill Secondary Plan neighbourhood is not in the midst of any active construction projects, save for the River Estates Phase 1-2 subdivisions. However, there are several imminent developments pending. Two (2) of which have received Site Plan Approval and are building permit ready, one in particular is in close proximity just south, opposite Summersides Boulevard where three (3) mid-rise apartment buildings are ready for construction. The vacant lands to the east are currently owned by the Town.

A Draft Plan of Condominium application (26CD19-01-2020) has been received by the Town and is currently undergoing review with staff and commenting agencies.

Approval will be required by Town Council at a later date, and is independent of the Site Plan Approval.

This staff Recommendation Report consolidates and analyzes applicable planning policy, agency and staff comments as well as submitted applicant material for Council's consideration in rendering an informed decision.

In response to various agency comments received, Planning staff advises that all requested conditions will be included as conditions in the Site Plan Agreement, or have been complied with through the submitted design drawings.

The policy intent of the East Fonthill Secondary Plan and East Fonthill Site Master Plan continue to be conformed with as well as compliance to the *Ontario Building Code*.

Planning staff are of the opinion that the proposal applies current planning and development principles dealing with appropriate greenfield development, making efficient use of designated urban *area* lands, helping to ensure wise management of scarce land resources and environmental protection, providing a diverse range of housing options that better accommodate different personal income levels and improving the public realm through good urban design and architectural measures. The proposed development should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff.

In Planning staff's opinion, the application is considered an innovative form of compact, walkable, urban development, represents good land use planning and is consistent with the PPS and conforms to Provincial, Regional, and local plans.

**Other Pertinent Reports/Attachments:**

- Appendix A:
  - RP 59R-16105
  - Site Plan
  - Landscape Plan
  - Elevation Plans
- Appendix B:
  - Agency Comments Consolidated

**Prepared and Recommended by:**

Barbara Wiens, MCIP, RPP  
Director of Community Planning and Development  
Curtis Thompson, B.URPI  
Planner

**Prepared and Submitted by:**

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

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (ORIGINAL).		
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.		
POINT ID	EASTING	NORTHING
ORP (A)	640 635.54	4 767 538.31
ORP (B)	640 819.58	4 767 610.34
ORP (C)	640 866.59	4 767 351.24
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

SCHEDULE				
PART	BLOCK	PLAN	PIN	AREA
1	ALL OF 4	59M-432	ALL OF 64063-0275(LT)	2.396 Ha
2				7745.0 sq.m
3				446.8 sq.m
4				6534.2 sq.m
5				7019.5 sq.m
6				36.0 sq.m
7				754.1 sq.m
8				870.1 sq.m
9	PART OF 14		PART OF 64063-0285(LT)	51.7 sq.m

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE March 15, 2018

Allan J. Heywood  
ALLAN J. HEYWOOD  
ONTARIO LAND SURVEYOR

PLAN 59R-16105

RECEIVED AND DEPOSITED

DATE March 15, 2018

Karin Little  
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF NIAGARA SOUTH (No 59)

PLAN OF SURVEY OF  
**BLOCK 4 & PART OF BLOCK 14**  
**REGISTERED PLAN 59M-432**  
**TOWN OF PELHAM**  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 1000  
20 0 20 40 60 metres

MATTHEWS, CAMERON, HEYWOOD - KERRY T. HOWE SURVEYING LTD.

**METRIC** DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

#### NOTES

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (ORIGINAL)

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999827

ALL FOUND SURVEY MONUMENTS SET BY 744, OLS UNLESS NOTED OTHERWISE.

ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

#### LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
IB	DENOTES	IRON BAR
CP	DENOTES	CONCRETE PIN AND WASHER
WIT	DENOTES	WITNESS
MEAS	DENOTES	MEASURED
744	DENOTES	MATTHEWS, CAMERON, HEYWOOD-KERRY T. HOWE SURVEYING LTD.
P1	DENOTES	REGISTERED PLAN 59M-432
P2	DENOTES	PLAN 59R-15695
P3	DENOTES	REGISTERED PLAN 59M-434

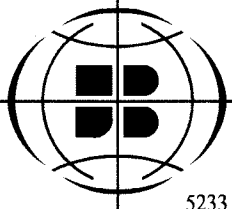
#### SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON MARCH 7, 2018

MARCH 15, 2018  
DATE

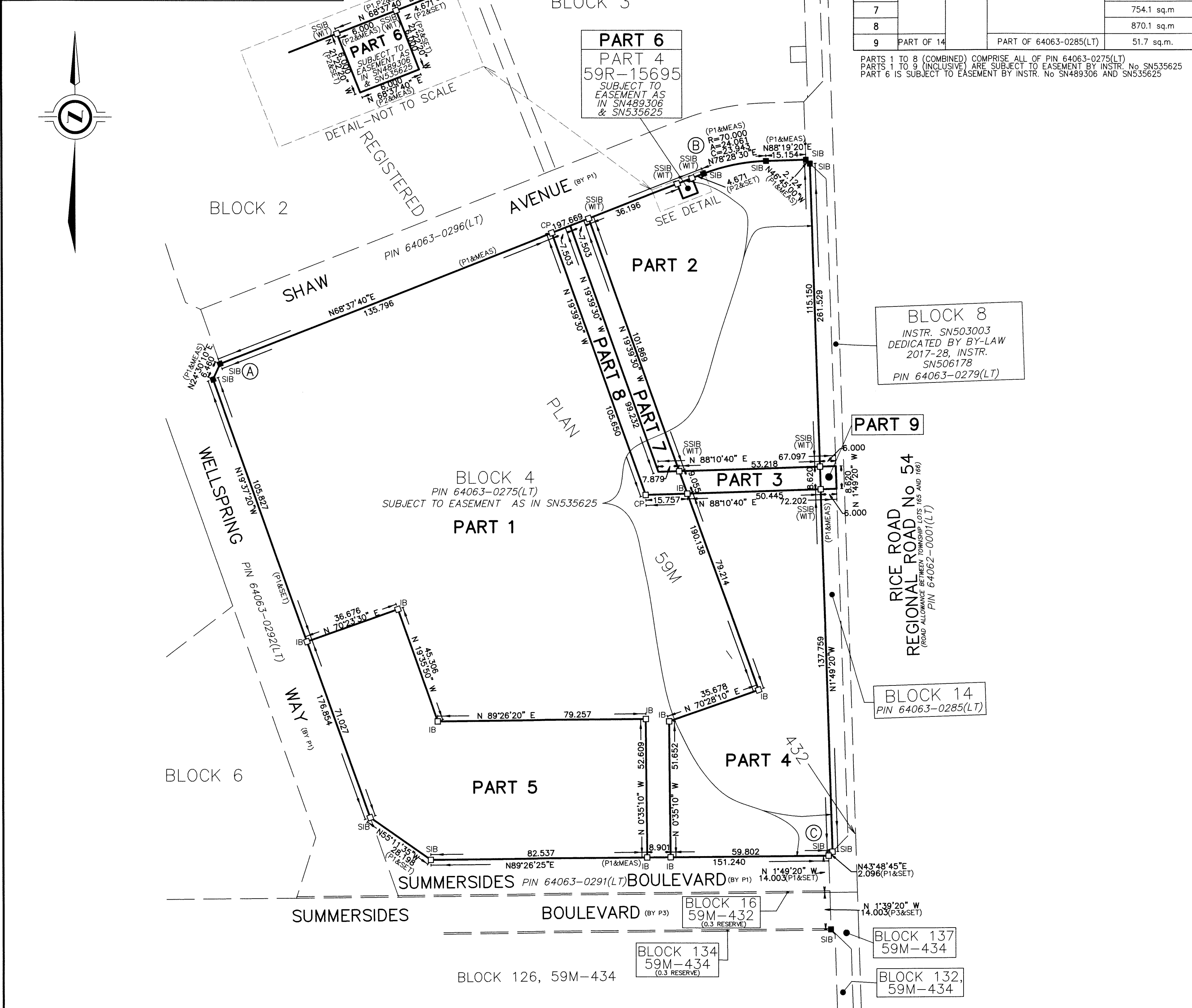
Allan J. Heywood  
ALLAN J. HEYWOOD  
ONTARIO LAND SURVEYOR



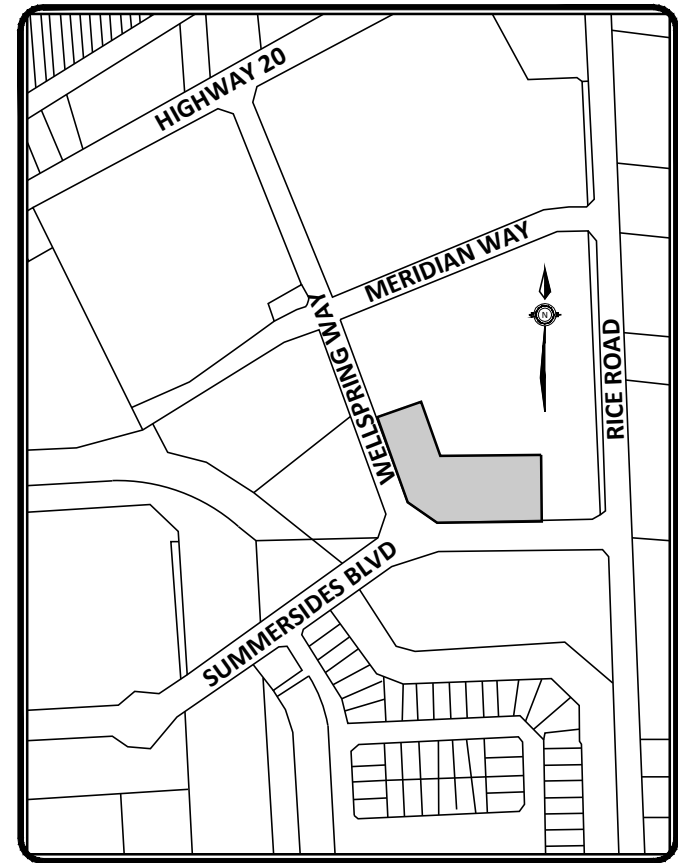
**MATTHEWS, CAMERON, HEYWOOD - KERRY T. HOWE**  
SURVEYING LIMITED  
A wholly owned subsidiary of J.D. Barnes Limited  
5233 STANLEY AVENUE, UNIT 1, NIAGARA FALLS, ON L2E 7C2  
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

SURVEYING  
MAPPING  
GIS

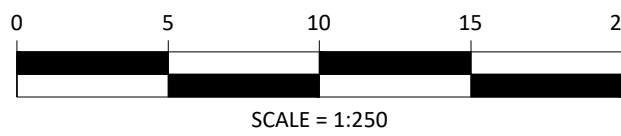
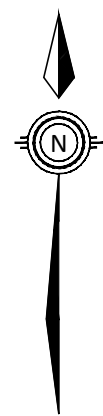
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FILE: G:\18-16-053\00\Drawing\18-16-053-00REF.dgn DATED: 03/07/2018







KEY MAP - NOT TO SCALE



SITE STATISTICS

SITE AREA	7017 m <sup>2</sup>
BUILDING COVERAGE	46%
PAVEMENT COVERAGE	24%
LANDSCAPE COVERAGE	30%

PROPOSED DEVELOPMENT

2 STOREY TOWN HOUSES	30
3 STOREY APARTMENT	1
ACCESSORY DWELLINGS	6

PARKING

GARAGE STALLS	33
SURFACE STALLS	28
TOTAL PARKING STALLS	41
PARKING PADS	20

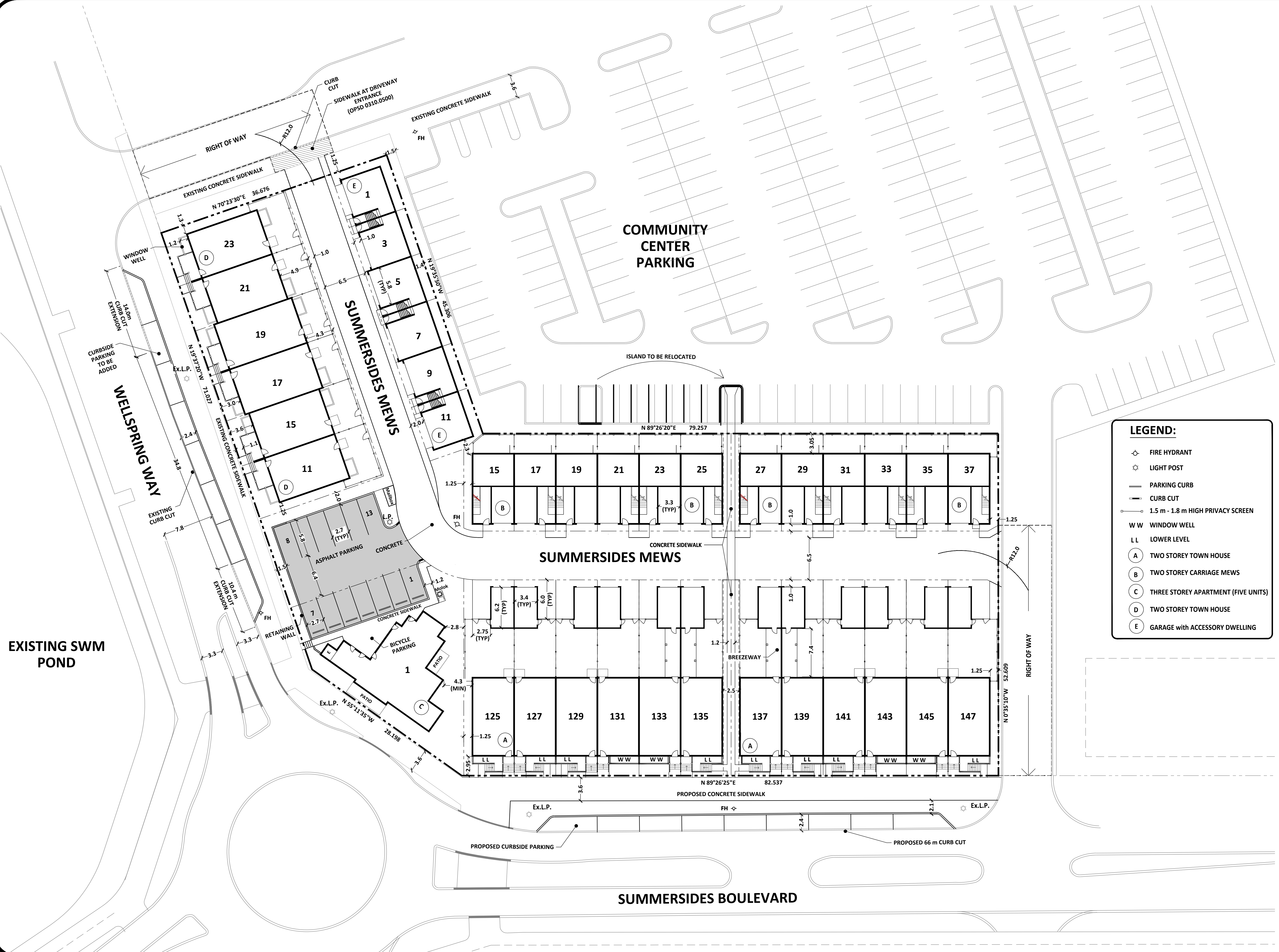
**b** better  
neighbourhoods  
DEVELOPMENT CONSULTANTS  
190A Ontario Street, Ontario L2R 5K3  
Office: 905.684.8585 betterneighbourhoods.ca

PROJECT TITLE:  
**SUMMERSIDES MEWS**  
Pelham, Ontario

DRAWING TITLE:  
**SITE PLAN**

DATE OF ISSUE:  
2020 01 20

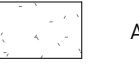
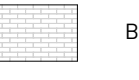

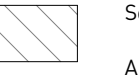
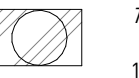
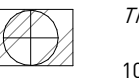
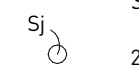



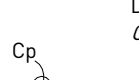
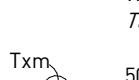
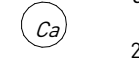




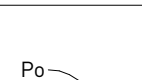

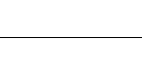




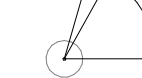
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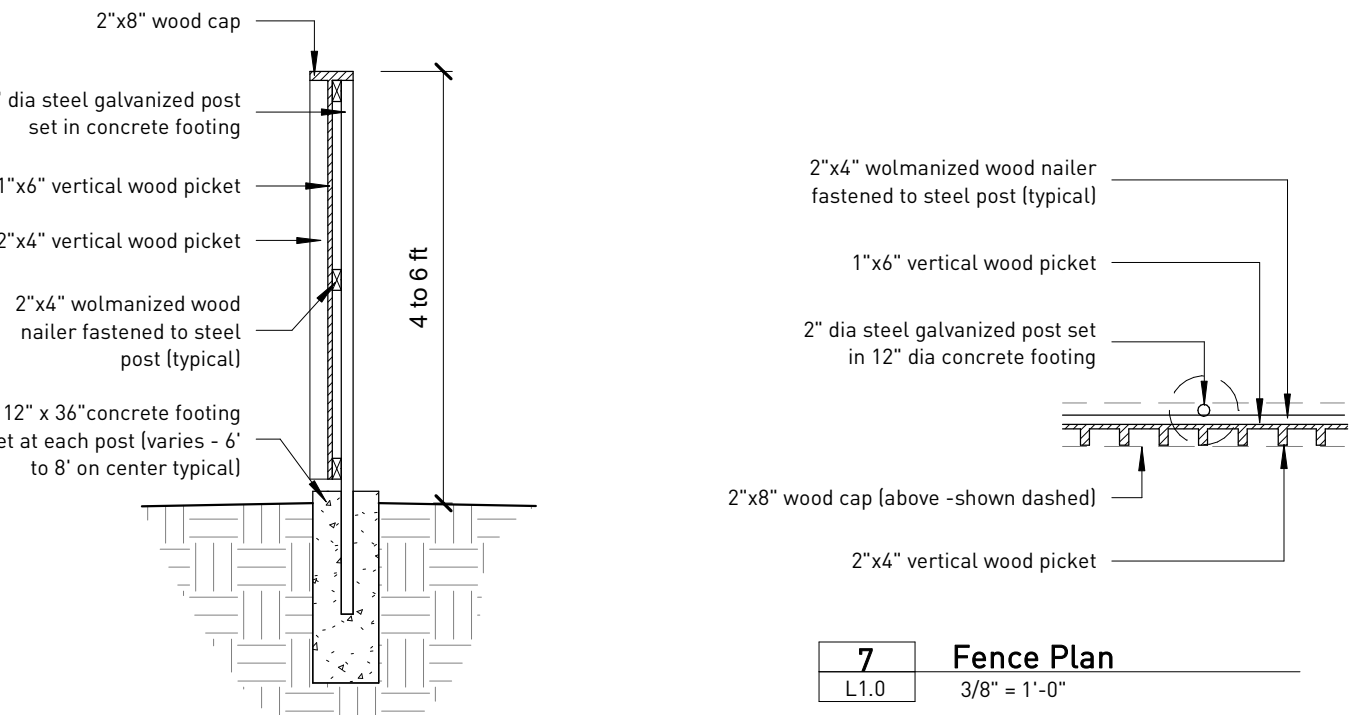
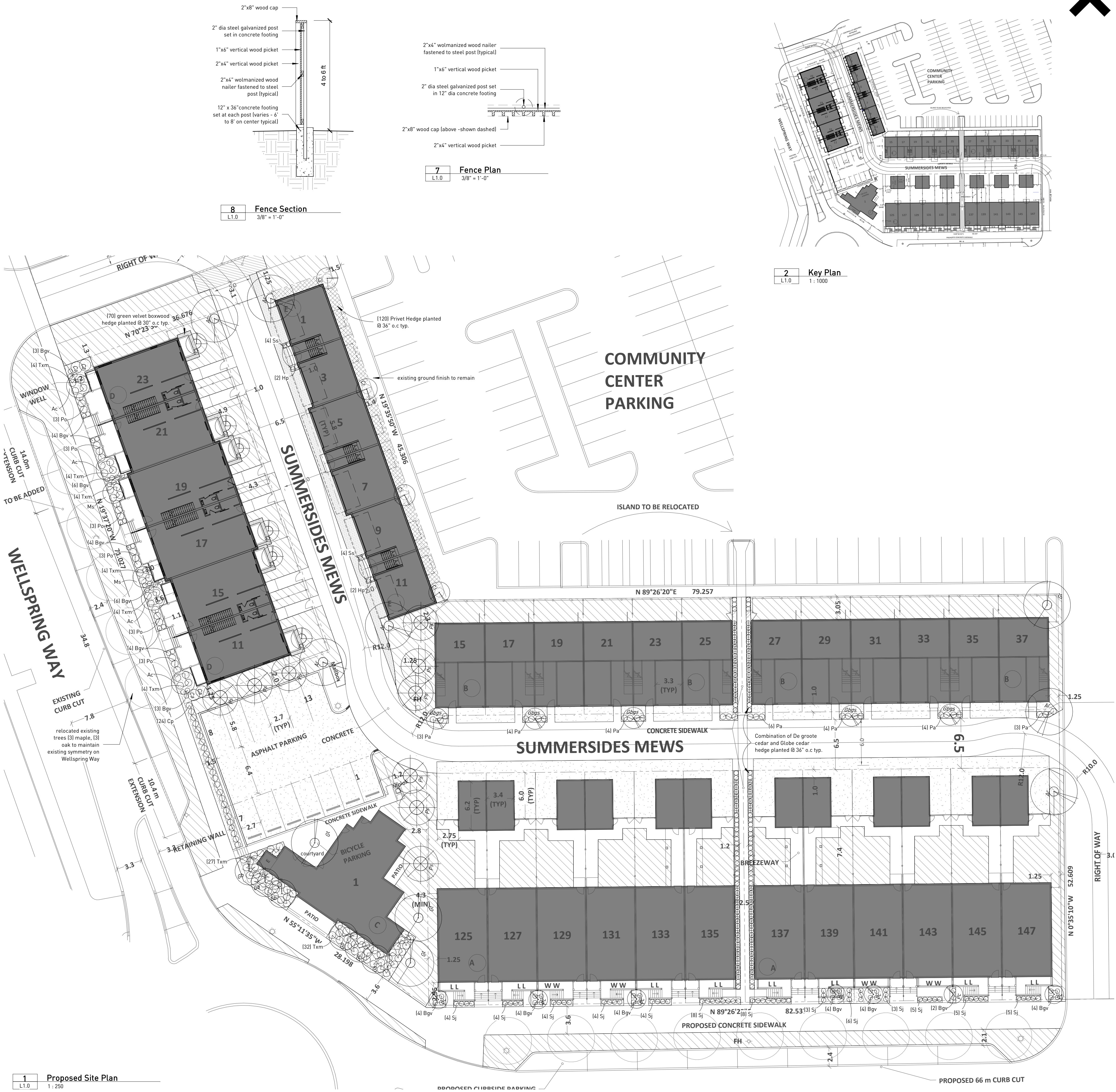
LEGEND:

- FIRE HYDRANT
- LIGHT POST
- PARKING CURB
- CURB CUT
- 1.5 m - 1.8 m HIGH PRIVACY SCREEN
- W W WINDOW WELL
- L L LOWER LEVEL
- (A) TWO STOREY TOWN HOUSE
- (B) TWO STOREY CARRIAGE MEWS
- (C) THREE STOREY APARTMENT (FIVE UNITS)
- (D) TWO STOREY TOWN HOUSE
- (E) GARAGE with ACCESSORY DWELLING



	Asphalt		Brick Pavers
	Green Velvet Boxwood as hedge Quantity: 70		Sod Area: 18,197 sf
	Degroot's Spire Cedar <i>Thuja occidentalis</i> 100 cm, 3 gal hedge planted @ 36" o.c Quantity: 52		Globe Cedar/ Arborvitae <i>Thuja occidentalis 'Woodwardii'</i> 100 cm, 3 gal hedge planted @ 36" o.c Quantity: 88
	Shirobana Spirea <i>Spiraea japonica 'shirobana'</i> 2 gal Quantity: 63		Privet Hedge <i>Ligustrum</i> 2 gal planted @ 36" o.c Quantity: 120
	Little Bunny Fountain Grass <i>Pennisetum alopecuroides 'little bunny'</i> 2 gal Quantity: 28		Autumn Blush Sedum <i>Sedum spectabile 'autumn blush'</i> 2 gal Quantity: 8
	Dwarf Barberry <i>Crimson pygmy</i> 2 gal Quantity: 24		Ward's Yew <i>Taxus x media 'wardii'</i> 50 cm, 2 gal planted @ 36" o.c Quantity: 83
	Silverleaf Dogwood <i>Cornus alba 'elegantissima'</i> 2 gal Quantity: 4		Green Velvet Boxwood <i>Buxus 'green velvet'</i> 2 gal Quantity: 56
	Star Magnolia <i>Magnolia stellata</i> 150cm Wire basket Quantity: 2		Climbing Hydrangea <i>Hydrangea petiolaris</i> 2 gal Quantity: 4
	Service Berry <i>Amelanchier canadensis</i> 150 cm Wire basket Quantity: 4		
	Darts Gold Ninebark <i>Physocarpus opulifolius 'darts gold'</i> 2 gal Quantity: 18		
	Katsura Tree <i>Caraciphyllum japonicum</i> 60 mm cal Wire basket Quantity: 10		
	Bradford Pear <i>Pyrus calleryana</i> 60 mm cal Wire basket Quantity: 7		
	Ginkgo Goldspire <i>Ginkgo biloba 'goldspire'</i> 150 cm Wire basket Quantity: 9		
	Ginkgo <i>Ginkgo biloba</i> 60 mm cal Wire basket Quantity: 6		
	White Pine <i>Pinus strobus</i> 150 cm Wire basket Quantity: 9		
	Red Maple <i>Acer rubrum</i> 60 mm cal Wire basket Quantity: 6		
	Skyline Locust <i>Gleditsia tricanthos 'skyline'</i> 60 mm cal Wire basket Quantity: 4		

**Planting Legend**  
1 : 250



**2 Key Plan**  
1 : 1000

**FORESTGREEN**

**FORESTGREEN CREATIONS INC.**  
DESIGN • BUILD

1422 Pathum Street  
Fonthill, Ontario  
L0S 1E0

T: 905 892 9727  
F: 905 892 4940  
E: todd@forestgreencreations.com

**PROJECT**

**Wellspring Way -  
Block D + E**  
Wellspring Way Dr

**GENERAL NOTES**

Contractor is to check and verify all dimensions and conditions on the project and report any discrepancies to the designer before proceeding with the work. Drawings are not to be scaled.

Contract documents are the copyright of the consultants and shall not be used or reproduced without authorization. Documents are to be returned upon completion of the project.

**REVISION SCHEDULE**

#	Revision Description	Date
1	Issued for SPA	09.24.2019
2	Reissued for SPA	12.20.2019

<b>DATE</b>	12/23/2019 11:46:26 AM
<b>SCALE</b>	As indicated
<b>DRAWN</b>	MAB
<b>CHECKED</b>	TJB
<b>PROJECT NO.</b>	18-026

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a

**QUALIFICATION INFORMATION**

Required unless design is exempt under 2.17.5.1 of the building code

Todd Barber 22666  
**FULL NAME BCIN SIGNATURE**

**REGISTRATION INFORMATION**

Required unless design is exempt under 2.17.5.1 of the building code

Forestgreen Creations Inc. 30817  
**FULL NAME BCIN SIGNATURE**

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**DRAWING**

Landscape Plan

**DRAWING NO.**

Page 35 of 112

**L1.0**





***SUMMERSIDES BOULEVARD  
SOUTH ELEVATION  
2019 12 19***



125

**SUMMERSIDES BOULEVARD**  
**NORTH ELEVATION**  
**2019 12 19**

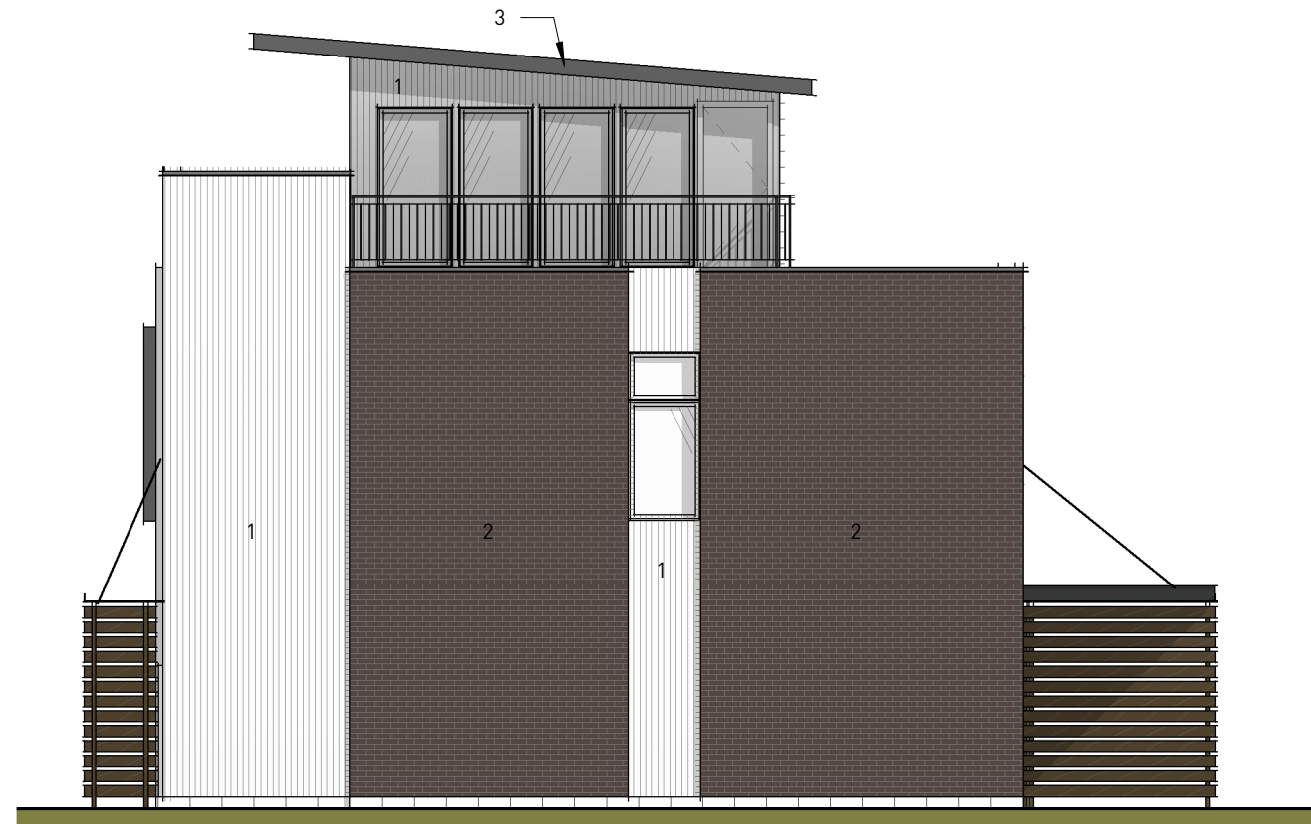


***SUMMERSIDES BOULEVARD  
NORTH ELEVATION  
2019 12 19***



147

***SUMMERSIDES BOULEVARD  
EAST ELEVATION  
2019 12 19***



**MEWS TOWNHOUSE  
EAST ELEVATION  
DEC.20.2019**

LEGEND  
1 - 7/8" CORRUGATED METAL SIDING  
2 - BRICK  
3 - 2 PLY MODIFIED BITUMEN ROOFING





**MEWS TOWNHOUSE  
SOUTH ELEVATION  
DEC.20.2019**

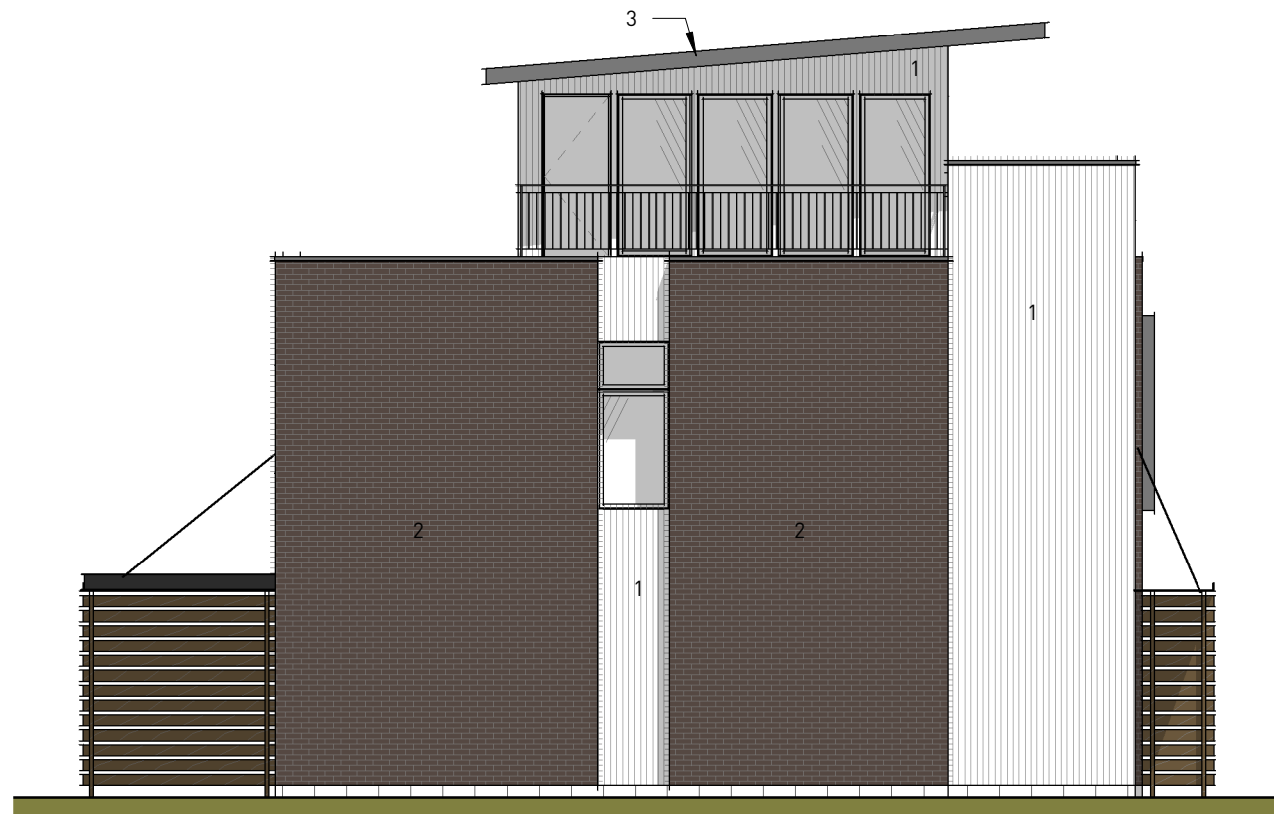
LEGEND  
1 - 7/8" CORRUGATED METAL SIDING  
2 - BRICK  
3 - 2 PLY MODIFIED BITUMEN ROOFING





**MEWS TOWNHOUSE  
NORTH ELEVATION  
DEC.20.2019**

LEGEND  
1 - 7/8" CORRUGATED METAL SIDING  
2 - BRICK  
3 - 2 PLY MODIFIED BITUMEN ROOFING



**MEWS TOWNHOUSE  
WEST ELEVATION  
DEC.20.2019**

LEGEND  
1 - 7/8" CORRUGATED METAL SIDING  
2 - BRICK  
3 - 2 PLY MODIFIED BITUMEN ROOFING



**APARTMENT  
SOUTH ELEVATION  
DEC.20.2019**

LEGEND  
1. MASONRY  
2. ASPHALT SHINGLES



**APARTMENT  
WEST ELEVATION  
DEC.20.2019**

- LEGEND  
1. MASONRY  
2. ASPHALT SHINGLES  
3. DOWNLIGHTING



**APARTMENT  
NORTH ELEVATION  
DEC.20.2019**

LEGEND  
1. MASONRY  
2. ASPHALT SHINGLES  
3. DOWNLIGHTING



**APARTMENT  
EAST ELEVATION  
DEC.20.2019**

- LEGEND  
1. MASONRY  
2. ASPHALT SHINGLES  
3. DOWNLIGHTING

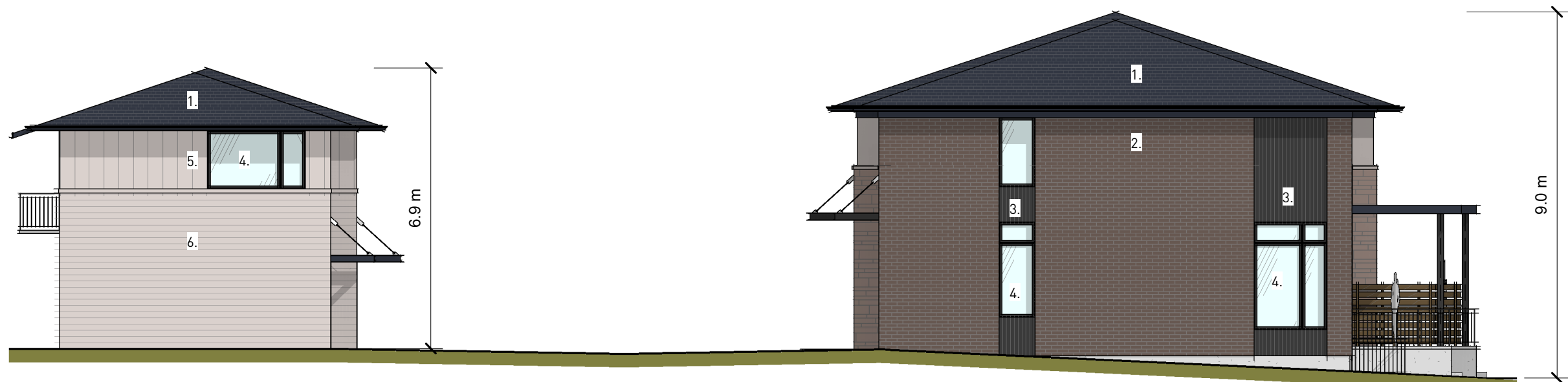


**BLOCK D  
WEST ELEVATION  
DEC.20.2019**

LEGEND

- 1. ASPHALT SHINGLES
- 2. STUCCO
- 3. MASONRY
- 4. BRICK
- 5. ALUMINUM SIDING
- 6. BLACK WINDOWS
- 7. BLACK STEEL I BEAM

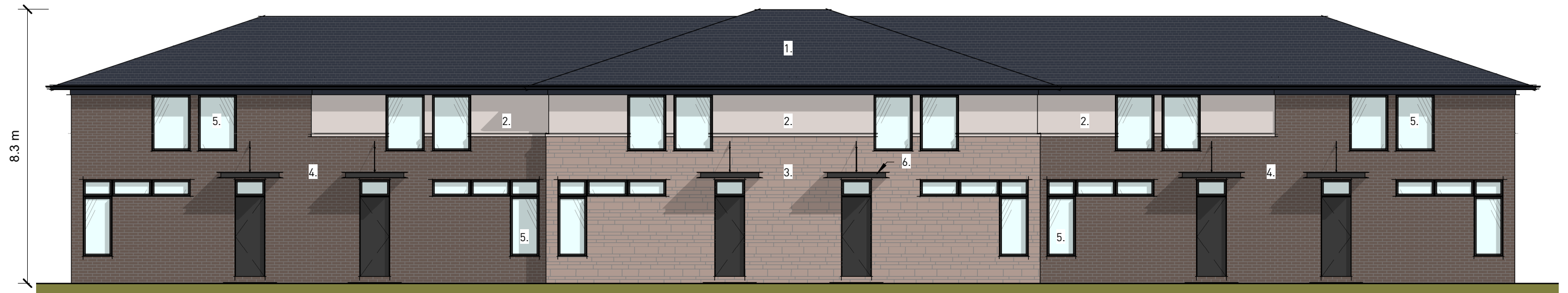




**BLOCK D + E  
NORTH ELEVATION  
DEC.20.2019**

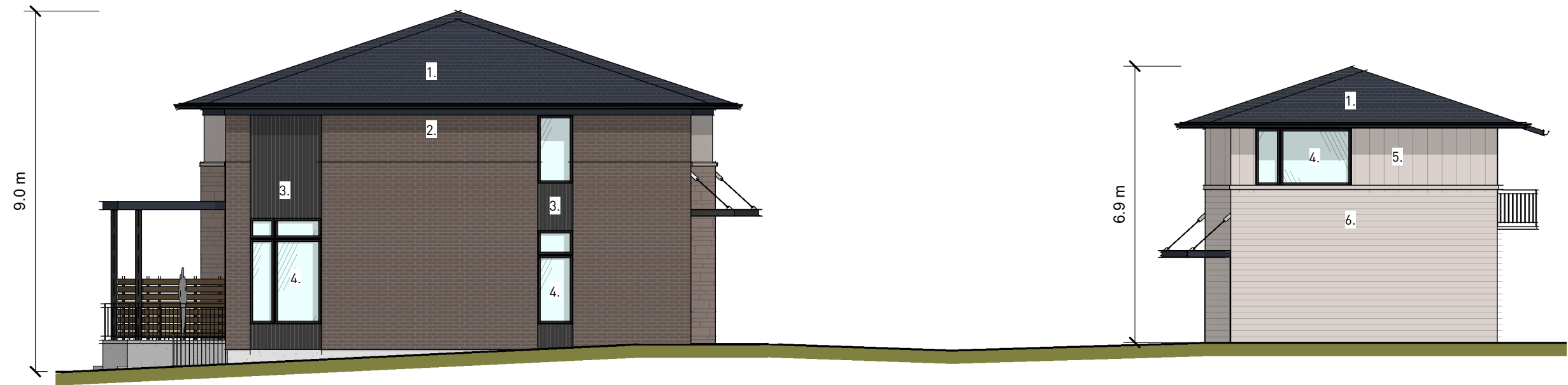
LEGEND

- 1. ASPHALT SHINGLES
- 2. BRICK
- 3. ALUMINUM SIDING
- 4. BLACK WINDOWS
- 5. HARDIE SIDING 1
- 6. HARDIE SIDING 2



**BLOCK D  
EAST ELEVATION  
DEC.20.2019**

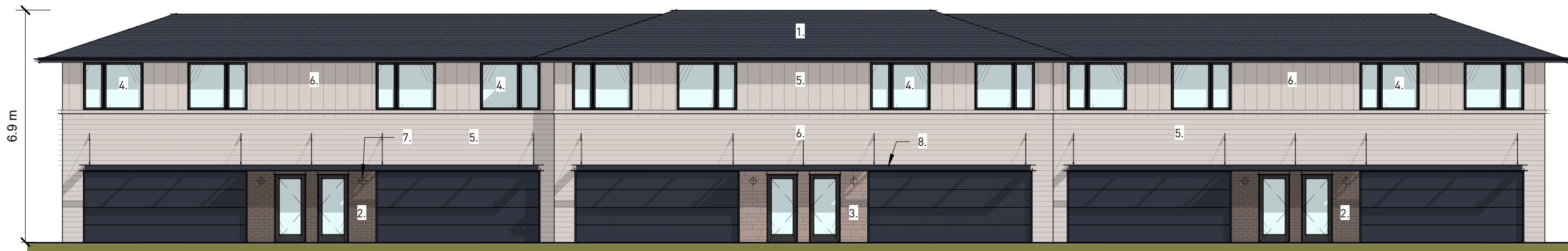
- LEGEND  
1. ASPHALT SHINGLES  
2. STUCCO  
3. MASONRY  
4. BRICK  
5. BLACK WINDOWS  
6. CANOPY



**BLOCK D + E  
SOUTH ELEVATION  
DEC.20.2019**

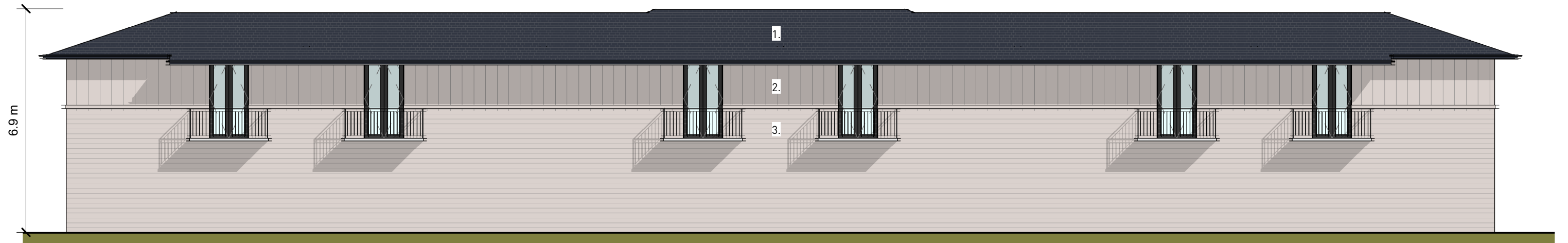
LEGEND

- 1. ASPHALT SHINGLES
- 2. BRICK
- 3. ALUMINUM SIDING
- 4. BLACK WINDOWS
- 5. HARDIE SIDING 1
- 6. HARDIE SIDING 2



**BLOCK E  
WEST ELEVATION  
DEC.20.2019**

- LEGEND**
- 1. ASPHALT SHINGLES
  - 2. BRICK
  - 3. MASONRY
  - 4. BLACK WINDOWS
  - 5. HARDIE SIDING 1
  - 6. HARDIE SIDING 2
  - 7. COACH STYLE LIGHT FOR ENTRANCE AND LANEWAY
  - 8. CANOPY



**BLOCK E  
EAST ELEVATION  
DEC.20.2019**

- LEGEND  
1. ASPHALT SHINGLES  
2. HARDIE SIDING 1  
3. HARDIE SIDING 2

## Curtis Thompson

---

**From:** Bob Lymburner  
**Sent:** January 20, 2020 3:13 PM  
**To:** Kahlin Holmes BNI  
**Cc:** Barbara Wiens; Shannon Larocque; Curtis Thompson  
**Subject:** RE: Summersides Mews - Submission #3 (SP-03-19)

Fire has no comments



**Bob Lymburner**  
Fire Chief  
Director of Fire and By-Law Services  
Town of Pelham  
T: 905-892-2607 x203 | E: blymburner@pelham.ca  
177 Highway 20 West | PO Box 323 | Fonthill, ON | L0S 1E0

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### TOWN OF PELHAM CONFIDENTIALITY NOTICE

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---

**From:** Kahlin Holmes BNI [mailto:kahlin@betterneighbourhoods.ca]  
**Sent:** Monday, January 20, 2020 3:08 PM  
**To:** Curtis Thompson; Bob Lymburner  
**Subject:** Re: Summersides Mews - Submission #3 (SP-03-19)

Hi Curtis and Chief Bob,

Please see revised site plan attached.

Thank you,

Kahlin Holmes



---

**From:** Curtis Thompson <CThompson@pelham.ca>  
**Date:** Monday, January 13, 2020 at 10:38 AM  
**To:** Kahlin Holmes BNI <kahlin@betterneighbourhoods.ca>  
**Subject:** Summersides Mews - Submission #3 (SP-03-19)

Hi Kahlin,

I have not yet received Public Works revised comments (not due until Jan 20<sup>th</sup>) but wanted to forward along the Fire Chief's latest markup as soon as it arrived.

It appears a small part of the laneway didn't receive the consistent treatment. And the laneway entrances should note a 12 m centreline radii.

Please revise and resubmit at your earliest convenience.

Thanks,



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## Curtis Thompson

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**From:** Fricke, Britney <Britney.Fricke@niagararegion.ca>  
**Sent:** March 2, 2020 10:27 AM  
**To:** Curtis Thompson  
**Cc:** Ramundo, Matteo  
**Subject:** RE: Summersides Mews- Waste Collection/Easement

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sorry for the delay- no easement needed.

Britney

---

**From:** Curtis Thompson [mailto:CThompson@pelham.ca]  
**Sent:** Monday, March 02, 2020 9:36 AM  
**To:** Fricke, Britney <Britney.Fricke@niagararegion.ca>  
**Cc:** Ramundo, Matteo <Matteo.Ramundo@niagararegion.ca>  
**Subject:** RE: Summersides Mews- Waste Collection/Easement

**CAUTION:** This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Britney,

I'm wrapping up the staff report on this SPA tomorrow. At this point, (even with the same surface treatment), is the Region's easement requirement along the edges of the laneway still applicable?

Thanks,



Curtis Thompson, B.Sc.  
Planner  
Community Planning &  
Development

e: [cthompson@pelham.ca](mailto:cthompson@pelham.ca)  
p: 905.892.2607 x324  
[pelham.ca](http://pelham.ca)

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

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---

**From:** Curtis Thompson  
**Sent:** February 24, 2020 11:16 AM  
**To:** 'Fricke, Britney' <[Britney.Fricke@niagararegion.ca](mailto:Britney.Fricke@niagararegion.ca)>; Shannon Larocque <[slarocque@pelham.ca](mailto:slarocque@pelham.ca)>  
**Cc:** Ramundo, Matteo <[Matteo.Ramundo@niagararegion.ca](mailto:Matteo.Ramundo@niagararegion.ca)>  
**Subject:** RE: Summersides Mews- Waste Collection/Easement

Britney,

They amended the Site Plan (attached) to provide one treatment to keep the Fire Chief happy. Let me know how you'd like us to proceed.

Best,



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**From:** Fricke, Britney [<mailto:Britney.Fricke@niagararegion.ca>]  
**Sent:** February 11, 2020 10:30 AM  
**To:** Shannon Larocque <[SLarocque@pelham.ca](mailto:SLarocque@pelham.ca)>  
**Cc:** Ramundo, Matteo <[Matteo.Ramundo@niagararegion.ca](mailto:Matteo.Ramundo@niagararegion.ca)>; Curtis Thompson <[CThompson@pelham.ca](mailto:CThompson@pelham.ca)>  
**Subject:** Summersides Mews- Waste Collection/Easement

Hi Shannon,

I know this is Curtis's file, but I'm hoping you can investigate something for me or forward my email appropriately. We're reviewing the Draft Plan of Condo application for Summersides Mews. There was an outstanding Regional waste collection requirement from the site plan process for easements over the decorative pavement portion of the common element road area. The purpose of the easement was to have the decorative portions be free and clear of structures and cars so garbage trucks could access the full width for collection. The obstruction within the decorative pavement portions was also a concern of the Fire Chief, and there was some discussion about whether the entire common element road area would need to be paved as opposed to having an easement. Do you know where the Chief landed on this- easement or entirely paved?

We're trying to decide whether to let the site plan approval process play out and keep the easement requirement out of the draft plan conditions, whether to carry it over as a condition, or whether its redundant because of the paving requirement.

Give me a call if you want to chat.

Thanks,  
Britney

**Britney Fricke, MCIP, RPP**  
Development Planner  
Planning and Development Services Department  
Regional Municipality of Niagara  
1815 Sir Isaac Brock Way, PO Box 1042

Thorold, Ontario L2V 4T7  
Phone: 905-980-6000 ext. 3432  
Toll-free: 1-800-263-7215  
Fax: 905-687-8056  
[www.niagararegion.ca](http://www.niagararegion.ca)

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## Curtis Thompson

---

**From:** Jason Marr  
**Sent:** March 4, 2020 9:35 AM  
**To:** Curtis Thompson  
**Cc:** Barbara Wiens  
**Subject:** RE: Summersides Mews - Primary Servicing

Engineering is okay with separating the water service at the property line and including a 50mm water meter at property line to meter the domestic service. The maintenance and upkeep of the water services on private property, including the hydrant will remain the responsibility of the developer.



### Jason Marr, P.Eng

Director of Public Works

Town of Pelham

T: 905-892-2607 x313 | E: [jmarr@pelham.ca](mailto:jmarr@pelham.ca)

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

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---

**From:** Curtis Thompson  
**Sent:** Monday, March 2, 2020 9:31 AM  
**To:** Jason Marr <[JMarr@pelham.ca](mailto:JMarr@pelham.ca)>  
**Cc:** Barbara Wiens <[BWiens@pelham.ca](mailto:BWiens@pelham.ca)>  
**Subject:** RE: Summersides Mews - Primary Servicing

Hi Jason,

I need to wrap up the staff *Recommendation Report* by tomorrow. Where are we at with the latest Site Servicing Plan on this development?

Thanks,



Curtis Thompson, B.Eng.  
Planner  
Community Planning &  
Development

e: [cthompson@pelham.ca](mailto:cthompson@pelham.ca)  
p: 905.892.2607 x324  
[pelham.ca](http://pelham.ca)

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

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---

**From:** Derek Young  
**Sent:** February 24, 2020 11:18 AM

**To:** Curtis Thompson <[CThompson@pelham.ca](mailto:CThompson@pelham.ca)>

**Cc:** Tolga Aydin <[TAydin@pelham.ca](mailto:TAydin@pelham.ca)>; Barbara Wiens <[BWiens@pelham.ca](mailto:BWiens@pelham.ca)>; Jason Marr <[JMarr@pelham.ca](mailto:JMarr@pelham.ca)>

**Subject:** Re: Summersides Mews - Primary Servicing

Hi, I wasn't included in the meeting, any approved changes need to be signed off by Jason, thanks.

Regards,

Derek

On Feb 24, 2020, at 10:05 AM, Curtis Thompson <[CThompson@pelham.ca](mailto:CThompson@pelham.ca)> wrote:

Hey guys,

I wasn't a part of this meeting, but I guess the Servicing Plan was revised? Can you please let me know if all is well?

Thanks,

## **Memorandum**

### **Public Works Department - Engineering**

**To:** Curtis Thompson, Planner

**CC:** Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development

**From:** Tolga Aydin, Engineering Technologist

**Date:** January 21, 2020

**Subject:** Summersides Mews – **Third Submission**

The Public Works Department has reviewed the submitted documentation regarding the proposed development known as Summersides Mews. Please note the following notes and conditions provided.

The following submitted reports have been considered for the purpose of this application:

- Functional Servicing and Grading Report, by Better Neighbourhoods Development Consultants, dated December 19, 2019
- Cost Estimates, by Better Neighbourhoods Development Consultants, dated December 19, 2019

The following submitted drawings have been considered for the purpose of this application:

- Site Plan, by Better Neighbourhoods Development Consultants, dated December 17, 2019
- Servicing Plan, by Better Neighbourhoods Development Consultants, dated December 19, 2019
- Grading Plan, by Better Neighbourhoods Development Consultants, dated December 19, 2019

Public Works has the following comments;

### **Engineering Reports**

Public Works has no comments.

### **Engineering Comments**

Public Works has no comments.



**SITE PLAN COMMENTS**

**Date:** May 27, 2019

**Re:** SP-03-19 - Summersides Mews

The building department offers the following comment,

- Spatial Separation between Buildings may be a consideration, as per 9.10.14. OBC

Respectfully,  
Belinda Menard, Dipl. T.  
Building Intake/Plans Examiner

## **Curtis Thompson**

---

**From:** circulations@wsp.com  
**Sent:** May 10, 2019 8:28 AM  
**To:** Curtis Thompson  
**Subject:** Site Plan application (SP-03-19) - Wellspring Way and Summersides Blvd.

**2019-05-10**

**Curtis Thompson**

**Pelham**

, ,

Attention: Curtis Thompson

Re: Site Plan application (SP-03-19) - Wellspring Way and Summersides Blvd.; Your File No. SP-03-19

Our File No. 84624

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application.

The following paragraph is to be included as a condition of approval:

“The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements”.

We hereby advise the Developer to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.

As you may be aware, Bell Canada is Ontario’s principal telecommunications infrastructure provider, developing and maintaining an essential public service. It is incumbent upon the Municipality and the Developer to ensure that the development is serviced with communication/telecommunication infrastructure. In fact, the 2014 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure, including telecommunications systems (Section 1.6.1).

The Developer is hereby advised that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

If the Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication

will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

MMM (a WSP company) operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. Please note, however, that **all responses to circulations and other requests, such as requests for clearance, come directly from Bell Canada, and not from MMM**. MMM is not responsible for the provision of comments or other responses.

Should you have any questions, please contact the undersigned.

Yours truly,

Meaghan Palynchuk  
Manager, Municipal Relations  
Access Network Provisioning, Ontario  
Phone: 905-540-7254  
Mobile: 289-527-3953  
Email: Meaghan.Palynchuk@bell.ca

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-LAEmI-hhHzdJzBITWfa4Hgs7pbKI

May 10, 2019

CURTIS THOMPSON  
TOWN OF PELHAM  
20 PELHAM TOWN SQUARE  
FONTHILL, ONTARIO, L0S 1E0

Re: **Summersides Mews - SP-03-19**

Dear Curtis,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the town of Pelham and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
  - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
  - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
  - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the development.

- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
  - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

*A. Carrigan*

Officer, Delivery Planning

(226) 268-5914

[Andrew.Carrigan@Canadapost.ca](mailto:Andrew.Carrigan@Canadapost.ca)

May 15, 2019

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

Dear Curtis,

Re: Site Plan Control Application  
Summersides Boulevard Inc.  
Wellspring Way & Summersides Boulevard  
Part 5 on 59R-16105, and Part of Block 4 on 59M  
Town of Pelham  
File No.: SP-03-19

Enbridge Gas Inc. does not object to the proposed application(s).

This response does not constitute a pipe locate or clearance for construction.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing [CustomerConnectionsContactCentre@Enbridge.com](mailto:CustomerConnectionsContactCentre@Enbridge.com) for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.

Easement(s) are required to service this development and any future adjacent developments. The applicant will provide all easement(s) to Enbridge Gas Inc. at no cost.

In the event a pressure reducing regulator station is required, the applicant is to provide a 3 metre by 3 metre exclusive use location that cannot project into the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Inc.'s Customer Connections department. For more details contact [CustomerConnectionsContactCentre@Enbridge.com](mailto:CustomerConnectionsContactCentre@Enbridge.com).

Enbridge Gas Inc. reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in black ink that reads "Alice Coleman". The signature is fluid and cursive, with the first name "Alice" and last name "Coleman" clearly distinguishable.

**Alice Coleman**

Municipal Planning Coordinator  
Long Range Distribution Planning

---

**ENBRIDGE GAS INC.**

TEL: 416-495-5386

[MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)

500 Consumers Rd, North York, ON, M2J 1P8

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

**Safety. Integrity. Respect**



THE CORPORATION OF THE  
T O W N   O F   P E L H A M  
BY-LAW # 4218(2020)

Being a by-law to authorize the Mayor & Clerk to enter into Agreements with five (5) establishments licensed by the Alcohol and Gaming Commission of Ontario that are situate within the Summerfest licensed area, those establishments being namely The Butcher and Banker Fonthill Inc., Root and Bone, 1856 Social Ltd. (O/A HillFire SMK & BBQ), Gelato Village and Kame and Kettle Beer Works for the purposes of obtaining a Special Occasion Permit for the Summerfest event to be held on Friday, July 17 and Saturday, July 18, 2020, and to Repeal By-law 4095(2019).

**WHEREAS** the Council of the Corporation of the Town of Pelham deems it desirable to enter into agreements with the five (5) licensed establishments within the Summerfest licensed area to facilitate an application for a Special Occasion Permit, in accordance with the Regulations of the Alcohol and Gaming Commission of Ontario, for Festival Licensing during the Summerfest event to be held on Friday, July 17, 2020 between 4:00 pm and 11:00 pm, all patios must be cleared of patrons by 12 midnight; and between 11:00 am and midnight on Saturday, July 18, 2020 and the outdoor area shall be cleared of patrons by 1:00 am on Sunday, July 19, 2020.

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

1. **THAT** the Agreements between The Butcher and Banker Fonthill Inc., Root and Bone, 1856 Social Ltd. (O/A HillFire SMK & BBQ), Gelato Village and Kame and Kettle Beer Works be and the same are hereby approved; and
2. **THAT** the Mayor and Clerk be and each of them are hereby authorized and instructed on behalf of the Corporation of the Town of Pelham to execute the said Agreements and the Clerk is hereby authorized to affix the Corporate Seal thereto; and
3. **THAT** By-law 4095(2019), being By-law to authorize special occasion permit agreements for former Summerfest events be and is hereby repealed.

ENACTED, SIGNED AND SEALED THIS  
06<sup>th</sup> DAY OF APRIL, 2020 A.D.

---

MAYOR MARVIN JUNKIN

---

CLERK NANCY J. BOZZATO

THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW NO. 4220(2020)

**Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the south side of Quaker Road, west of Kevin Drive, municipally known as 1084 Quaker Road, Town of Pelham, Regional Municipality of Niagara, by changing the zoning from the R1-26 (Residential 1 – 26) zone to the R1-298 (Residential 1 – 298) zone.**

**Town of Pelham**

**File No. AM-01-20**

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**WHEREAS**, Section 34 of the Planning Act, RSO 1990, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

**WHEREAS**, the Council of the Town of Pelham has recommended that such a by-law be enacted;

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

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

1. **THAT** Schedule A5 to Zoning By-law 1136 (1987) as amended, is hereby amended by rezoning the property from the R1-26 zone to the R1-298 zone.
2. **THAT** the following text is added to Section 30 of Zoning By-law 1136 (1987) as amended:

R1-298

In addition to the uses in the Residential 1 zone, this land may also be used for a duplex dwelling.

Notwithstanding the requirement of Section 13.2(g), a minimum rear yard of 61 metres is required for all permitted uses.

3. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

ENACTED, SIGNED AND SEALED THIS

06<sup>th</sup> DAY OF APRIL, 2020 A.D.

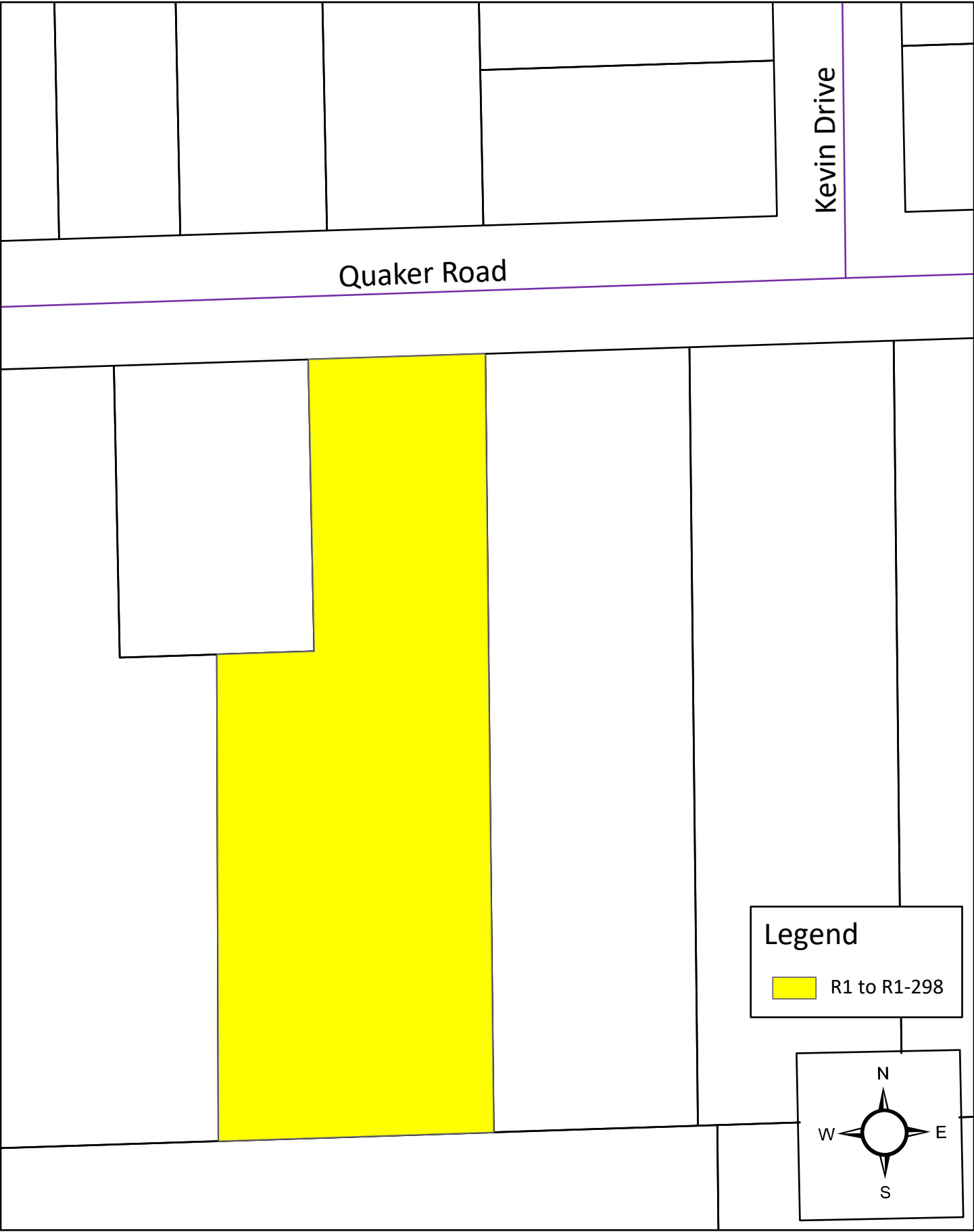
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MAYOR MARVIN JUNKIN

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CLERK NANCY J. BOZZATO

Schedule 'A'



0 5 10 20 30 40  
Meters

This is Schedule 'A' to By-law No. \_\_\_\_\_ (2020) passed the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor: Marvin Junkin

\_\_\_\_\_  
Clerk: Nancy J. Bozzato

THE CORPORATION OF THE  
TOWN OF PELHAM  
BY-LAW NO. 4221(2020)

**Being a by-law to Establish an Administrative Monetary Penalty System for Non-Parking Related Offences and to amend all By-Law's referenced in Schedule 'A'**

**WHEREAS** section 434.1(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended (*Municipal Act, 2001*) provides that, a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act; and

**WHEREAS** section 434.1(2) of the *Municipal Act, 2001*, provides that the purpose of a system of administrative penalties established by a municipality under this section shall be to assist the municipality in promoting compliance with its by-laws; and,

**WHEREAS** section 15.4.1 of the *Building Code Act, 1992* as amended, authorizes a municipality to pass a by-law that may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Building Code Act, 1992*, as amended or an order of an officer authorized under 15.2(2) or 15.3, 2017, c.34, Schedule 2, s.10 of the *Building Code Act, 1992*, as amended; and,

**WHEREAS** section 434.2(1) of the *Municipal Act, 2001*, provides that an administrative penalty imposed by a municipality on a person under section 434.1 constitutes a debt of the person to the municipality; and,

**WHEREAS** section 391(1) of the *Municipal Act, 2001*, provides that without limiting sections 9, 10, and 11, those sections authorize a Municipality to impose fees or charges on persons; and,

**WHEREAS** the Council of the Corporation of the Town of Pelham considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through an administrative penalty system;

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

**DEFINITIONS**

1. In this By-law:

- 1.1. "Administrative Penalty" means an administrative penalty established by a Designated By-law;
- 1.2. "By-law" means this by-law and any schedule to this by-law as they may from time to time be amended;
- 1.3. "Town" means The Corporation of the Town of Pelham;
- 1.4. "Council" means the Town's Council;
- 1.5. "Designated By-law" means each by-law that is designated by the Town as a by-law to which this By-law applies;
- 1.6. "Director" means the person, or his delegate, from time to time performing the functions of the Director of Fire and By-law Services.
- 1.7. "Fee – Appeal No-Show" means an administrative fee in respect of a Person's failure to appear at the time and place scheduled for a hearing

before a Hearings Officer;

- 1.8. “Fee – Late Payment” means an administrative fee in respect of a Person’s failure to pay an Administrative Penalty by the date on which it is due and payable;
- 1.9. “Fee – Review No-Show” means an administrative fee in respect of a Person’s failure to appear at the time and place scheduled for a review by a Screening Officer;
- 1.10. “Hearings Officer” means each Hearing Officer(s) from time to time appointed by Town Council
- 1.11. “Officer” means each of
  - (a) the Director;
  - (b) a Municipal Law Enforcement Officer appointed by or under the authority of a Town by-law to enforce a Designated By-law; and
  - (c) a police officer employed by a municipal police force, by the Ontario Provincial Police or by the Royal Canadian Mounted Police; and
  - (d) An Animal Control Officer employed by any local or provincial S.P.C.A.
- 1.12. “Penalty Notice” means a notice given pursuant to sections 3 and 5;
- 1.13. “Penalty Notice Date” means the date specified on the Penalty Notice pursuant to subsection 5.1;
- 1.14. “Penalty Notice Number” means the number specified on the Penalty Notice pursuant to subsection 5.2;
- 1.15. “Person” includes an individual, partnership, association, firm or corporation;
- 1.16. “Screening Decision” means a decision made by a Screening Officer pursuant to subsection 7.6;
- 1.17. “Screening Decision Date” means the date on which a Screening Decision is made pursuant to subsection 7.6;
- 1.18. “Screening Officer” means each person from time to time performing the functions of a Screening Officer pursuant to this By-law and appointed by Town Council

### **Penalty Notice**

2. Each Person who contravenes a provision of a Designated By-law shall, when given a Penalty Notice in accordance with section 3, be liable to pay to the Town an Administrative Penalty in the amount specified by the Designated By-law, for each day or part of a day on which the contravention continues.
3. An Officer who has reason to believe that a Person has contravened any provision of a Designated By-law may give to the Person a Penalty Notice.
4. The Director may, before 4:30 pm of the tenth (10<sup>th</sup>) calendar day after the Penalty Notice Date, cancel the Administrative Penalty. If the 10<sup>th</sup> calendar day is a Statutory Holiday, then cancellation may occur on the 11<sup>th</sup> day.
5. The Penalty Notice shall be given to the Person within fourteen (14) calendar days of the infraction date and shall include the following information:
  - 5.1. the date the infraction occurred;
  - 5.2. the date the Penalty Notice was issued;

- 5.3. a reference number that is unique to that Penalty Notice;
  - 5.4. particulars of the contravention;
  - 5.5. the amount of the Administrative Penalty;
  - 5.6. such information as the Director determines is appropriate respecting the process by which the person may exercise the Person's right to request a review of the Administrative Penalty; and
  - 5.7. a statement advising that an Administrative Penalty will, unless cancelled or reduced pursuant to the review and appeal processes, constitute a debt of the Person to the Town.
6. A Person who is given a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer pursuant to section 7.

#### **Review by Screening Officer**

7. The following applies to reviews of an Administrative Penalty by a Screening Officer:
- 7.1. A Person's right to request a review expires if it has not been exercised in the manner prescribed in subsection 7.3 before 4:30 p.m. on the date on which the Administrative Penalty is due and payable.
  - 7.2. A Person's right to request an extension of the time to request a review expires if it has not been exercised in the manner prescribed in subsection 7.3 on or before 4:30 p.m. on the date on which the Administrative Penalty is due and payable; and
    - (a) the Person shall be deemed to have waived the right to request a review;
    - (b) the Administrative Penalty shall be deemed to be affirmed; and
    - (c) the Administrative Penalty shall not be subject to review, including review by any Court.
  - 7.3. A Person's rights to request a review and to request an extension of time to request a review are exercised by giving to the Town written notice of the request to review that includes:
    - (a) the Penalty Notice Number;
    - (b) the Person's mailing address and, if applicable, facsimile transmission number and/or e-mail address;
    - (c) in the case of a request to extend the time to request a review, the reasons, if any, for having failed to exercise the right to request a review within the time limited by subsection 7.1;
    - (d) particulars of all grounds upon which the request to review is based; and
    - (e) the Person's election to
      - (i) meet with a Screening Officer for the review; or to
      - (ii) have the review undertaken by a Screening Officer in writing in respect of the particulars provided by the Person pursuant to paragraph 7.3(d).
  - 7.4. Where the Person elects to meet with a Screening Officer pursuant to clause 7.3(e)(i), the Person shall be given notice of the date, time and place of the review.

- 7.5. Where the Person elects to meet with a Screening Officer pursuant to clause 7.3(e)(i) and the Person fails to appear at the time and place scheduled for a review or fails to remain at such place until the Screening Officer has made a Screening Decision respecting the Administrative Penalty the subject of the Person's request for the review,
- (a) the Person shall be deemed to have abandoned the request for the review;
  - (b) the Administrative Penalty shall be deemed to be affirmed;
  - (c) the Administrative Penalty shall not be subject to review, including review by any Court; and
  - (d) the Person shall pay to the Town a "Fee - Review No-Show".
- 7.6. Subject to subsections 7.2 and 7.5, the Screening Officer may
- (a) extend the time to request a review; and may
  - (b) cancel, reduce or extend the time for payment of the Administrative Penalty and any administrative fees respecting that Administrative Penalty where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and that:
    - (i) there is reason to doubt that the person contravened the Designated By-law;
    - (ii) the person took all reasonable steps to prevent the contravention; or that
    - (iii) the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.
- 7.7. The Screening Decision shall be given to the Person in writing.
- 7.8. The Person may appeal to a Hearings Officer against the Screening Decision pursuant to section 8.

#### **Appeal to Hearings Officer**

8. The following applies to appeals to a Hearings Officer against Screening Decisions:
- 8.1. The right to appeal is limited to the following:
- (a) a Person who has been given a Screening Decision pursuant to subsection 7.7; and
  - (b) the Director.
- 8.2. A Person's right to appeal expires if it has not been exercised in the manner prescribed in subsection 8.4 before 4:30 p.m. on the due and payable date for the Administrative Penalty listed on the Screening Decision.
- 8.3. A Person's right to request an extension of the time to appeal expires if it has not been exercised in the manner prescribed in subsection 8.4 before 4:30 p.m. on the due and payable date for the Administrative Penalty listed on the Screening Decision
- (a) the Person shall be deemed to have waived the right to appeal;
  - (b) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be affirmed; and
  - (c) the Screening Decision and the Administrative Penalty as it may have been



affected by the Screening Decision shall not be subject to review, including review by any Court.

- 8.4. A right to appeal or request an extension of time to appeal is exercised by giving to the Town written notice of the request that includes:
- (a) the Penalty Notice Number;
  - (b) the Person's mailing address and, if applicable, facsimile transmission number and e-mail address;
  - (c) in the case of a request to extend the time to appeal, the reasons, if any, for having failed to exercise the right to appeal within the time limited by subsection 8.2; and
  - (d) particulars of all grounds upon which the appeal is made.
- 8.5. The Person shall be given no fewer than seven (7) days' notice of the date, time and place of the hearing of the appeal.
- 8.6. Where the Person fails to appear at the time and place scheduled for a hearing of the appeal:
- (a) the Person shall be deemed to have abandoned the appeal;
  - (b) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be affirmed;
  - (c) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall not be subject to review, including review by any Court; and
  - (d) the Person shall pay to the Town a "Fee - Appeal No-Show".
- 8.7. A Hearings Officer shall not make any decision respecting an appeal unless the Hearings Officer has given each of the Person, the Director and the Officer who gave the Penalty Notice an opportunity to be heard at the time and place scheduled for the hearing of the appeal.
- 8.8. Subject to subsections 8.3, 8.6 and 8.7, a Hearings Officer may
- (a) extend the time to request an appeal; and may
  - (b) make any decision that the Screening Officer could have made pursuant to this By-law.
- 8.9. The decision of a Hearings Officer is final and not subject to review including review by any Court.

#### **Notice**

9. Subject to section 11, any notice or document respecting this By-law may be given in writing in any of the following ways and is effective:
- 9.1. when a copy is placed on or affixed in any manner to a Person's vehicle;
  - 9.2. when a copy is delivered to the Person to whom it is addressed;
  - 9.3. on the fifth (5th) day after a copy is sent by registered mail or by regular letter mail to the Person's last known address;
  - 9.4. upon the conclusion of the transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number; or
  - 9.5. upon the sending of the notice or document or a copy thereof by e-mail transmission to the Person's last known e-mail address.

10. For the purpose of section 9, a Person's last known address, last known facsimile transmission number and last known e-mail address are deemed to include those provided by the Person pursuant to paragraphs 7.3(b) and 8.4(b) and/or any contact information the Town of Pelham may have on record for that person.
11. Any notice or document respecting this By-law to be given to the Town shall be in writing, shall be given in any of the following ways and is effective:
  - 11.1. when a copy is delivered to the Town of Pelham Public Reception Desk, Lower Level Town Hall, 20 Pelham Town Square, Fonthill, Ontario L0S 1E0
  - 11.2. on the fifth (5th) day after a copy is sent by registered mail or by regular letter mail to "Administrative Penalties, Att: Town Clerk, Town of Pelham, P.O. Box 400, 20 Pelham Town Square, Fonthill, ON, L0S 1E0
  - 11.3. upon the conclusion of the transmission of a copy by facsimile transmission to 905-892-5055; or
  - 11.4. upon the sending of the notice or document or a copy thereof by e-mail transmission to "[AMPappeals@pelham.ca](mailto:AMPappeals@pelham.ca)".

### **Financial Administration**

12. No Officer who gives a Penalty Notice may accept payment of the Administrative Penalty respecting that Penalty Notice.
13. An Administrative Penalty that is affirmed or reduced or in respect of which the time for payment has been extended pursuant to this By-law is due and payable and constitutes a debt to the Town of each Person to whom or to which the Penalty Notice was given.
14. Where a Person has paid an Administrative Penalty or an administrative fee that is then cancelled or reduced pursuant to this By-law, the Town shall refund the original amount cancelled or reduced.
15. Where an Administrative Penalty or any administrative fees respecting that Administrative Penalty are not paid within fifteen (15) days after the date that they become due and payable, each Person to whom the Penalty Notice was given shall pay to the Town a Fee - Late Payment.
  16. An Administrative Penalty imposed on a person constitutes a debt of the person to the municipality as per section 434.2(1) of the *Municipal Act, 2001*.
  17. If an Administrative Penalty imposed on a person is not paid within 15 days after the day that it becomes due and payable, the Town of Pelham Treasurer may add the Administrative Penalty to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the Administrative Penalty, and collect it in the same manner as municipal taxes as per section 434.2(2) of the *Municipal Act, 2001*.

### **18. Fees**

- 18.1 "Fee - Late Payment" means a fee of \$50.00 to be added to the original Administrative Penalty Notice for failing to pay to the Town the amount of the Administrative Penalty within fifteen (15) days after the date of issue.
- 18.2 "Fee - Review No-Show" means a fee of \$50.00 to be added to the original Administrative Penalty Notice should a person fail to attend a review for an Administrative Penalty by a Screening Officer.
- 18.3 "Fee – Appeal No-Show" means a fee of \$150.00 to be added to the original Administrative Penalty Notice should a person fail to attend a Hearing for an Administrative Penalty by a Hearings Officer.

### **Complaints and Comments**

19. Complaints and comments respecting the administration of the Town's system of administrative penalties may be given to the Director of Fire and By-law Services. The Director shall consider each such complaint or comment in relation to the Director's consideration of opportunities for improvements to the Town's system of administrative penalties.

#### **General**

20. Town Council may appoint Screening Officers, such individuals and on such terms as Town Council considers appropriate.
21. Council for the Town of Pelham hereby appoints the Town Clerk as the Screening Officer to conduct the Review Process as more particularly outlined in Part 7 of this By-law, and further, to appoint the Town Deputy Clerk to act in the same capacity as the Town Clerk in his/her absence.
22. Nothing in this By-law limits the Town's right to enforce a Designated By-law by all legal means.
23. It is Council's opinion that the delegations in this By-law to the Director, the Town Clerk, to Hearings Officers and to Screening Officers are of a minor nature. In forming this opinion, Council has had regard to the number of people, the size of geographic area and the time period affected by the exercise of each delegated power.
24. The short title of this By-law is the "Administrative Penalty Process By-law".

#### **COMMENCEMENT**

25. This By-law shall be effective as of the date it is passed by Council.

READ, ENACTED, SIGNED AND SEALED THIS 6<sup>th</sup> DAY OF April, 2020

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Mayor, Marvin Junkin

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Nancy J. Bozzato, Town Clerk

**SCHEDULE A TO BY-LAW 4221(2020) – Administrative Monetary  
Penalty System for Non-Parking Related Offences**

Pursuant to By-law 4221(2020), the following By-laws, or as may be amended from time to time, are included in the Non-Parking Related Offences, and/or are hereby amended:

1. **Fence By-law 4157 (2019)** is amended by inserting the following sections:

**21.1 Administrative Penalty**

21.2 Administrative Penalty System By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law.

21.3 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020), be liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

2. **Noise By-law 3130 (2010)** is amended by inserting the following sections:

**11.1 Administrative Penalty**

11.2 Administrative Penalty System By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law.

11.3 Each person who contravenes any provision of this By-law, shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020), be liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

3. **Parks and Facilities By-law 1608 (1993)** is amended by inserting the following sections:

**12.1 Administrative Penalty**

12.1 Administrative Penalty System By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law.

12.2 Each person who contravenes any provision of this By-law, shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020), be liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

4. **Prohibit Possession of Liquor in Recreational Areas By-law 1583 (1993)** is amended by inserting the following sections:

**4. OFFENCES**

4.1 Any person who contravenes this by-law is guilty of an offence and on conviction is liable to a penalty as prescribed by the Provincial Offences Act

**5. ADMINISTRATIVE PENALTY**

- 5.1 Administrative Penalty System By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law.
- 5.2 Each person who contravenes any provision of this By-law shall upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020) be liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

**5. Pool By-law 3389 (2013)** is amended by inserting the following sections:

**6.4 Administrative Penalty**

- 6.5 Administrative System By-law 4221(2020) applies to each Administrative Penalty issued pursuant to this By-law.
- 6.6 Each Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020), be liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

**6. Deposit Snow and Ice on Highway By-law 3013 (2008)** is amended by inserting the following sections:

- (8) a. Administrative Penalty System By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law.
- b. Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020), be liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

**7. Exotic Pet By-law 3348 (2013)** is amended by inserting the following sections:

**10.9 Administrative Penalty**

- a) Administrative Penalty System By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law.
- b) Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020), be liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

**8. Dogs which are an Annoyance or Nuisance By-law 1450 (1992)** is amended by inserting the following sections:

**(2.1) Administrative Penalty**

- a) Administrative Penalty System By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law.

- b) Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020), be liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

**9. Animals at Large By-law 2174 (2000)** is amended by inserting the following sections:

- 4.
  - b) Administrative Penalty System By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law
  - c) Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020), be liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

**10. Skateboarding By-law 3424 (2013)** is amended by inserting the following sections:

- 7.2
  - a) Administrative Penalty System By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law
  - b) Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020), be liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

**11. Property Standards By-law 2025 (1998)** is amended by inserting the following sections:

- 6.2
  - a) Administrative Penalty System By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law.
  - b) Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020) is liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

**12. Sign By-law, as may be amended from time to time,** is amended by inserting the following sections:

**3.12.12 Administrative Penalty**

- (a) Administrative Penalty System By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law.
- (b) Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020) is liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

**13. Licensing By-law 3186 (2011)** is amended by inserting the following

sections:

**13.1 Administrative Penalty**

- (a) Administrative Penalty System By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law.
- (b) Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020) is liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

**14. Fireworks By-law 2951 (2008)** is amended by inserting the following sections:

**10.2 Administrative Penalty**

- (a) Administrative Penalty System By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law.
- (b) Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020) is liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

**15. Environmental By-law 3357 (2013)** is amended by inserting the following sections:

**23. Administrative Penalty**

- (a) Administrative Penalty System By-law 4221(2020) applies to each administrative penalty issued pursuant to this By-law.
- (b) Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty System By-law 4221(2020) is liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which the contravention occurs or continues.

**16. Open Air Burning By-law 4223(2020)**



THE CORPORATION OF THE  
TOWN OF PELHAM  
BY-LAW 4222(2020)

**Being a By-law to amend Environmental Protection By-law  
3357(2013) to prohibiting or regulating the placing or  
dumping of fill within Pelham.**

**WHEREAS** it deemed necessary and desirable to amend By-law 3357(2013), in reference to prohibiting the dumping of any fill within Pelham where the origin site is outside of the Niagara Region or is undetermined.

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

- (1) THAT Environmental Protection By-law 3357 (2013) be amended by adding the following to Section 5:

“a. No person shall import, or otherwise bring, any fill into the Town where the origin of the material is located outside of the geographic area of the Niagara Region or where the origin of the material is undetermined;”

READ, ENACTED, SIGNED AND SEALED THIS 6th DAY  
OF April, 2020

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Mayor, Marvin Junkin

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Nancy J. Bozzato, Town Clerk

THE CORPORATION OF THE  
TOWN OF PELHAM  
BY-LAW # 4223(2020)

**Being a By-law to regulate Open Air Burning in the Town of Pelham, and to  
Repeal and Replace By-law # 3160(2010).**

**WHEREAS** Section 7.1(1) of the *Fire Protection & Prevention Act, 1997, S.O. 1997, c. 4*, provides that the council of a municipality may pass By-laws regulating fire prevention, including the prevention of the spreading of fires; regulating the setting of open air fires, including establishing the times during which open air fires may be set and designating public and private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle parked or left along any of the fire routes at the expense of the owner of the vehicle;

**AND WHEREAS** Section 7.1(3) of the *Fire Protection & Prevention Act, 1997, S.O. 1997, c. 4*, states that a By-law passed under Section 7.1 (1) may deal with different areas of the municipality differently;

**AND WHEREAS** Section 7.1(4) of the *Fire Protection & Prevention Act, 1997, S.O. 1997, c. 4* provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether By-laws enacted in accordance with this section are being complied with;

**AND WHEREAS** Section 13(1.1) of the *Fire Protection & Prevention Act, 1997, S.O. 1997, c. 4* provides that a firefighter or such other person as may be authorized by the fire chief may, without a warrant, enter on lands or premises on which a fire is occurring, or that are adjacent to those lands or premises, for the purposes of pulling down or removing buildings, structures or things on or attached to the lands or premises on which a fire is occurring or that are adjacent to those lands or premises if, in the opinion of the fire chief, it is necessary to do so to prevent the spread of the fire;

**AND WHEREAS** Sections 390 to 400 of the *Municipal Act, S.O. 2001, c. 25* provides that despite any Act, a municipality and a local board may pass By-laws imposing fees or charges on any class of persons:

- (A) for services or activities provided or done by or on behalf of it;
- (B) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and,
- (C) for the use of its property including property under its control;

**AND WHEREAS** Section 398(1) of the *Municipal Act 2001, S.O. 2001, c. 25*, provides that fees and charges imposed by a municipality constitute a debt of the person to the municipality;

**AND WHEREAS** Section 398(2) provides that the treasurer of a local municipality may add fees and charges imposed by the municipality to the tax roll for any property for which all of the owners are responsible for paying the fees and charges, and collect them in the same manner as municipal taxes;

**AND WHEREAS** Section 2.6.3.4 of the Ontario Fire Code provides that Open Air Burning shall not be permitted unless approved, or unless such burning consists of a small confined fire, supervised at all times, and used to cook food on a grill or a Barbecue;

**AND WHEREAS** it is deemed desirable to regulate Open Air Burning in the Town of Pelham;

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

**PART 1 - DEFINITIONS AND ADMINISTRATION:**

1.1 Definitions:

For the purposes of this By-law:

(A) "Applicant" shall mean the person, organization, company or group that makes application to the Fire Chief for permission to hold an Open Air Burning and includes such persons who contact the Fire Chief with notification of an intention to hold an Open Air Burning of brush in the rural area;

(B) "Barbecue" appliances include a hibachi, a permanent structure designed and intended solely for the cooking of food in the open air and other similar devices designed and intended solely for the cooking of food in the open air, but does not include devices predominantly designed for personal warmth, fire burn areas or camp fires;

(C) "Open Air Burning" shall mean a fire in any open place, yard, field or area which is not contained or enclosed by a building or structure, and includes agricultural fires, chimineas, and campfires;

(D) "Open Burning Device" shall mean a commercially manufactured or homemade device for the purpose of containing a recreational fire;

(E) "Town" shall mean The Corporation of the Town of Pelham;

(F) "Fire Chief" shall mean the Fire Chief for the Town of Pelham Fire Department or designate;

(G) "Rural Area" shall mean all areas outside the urban boundaries as defined in the Town's Official Plan.

(H) "Recreational Open Air Burning" shall mean a small contained fire used for recreational purposes in accordance with the provisions of Section 2.3 herein;

(I) "Non-Recreational Open Air Burning" shall mean any Open Air Burning that is not a recreational Open Air Burning.

(J) "Clean, dry seasoned wood" shall mean wood that has been seasoned by stacking and storing to reduce its moisture content.

1.2 Administration:

The Fire Chief or his designate shall administer this By-law.

1.3 Fire Services - Exempt:

The Town of Pelham Fire Department shall be exempt from the provisions of this by-law with respect to Open Air Burning set for the purposes of educating and training individuals.

**PART 2 - GENERAL PROVISIONS:**

2.1 Short Title:

The short title of this By-law shall be "THE OPEN AIR BURNING BY-LAW".

2.2 Open Air Burning - Regulations:

Subject to Sections 2.2 and 2.3 herein, no person shall conduct or permit to be conducted, an Open Air Burning within the boundaries of the Town of Pelham unless permission has first been granted by the Fire Chief or designate.

2.3 Non-recreational Open Air Burning shall be prohibited in the urban areas of the Town of Pelham as defined by the Town's Official Plan.

2.4 The use of flying lantern, sky lanterns or traditional Chinese style lanterns shall be prohibited in all areas of the Town of Pelham.

2.5 Exception – Open Air-Burning

Notwithstanding Section 2.1 herein, permission to conduct recreational open-air burning associated with the use of open burning devices or fire burn areas specifically designed for Open Air Burnings may be granted by obtaining written permission from the Fire Chief or designate for a given calendar year. If written permission is being obtained for the first time, an inspection will be conducted by the Fire Chief or designate to ensure the regulations detailed in this Section have been complied with. The following regulations shall be complied with before recreational Open Air Burning is attempted:

(A) Open Air Burning shall be confined to open burning devices or to a fire burn area with a burn area no larger than two (2) feet (61cm) by two (2) feet (61cm) by two (2) feet (61cm) or 8 cubic feet (0.26 cubic metres) in size. Open burning devices shall be:

- (i) designed of a non-combustible material;
- (ii) of a size not larger than described in Section 2.3 herein;
- and,
- (iii) shall be installed in accordance with the manufacturer's recommendation.

(B) Steps shall be taken to ensure that adjacent properties and individuals are protected from any fire hazard and are not adversely affected by the products of combustion.

(C) No materials other than commercially produced charcoal, briquettes or clean, dry seasoned wood, but not including painted wood, pressure treated wood or creosote treated wood, may be burned;

(D) The dimensions of the wood being burnt shall not be greater than the size of the open burning device or fire burn area and shall be totally confined within the open burning device or fire burn areas at all times;

(E) An Open Air Burning shall be confined to a location that provides for a minimum distance of 13 feet (4m) in all directions from adjacent properties;

(F) Open Air Burnings shall be confined to an area that is a minimum of 10 feet (3m) from combustible structures or objects;

(G) An effective extinguishing agent of sufficient size and with the capability of extinguishing the fire shall be immediately available for use;

(H) Open Air Burnings shall be attended, controlled and supervised at all times and shall be completely extinguished before the open air burn site is vacated;

(I) Open Air Burnings shall not be permitted when the wind speed exceeds 20 km per hour or during rainy or foggy weather or at times when a smog alert has been declared by the Ontario Ministry of the Environment, Conservation Parks, or any successor and relevant Ministry;

(J) Open Air Burning may be permitted on Town property in appliances approved and provided by the Town when first authorized, in writing, by the Fire Chief;

(K) A campfire in a campground approved pursuant to the Town of Pelham Comprehensive Zoning By-law #1136 (1987), as amended, is permitted.

(L) Open Air Burning shall only be permitted between the hours of 1200 hrs. and 2400 hrs.

(M) An Open Air Burning permit shall be secured, the fee for which shall be in accordance with the Town of Pelham Fee for Services By-law.

(N) An “open air burn ban” has not been declared by the Fire Chief

## 2.6 Response to Complaints:

(A) Should the Pelham Fire Department be dispatched to a complaint regarding public safety due to a fire hazard created by a recreational Open Air Burning, or upon notification of a prohibited Open Air Burning not authorized under this by-law, the Fire Chief can order the landowner or occupant to immediately extinguish the fire.

(B) Should the Pelham Fire Department rescind a recreational open burning permit, it shall be rescinded from the time of the incident for one (1) calendar year from that date, after which the resident may then apply for a new permit renewal.

(C) Should any landowner or occupant fail to extinguish a recreational Open Air Burning, or a prohibited Open Air Burning when ordered to do so by the Fire Chief, the Fire Chief may take action to have the fire extinguished, and the person who owns or occupies the land on which the recreational Open Air Burning or prohibited open air burning is located shall be responsible for any and all costs incurred by the Town of Pelham Fire Department in its efforts to extinguish the fire.

## 2.7 Exception - Barbecues:

Despite Section 2.1 herein, permission is not required from the Fire Chief for the use of Barbecues to cook food, provided the following regulations are complied with:

(A) The Barbecue shall be placed on non-flammable material and not be located or placed on a porch or verandah of a building, inside any garage, tent, vehicle or structure, in or near dry vegetation that is conducive to the development or spread of fire or explosion;

(B) The Barbecue shall be supervised at all times;

(C) The fuel used shall be clean dry natural wood or a commercially produced fuel for the purpose of cooking such as charcoal or briquette, natural gas or propane.

(D) The Barbecue shall not be placed on a balcony unless the following are complied with:

- 1) The barbeque is propane-fired, electric, or infrared,
- 2) The propane cylinder used does not exceed a net weight of greater than 1.02 pounds (465 grams),
- 3) The propane cylinder must be stored outdoors,
- 4) A maximum of one propane cylinder may be stored outdoors at any given time provided it is securely attached to the Barbecue,
- 5) The Barbecue must be clear of all combustible materials,
- 6) No walls or closures have been erected on the balcony, and
- 7) The barbeque must be at least 3ft (1m) horizontally from any building opening, and 10ft (3m) from a building air intake.

## **PART 3 - SPECIAL REGULATIONS FOR RURAL AREA NON-RECREATIONAL OPEN AIR BURNING:**

### 3.1 Permit - Non-Recreational Open Air Burning:

(A) Any person intending to conduct a Non-Recreational Open Air Burning shall make application at least 24 hours prior to the proposed date of the non-recreational open air burning on either verbal or written permission from

the Fire Chief and shall comply with Section 3.2 herein and the Fire Chief shall have the authority to issue such permit.

(B) The Fire Chief may issue a permission to allow a non-recreational Open Air Burning to re-occur over an extended period of time.

### 3.2 Regulations - Non-Recreational Open Air Burning:

The following regulations shall apply to non-recreational Open Air Burnings in any rural area:

(A) Any person conducting a rural non-recreational Open Air Burning shall have the authorization to conduct this activity, verifiable by the Fire Chief;

(B) No person or persons shall light or cause to be kindled any non-recreational open air burning in a rural area before sunrise or after sunset;

(C) No materials other than dry clean brush or other clean dry natural vegetation may be burned;

(D) Non-recreational Open Air Burnings shall be attended, controlled and supervised at all times and shall be completely extinguished before the burn site is vacated;

(E) Non-recreational Open Air Burnings are not permitted during rainy or foggy weather or on smog alert days as declared by the Ministry of the Environment, Climate Change and Parks or any successor and relevant Ministry;

(F) Non-recreational Open Air Burnings are not permitted when the wind speed exceeds 20 km per hour;

(G) A non-recreational Open Air Burning shall be confined to an area which is at least 200 feet (60m) from any building, highway, road or wooded area and shall be clear of any overhead objects (i.e. wires);

(H) The burn area shall be of a manageable size not exceeding 10 feet by 10 feet (3m by 3m);

(I) Steps shall be taken to ensure that smoke caused by a non-recreational open air burning does not have a negative impact on the visibility of motorists using highways in the vicinity of the non-recreational Open Air Burning or upon the owner(s) or occupant(s) of the surrounding properties.

### 3.3 Permission - Open Air Burning - Telephone Notification - Non-Recreational Open Air Burning:

Upon receipt of a permit, as described in Section 3.1 of this By-law, no person shall conduct or permit to be conducted a non-recreational Open Air Burning in the rural area without first notifying the Pelham Fire Department in person or by telephone and complying with the provisions of Section 3.1 and Section 3.2 of the By-law.

### 3.4 Notification at Conclusion of Burning - Rural Area:

Any person who has given notification pursuant to Section 3.3 above, shall notify the Pelham Fire Department in person or by telephone at the conclusion of the non-recreational Open Air Burning.

### 3.5 Notification to Extinguish:

Any person conducting a non-recreational Open Air Burning in any rural area shall immediately extinguish the fire upon notification by the Fire Chief, that in the Fire Chief's opinion:

(A) The said fire presents a fire hazard; or,

(B) The fire is having a negative impact on persons using a highway adjacent to the burn site; or,

(C) The regulations of this By-law are being contravened; or,

(D) Any combination of these matters exists or applies.

3.6 Failure to Extinguish - Liable for Costs:

Should any landowner or occupant fail to extinguish a prohibited Open Air Burning in a rural area when ordered to do so by the Fire Chief, the Fire Chief may take action to have the fire extinguished. The person who owns or occupies the land on which the Open Air Burning is located shall be responsible for any and all costs incurred by the Town of Pelham Fire Department in its efforts to extinguish the fire.

3.7 An Emergency Response resulting from an authorized burn by an owner or occupant is subject to charges under the Town of Pelham Fees and Charges Schedule.

**PART 4 - ENFORCEMENT:**

4.1 Regulation - Offence

The set fines, charges or fees for an offence under this By-law are set out in "User Fees and Charges" regulated by the Town of Pelham as appointed by Council.

4.2 Prohibited Open Air Burning - Repeated:

Should any landowner or occupant repeat the offence of conducting a prohibited Open Air Burning, the person who owns or occupies the land on which the Open Air Burning is located, shall be responsible for any and all costs incurred by the Town of Pelham Fire Department in responding to the prohibited Open Air Burning.

4.3 Causing False Response:

Should it be determined that the landowner or occupant of adjacent property(s) falsely notified the Pelham Fire Department of an Open Air Burning contrary to Sections 2.1, 3.1 and 3.2, the person who owns or occupies the property in which the false call originated, shall be responsible for any and all costs incurred by the Pelham Fire Department response.

4.4 Default – Collection of Costs

The Town shall have the right to collect any unpaid costs as authorized by this by-law by adding such charges to the tax roll where they may be collected in like manner as municipal taxes, all of which is in accordance with Section 427 of the *Municipal Act 2001*, S.O. 2001, c.25, as amended.

**PART 5- ENACTMENT:**

5.1 Severability:

If any section or sections of this By-law or parts thereof shall be found by any court to be beyond the power of Municipal Council of the Town of Pelham to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found and this By-law shall be enacted as such.

5.2 Clerk's Authority:

In the event the Ministry of the Attorney General directs or recommends housekeeping modifications or corrections to this By-law or its schedules then pursuant to the provisions of Section 227 of the *Municipal Act 2001*, the Clerk of the Town of Pelham is hereby authorized to effect any such modifications or corrections of a numerical, semantically, grammatical or descriptive nature or kind.

5.3 Effective Date:

This By-law shall come into force and effect on its final passage thereof.



- 5.4 Repeal:  
That By-law# 3160 (2010) be and is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL THIS  
6<sup>th</sup> DAY OF April 2020 A.D.

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Marvin Junkin, Mayor

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Town Clerk, Nancy J. Bozzato

THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW #4224(2020)

**Being a by-law to adopt, ratify and confirm the actions of  
the Council at its regular meeting held on the 6th day of  
April 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 6th day of April,  
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 6th DAY OF APRIL 2020 A.D.

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MAYOR MARVIN JUNKIN

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TOWN CLERK, NANCY J. BOZZATO