

## **REGULAR COUNCIL MINUTES**

**Meeting #:** C-16/2020 Regular Council  
**Date:** Monday, October 5, 2020  
**Time:** 5:30 PM  
**Location:** Town of Pelham Municipal Office - Council  
Chambers  
20 Pelham Town Square, Fonthill

**Members Present:** Marvin Junkin  
Lisa Haun  
Bob Hildebrandt  
Wayne Olson  
Marianne Stewart  
John Wink

**Regrets** Ron Kore

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

**Other:** Bea Clark

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

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:45 pm , delayed start time due to a technical issue relating to the livestream publication of the meeting.

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

**Moved By** John Wink

**Seconded By** Marianne Stewart

BE IT RESOLVED THAT the agenda for the October 5th, 2020 Regular meeting of Council be adopted.

**Moved By** Wayne Olson

**Seconded By** Marianne Stewart

**THAT the agenda be amended by adding Correspondence Items 8.4.1 and 8.4.2.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

**Moved By** John Wink

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT the agenda for the October 5th, 2020 Regular meeting of Council be adopted as amended.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

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

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

**4. Hearing of Presentation, Delegations, Regional Report**

**4.1 Presentations:** None

**4.2 Delegations**

**4.2.1 COVID Update - Community Emergency Management Co-Ordinator**

An update on current COVID-19 pandemic information relating to the Province of Ontario was presented by B. Lymburner, Fire Chief and Community Emergency Management Co-Ordinator.

**Moved By** Wayne Olson  
**Seconded By** Bob Hildebrandt

**BE IT RESOLVED THAT Council receive the COVID-19 update presentation from B. Lymburner, Fire Chief and Community Emergency Management Co-Ordinator, for information.**

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

**4.2.2 COVID Update - Recreation, Culture and Wellness**

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

**BE IT RESOLVED THAT Council receive the COVID-19 update presentation from V. vanRavenswaay, Director of Recreation, Culture and Wellness, for information.**

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	

Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

Carried (6 to 0)

4.2.2.1 RCW Covid update, 2020-0142-Recreation

Moved By Bob Hildebrandt  
Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive  
Report #2020-142 Recreation, Culture  
and Wellness COVID-19 Update, for  
information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

Carried (6 to 0)

4.2.3 COVID Update - CAO

The Chief Administrative Officer reported on the latest matters relating to the COVID-19 pandemic, specifically relating to disrespect that has been asserted toward municipal staff relating to requirements to participate in interactions with the municipality, such as wearing masks and undergoing the required health assessments, most specifically at the Meridian Community Centre.

Moved By Wayne Olson  
Seconded By John Wink

**BE IT RESOLVED that Council receive the COVID-19 Up-date presentation from D. Cribbs, Chief Administrative Officer, for information.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

**4.2.4 Pelham Active Transportation Committee - Bea Clark, Chair**

On behalf of the Pelham Active Transportation Committee, Chair Bea Clark provided a progress update on the work of this Committee.

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

**BE IT RESOLVED THAT Council receive the delegation from Bea Clark, Chair of the Pelham Active Transportation Committee, for information.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

**4.3 Report of Regional Councillor**

No Report.

**5. Adoption of Minutes**

**Moved By** John Wink  
**Seconded By** Lisa Haun

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

- 1.C-15/2020 Council Minutes, September 21, 2020; and**
- 2. SC-13/2020 Special Council Minutes, September 21, 2020**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

- 5.1 C-15/2020 Council Minutes, September 21, 2020**
- 5.2 SC-13/2020 - Special Council Minutes September 21, 2020**

**6. Business Arising from Council Minutes**

None

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

No items were lifted for separate consideration.

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

Members of Council expressed support for the Royal Canadian Legion Branch 613 application for grant funding.

**Moved By** Wayne Olson  
**Seconded By** Bob Hildebrandt

**BE IT RESOLVED THAT the Consent Agenda items as listed on the October 5th, 2020 Council Agenda be received and the recommendations contained therein be approved, as applicable.**

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

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

- 1. SCOW-03/2020 Special Committee of the Whole - Budget Open House September 23, 2020**

**8.2 Minutes Approval – Committee**

**8.2.1 SCOW-03/2020 Special Committee of the Whole - Budget Open House September 23, 2020**

**BE IT RESOLVED THAT Council receive the SCOW-03/2020 Special Committee of the Whole - Budget Open House September 23, 2020 minutes for information.**

**8.4 Action Correspondence of a Routine Nature**

**8.4.1 Request for Letter of Support - Royal Canadian Legion Branch 613**

**BE IT RESOLVED THAT Council receive the correspondence dated September 30, 2020 from the Royal Canadian Legion, Branch 613 Talbot Trail, seeking a letter of support for this organization as it relates to an application for New Horizons for Seniors Program funding for building renovations and accessibility upgrades; and**

**THAT Council endorse this request and that a letter of support be provided on behalf of the Council for the Town of Pelham**

**8.4.2 Request for Support Community Support Services Niagara**

**BE IT RESOLVED THAT Council receive the correspondence from Community Support Services of Niagara - Community Outreach and support their sale of greeting cards fundraiser, seeking support through social media and photo opportunities through the Office of The Mayor.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	

Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

#### **8.5 Information Correspondence Items**

#### **8.6 Regional Municipality of Niagara - Action Items**

#### **8.7 Committee Minutes for Information**

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

No items were lifted.

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

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

No reports.

#### **10.2 Staff Reports Requiring Action**

##### **10.2.1 Sanitary Sewer Diversion at Summersides and Station Street, 2020-0137-Public Works**

The motion was divided on a request by Councillor Hildebrandt.

**Moved By** Wayne Olson

**Seconded By** Marianne Stewart

BE IT RESOLVED THAT Council receive Report # 2020-0137; and

THAT Council APPROVE the additional funds required for the costs associated with the Sanitary Sewer Diversion from existing dollars in Capital Account WST 04-20; and

THAT Council APPROVE the amendment to the current purchase order with Beam Excavating Inc. to include the additional work to complete the Sanitary Sewer Diversion project in the amount of \$44,000 (excluding HST).

**Amendment:**

**Moved By** Wayne Olson

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT Council receive Report # 2020-0137; and**

**THAT Council APPROVE the additional funds required**



**for the costs associated with the Sanitary Sewer Diversion from existing dollars in Capital Account WST 04-20.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

**Amendment:**  
**Moved By** Wayne Olson  
**Seconded By** Marianne Stewart

THAT Council APPROVE the amendment to the current purchase order with Beam Excavating Inc. to include the additional work to complete the Sanitary Sewer Diversion project in the amount of \$44,000 (excluding HST).

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

**THAT the motion be amended by striking the motion in its entirety and replacing it with the following:**

**"THAT Council DIRECT Staff to follow the Town's Purchasing Policy for the selection of the successful contractor to complete the Sanitary Sewer Diversion project at Summersides Boulevard and Station Street."**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	

Results

6

0

Carried (6 to 0)

Moved By Wayne Olson

Seconded By Marianne Stewart

BE IT RESOLVED THAT Council direct staff to follow the Town's Purchasing Policy for the selection of the successful contractor to complete the Sanitary Sewer Diversion project at Summersides Boulevard and Station Street.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
		Carried (6 to 0)

11. Unfinished Business

None

12. New Business

None

13. Presentation and Consideration of By-Laws

Moved By John Wink

Seconded By Wayne Olson

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 4282(2020) - -Being a by-law to authorize the sale of Town-owned lands to Lally Homes Ltd., or successors in title, the lands being described on Schedules A and B appended hereto; and to authorize the Mayor and Clerk to execute all necessary documents to complete the transaction.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

**14. Motions and Notices of Motion**

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

**Moved by Councillor Haun**  
**Seconded by Councillor Hildebrandt**

**Be it resolved that Pelham Town Council endorse the following resolutions as matters of highest priority:**

**WHEREAS the Town of Pelham is a municipality of fewer than 18,000 persons;**

**AND WHEREAS the Town has already spent in excess of \$100,000 in legal and professional fees in developing a municipal, cannabis (which includes industrial hemp) regulatory framework and is bearing the entire cost of seven separate proceedings against that framework before the Superior Court of Justice, the Normal Farm Practices Protection Board, and/or the Local Planning Appeal Tribunal ("LPAT"), which are currently estimated to cost the taxpayer over \$300,000 to litigate;**

**AND WHEREAS hundreds of residents have suffered ongoing adverse effects (particularly light and odour pollution) from**

**cannabis facilities in the Town, and the Town will have to incur ongoing enforcement costs in order to have any hope of mitigating these adverse effects;**

**AND WHEREAS the Town of Pelham is not the only municipality in Niagara, or in Ontario, that has suffered these adverse effects from these cannabis facilities which operate on an industrial scale;**

**AND WHEREAS at present residents of the Town of Pelham are on track to pay 100% of the costs of civil cases that are precedential in nature and will impact neighbouring communities, all of Niagara, and ultimately have a provincial impact;**

**NOW THEREFORE Pelham Town Council formally requests that the Region of Niagara seek "Party" status in the various LPAT proceedings that have been initiated by Woodstock Biomed Inc., CannTrust Holdings and Redecan Pharm as against Town of Pelham. As a Party, the Region can offer direct evidence, planning expertise and testimony in support of the Town of Pelham's recently amended Official Plan and Zoning Bylaw, which were adjusted with the approval of Regional Staff;**

**AND FURTHER Pelham Town Council requests that Member of Provincial Parliament Sam Oosterhoff be requested to champion the Town's plight with the Provincial Government so as to result in the Ministry of Municipal Affairs and Housing seeking "Party" status in the various LPAT proceedings that have been initiated by Woodstock Biomed Inc., CannTrust Holdings and Redecan Pharm as against Town of Pelham and a financial contribution from the Provincial Government towards the Town's litigation costs in recognition of the broader provincial public interest being represented;**

**AND FURTHER that Niagara West MP Dean Allison be requested to champion the Town of Pelham's plight in the legislature (after it recommences sitting) and further pressure Health Canada to satisfy its own obligations with respect to enforcement of standards and regulations as they pertain to odour emissions from cannabis facilities, including providing a financial contribution towards the Town's litigation and enforcement costs in recognition of the broader public interest being represented.**

**AND FURTHER that Niagara West MP Dean Allison be requested to obtain a clear and satisfactory answer from Health Canada as to why, after a year since CannTrust Holdings has acknowledged growing cannabis in a manner that contravened its license, no penalty or fine has been formally levied nor have charges been laid.**

**AND FURTHER Pelham Town Council formally requests that the City of Welland and the City of Thorold each be asked to**

**voluntarily contribute \$15,000 (which represents 5% of the estimated litigation costs) towards defense of the aforementioned legal actions as Pelham has received complaints from residents of both those municipalities pertaining to light and/or smell associated with the industrial production of Cannabis.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

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

None

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

None

**17. Resolution to Move in Camera**

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

**BE IT RESOLVED THAT** the next portion of the meeting be closed to the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

- 1. Municipal Act Section 239(2)(e) - litigation or potential litigation, including matters before administrative tribunals, affecting the municipality - File L02-19-2019; and**
- 2. Municipal Act Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees - 1 item**

<b>For</b>	<b>Against</b>
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Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>1</b>

**Carried (6 to 1)**

- 8. Rise From In Camera**  
**Moved By** John Wink  
**Seconded By** Lisa Haun

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

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

**Moved By** Wayne Olson  
**Seconded By** John Wink

**BE IT RESOLVED THAT Councillor Lisa Haun be nominated as Director, Peninsula West Power Inc. and that PWPI be so advised.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

## **19. Confirming By-Law**

**Moved By** John Wink

**Seconded By** Wayne Olson

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

**Being a By-law No. 4284(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 5th day of October, 2020.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>

**Carried (6 to 0)**

## **20. Adjournment**

**Moved By** Bob Hildebrandt

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for October19, 2020 at 5:30 pm.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

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Mayor: Marvin Junkin

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Town Clerk: Nancy J. Bozzato