

## REGULAR COUNCIL AGENDA

**C-02/2020 - Regular Council**

**Monday, February 1, 2021**

**5:30 PM**

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

**20 Pelham Town Square, Fonthill**

During the ongoing 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

[www.youtube.com/townofpelham/live](http://www.youtube.com/townofpelham/live) and subsequent publication to the Town's website at [www.pelham.ca](http://www.pelham.ca).

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### Pages

1. Call to Order and Declaration of Quorum
2. Approval of Agenda
3. Disclosure of Pecuniary Interests and General Nature Thereof
4. Hearing of Presentation, Delegations, Regional Report
  - 4.1. Presentations
    - 4.1.1. COVID-19 Update - Community Emergency Management Co-Ordinator  
B. Lymburner
    - 4.1.2. COVID-19 Update - Chief Administrative Officer

<b>4.2.</b>	<b>Delegations</b>	
<b>4.2.1.</b>	<b>Tim Nohara, Cannabis Control Committee</b>	<b>6 - 11</b>
<b>4.3.</b>	<b>Report of Regional Councillor</b>	<b>12 - 29</b>
	Report of Regional Councillor Huson, February 1, 2021	
<b>5.</b>	<b>Adoption of Minutes</b>	
<b>5.1.</b>	<b>C-01/2021 Regular Council Minutes of January 11, 2021</b>	<b>30 - 52</b>
<b>6.</b>	<b>Business Arising from Council Minutes</b>	
<b>7.</b>	<b>Request(s) to Lift Consent Agenda Item(s) for Separate Consideration</b>	
<b>8.</b>	<b>Consent Agenda Items to be Considered in Block</b>	
<b>8.1.</b>	<b>Presentation of Recommendations Arising from COW or P&amp;P, for Council Approval</b>	<b>53 - 53</b>
	1. PCOW- 01/2021 - Public Meeting Under the Planning Act - January 18, 2021	
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<b>8.3.</b>	<b>Staff Reports of a Routine Nature for Information or Action</b>	
<b>8.3.1.</b>	<b>Clerk's Department Quarterly Report, 2021-0002-Clerks</b>	<b>62 - 64</b>
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8.5.	Information Correspondence Items	
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8.6.	Regional Municipality of Niagara - Action Items	
8.7.	Committee Minutes for Information	
8.7.1.	Pelham Library Board Minutes	121 - 127
	October 28, 2020	
	November 12, 2020	

## 9. Items for Separate Consideration, if Any

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

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

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

<b>10.2.1.</b>	<b>Assumption of Residences at Lookout Subdivision, 2021-0028-Public Works</b>	<b>128 - 130</b>
<b>10.2.2.</b>	<b>Park Lane Right of Way Land Exchange February 1 2021, 2021-0031-Planning</b>	<b>131 - 135</b>
<b>10.2.3.</b>	<b>Special Pre-authorized Property Taxes COVID-19 Payment Plan for 2021, 2021-0035-Corporate Services</b>	<b>136 - 141</b>
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<b>10.2.6.</b>	<b>Policy Timing of Development Charges Calculation, Installment, Interest Sec.26.1, 26.2 DC Act final, 2021-0016-Corporate Services</b>	<b>175 - 192</b>
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<b>10.2.9.</b>	<b>Hiring of Fire Fighters With Previous Experience 2021, 2021-0021-Fire Dept</b>	<b>203 - 208</b>

## **11. Unfinished Business**

## **12. New Business**

## **13. Presentation and Consideration of By-Laws** **209 - 243**

1. 4310(2021) - Being a by-law to authorize the Mayor and Clerk to enter into a Transfer Payment 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, for the purposes of implementation of the Municipal Transit Enhanced Cleaning.

2. 4312(2021) - Being a by-law authorizing the borrowing of money to meet current expenditures of the Council of the Corporation of the Town of Pelham; And to repeal and replace By-law #4225(2020), being a by-law authorizing borrowing.

3. 4313(2021) - Being a by-law to establish a reserve fund for Volunteer Fire Fighters' Life Insurance.

4. 4314(2021) - Being a by-law to amend By-law No. 4023(2018), being a By-law for the imposition of development changes.

**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**

**18. Rise From In Camera**

**19. Confirming By-Law**

244 - 244

**20. Adjournment**

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

NAME: Tim Nohara

ADDRESS: PO Box 366, Fonthill, ON

POSTAL CODE: L0S 1E0

TELEPHONE #: 905-329-1875

E-MAIL ADDRESS: tnohara@accipiterradar.com

The Council Chambers Is equipped with a laptop and projector. Please Check your audio/visual needs:

☐ Laptop ☐ Speaker ☐ Internet ConnectionPLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION:  
Regular Council: 1<sup>st</sup> and 3<sup>rd</sup> Monday of the month; 5:30 p.m. (except summer schedule)

DATE: 1 February 2021

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

To receive the presented information from the Cannabis Control CommitteeI have never spoken on this issue before. Key points of my deputation are as follows:  
**(Written presentation must accompany the request)**I will provide a summary of the CCC's work since 02 November 2020.I will discuss the steps needed to complete the implementation of the Odorous Industries Nuisance Bylaw

In accordance with the Procedure By-law, Requests to Appear before Council with respect to a matter already on Council's Agenda shall submit a written request to the Clerk no later than 12:00 noon, eight business days prior to the meeting of Council. Delegation requests to address Council on matters not already on the Agenda of Council must be submitted at least fourteen (14) days before the date and time of the Meeting of Council. Delegations shall only be heard at regular Meetings of Council, unless specifically invited by Council to a Meeting of a Committee of Council.

**All requests must include a copy of the presentation materials as detailed in the deputation protocol. Failure to provide the required information on time will result in a deferral or denial. Delegations are limited to ten (10) minutes.**

I have read and understand the deputation protocol included with this form; and, that the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas and on the Town's website.

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



Signature

15 January 2021

Date

# Presentation to Council

By Cannabis Control Committee (CCC)

Town of Pelham – 01 February 2021



# Agenda

- CCC update since our 02 November 2020 Council Meeting
- Steps needed to complete the implementation of the Odorous Industries Nuisance Bylaw (OINBL)

# CCC update since 02 November 2020

- CCC meetings on Nov 25<sup>th</sup>, Dec 16<sup>th</sup> and Jan 20<sup>th</sup>
- Researching approaches for quantifying skyglow for the Light Bylaw with a view to avoiding unintended consequences with flora and vegetable greenhouses which are not causing adverse effects to Pelham residents.
- Visit to CannTrust to review their approach to odour mitigation. Redecan has not accepted CCC request to visit.
- Providing feedback on the design of the neighbourhood Ambient Odour Monitoring Program(AOMP) being developed by our odour expert, Mr. Phil Girard, P.Eng of PG Compliance Management Inc., to ensure it meets the intention of the OINBL that the CCC developed and Council approved almost a year ago. The AOMP is the foundation for implementing the OINBL.
- The final AOMP design will be incorporated into a statement of work which will be competed by the Town to hire an Environmental Contractor who will carry out the AOMP.

# Steps needed to complete implementation of Odorous Industries Nuisance Bylaw - *summary of OINBL*



## OINBL 4202(2020) & amended by By-law 4263(2020) to add AMPS

(Applies to indoor and outdoor growers and designated growers, existing & new)

- Odorous Industrial Facility is any use of land, buildings, structures or improvements used in connection with cannabis
- No person shall operate an Odorous Industrial Facility that causes an Adverse Effect
- They must produce their licences for inspection
- They must notify the Town promptly of any changes to their licences
- Operate in a Zone designated for such use
- Employ air filtration systems to prevent the escape of obnoxious odours (i.e., odours beyond their property that cause Adverse Effects)

1. At any sensitive use, can not exceed 2 odour units more than 44 times a year with measurements at least one hour apart
  2. Odour can not exceed 4 odour units anywhere on the property of a sensitive use
  3. Odour can not exceed 6 odour units at any point on the property line of the Facility
- Document & report to Town all complaints received from neighbours
  - Any facility over 50 square metres shall pay for a neighborhood ambient odour monitoring program and prepare a contingency odour mitigation plan in accordance with MECP Emission Summary and Dispersion Modeling Report
  - Broad Powers of Entry and Powers of Inspection to confirm compliance with By-law
  - Violating any provision of the By-law constitutes an offence that you can be charged or fined for

# Steps needed to complete implementation of Odorous Industries Nuisance Bylaw

1. Mr. Phil Girard's AOMP design to be completed in accordance with the OINBL;
2. CCC will bring recommendations to Council for small amendments to the OINBL after step 1;
3. Town to establish licensing framework to charge the cannabis industry the annual costs of the AOMP;
4. Town to prepare RFP in accordance with Mr. Girard's AOMP design to hire an environmental contractor. Mr. Girard will assist in evaluation and oversight. Annual costs will be determined and communicated to cannabis industry;
5. Cannabis industry given notice of AOMP start date and the associated costs; and
6. AOMP data will be published regularly (e.g., monthly) for full transparency simultaneously to all stakeholders in accordance with the OINBL.



# Report of Regional Councillor

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Diana Huson



# Overview of Updates

Public Health Updates

Waste Management

Planning Updates

EMS Services

2

West Lincoln Hospital

Social Justice & Good  
Governance

Budget

Your Regional  
Representative

## Public Health Updates



- Vaccination supply has been a challenge
- PH has been advocating for more vaccines in consideration of our case counts and incident rates
- Improvements to website statistics
- Developed a Task Force to assist with vaccine distribution
- As of January 15, all Long-term Care Homes have been vaccinated (9 Days)
- Looking to hire an Assistant Medical Officer of Health
- Staffing challenges due to case load and contact tracing demands

# Waste Management



- Continuing the Bin it- Box it – Sort it campaign
- Bi-weekly garbage pick up continues mostly without issue
- Some concerns over illegal dumping
- Recycling and organic conversion rates have improved as a result



**BOX IT. BIN IT. SORT IT.**  
Campaign Overview

# Planning



- ▶ New Official Plan is still underway
- ▶ Regional Official Plan Amendment 18 and Local Official Plan Amendment 24 – Northwest Welland Urban Boundary Expansion – Approved. Motion amended to include circulated items to the Town of Pelham and City of Thorold as this progresses
- ▶ Climate Change Program – Underway and research has been initiated on a greening initiative

# Northwest Welland Expansion Area

Total Area:  
Approx. 190 ha

Built-Up Area:  
58 ha

Environmental  
Area:  
31 ha

Proposed  
Designated  
Greenfield Area:  
102 ha



## EMS Services



### Next Generation 911 (NG911)

- Niagara moving to a consolidated delivery for emergency dispatch services
- Provinces & municipalities must meet NG911 standards by Mar. 31, 2024
- Moving from analog to digital system
- Transition costs = \$2 million
  - Consulting
  - Capital equipment and maintenance
- Steering committee included Niagara EMS, NRP, St. Catharine's Fire and Niagara Falls Fire made recommendation



## Social Justice & Good Governance



Coalition of Inclusive Municipalities  
Development of **new committees**  
including:

- Diversity, Equity & Inclusion
- Anti-Racism Advisory
- 2SLGBTQQIA Advisory

Motion put forward to development of a  
**Lobbyist Registry**  
- TBA



## West Lincoln Memorial Funding

- Delegation made an ask of \$14 million dollars
- We know Niagara Falls and Welland will be building hospitals and there's an expectation of future funding asks
- Hospital funding is a provincial responsibility yet have allocated 10% of construction AND equipment costs locally
- Council endorsed developing a funding policy
- November - Council further endorsed a policy direction choose to develop a "Niagara Model"
- December – Staff prioritized funding policy and assessed funding request with "matrix"
- January – Arbitrarily picked \$12.6mil and tossed policy work away

- ▶ **Region determined 9.072 mil**
- ▶ **Policy maximum set at \$10 mil**
- ▶ **Council chose \$12.6 mil**
- ▶ **\$1.5 mil saved over 4 years**
- ▶ **In 4 years the fund will be short by \$6 million dollars**



# Budget

2021 Levy budget includes:

1. 1% or \$2.038 mil increase for departmental operating budget for expenses
2. 1% or \$2.046 mil increase for departmental operating budget for pay as you go capital financing
3. Combined COVID pressures of \$18.8 for Regional Departments and ABCs

Table 1 – 2021 Levy Budget (in millions)

Item	2020	2021	\$ Change	% Change	% Levy Change
Departmental Base Budget	\$204.7	\$206.7	\$2.0	1.0%	0.5%
Capital Financing		\$2.0	\$2.0	1.0%	0.5%
Departmental COVID-19 Pressure		\$17.2	\$17.2		4.4%
Reserve funding for Dept COVID-19		(\$17.2)	(\$17.2)		-4.4%
<b>Departments Subtotal</b>	<b>\$204.7</b>	<b>\$208.8</b>	<b>\$4.1</b>	<b>2.0%</b>	<b>1.0%</b>
ABCs (BRCOTW December 10)	\$187.9	\$195.2	\$7.3	3.9%	1.9%
ABC COVID-19 Pressure		\$1.6	\$1.6		0.4%
Reserve funding for ABC COVID-19		(\$1.6)	(\$1.6)		-0.4%
<b>Subtotal before Growth</b>	<b>\$392.6</b>	<b>\$403.9</b>	<b>\$11.4</b>	<b>2.9%</b>	<b>2.9%</b>
Costs funded from Assessment Growth		\$5.7	\$5.7	1.4%	1.4%
Assessment Growth					-1.4%
<b>Consolidated Levy Budget</b>	<b>\$392.6</b>	<b>\$409.6</b>	<b>\$17.1</b>	<b>4.3%*</b>	<b>2.9%</b>

\*increase before assessment growth

# Budget

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Staff **met budget guidance of 2%** including:

1. Labour related costs (contract/wsib increase, salary gapping)
2. Administrative costs include \$0.8 to fund HRIS systems
3. Occupancy and infrastructure includes \$0.5 mil for repairs and capital requirements.

## Appendix 1 – Niagara Region Departments Base Budget

Object of Expenditure	2020 Budget*	2021 Budget~	\$ Variance	% Variance	Note
Labour Related Costs	243,755,649	244,759,016	1,003,367	0.4%	(1)
Administrative	22,872,047	24,185,907	1,313,860	5.7%	(2)
Operational & Supply	43,641,010	43,557,765	(83,245)	-0.2%	
Occupancy & Infrastructure	13,609,740	14,097,690	487,950	3.6%	(3)
Equipment, Vehicles, Technology	8,931,603	9,088,046	156,443	1.8%	
Community Assistance	165,157,825	166,985,460	1,827,634	1.1%	
Partnership, Rebate, Exemption	13,906,580	14,125,290	218,710	1.6%	
Financial Expenditures	67,246,569	70,747,176	3,500,608	5.2%	(4)
Transfers to Funds	23,674,558	26,312,204	2,637,646	11.1%	(5)
Expense Allocations to Capital	(140,000)	(140,000)	0	0.0%	
Allocations Between Departments	(604,565)	(613,982)	(9,417)	1.6%	
<b>Total Expenditure before Indirect Allocations</b>	<b>602,051,017</b>	<b>613,104,573</b>	<b>11,053,556</b>	<b>1.8%</b>	
Indirect Allocations to Rate and Courts	(6,916,323)	(7,019,909)	(103,585)	-1.5%	
Capital Financing Allocation to Rate and Courts	(12,420,277)	(15,722,089)	(3,301,812)	-26.6%	(6)
<b>Total Expenditure</b>	<b>582,714,417</b>	<b>590,362,576</b>	<b>7,648,159</b>	<b>1.3%</b>	
Taxation	(17,063,974)	(17,078,253)	(14,279)	-0.1%	
Federal & Provincial Grants	(296,237,294)	(298,750,331)	(2,513,037)	-0.8%	
By-Law Charges & Sales	(15,359,242)	(15,676,410)	(317,168)	-2.1%	
Other Revenue	(45,389,738)	(45,331,186)	58,552	0.1%	
Transfers from Funds	(3,972,411)	(4,748,956)	(776,544)	-19.5%	(7)
<b>Total Revenue</b>	<b>(378,022,659)</b>	<b>(381,585,136)</b>	<b>(3,562,476)</b>	<b>0.9%</b>	
<b>Net Departmental Levy Budget</b>	<b>204,691,758</b>	<b>208,777,440</b>	<b>4,085,683</b>	<b>2.0%</b>	




\*includes in-year adjustments and excludes 2020 one-time programs

~excludes 2021 program changes for COVID-19 and Growth Costs

# Budget

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## Agencies, Boards & Commissions

	Increase/Decrease	Gross Budget
 Niagara Regional Housing	↑ \$566,901	\$28,911,582
Niagara Courts	↓ \$54,244	\$7,564,399
 NIAGARA PENINSULA CONSERVATION AUTHORITY	↑ \$266,341	\$7,678,689
	↑ \$5,900,000	\$161,000,000

# Budget

## Staff Recommendation

Tax Levy	2021 Impact to Household	Average Household
2.9%	\$46	\$278,764

## Tax-Payer Reserve Reduction

Additional  
\$4.3 million



## Council Decision

Tax Levy	2021 Impact to Household	Average Household
1.8%	\$29	\$278,764

***\$17 Savings to Taxpayer***

# Budget

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## Taxpayer Reserve Fund

### ***What is it?***

Fund established to protect the Region from significant and unexpected costs

Has significantly eroded over a few short years.

Year	Balance	Difference
2014	\$30 mil	
2018	\$26.4 mil	(\$3.4 mil)
2021	\$14.25 mil	(\$12.15 mil)

# Budget KPMG Sustainability Review

## Key Themes from the Review

What does our financial health look like?

**2<sup>nd</sup> Lowest**

Reserves and reserve funds per household

**2<sup>nd</sup> Highest**

Long-term debt per household

**Lowest**

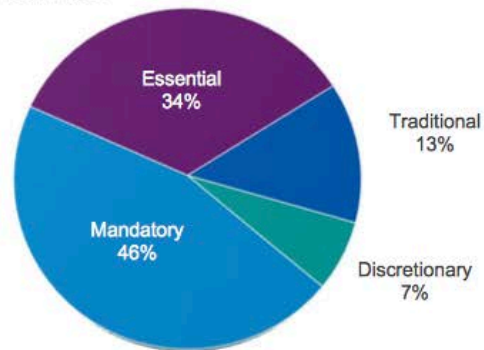
Capital additions as a percentage of amortization expense

# Budget

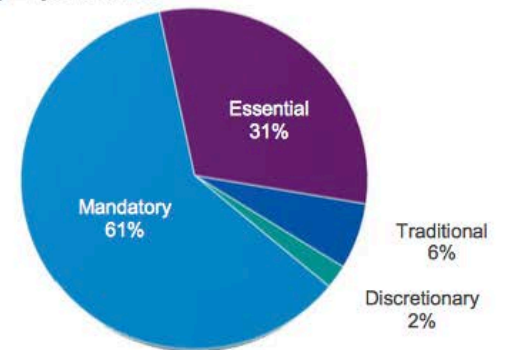
Part of a  
larger problem?

## Key Themes from the Review

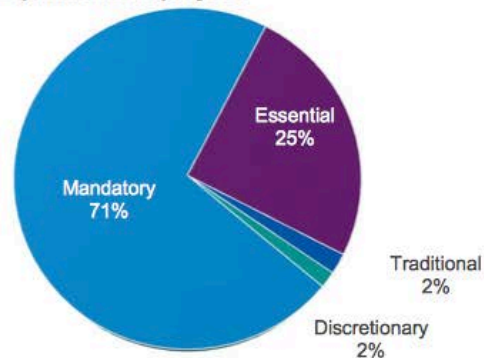
Number of Services



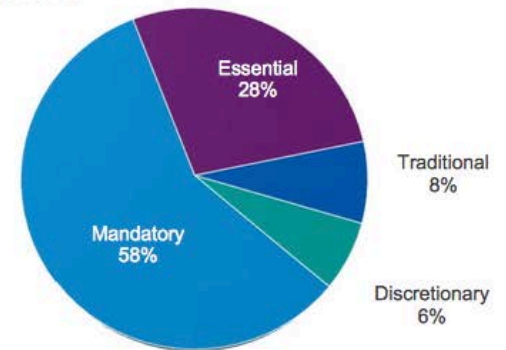
Operating Expenditures



Full-Time Equivalent Employees



Levy Requisition





# Your Regional Representative at work

## Updates

- Reconfirmed as Chair of the Planning and Economic Development Standing Committee
- 1 of 4 Councilors elected to the CAO selection committee
- New website [www.dianahuson.ca](http://www.dianahuson.ca)
- December 16 participated in a virtual Town Hall in collaboration with Regional Colleagues.

## Town Hall Meeting



Wayne Fertich  
Town of Grimsby



Robert Foster  
Town of Lincoln



Diana Huson  
Town of Pelham



Albert Witteveen  
Twp. of West Lincoln



Questions?

## **REGULAR COUNCIL MINUTES**

**Meeting #:** C-01/2021 - Regular Council  
**Date:** Monday, January 11, 2021  
**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  
Ron Kore  
Wayne Olson  
Marianne Stewart  
John Wink

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

**Other:** Ryan Cook  
William Heikoop, Item 4.2.1  
Steven Soos, Item 4.2.2

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

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30 p.m. All attendees were present electronically, save and except the Mayor and Clerk who were in Council Chamber.

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

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

BE IT RESOLVED THAT the agenda for the January 11, 2021 Regular meeting of Council be adopted.

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

**BE IT RESOLVED THAT the agenda be amended to include the addendum item 8.4.1 and 8.5.7**

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

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

**BE IT RESOLVED THAT the agenda for the January 11, 2021 Regular meeting of Council be adopted, as amended.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
<b>Carried (7 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**

**4.1.1 COVID-19 Update - Community Emergency Management Co-Ordinator**

Fire Chief/CEMC B. Lymburner provided an update on the ongoing COVID-19 pandemic.

**Moved By** Bob Hildebrandt

**Seconded By** Lisa Haun

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

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**Carried (7 to 0)**

**4.1.2 COVID-19 Update - Chief Administrative Officer**

Chief Administrative Officer, D. Cribbs provided an update from an Administrative perspective with regard to the provision of municipal services throughout the pandemic.

**Moved By** Wayne Olson

**Seconded By** John Wink

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

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**Carried (7 to 0)**

## 4.2 Delegations

### 4.2.1 William Heikoop, Upper Canada Consultants - Lavender Fields

William Heikoop, agent for the developer regarding a Saffron Meadows Phase 3 project known as Lavender Fields seeking Council's approval to proceed with minor variance applications, required due to a recent change in the Planning Act.

**Moved By** Lisa Haun

**Seconded By** Ron Kore

**BE IT RESOLVED that Council receive the delegation from William Heikoop, Planner, Upper Canada Consultants, and**

**THAT Council grant an exemption to the 2-year waiting period for minor variance and thereby allow Upper Canada Consultants, for Grey Forest Homes, to file an application to the Town's Committee of Adjustment for minor variance(s), as it pertains to Block 178 of Saffron Meadows Phase 3, now known as Block 1, 59M-481.**

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

Carried (6 to 1)

**4.2.2 Steven Soos - Request to Declare State of Emergency on Mental Health, Homelessness, and Addiction**

Steven Soos presented information regarding his request for Pelham Council to support on a motion to declare a state of emergency on mental health, homelessness and addiction in the Niagara Region.

**Moved By** Wayne Olson

**Seconded By** Bob Hildebrandt

**BE IT RESOLVED** that Council receive the delegation from Steven Soos requesting Pelham to request the Niagara Region to declare a state of emergency on mental health, homelessness, and addiction, for information; and

**WHEREAS** According to the Province of Ontario Emergency Response Plan (2008), Canadian municipalities are free to declare states of emergencies in response to "any situation or impending situation caused by the forces of nature, an accident, an intentional act or other Wise that constitutes a danger of major proportions to life or property."

**WHEREAS** Approximately 625 residents - including 144 children in Niagara, were counted as homeless (March 2018), with shelter occupancy operating at 109.4 percent capacity

**WHEREAS** Niagara EMS reported 335 suspected opiate overdoses (Jan-June 2019).

**WHEREAS** Some Niagara-area municipalities have had services such as mental health removed from their Hospitals, and whereas Niagara is severely lacking in mental health and addiction services

**THEREFORE BE IT RESOLVED** that the Town of Pelham request the Niagara Region to declare a state of emergency on mental health, homelessness, and addiction.

**FURTHERMORE**, the Niagara Regional Council, Niagara Region Public Health and Social Services, Premier of Ontario, the provincial Minister of Health, Minister of the Attorney General, Minister of Children, Community, and Social Services, the Minister of Municipal Affairs and Housing, and the Leader of the Official Opposition, as well as the Prime Minister of Canada, all regional municipalities and all local area municipalities within the Niagara Region be copied on this resolution."

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**Carried (7 to 0)**

#### **4.3 Report of Regional Councillor**

No Report.

#### **5. Adoption of Minutes**

**Moved By** Lisa Haun

**Seconded By** Marianne Stewart

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

**1. SC17-2020 Special Council Minutes - December 15, 2020; and**

**2. C-21/2020 - Council Minutes - December 14, 2020.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**Carried (7 to 0)**

**6. Business Arising from Council Minutes**

Councillor Olson noted an action item he made on December 14th, requesting financial information regarding the Niagara Central Dorothy Rungeling Airport Commission. Given that the information is not available, he suggested that the motion be deferred to give the Commission opportunity to provide the information requested. Councillor Olson described some of the additional information he is interested in seeing. He was asked to provide an itemized list to the Pelham representative, Councillor Haun.

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

Items 8.5.4.2, 8.5.6 and 8.5.6.1 were lifted.

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

**Moved By** Ron Kore

**Seconded By** John Wink

**BE IT RESOLVED THAT the Consent Agenda items as listed on the January 11, 2021 Council Agenda be received and the recommendations contained therein be approved, as applicable.**

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**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. PCOW-08/2020 Public Meeting Under Planning Act - December 14, 2020**

**8.2 Minutes Approval – Committee**

**BE IT RESOLVED THAT Council receive the following minutes for information:**

- 1. PCOW-08/2020 Public Meeting Under Planning Act - December 14, 2020**

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

**8.3.1 October 2020 Financial Report, 2021-0008-Corporate Services**

**BE IT RESOLVED THAT Council receive Report #2021-0008-Corporate Services, October 2020 Financial Report, for information.**

**8.3.2 Information Report - Second Dwelling Units, 2021-0004-Planning**



**THAT Council receives Report #2021-0004 for information as it pertains to proposed Second Dwelling Units Policies and Regulations.**

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

##### **8.4.1 Upper Canada Consultants - request to Defer Motion re Town of Pelham Trail System**

**BE IT RESOLVED THAT Council receive the correspondence from Upper Canada Consultants requesting that Agenda Item 14.2 regarding the Town of Pelham Trail System be received.**

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

##### **8.5.1 Report of Integrity Commissioner**

**BE IT RESOLVED that Council receive the Integrity Commissioner's correspondence and report dated December 14, 2020, for information.**

##### **8.5.2 NPCA Board Meeting Highlights**

**BE IT RESOLVED THAT Council receive the NPCA Board Meeting Highlights dated November 19, 2020, for information.**

##### **8.5.3 Region of Niagara: Information Correspondence Items**

**BE IT RESOLVED that Council receive the Regional Reports CLK-C-2020-244 and CLK-C-2020-245, for information.**

##### **8.5.4 Additional Community Correspondence re Steve Bauer Trail and Surrounding Development Applications**

###### **8.5.4.1 Mary Nolle Comments re: Proposed Forest Park Subdivision Development**

**BE IT RESOLVED THAT Council receive correspondence from Mary Nolle regarding the proposed Forest Park Subdivision Development, for information; and**

**THAT the correspondence be referred to the Town Planning Department for consideration in the preparation of a recommendation report on this matter.**

###### ~~**8.5.4.2 Mike Jones – The Pelham Tree Conservation Society**~~

~~**BE IT RESOLVED that Council receive correspondence dated December 15, 2020 from Mike Jones – The Pelham Tree Conservation Society regarding the Town of Pelham Tree Policy under development, for information. (lifted)**~~

###### **8.5.4.3 Cheryl MacDavid Comments re Steve Bauer Trail**

**BE IT RESOLVED THAT Council receive correspondence from Cheryl MacDavid regarding the Steve Bauer Trail, for information; and**

**THAT the correspondence be referred to Town Planning Staff.**

###### **8.5.4.4 Tanya Blankenburg Comments re Steve Bauer Trail**

**BE IT RESOLVED THAT Council receive correspondence from Tanya Blankenburg regarding the Steve Bauer Trail, for information; and**

**THAT the correspondence be referred to Town Planning Staff.**

**8.5.5 Jack and Brenda Braybrook Comments re: 3 Hurricane Road, Application AM-09-2020**

**BE IT RESOLVED THAT Council receive correspondence from Jack and Brenda Braybrook regarding 3 Hurricane Road, Application AM-09-2020, for information.**

~~**8.5.6 Letter of Objection to Conditions of Approval Saffron Valley Phase 2**~~

~~**BE IT RESOLVED THAT Council receive the letter of objection to conditions of approval regarding Saffron Valley Phase 2 dated January 5, 2021 from Upper Canada Consults and related correspondence for information. (lifted)**~~

~~**8.5.6.1 Responses to Letter of Objection**~~

~~**BE IT RESOLVED THAT Council receive the letter of response to objection of conditions of approval regarding Saffron Valley Phase 2 dated January 5, 2021 from the Niagara Region and related material for information. (lifted)**~~

**8.5.7 Letter of Support for Trails Motion - Berkhout Family**

**BE IT RESOLVED THAT Council receive the correspondence from the Berkhout Family in support of the Pelham Trails Motion, Agenda Item 14.2.**

**8.7 - Committee Minutes for Information**

**8.7.1 Cannabis Control Committee Minutes**

**BE IT RESOLVED THAT Council receive the Cannabis Control Committee minutes dated October 28th, 2020, for information.**

**8.7.2 Pelham Public Art Advisory Committee Minutes**

**BE IT RESOLVED THAT Council receive the Pelham Public Art Advisory Committee minutes dated February 19, 2020 and November 18, 2020, for information.**

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

Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**Carried (7 to 0)**

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

**9.1 Mike Jones - The Pelham Tree Conservation Society**

Mr. Marr advised that staff is in the process of reviewing the first draft of the tree conservation policy and look forward to bringing this to Council in late winter or early spring. Councillor Olson is hopeful this will raise a high bar regarding potential for awards and acknowledgement.

**Moved By** Ron Kore  
**Seconded By** John Wink

**BE IT RESOLVED that Council receive correspondence dated December 15, 2020 from Mike Jones - The Pelham Tree Conservation Society regarding the Town of Pelham Tree Policy under development, for information.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**Carried (7 to 0)**

**9.2 Letter of Objection to Conditions of Approval - Saffron Valley Phase 2**

**Moved By** Ron Kore  
**Seconded By** John Wink

**BE IT RESOLVED THAT Council receive the letter of objection to conditions of approval regarding Saffron Valley Phase 2 dated January 5, 2021 from Upper Canada Consults and related correspondence for information.**

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

**9.2.1 Responses to Letter of Objection**

**Moved By** Ron Kore  
**Seconded By** John Wink

**BE IT RESOLVED THAT Council receive the letter of response to objection of conditions of approval regarding Saffron Valley Phase 2 dated January 5, 2021 from the Niagara Region and related material for information.**

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

**10. Presentation & Consideration of Reports**

**10.1 Reports from Members of Council:**

**10.2 Staff Reports Requiring Action**

**10.2.1 2021 Draft Capital Budget Update, 2021-0015-Corporate Services**

WTR-06-21 is red circled pending the grant announcement, as noted by the Treasurer, Ms. Quinlin.

**Moved By** Marianne Stewart  
**Seconded By** Lisa Haun

**BE IT RESOLVED THAT Council receive Report # 2021-0015-Corporate Services;**

**AND FURTHER Council approve the amendment in this report to the draft 2021 Capital Budget,**

**AND THAT Council pass the 2021 Capital Budget as amended.**

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

**10.2.2 2021 Draft Operating Budget Update , 2021-0014-Corporate Services**

**Moved By** Ron Kore  
**Seconded By** John Wink

**BE IT RESOLVED THAT Council receive Report # 2021-0014-Corporate Services;**

**AND FURTHER THAT Council approve the amendment in this report to the draft 2021 Operating Budget;**

**AND THAT Council pass the 2021 Operating Budget as amended.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**Carried (7 to 0)**

**10.2.3 Recommendation Report for Applications for Saffron Valley Phase 2 (1304 Rice Road), 2021-0006-Planning**

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

**THAT Council receives Report #2021-06 for information as it pertains to File Nos. 26CD19-02-20, OP-AM-02-20 and AM-06-20;**

**AND THAT Council directs Planning staff to prepare the by-laws for approval of the Draft Plan of Condominium, Official Plan and Zoning By-law Amendments for Council’s consideration.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**Carried (7 to 0)**

**10.2.4      Site Plan Control (SP-09-2020) 1768 Balfour St -  
Recommendation Report, 2021-0010-Planning**

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

**BE IT RESOLVED THAT Council receive Report # 2021-0010 for information pertaining to Site Plan Control application file No. SP-09-2020; and**

**THAT Council consider approval of the By-law to authorize the Mayor and Clerk to enter into a Site Plan Agreement between the Town and Wierenga Greenhouses Limited.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**Carried (7 to 0)**

**10.2.5      Establish Reserve for Human Resources Capacity Building,  
2021-0011-Corporate Services**

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

**BE IT RESOLVED THAT Council receive Report # 2021-0011-Corporate Services;**

**AND THAT Council approve the establishment of a Reserve for Human Resources Capacity Building with the purpose, funding sources, and drawdowns as outlined in this report;**

**AND FURTHER THAT this Reserve be effective for the year ended December 31, 2020.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**Carried (7 to 0)**

#### **10.2.6 Group Benefits Policy, 2021-0003-Chief Administrator Officer**

**Moved By** John Wink

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT Council receive Report #2021-0003, Town Benefits Policy Amendment;**

**AND THAT COUNCIL approve the Benefit Plans Policy S600-01 as amended.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**Carried (7 to 0)**

#### **11. Unfinished Business**

None



12. New Business

None

13. Presentation and Consideration of By-Laws

Moved By Wayne Olson  
Seconded By Ron Kore

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 4306(2021) - Being a by-law to provide for an interim tax levy for the year 2021.
- 2. By-law 4307(2021) - Delegation of Authority - Being a by-law to delegate certain powers and duties under the *Municipal Act, 2001, S.O. 2001, c. 25*, and other Acts as contained in the Schedules hereto.
- 3. By-law 4308(2021) - Being a by-law to authorize the execution of a Site Plan Agreement for the lands located at 1768 – 1770 Balfour Street. Wierenga Greenhouses Limited. File No. SP-09-2020

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

14. Motions and Notices of Motion

14.1 Motion: Niagara Central Dorothy Rungeling Airport Commission Funding

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

Moved by Councillor Olson

Seconded by Councillor Wink

WHEREAS the funding request from the Niagara Central Dorothy Rungeling Airport Commission (NCDRAC) for the year 2021 remains the same as the 2020 request, in the amount of \$154,770;

AND WHEREAS the 2021 funding request contains a Depreciation amount of \$80,000;

AND WHEREAS Depreciation is a non-cash expense item;

AND WHEREAS the removal of Depreciation from the 2021 NCDRAC funding request would not create operational or financial difficulties for the Airport Commission;

NOW THEREFORE BE IT RESOLVED THAT Pelham Town Council approves the Niagara Central Dorothy Rungeling Airport Commission funding request in the amount of \$74,770, such amount being \$154,770 minus Depreciation of \$80,000, resulting in the Town of Pelham Municipal Contribution in the amount of \$13,459.

**Amendment:**

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

**THAT Consideration of the Motion, Agenda Item 14.1 re Niagara Central Dorothy Rungeling Airport Commission Funding be referred to a future meeting, pending receipt of additional information.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**Carried (7 to 0)**

## **14.2 Motion: Town of Pelham Trail System**

A motion to refer this motion for consideration February 16, 2021 was made but did not obtain a second.

**Moved By** John Wink

**Seconded By** Bob Hildebrandt

Moved by Councillor Wink

Seconded by Councillor Hildebrandt

WHEREAS the Provincial Government launched the Ontario Trails Strategy that is a long term plan that establishes strategic direction for planning, managing, promoting and using trails in Ontario;

AND WHEREAS trails play an important role in building a healthier, more prosperous, Ontario;

AND WHEREAS section 1.5.1 of the Provincial Statement 2020 states:

"Healthy, active communities should be promoted by: a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity; b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources; c) providing opportunities for public access to shorelines; and d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas";

AND WHEREAS good trails play a vital role in our well-being by supporting an active lifestyle that improves health, trails attract tourists to our community, trails build strong communities that strengthen our social fabric, and trails conserve and appreciate the environment;

AND WHEREAS the Steve Bauer Trail has been in existence for over 20 years and is public property owned by the Town of Pelham;

AND WHEREAS the Gerry Berkhout Trail has been in existence for over 2 years and is public property owned by the Town of Pelham;

AND WHEREAS these trails provide safe areas to increase trail use by all community residents including children, youth, seniors and persons with a disability;

AND WHEREAS the ongoing COVID-19 pandemic has increased the demand for safe, accessible trails to the point that the trails are one of the most utilized public spaces in Pelham;

AND WHEREAS our Town's ecosystems and natural features need to be preserved;

NOW THEREFORE BE IT RESOLVED that no new road crossings over the Steve Bauer Trail or the Gerry Berkhout Trail shall be permitted by the Town;

AND FURTHER BE IT RESOLVED THAT the Town shall not dedicate any portion of the Steve Bauer Trail or the Gerry Berkhout Trail as a public

highway;  
AND FURTHER BE IT RESOLVED THAT the Pelham Town Council  
endorses the preservation of the Steve Bauer Trail and the Gerry  
Berkhout Trail as they currently exist.

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

**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:**

- (e) - litigation or potential litigation, including matters before  
administrative tribunals, affecting the municipality;**
- (f) - advice that is subject to solicitor-client privilege, including  
communications necessary for that purpose.**

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

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

**BE IT RESOLVED THAT Council adjourn the In Camera Session  
and that Council do now Rise With No Report.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	

Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**Carried (7 to 0)**

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

**Moved by Councillor Wink**  
**Seconded by Councillor Hildebrandt**

**WHEREAS the Provincial Government launched the Ontario Trails Strategy that is a long term plan that establishes strategic direction for planning, managing, promoting and using trails in Ontario;**  
**AND WHEREAS trails play an important role in building a healthier, more prosperous, Ontario;**  
**AND WHEREAS section 1.5.1 of the Provincial Statement 2020 states: "Healthy, active communities should be promoted by: a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity; b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources; c) providing opportunities for public access to shorelines; and d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas";**  
**AND WHEREAS good trails play a vital role in our well-being by supporting an active lifestyle that improves health, trails attract tourists to our community, trails build strong communities that strengthen our social fabric, and trails conserve and appreciate the environment;**  
**AND WHEREAS the Steve Bauer Trail has been in existence for over 20 years and is public property owned by the Town of Pelham;**  
**AND WHEREAS the Gerry Berkhout Trail has been in existence for over 2 years and is public property owned by the Town of Pelham;**  
**AND WHEREAS these trails provide safe areas to increase trail**

use by all community residents including children, youth, seniors and persons with a disability;  
**AND WHEREAS** the ongoing COVID-19 pandemic has increased the demand for safe, accessible trails to the point that the trails are one of the most utilized public spaces in Pelham;  
**AND WHEREAS** our Town's ecosystems and natural features need to be preserved;  
**NOW THEREFORE BE IT RESOLVED** that no new road crossings over the Steve Bauer Trail or the Gerry Berkhout Trail shall be permitted by the Town;  
**AND FURTHER BE IT RESOLVED THAT** the Town shall not dedicate any portion of the Steve Bauer Trail or the Gerry Berkhout Trail as a public highway;  
**AND FURTHER BE IT RESOLVED THAT** the Pelham Town Council endorses the preservation of the Steve Bauer Trail and the Gerry Berkhout Trail as they currently exist.

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

**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**

Closed session convened under Item 14.2.

**18. Rise From In Camera**

19. Confirming By-Law

Moved By Marianne Stewart  
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. 4309(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 11th day of January, 2021.

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

20. Adjournment

Moved By Lisa Haun  
Seconded By Marianne Stewart

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for February 1, 2021 at 5:30 pm.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	

John Wink

X

**Results**

**7**

**0**

**Carried (7 to 0)**

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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 January 18, 2021

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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 January 18, 2021:

1. THAT the agenda for the January 18th, 2021 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulate.

## **Amendment**

**THAT the agenda be amended to include the addendum item number(s) 4.3.1, 4.3.1.1, 4.3.2 and 4.3.2.1.**

## **Main Motion as Amended**

**THAT the agenda for the January 18th, 2021 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.**

2. THAT THAT Committee receives Report #2021-17 for information as it pertains to File No. AM-10-20;

**AND THAT Committee directs Planning staff to prepare the Recommendation Report on this topic for Council's consideration once all comments have been received.**

3. THAT Committee Receive the applicants presentation for information.

4. THAT Committee receive the written correspondence as listed on the agenda;

**AND THAT Committee receive the verbal presentations made by the public listed on the Agenda, including verbal presentations made by James Cook, Donna Fuller and Bonnie Jean Cook;**

**AND THAT Committee receive any e-mail comments received during the public portion of the meeting at the [clerks@pelham.ca](mailto:clerks@pelham.ca) e-mail address.**

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

## **Committee of the Whole Meeting**

### **Minutes**

Meeting #: PCOW-01/2020 - Public Meeting Under Planning Act  
Date: Monday, January 18, 2021  
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, Ron Kore,  
Wayne Olson, Marianne Stewart, John Wink

Staff Present: Holly Willford, Barbara Wiens, Shannon Larocque, Jason  
Marr and Sarah Leach

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

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

Ms. Holly Willford, Deputy Clerk read opening remarks regarding the Zoom Webinar meeting and procedures for public participation.

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

**Moved By Councillor** Bob Hildebrandt

THAT the agenda for the January 18th, 2021 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

##### **Amendment:**

**Moved By Councillor** Bob Hildebrandt

**THAT the agenda be amended to include the addendum item number(s) 4.3.1, 4.3.1.1, 4.3.2 and 4.3.2.1.**

For (5): Marvin Junkin, Bob Hildebrandt, Ron Kore, Wayne Olson, and John Wink

**Carried (5 to 0)**

##### **Main Motion as Amended:**

**Moved By Councillor** Bob Hildebrandt

**THAT the agenda for the January 18th, 2021 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.**

For (5): Marvin Junkin, Bob Hildebrandt, Ron Kore, Wayne Olson, and John Wink

**Carried (5 to 0)**

### **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: 1522 Pelham Street Zoning Amendment - AM-10-20**

The Deputy Clerk read into the record the Notice Requirements regarding this application.

#### **4.1 Planning Report**

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

Councillor Haun and Councillor Stewart entered the electronic meeting and confirm neither had any pecuniary interest to declare with respect to any items on the agenda.

#### **4.1.1 Information Report - Application for Zoning By-law Amendment - 1522 Pelham Street, 2021-0017-Planning**

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

Mr. Craig Rohe, Agent for the applicant provided Council with a presentation providing an overview of the application. A copy of said documents are available through the Clerk.

Mr. Rohe indicated the proposal is located on the west side of Pelham Street and is flanked by two three-storey buildings, other commercial development and Marlene Stewart Streit Park. He stated the subject lands are located within the downtown and is within the municipal intensification corridor.

Mr. Rohe indicated his client is proposing a 4 storey mixed use building with 21 apartments (floors 2, 3 and 4) and 1 ground floor commercial unit. He stated parking would be located mostly at grade underneath the structure and some outside. He stated access to the development would be from a single driveway from Pelham Street. Mr. Rohe indicated at the rear of the property there will be a landscaped area to buffer and protect an American Chestnut tree found on the Town's property, as it is considered an endangered species.

Mr. Rohe stated with regards to the zoning by-law provisions, many of the requests could have been requested to the Committee of Adjustment through the minor variance process, however because of the official plan test and requesting a fourth storey, the proposal is required to come to Town Council. He reviewed each zoning by-law amendment request. Mr. Rohe also indicated with respect to parking requirements they are requesting 26 spaces whereas 31 spaces would be required based on the Town's Zoning By-Law equations. He stated the proposal is about 1.2 spaces per unit. He indicated apartment

buildings in the City of Welland require 1 space per unit the City of St. Catharines require 1.25 per unit.

With respect to required supporting studies, Mr. Rohe indicated a tree protection plan has been completed and they are awaiting clearance, a functional servicing report was completed and geotechnical report was done.

Mr. Rohe stated he will reserve response to public written comments until he has heard the verbal presentations by members of the public. He further indicated he would be happy to answer questions from Council.

#### **4.3 Public Input**

Ms. Willford indicated Ms. Rashpal Garcha indicated she no longer wished to speak to Council as she indicated her written comments speak for themselves.

Mr. James Cook stated he is a current resident at 1522 Pelham Street. He stated he has had many good memories at the home and hopes to not lose this place.

Ms. Donna Fuller indicated she is a currently resident of 1522 Pelham Street. She stated she has done research on the home and surrounding area and stated it would be a shame to let the home go. She indicated she believes the height of the proposal would be a discouragement to the area. She stated she believes it would be too much.

Ms. Bonnie Jean Cook indicated as well as her husband, she has had a lot of memories at the home. She stated she believes the proposed building would be tacky.

Ms. Willford indicated she has checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 6:09pm and there are two emails received. Ms. Willford read each email into the record.

Carlo Micheli emailed that he believes the existing infrastructure would not support a building of this size. He indicated the variances requested are far too unreasonable in a tight space and suggested underground parking and to reduce the building to 3 floors.

Rush G emailed and asked why the builders needs cannot be met with a 3 storey building and asked what the justification is for the 4 storey building when adjacent buildings are 3 storey.

Mr. Rohe indicated he would respond to public comments in reverse order. He stated from his client's perspective, the site works for a 4-storey building and can appropriately accommodate the amount of units. He further indicated that as this is along the intensification corridor this is an appropriate location for the development.

Mr. Rohe advise a significant amount of time and finances have been spent with the associated archeological assessment, stating

a stage 4 assessment was completed. He indicated historically in the 1800's the original owners tended to pile their items behind a barn or house. He indicated 130,000 individual artifacts were discovered. He stated it was very expensive to have the site ready for a redevelopment application.

With regards to infrastructure, Mr. Rohe stated his firm has reviewed the design from the recent public works that were done at Pelham Street and they feel the building can be appropriately serviced with no negative impacts. He further stated underground parking is very expensive and is normally, seen with 7 storey buildings to be financially viable. Mr. Rohe stated underground parking is not viable for this proposal.

Mr. Rohe indicated he sympathized with the attachments the tenants, being the Cook's, have with the property however had no planning comments to add.

Mr. Rohe stated he did not think the building would be a discouragement. He indicated he believes the building of this scale is appropriate, especially given the policy context.

Mr. Rohe stated the comments provided by Rashpal Garcha are concerning to his client. He stated in particular, there is a concern with respect to the last statement of the letter threatening appeal if Council approves the application. He stated his client does not take threats of appeal lightly nor should this Council. Mr. Rohe indicated he is not sure what property these comments are tied to as the comments were provided on behalf of a numbered corporation. He indicated it would be helpful to find out if the comments were made with respect to an adjacent property and if so, where is it and how is it affected. He stated he would be happy to have a conversation with that property owner.

Mr. Rohe stated some of the amendments being requested are certainly not out of the question and that a property next-door went to the Committee of Adjustment and proceeded with a variety of technical variances which were approved by the committee. He stated the difference in this situation is they are asking for the additional storey.

The public portion of the meeting was closed at 6:14pm.

**4.3.1 Written Public Comments**

**4.3.1.1 Bill and Michele Schwenger**

**4.3.2 Pre-registered Members of the Public**

**4.3.2.1 Rashpal Garcha**

**4.3.2.2 James Cook**

**4.3.2.3 Donna Fuller**

**4.3.2.4 Bonnie Jean Cook**

#### **4.4 Committee Input**

A Councillor asked if there is an elevator. In response, Mr. Rohe indicated there will be an elevator. The Councillor then asked if there would be an additional storey on top. In response, Mr. Rohe indicated the building would be a 4 storey with a mechanical penthouse on the top. He stated the mechanical penthouse is not considered a storey within the Town's zoning by-law. Mr. Rohe also indicated it would not be the full extent of the building.

A Councillor asked how many units are the general commercial space and asked if they are part of the 26 parking spots. In response, Mr. Rohe indicated there is a commercial unit at grade, being 104 square metres and there are 21 units for residential use, being floors 2, 3 and 4. Mr. Rohe stated of the 26 spaces provided 21 of those are for residential. He stated each unit will have a dedicated space with a surplus of 5 spaces. He indicated 2 spaces are allotted to the commercial unit. Mr. Rohe further indicated there is on street parking in the area.

A Councillor asked how many visitor parking stalls are proposed. In response, Mr. Rohe indicated there is an excess of 3 parking spaces for visitors and stated there is also on street parking. Mr. Rohe indicated the area is served by public transit and he believes the parking is reasonable.

A Councillor asked how many accessible parking spots there are within the proposal. In response, Mr. Rohe indicated there is 1 accessible parking space. The Councillor asked what if there is more than one person needing the spot or someone who lives there needs the spot. In response, Mr. Rohe indicated parking can be managed later on and that he can look to add some additional flexibility.

A Councillor indicated she feels the height is excessive and is concerned about parking. She stated she is not concerned about what other municipalities do for parking and she believes the parking is not enough.

A Councillor asked who the builder would be. In response, Mr. Rohe indicated the project is owned by his client JMT Developments, however is not sure if they will be constructing the building or if it will be a joint venture with a contractor. The Councillor asked if JMT Developments is a local builder. In response, Mr. Rohe indicated yes, it is a partnership of local developers that are local to Niagara.

A Councillor asked if the residential units would be for purchase or rentals. In response, Mr. Rohe indicated that is to be determined. He stated even if they are condominium, they could be rented. The Councillor asked if any of the units would be dedicated as affordable housing. In response, Mr. Rohe

indicated that he believed no, but would ask his client. He stated these units would be relatively more affordable.

A Councillor indicated parking is at a premium and is very limited in the downtown area. He stated what other municipalities do with parking does not concern him; rather he is concerned about Pelham. He stated the requirement is 1.5 spaces and he has concerns about reducing to 1.2 spaces. In response, Mr. Rohe indicated he understood the point and stated it is his opinion the site works and has adequate parking. He stated if an adjustment needs to be done, he would make efforts to provide as much parking as reasonably possible.

A Councillor asked how would the fire department equipment get into the back of the building with the building so close to the lot line. In response, Ms. Larocque indicated the fire department would not require access to the rear, rather would access hydrants from Pelham Street. The Councillor further questioned how the fire trucks would get ladders and equipment to the back. In response, Ms. Larocque stated she understands the fire department does not need to drive the vehicle into the back and that the hoses are long enough to get to the back of the building. In addition, Mr. Rohe indicated the building will have a sprinkler system.

A Councillor asked if the parking space in front of the existing building will remain. In response, Mr. Rohe indicated, provided the space does not conflict with the driveway it will remain. The Councillor asked if the number of parking spaces will vary based on the landscape area at the back of the property. He asked if there is potential for more spaces. In response, Mr. Rohe indicated originally there were 2 parking spaces, however this has been revised for a landscaped area to protect the endangered tree species identified.

A Councillor asked if there are unit lockers included within the apartments. In response, Mr. Rohe indicated the plan right now is preliminary in nature, however he understands there are is no common locker area.

A Councillor indicated he was surprised to learn an elevator shaft would be going on the top of the building. He stated there are other elevators that do not have to go on top. He stated it is essentially a 5-storey building. The Councillor indicated, even with a 4 storey the parking requirements cannot be met. The Councillor stated comparing parking requirements to other municipalities does not work. The Councillor stated he believes the building should be 3 storeys. He further stated with regards to intensification he is waiting for a report regarding intensification targets within the Town. The Councillor stated the proposal being justified by intensification would not be something he would approve until he has seen the said report. In response, Mr. Rohe indicated he respects the opinion of the Councillor however with regards to the elevator stated it

would be a small mechanical penthouse and does not constitute a storey.

A Councillor asked how old the building is. In response, Mr. Rohe indicated he did not know. Ms. Larocque indicated she is not aware of the building's age however can include a summary of the history in the Council report.

**4.5 Presentation of Resolutions**

**Moved By Councillor** Wayne Olson

**THAT Committee receives Report #2021-17 for information as it pertains to File No. AM-10-20;**

**AND THAT Committee directs Planning staff to prepare the Recommendation Report on this topic for Council's consideration once all comments have been received.**

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

**Carried (7 to 0)**

**Moved By Councillor** Lisa Haun

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

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

**Carried (7 to 0)**

**Moved By Councillor** John Wink

**THAT Committee receive the written correspondence as listed on the agenda;**

**AND THAT Committee receive the verbal presentations made by the public listed on the Agenda, including verbal presentations made by James Cook, Donna Fuller and Bonnie Jean Cook;**

**AND THAT Committee receive any e-mail comments received during the public portion of the meeting at the [clerks@pelham.ca](mailto:clerks@pelham.ca) e-mail address.**

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

**Carried (7 to 0)**



5.     **Adjournment**

**Moved By Councillor** Ron Kore

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

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne  
Olson, Marianne Stewart, and John Wink

**Carried (7 to 0)**

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Mayor: Marvin Junkin

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Deputy Clerk: Holly Willford

## CLERK'S DEPARTMENT MONTHLY REPORT

FEBRUARY, 2021

This report covers October, November, December 2020 (Q4)

### DEPARTMENT OVERVIEW & STATISTICS

<u>Year</u>	<u>2019</u>	<u>2020</u>				<u>2021</u>			
<u>Quarter (Year to Date)</u>	<u>Year End</u>	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>
Insurance or Small Claims Processed (incl.potential)	29	5	8	16	21				
Pelham Deaths Registered	68	11	36	53	64				
Deaths Outside of Pelham Registered	96	28	53	77	110				
Lottery Licenses Issued	33	7	7	9	12				
Council Meetings Attended/Minuted	21	5	11	17	21				
Special Council Meetings Attended/Minuted	41	6	10	15	18				
COW Meetings Attended/Minuted	17	2	2	4	6				
Public Meetings Attended/Minuted	6	2	2	4	8				
P & P Meetings Attended/Minuted	8	1	1	1	1				
Affidavits Sworn	127	38	39	58	79				
FOI Requests Received/Processed	5	4	8	13	15				
FOI Appeal or Complaint	0	-	-	-	1				
Closed Meeting Investigation	0	1	1	1	1				
Committee of Adjustment – Variances	29	22	23	26	28				
Committee of Adjustment – Consents	12	9	9	11	11				
Committee of Adjustment – Hearings	13	6	11	15	15				
LPAT Appeals C of A	4	3	3	3	3				
Property Standards Appeals	0	-	-	-	0				
Fence Viewing Meetings	0	-	-	-	0				
By-laws	120	37	63	96	114				
Itinerant Seller/Vehicle Licenses Issued	1	-	1	1	1				
Short Term Accommodation Licences Issued	-	-	-	0	1				
Wet/Dry Status to AGCO	1	-	3	4	4				
Sidewalk Patio/Sidewalk Sale Permits	2	-	-	4	4				
Special Event Permit – Private	1	-	-	-	0				
Livestock Valuer Claims	2	-	-	-	0				
AMP Review Hearings	19	23	23	28	29				
AMP Review Decision Appeals	0	-	-	-	0				
Marriage Licenses Issued	31	5	5	27	29				
Civil Marriage Ceremonies Officiated	13	-	-	10	15				
Proclamations	8	5	5	5	5				
Press Releases	27	12	31	44	51				
News Briefs	66	42	92	136	164				
PSR	-	-	-	-	0				



Administration  
Services

Many of the statistics above have been influenced by the COVID-19 pandemic.

## PROJECTS

**Delegation of Authority By-Law** – Preparation of the draft Delegation of Authority By-Law delegating authority of various routine in nature matters to staff at a Director/Senior Leadership Team level. This By-Law will help alleviate the burden of Council and remove monotonous items from their agenda. The approval of this By-Law checked off another box from the Town's Strategic Plan.

**2020 Municipal By Election** – Although voting day has past and the newest member of Council has been sworn in the Clerk's Departments work regarding the By Election is not yet finished. The Town Clerk has consulted with and met candidates to ensure with financial paper work has been filed. With various deadline dates past, the Town Clerk has now undeclared the Section 53 Emergency pursuant to the *Municipal Elections Act*, 1996 and continues to work on finalizing the required paperwork and records management for the election.

**Using Technology to Ensure Safety** - The Clerk's Department continues to leverage technology to allow the department to continue to facilitate safe meetings. In an effort to reduce the number of individuals present in Council Chambers the Deputy Clerk and Administrative Assistant are now able to remote access the Council laptop in order to start and stop meetings, manage Zoom participates and share screen while working from their home offices. This allows for a safer environment for all. The Clerk's Department continually proves its ability to adapt to changing situations, providing a safe workplace while successfully managing electronic meetings.

## PR/ Marketing Analytics, October - December 2020

### Website

Page Views	Unique	Average Time on Page
86, 940	71,585	1:54 minutes

Top 5 pages: MCC, Skating Programs, Christmas in Pelham, Career, Zoning

### Twitter

Tweets	Impressions	New Followers
132	57.2k	48

### Facebook

Engagement	Page Views	Total Reach
9,279	1,408	25,461

## Projects

- 2021 community guide ideas
- Christmas in Pelham branding
- Social media policy research
- Brand guidelines update, logo use policy research

## Print Advertising/Promotion

- Oct-Dec newsletter

- 30 print ads

#### CONSTITUENT CONCERNS & ISSUES ARISING

Often the first point of contact, Clerks staff regularly assists members of the public on a myriad of questions or concerns. Most recently, assistance relates to attendance at electronic meetings through the Zoom Webinar platform, relating to public meetings.

#### PERSONNEL

No Changes.

The Administrative Assistant completed the Primer on Planning certificate course and is completing the final requirement for the Records and Information Management Certificate.

#### GRANTS, CONTRACTS, RFPs & AGREEMENTS

Assistance with grant applications includes Agreement execution and maintenance.

#### MEETINGS

##### Town Clerk

SLT - Weekly

Emergency Operations Centre and Committee – (3X per week)

Committee of Adjustment Hearings

TabFusion RMS – Electronic Records Management

##### Deputy Clerk

Committee of Adjustment Hearings

Committee of Adjustment Applicant Meetings

Pre-consultation Meetings (1 a month)

##### PR/ Marketing Specialist

EOC 2-3x/week

Bang the Table engagement software demonstration

Niagara Emergency Communicators bi-weekly

##### Administrative Assistant

Committee of Adjustment

TabFusion RMS – Electronic Records Management

## COMMUNITY PLANNING & DEVELOPMENT MONTHLY REPORT

OCTOBER, NOVEMBER, DECEMBER, 2020

### DEPARTMENT OVERVIEW & STATISTICS

#### Planning:

The Planning Department continues to work on the following development applications: 6 Subdivision Applications, 1 condominium application, 3 Official Plan Amendment applications, 10 Zoning By-Law Amendments, 6 applications for Site Plan Approvals, 5 consent applications, 5 minor variance applications and 4 Niagara Escarpment Development Permit applications.

There is one LPAT appeal relating to Development Charges By-law Amendment; one LPAT appeal relating to the extension of the Interim Control By-law that are pending; 3 LPAT appeals on the Cannabis Official Plan Amendment and 3 LPAT appeals relating to the Cannabis Zoning By-law Amendment. The court application by Woodstock Biomed with regards to the initial Interim Control By-law is also pending and the responding material was filed with the Courts. An appeal has been received with regards to Council's refusal to pass a zoning by-law amendment for 1307 Haist Street. Further there is a court application by C. Montemurro relating to the issuance of a building permit, responding materials have been filed with the courts and staff were deposed and hearing date is scheduled in March 2021 (it is unknown if this will be deferred because of the lockdown).

Public Meetings were held with regards to Kunda Park Zoning Amendment and Draft Plan of Subdivision applications, 3 Hurricane Road Zoning Amendment application, 1304 Rice Road Zoning Amendment and Draft Plan of Condominium applications, Park Place South Zoning Amendment and Draft Plan of Subdivision applications, Forest Park Zoning Amendment and Draft Plan of Subdivision applications and 1 Pancake Lane Zoning Amendment application.

#### Yearly Planning Summary:

	2019	2020
Subdivision	2	3
Condominium	0	3
Official Plan Amendment	2	3
Zoning By-Law Amendment	10	12
Site Plan Approval	9	10
Part Lot Control	1	1
Consent	12	11
Minor Variance	29	28
Community Improvement Plan	0	0
Development Agreement	0	1
NE Development Permit	8	7

Cell Tower Agreement	0	0
Heritage Designation	0	0
Heritage Permit	0	0
<b>Total/Year:</b>	<b>73</b>	<b>79</b>

### Building:

The Building Department continues to receive incoming permit applications consistent with seasonal trends and remains occupied with inspections, conducting a total of 521 inspections since the 2020 third quarterly report.

### Building Activity Statistics from October 1, 2020 – December 31, 2020:

Months	All Building Permits	Inspections	Demolition Permits	Commercial Building Permits Sq.Ft.		Estimated Total Value of Construction	New Dwelling Units
October 2020:	48	162	1	-	-	\$12,996,500	34
November 2020:	25	205	-	3	6,488	\$ 5,466,680	18
December 2020:	<u>29</u>	<u>154</u>	<u>4</u>	<u>-</u>	<u>-</u>	<u>\$ 6,976,050</u>	<u>16</u>
<b>TOTAL:</b>	<b>102</b>	<b>521</b>	<b>5</b>	<b>X</b>	<b>6,488</b>	<b>\$25,439,230</b>	<b>68</b>

### Building Permit Time Frames from July 1, 2020 – September 30, 2020:

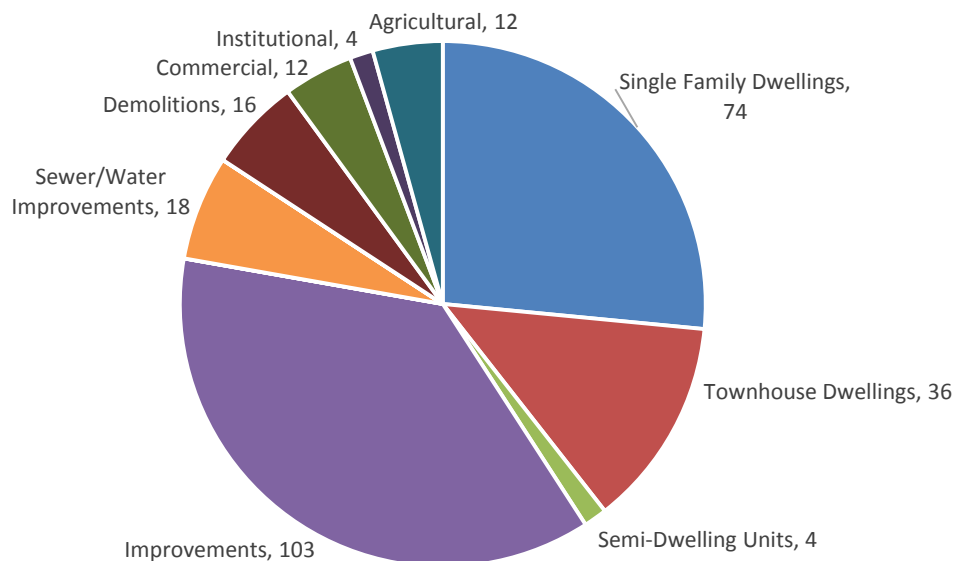
Category of Building Type & Required No. of Days to issue or stop process	No. of Permits Issued	Average No. of Days to Issue Permit
House: 10 days	68	9
Small Building: 15 days	33	13
Large Building: 20 days	1	4
Complex Building: 30 days	-	-
<b>Total:</b>	<b>102</b>	

### Major Building Projects Over \$250,000 (excluding single family dwelling units):

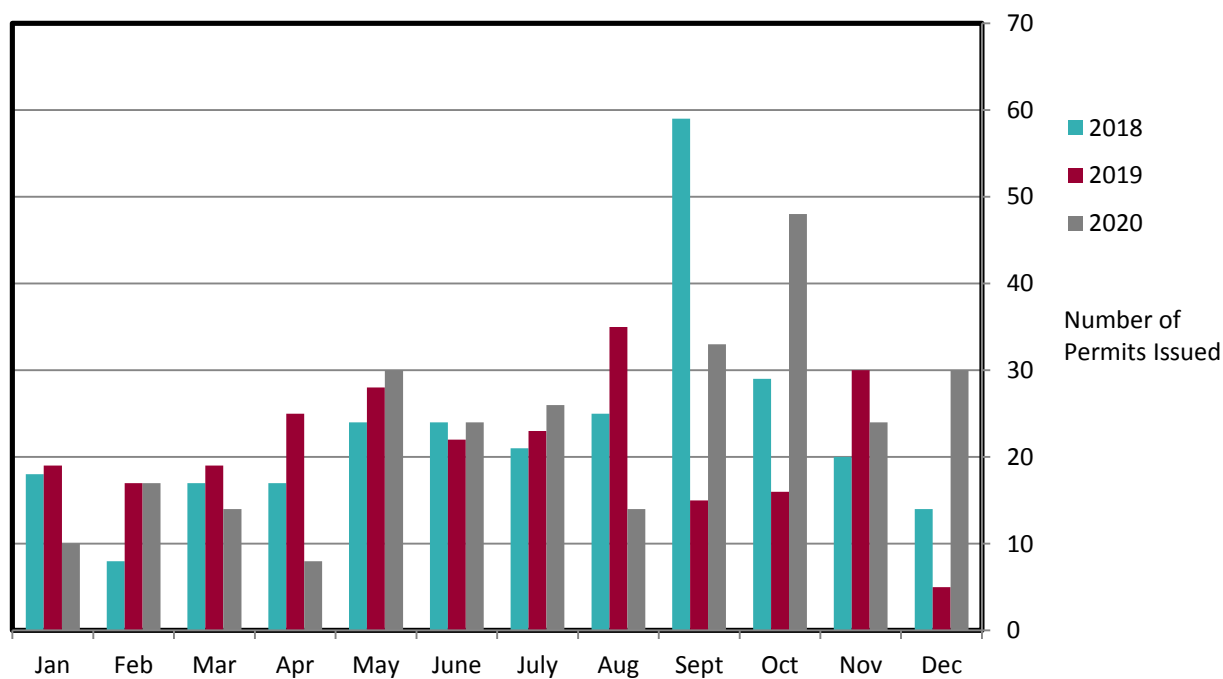
- 1) Retail Tenant Improvements, 3 units \$500,000
- 2) Greenhouse Addition \$250,000
- 3) Floor Addition to a residential house \$300,000

**Town Development Charges collected by the Finance Department** for the period October 1, 2020 to December 31, 2020 total \$774,979.

## Building Permit Breakdown (Year to Date):



## Comparative Building Activity Statistics from 2018 to 2020:



**Community Planning  
& Development**

### **Cannabis**

Staff have met with PG Compliance Management Inc. and reviewed the proposed terms of reference for the ambient odour neighbourhood monitoring program. The Consultant reviewed the proposed terms of reference with the Cannabis Control Committee on November 25<sup>th</sup>. The Consultant is finalizing the terms of reference and once finalized the request for proposals will be released. Work related to the ambient odour monitoring program is being managed by By-law Staff as it deals with implementation of the Odorous Industries Nuisance By-law.

Staff are awaiting the scheduling by LPAT of a Case Management Conference which will determine the logistics of a future hearing(s) on the appeals on the Official Plan and Zoning By-law amendments addressing cannabis land use.

### **Comprehensive Zoning By-law**

Work with regards to the comprehensive zoning by-law is being completed in house by staff, save and except the mapping component. This is a significant undertaking and involves looking at the By-law in its entirety. Amendments and updates are required to bring the By-law in compliance with the Town Official Plan. As well the Town has been tracking Committee of Adjustment applications to determine areas that need to be amended as a result of several applications dealing with the same issue and tracking specific requests by the public. The public consultation program and communication plan are being developed with first phase of consultation commencing in February.

### **Second Dwelling Unit Official Plan and Zoning By-law Amendment**

Of particular interest by the public is second dwelling unit permissions to comply with *More Homes, More Choice Act*. Staff are proposing to bring a separate Official Plan and Zoning By-law amendment to deal specifically with second dwelling unit permissions consistent with provincial legislation. A web page has been developed to provide information to the community on this issue and a public meeting is scheduled for February 8<sup>th</sup>, 2021.

### **Comprehensive Parking Strategy**

Project kick-off meeting with RV Anderson was undertaken to discuss project logistics. A workshop meeting was held with the MCC User Group Committee to discuss parking needs at the MCC. Work is underway to coordinate meetings with businesses in downtown Fonthill, Fenwick and Ridgeville as a next step.

### **Big Creek Municipal Drain Assessment Schedule Update**

A project kick-off meeting was held with K. Smart Associates regarding the project. A public information session will be required and is being targeted for first quarter of 2021 and will also be the forum for the annual municipal drain open house.



## CONSTITUENT CONCERNS & ISSUES ARISING

- Planning and Building Staff were cross examined on legal claim by C. Montemurro
- The Director attended the LPAT Case Management Conference regarding Redecan Appeal of Interim Control By-law Extension
- Planning Staff attended and gave evidence at LPAT hearing (2 days) regarding 20 Alan Crescent.
- The Director attended LPAT Case Management Conference regarding CannTrust Appeal of DC By-law

## STAFF

The following staff have received training to update skills and development in their related fields:

- The Senior Planner attended Near Urban Nature Strategy for the Greater Golden Horseshoe - A Conversation with Municipal Staff by Friends of the Greenbelt.
- The Director attended a webinar hosted by Municipal Urban Design Roundtable regarding Ahead of the COVID Curve and Design Resiliency
- The Director attended Greenbelt Roundtable regarding Complete Rural Communities

## GRANTS, CONTRACTS, RFPs & AGREEMENTS

RV Anderson was awarded the Comprehensive Parking Strategy project

## MEETINGS

On-going meetings:

- |                                       |  |
|---------------------------------------|--|
| ▪ Development Coordinating Meeting    | ▪ Pre-Consultation Meetings                |
| ▪ Cannabis Control Committee Meetings | ▪ SLT Meetings                             |
| ▪ OBOA Niagara Chapter Meetings       | ▪ Joint Health & Safety Committee Meetings |
| ▪ EOC Meetings                        | ▪ Budget Meetings with SLT                 |

In addition to the various conversations with property owners and consultants regarding potential development applications, Staff have been involved in meetings regarding the following substantive matters:

- |  |  |
|--|--|
| ▪ Meeting with Region of Niagara Planning Staff on Regional Official Plan Update | ▪ Meeting with Pelham Greenhouse Growers representatives |
| ▪ Public Works Operational Review Meeting with Consultant                        |  |



**Community Planning  
& Development**



**CORPORATE SERVICES MONTHLY REPORT****FEBRUARY, 2021****DEPARTMENT OVERVIEW & STATISTICS**

In October, the 2021 Draft Budget was finalized using the new budget software, Questica, and the budget book was programmed in Caseware. For the first time, this allowed staff to present prior year actual result figures along with the budget figures to provide additional information to Council and the public. The Town's submission for Safe Restart Phase 2 funding was prepared by going through every general ledger account to identify the financial pressures resulting from COVID-19, which required a significant amount of time. Planning for the 2020 year-end audit commenced.

In November, the Town's submission for Safe Restart Phase 2 funding was finalized and submitted. Reporting on Safe Restart Phase 1 transit funding was submitted. Meetings were held with staff from the Niagara Region as well as other Town departments to prepare for the changes related to the *Development Charges Act* and Bill 108 (The More Homes, More Choice Act). The 2021 Draft Operating Budget was presented to Council at two separate meetings.

In December, planning and preparation for the year-end audit continued. Staff continued to work with Questica staff on reporting and website capabilities. On December 16, the Town received the announcement that it would receive \$1,298,000 under Phase 2 of the Safe Restart Funding Agreement. These funds were received on December 30, 2020.

**Taxes**

The final four sets of supplemental tax bills were calculated and mailed totaling \$831,967.29, the Town's share of which was \$304,757.26. This brings the Town's share of the supplemental tax revenues for 2020 to \$467,028.78 a 35% increase over 2019.

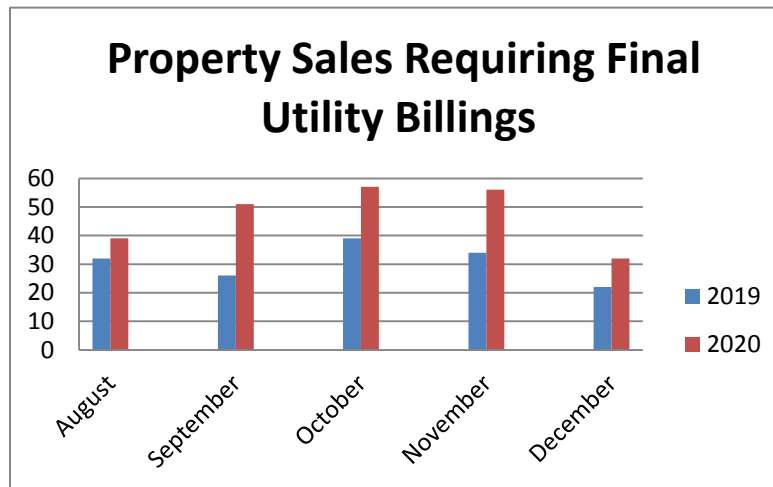
**Information Technology**

IT executed the following projects:

- Paymentus Implementation - Online payments for taxes, utility billing, permits, applications and parking citations
- Door Monitoring Station at Town Hall
- Installation of LED TV and audio components for Active Senior Living space at MCC

## Water

The following chart reflects the steady increase in property sales, which require final billings and new owner registrations, for addresses serviced by municipal water and/or sewer services in Pelham.



## PROJECTS

### Accounts Payable

The Accounts Payable Clerk and Purchasing Co-ordinator worked together to request statements from over 170 vendors, and are working diligently to reconcile the statements to ensure all invoices are received for the 2020 year-end. As of time of writing, 69% of the vendors have responded with very few discrepancies. This reflects that the Accounts Payable invoices are current and up to date.

## CONSTITUENT CONCERNS & ISSUES ARISING

## PERSONNEL

John Raso started on November 30, 2020 as the Asset Management Analyst with a one-year contract. John has a Bachelor degree in Environmental Science with a Minor in Geography as well as a post graduate certificate in GIS – Geospatial Management. He honed both his Asset Management and GIS skills while working for the Niagara Region as their Asset Information Technologist. His work involved quality control, as well as creating and updating the Regional sanitary sewer, water, and storm sewer networks and facilities using GIS software. John will be working on updating the Town's



## Asset Management Plan.

In October, the Treasurer and Deputy Treasurer attended a webinar regarding the Safe Restart Phase 2 funding.

In November, the Corporate Services staff watched a webinar from the Municipal Finance Officers Association annual conference.

The Staff Accountant and Payroll Clerk successfully completed the External Auditing and Strategic Management courses both with honours. He is now in the process of completing the Payroll Fundamentals 2 course.

In Q4 the Fixed Assets Accountant completed course 3 and course 4 of the Municipal Administration Program with grades of 90% and 92% respectively.

The Tax Clerk successfully completed the tax and corporate financial courses administered through CPA Ontario as well as attended the following webinars:

New Assessment Products (MPAC) – October 7  
 Farm Tax Incentive Review (MPAC) – October 21  
 Tax Registrations COVID (REALTAX) – October 27  
 Tax Applications (MPAC) – November 9  
 A Look Back and What's Ahead (MPAC) – December 9  
 Ontario Budget Webinar (MPAC) – December 11

The Treasurer attended the following webinars and workshops:

Trillium Grant Webinar  
 Niagara Asset Management Workshop – hosted by Asset Management group at the Niagara Region  
 Questica training for Open Book  
 Marmak Level of Service Workshop training

The Asset Management Coordinator attended an Asset Management Workshop – Integrating Natural Assets into Asset Management Plans: Levels of Service & Valuation, which was run by Asset Management Ontario.

## GRANTS, CONTRACTS, RFPs & AGREEMENTS

The following is a list of grant submissions by the Town during the fourth quarter:

Grant	Status
ICIP COVID-19 Grant	\$112,331 confirmation of funding received

<b>Inclusive Community Grant</b>	Grant for \$60,000 for video streaming for the Accursi Room at the MCC
<b>Ontario Trillium Foundation Grant for the Library</b>	Grant for \$150,000 will be used to create a permanent self-checkout kiosk at each library and to install two outdoor lending machines, using RFID technology, thereby increasing access and safety for Pelham library users. RFID or “radio-frequency identification”.
<b>Province of Ontario’s Improving Connectivity in Ontario (ICON) funding program</b>	Provincial funding to improve internet service in the rural area of Pelham. Council provided letter of support for Niagara Wireless Internet Co (NWIC) to apply on behalf of Pelham and other local area municipalities in the Niagara Region.
<b>Universal broadband fund-Rapid Response Stream (UBF-RRS)</b>	Federal funding for the same geographical area as the ICON provincial funding to improve internet service in the rural area of Pelham. Council provided letter of support for Niagara Wireless Internet Co (NWIC) to apply on behalf of Pelham and other local area municipalities in the Niagara Region.
<b>FCM MAMP Grant</b>	Revised submission provided November 30, 2020
<b>Safe Restart Grant Phase 1 Municipal Stream</b>	\$428,500 in funding received October 14, 2020
<b>Safe Restart Grant Phase 1 Transit Stream</b>	\$18,334 in funding received October 9, 2020
<b>Safe Restart Grant Phase 2 Municipal Stream</b>	\$1,298,000 in funding received December 30, 2020
<b>Municipal Transit Enhanced Cleaning Grant</b>	\$6,763 confirmation of funding received

#### **Invitation to Bid# 2020-PW-19 – Public Works Operational Review**

<b><u>Bidders</u></b>	<b><u>Amount</u></b>
KPMG LLP	\$49,225

**Award is to KPMG LLP with a contract value of \$49,225**

**Budget: Part of Modernization Grant. Total amount approved for the grant was \$49,354**

#### **Invitation to Bid# 2020-PW-14 (RD 01-20) – Engineering Services, Replacement of Bridges 14 and 22**

<b><u>Bidders</u></b>	<b><u>Amount</u></b>
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Stephenson Engineering Limited	Score: 78/100	Submission: \$71,600
Pinpoint Engineering Ltd.	Score: 75/100	Submission: \$87,500
Centex Engineering and Development Inc.	Score: 80/100	Submission: \$89,307
IBI Group Professional Services (Canada) Inc.	Score: 81/100	Submission: \$92,080
ELLIS Engineering Inc.	Score: 87/100	Submission: \$95,480
<b>Award is to <i>ELLIS Engineering Inc. with a contract value Score: 87/100 Submission: \$95,480</i></b>		
<b>Budget: \$100,000</b>		

## Invitation to Bid# 2020-PW-21 (RD 10-20) – Road Rehabilitation Program

<u>Bidders</u>	<u>Amount</u>
Rankin Construction Inc.	\$283,645 - \$384,125 with Provisionals
Brennan Paving – Niagara, a division of Brennan Paving & Construction Ltd.	\$286,488 - \$452,687 with Provisionals
Circle P Paving Inc.	\$252,630.50 – 387,030.50 with Provisionals
Norjohn Contracting and Paving Limited	\$242,134 - \$354,712 with Provisionals
<b>Award is to <i>Norjohn Contracting and Paving Limited with a contract value of \$242,134 - \$354,712 with Provisionals</i></b>	
<b>Budget: \$450,000</b>	

## Invitation to Bid# VEH 05-20 – Full Size Work Truck

<u>Bidders</u>	<u>Amount</u>
Oxford Dodge Chrysler (1992) LTD	Total award value \$34,920 (includes \$698 Provisionals)
<b>Award is to <i>Oxford Dodge Chrysler (1992) LTD with a contract value of Total award value \$34,920 (includes \$698 Provisionals)</i></b>	
<b>Budget: \$35,000</b>	

## Invitation to Bid# 2020-PW-20 – Parking Strategy

<u>Bidders</u>	<u>Amount</u>
CIMA Canada Inc.	Score 74/100 \$46,412
R.V. Anderson Associates Limited	Score 82/100 \$40,735
Stantec Consulting Ltd.	Score 77/100 \$47,680
IBI Group Professional Services (Canada) Inc.	Score 78/100 \$49,698
Trans-Plan Inc.	Score 70/100 \$39,455
Paradigm Transportation Solutions Limited	Score 78/100 \$53,223
Destinate Group Ltd.	Score 51/100 \$46,460
WSP Canada Inc.	Score 74/100 \$44,806
DSorbara Parking & Systems Consulting	Score 68/100 \$41,000
2183497 Ontario Ltd.	Score 68/100 \$41,000
<b>Award is to <i>R.V. Anderson Associates Limited with a contract value Score: 82/100 \$40,735</i></b>	
<b>Budget: \$40,735 (2021 Budget)</b>	



## Invitation to Bid# 2020-PW-23 – Big Creek Municipal Drain

<u>Bidders</u>	<u>Amount</u>
K Smart Associates Limited	\$29,850

**Award is to K Smart Associates Limited with a contract value of \$29,850**

**Budget: Part of the 2020 Capital Budget DRN-02-20 for \$65,000**

## Invitation to Bid# 2020-PW-18 (RD 03-20) – Pelham St South Reconstruction Phase 1

<u>Bidders</u>	<u>Amount</u>
CRL Campbell Construction & Drainage LTD	\$1,392,967.10
Norjohn Contracting and Paving Limited	\$1,045,206.00
Catalina Excavating Inc.	\$1,890,502.50
Blackstone Paving & Construction Limited	\$1,409,355.00
Rankin Construction Inc.	\$ 887,415.00
Demar Construction Inc.	\$1,038,552.85

**Award is to Rankin Construction Inc. with a contract value of \$887,415**

**Budget: \$1,079,519**

## Invitation to Bid# 2020-PW-22 – 2020 Tree Planting Program

<u>Bidders</u>	<u>Amount</u>
B.A. Loney Services Inc.	\$22,610
Niagara North Inc.	\$15,675
On Point Landscaping Inc.	\$13,479

**Award is to On Point Landscaping Inc. with a contract value of \$13,479**

**Budget: Part of the capital budget under PRK 02-20 for \$80,000**

## Invitation to Bid# 2020-PW-24 (WST 04-20) – Station Street Sanitary Sewer Diversion

<u>Bidders</u>	<u>Amount</u>
Peter's Excavating Inc.	\$ 90,880
Marbelle Group Inc.	\$ 44,223
Alfidome Construction Niagara	\$111,657

**Award is to Marbelle Group Inc. with a contract value of \$44,223**

**Budget: \$80,000**

## MEETINGS

- FH Black & Company
- Finance and Audit Committee
- Deloitte
- Adobe
- Area Treasurers
- Niagara Region



- Questica

**FIRE & BY-LAW SERVICES MONTHLY REPORT****FEBRUARY, 2021****DEPARTMENT OVERVIEW & STATISTICS****By-Law**

**OCTOBER** - As of the end of October 2020 Y-T-D the By-law Department continues to exceed the number of complaints received from the previous year.

The By-law Department continues to perform random cannabis odor testing at the property lines of the known Industrial Cannabis Growing Facilities in Pelham. These pro-active tests were in addition to the re-active tests completed based on citizen complaints. No violations of the Towns Industrial Odorous Control By-law were recorded for the month.

Y-T-D the By-law Department has also issued a total of 8 (eight) non-parking Administrative Municipal Penalties (AMP) for violations of the Town's Dog Control By-law, Pool Fence By-law and Clean Yard By-law.

**NOVEMBER** - As of the end of November 2020 the By-law Department has received 19% more complaints Y-T-D compared to the previous years total.

The By-law Department continues to perform random cannabis odor testing at the property lines of the known Industrial Cannabis Growing Facilities in Pelham. These pro-active tests were in addition to the re-active tests completed based on citizen complaints. A total of 26 Random tests were completed for the month with no violations recorded. Y-T-D the By-law Department has also issued a total of 9 (nine) non-parking Administrative Municipal Penalties (AMP) for violations of the Towns Dog Control By-law, Pool Fence By-law and Clean Yard By-law.

**DECEMBER** - For December 2020 the By-law Department received 23 By-law complaints. The By-law Department received 278 complaints for the year 2020 compared to 209 complaints for the year 2019.

The By-law Department continues to perform random cannabis odor testing at the property lines of the known Industrial Cannabis Growing Facilities in Pelham. These pro-active tests were in addition to the re-active tests completed based on citizen complaints. No violations of the Town's Industrial Odorous Control By-law were recorded for the month. The Department received 4 new complaints and 9 repeat complaints in relation to Cannabis Odour in December. By-law Officers and Fire Prevention Officer were also proactive in distributing over 3500 masks to local businesses in Pelham for the month of December.

**Fire Prevention**

**October** - October has seen a rise in Covid cases. Fire Prevention is monitoring Town's stock on PPE and distributing supply's out to the areas that require them.

Fire prevention is still working with a co-op student, who attends Westlane Secondary School in Niagara Falls. The student has an interest in pursuing Firefighting as a career. The student has spent some time creating social media adds to promote Fire safety in our community.

October has seen an increase in Agricultural Brush burns, due to farmers that are cleaning up their properties and also from our higher than average wind storms throughout month.

**November** - November has seen Covid numbers on the rise across Ontario. Pelham fire department has been taking steps to help control the potential spread of Covid-19 within the departments. This has included lowering numbers at practice nights dividing into multiple nights rather than one. Also, continuous increase of cleaning of equipment and trucks after calls and training.

Fire Prevention has been taking part in various zoom meetings / calls, one in particular this past month was a Beavers meeting. Twelve beavers participated in the meeting including leaders. Fire Prevention went over five different Fire safety topics and drills, feedback from leaders was very positive. Fire prevention co-op student made up fire safety bags with various fire safety learning items in them to be distributed by leaders to each individual child. Fire prevention is looking at advertising and partaking in more fire safety zoom meeting for community groups in the New Year.

**December** - Once again Ontario has seen a significant rise in COVID numbers across the province. Pelham fire department has been monitoring activities of all 3 stations, trying to keep everyone safe in their daily activities. As 2020 draws to a close fire prevention has been handling most of the cleaning & PPE supply's for the town to assure staff that we have a very healthy stock of all supply's as we go into 2021.

Fire prevention & Bylaw handed out 3500 masks in December to businesses in Pelham. During visits to businesses in Pelham, fire prevention and By-law were able to talk businesses and answer any questions concerning around Covid. Local businesses were very happy to see Town out educating, speaking with and donating to our community. Fire department has issued cancellations of in person learning and training going into 2021, also working on how most training and education will be delivered in 2021. Stay safe everyone!

#### **Emergency Management**

The Town of Pelham remains in a declared state of emergency and the EOC is in partial activation. The emergency control group meets virtually Monday & Thursday @ 0900.

#### **Suppression**

The fire department continues to respond to all types of incidents. All fire equipment is cleaned after each use and at least once per week if no responses occur. Fire dept. resources have not been compromised at this time and the Town continues to respond with full compliment.

During this quarter fire responded to a number of structure fires which resulted in large dollar loss, no injuries or loss of life were reported.

## **PROJECTS**

## CONSTITUENT CONCERNS & ISSUES ARISING

Ongoing COVID-19 pandemic. Province has gone into State of Emergency effective December 26, 2020. Province of Ontario has also gone into stay at home order effective January 21, 2021.

## PERSONNEL

Pelham Fire Department has hired 15 new recruits as part of 2020 recruitment which started November 1, 2020. Seven (7) recruits for Station 1 in Fonthill, four (4) recruits at station 2 in Fenwick & four (4) recruits for station 3 in North Pelham (Short Hills). Over the next year recruits will be educated, learn & be hands on achieving their firefighter I & II certifications.

The co-op student is currently on hold until restrictions are lifted in 2021.

Due to current lockdown restrictions with schools, Pelham crossing guards are currently awaiting to return to their posts.

In October 2020 Marcel Mooren from Station 2 Fenwick celebrated his 25<sup>th</sup> year anniversary & in November 2020 DC Ben Gutenberg from Station 1 Fonthill celebrated his 30<sup>th</sup> anniversary with Pelham fire department.

## GRANTS, CONTRACTS, RFPs & AGREEMENTS

Received a grant for emergency equipment from Enbridge.

## MEETINGS

SLT (senior leadership team), EOC (emergency operations centre), MEG (municipal emergency group), REOC (regional emergency operations centre), MAC (medical assist committee), DC (district chiefs), JHSC (joint health & safety committee), regional chiefs, mayor, council, cannabis control committee

**FIRE & BY-LAW ADMINISTRATION**

FIRE RESPONSES													
	Total	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
STRUCTURE/VEHICLE FIRE	15	2	2	0	0	1	2	2	1	1	2	1	1
MUTUAL AID OTHER DEPT	4	0	1	0	0	0	0	0	0	2	0	0	1
MVC	49	4	8	3	4	2	7	4	4	3	1	4	5
REMOTE ALARMS	50	4	3	3	1	5	2	5	3	6	7	5	6
MEDICAL ASSIST	68	9	9	13	3	3	5	3	7	5	3	0	8
EMERG. & NON EMERG ASSIST	35	2	2	3	3	4	5	4	2	2	1	5	2
PUBLIC ASSISTANCE	9	2	0	1	1	0	3	0	0	2	0	0	
GRASS/BRUSH FIRE/COMPLAINT	42	3	0	2	5	2	6	3	6	4	1	6	4
RESCUES	2	0	0	0	0	0	0	0	0	0	1	0	1
ODOUR INVESTIGATION	3	0	1	0	0	0	0	0	0	0	0	0	2
CO INVESTIGATIONS	11	3	0	1	0	3	0	1	1	0	1	0	1
Monthly Totals		29	26	26	17	20	30	22	24	25	17	21	31
Annual Total 2020	288												
Total Responses for 2019	566												

FIRE PREVENTION 2019													
INSPECTIONS													
	Total	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
Inspections	52	6	5	2	5	4	5	3	4	6	4	6	2
Town Monthly Building Inspect.	136	12	12	12	12	12	4	12	12	12	12	12	12
Plan reviews	2	0	0	0	0	0	0	0	0	0	0	0	2
Tapp-C	0	0	0	0	0	0	0	0	0	0	0	0	0
Fireworks Permit	0	0	0	0	0	0	0	0	0	0	0	0	0
Open Air Burning Permit	143	20	10	18	10	13	15	26	17	3	5	2	4
Observed fire drill	0	0	0	0	0	0	0	0	0	0	0	0	0
Court appearance	0	0	0	0	0	0	0	0	0	0	0	0	0
Monthly Totals		38	27	32	27	29	24	41	33	21	21	20	20

COVID  
COVID

<b>Annual Total 2020</b>	<b>333</b>												
<b>Total Responses for 2019</b>	<b>534</b>												
<b>THLY COMMITTEE/ASSOCIATION MEETINGS</b>													
	<b>Total</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEPT</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>
OMFPOA	8	1	0	0	0	1	1	0	1	2	1	1	0
Arson Committee	0	0	0	0	0	0	0	0	0	0	0	0	0
TAPP-C	1	0	0	0	0	0	0	0	0	1	0	0	0
Development Coordinator Meeting	1	1	0	0	0	0	0	0	0	0	0	0	0
Town staff meeting	8	0	1	0	1	1	1	0	1	0	1	1	1
Meetings, various (n.o.s.)	43	5	4	0	3	2	3	4	5	6	4	3	4
<b>Monthly Totals</b>		7	5	0	4	4	5	4	7	9	6	5	5
<b>Annual Total 2020</b>	<b>61</b>												
<b>Total Responses for 2019</b>	<b>89</b>												
<b>FIRE INVESTIGATIONS</b>													
	<b>Total</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEPT</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>
	0	0	0	0	0								
<b>Monthly Totals</b>		0	0	0	0	0	0	0	0	0	0	0	0
<b>Annual Total 2020</b>	<b>0</b>	0											
<b>Total Responses for 2019</b>	<b>2</b>												
<b>PUBLIC EDUCATION</b>													
	<b>Total</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEPT</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>
Station Visit School	0	0	0	0	0	0	0	0	0	0	0	0	0
Fire Prevention Education Event	1	0	0	0	0	0	0	0	0	0	0	1	0
Child / Children Visit Station	4	1	1	0	0	0	0	0	0	0	0	0	2
Public Education Presentation	1	0	0	0	0	0	0	0	0	0	0	1	0
General inquiries	175	15	10	0	15	18	20	22	15	18	15	12	15
Facebook Public Education Posts	264	20	20	25	22	26	22	20	21	20	21	22	25
Other Public Education Activities	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Monthly Totals</b>		36	31	25	37	44	42	42	36	38	36	36	42
<b>Annual Total 2020</b>	<b>445</b>												
<b>Total Responses for 2019</b>	<b>460</b>												

OTHER ACTIVITIES													
	Total	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Compliance Letter	6	1	1	0	1	1	0	1	0	0	1	0	0
Fire safety plan/drill scenario reviews	1	1	0	0	0	0	0	0	0	0	0	0	0
Training for firefighters	0	0	0	0	0	0	0	0	0	0	0	0	0
Training Course	10	1	0	0	0	0	0	0	2	3	2	1	1
Monthly Totals		3	1	0	1	1	0	1	2	3	3	1	1
Annual Total 2020	17												
Total Responses for 2019	37												

BY-LAW SERVICES REPORT 2020													
BY-LAW COMPLAINTS RECEIVED													
	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
New Complaints		12	16	17	19	19	28	12	43	35	21	19	23
Monthly Total		12	16	17	19	19	28	26	43	35	21	19	23
Y-T-D Total 2020	278												
2019 Total	209												
PARKING INFRACTIONS ISSUED													
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
Tickets Issued	Total	30	48	0	0	3	11	9	4	1	0	2	0
Monthly Total		30	48	0	0	3	11	9	4	1	0	2	0
Y-T-D Total 2020	108												
2019 Total	119												
PARKING WARNINGS ISSUED													
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
Warnings issued	Total	0	0	0	0	0	2	0	0	0	0	0	62
Y-T-D Total 2020	64												
2019 Total	13												
ENVIRONMENTAL BY-LAW FILL APPLICATIONS RECEIVED													

		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
	<b>Total</b>												
Received	<b>12</b>	1	3	1	0	2	2	1	1	1	0	0	0
Authorized	<b>7</b>		2			1	2		1	1			
Properties Exempt	<b>0</b>												
Denied	<b>3</b>	1	1	1									
<b>Monthly Total</b>		<b>1</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Y-T-D Total 2020</b>	<b>12</b>												
<b>2019 Total</b>	<b>13</b>												
<b>POLICE REPORTS FILED</b>													
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
	<b>Total</b>	0	1	0	0	0	0	0	0	0	0	0	0
Mischief	<b>0</b>												
Vandalism	<b>0</b>												
Trespassing	<b>0</b>												
Graffiti	<b>1</b>		1										
Other	<b>1</b>	1											
<b>Monthly Total</b>		<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Y-T-D Total 2020</b>	<b>2</b>												
<b>2019 Total</b>	<b>2</b>												
<b>CANNABIS ODOUR COMPLAINTS RECEIVED</b>													
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
	<b>TOTALS</b>												
NEW Complaints	<b>26</b>	1	2	0	1	2	1	1	1	7	3	3	4
REPEAT Complaint	<b>53</b>	2	1	2	2	2	1	1	5	16	5	7	9
From PELHAM	<b>62</b>	1	3	2	1	4	2	1	4	21	7	7	9
From WELLAND	<b>17</b>	2	0	0	2	0	0	1	2	2	1	3	4
<b>Monthly Total</b>		<b>3</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>6</b>	<b>23</b>	<b>8</b>	<b>10</b>	<b>13</b>
<b>Y-T-D Total 2020</b>	<b>79</b>												
<b>2019 Total</b>	<b>91</b>												



		JAN	FEB	RANDOM CANNABIS ODOR TESTING									
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
Tests Completed										10	15	26	9
Number of Violations										0	0	0	0
Nasal Ranger detection												1	1
fresh air detection												7	3
Monthly Total		0	0	0	0	0	0	0	0	10	15	26	9
Annual Total 2020	60												
2019 Total	0												
CANNABIS OPERATIONS LIGHT POLLUTION COMPLAINTS RECEIVED													
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
	TOTALS												
NEW Complaints	2	0	0	0	0	0	0	0	0	0	1	1	0
REPEAT Complaints	0	0	0	0	0	0							
From PELHAM	1												
From WELLAND	0												
Monthly Total		0	0	0	0	0	0	0	0	0	1	1	0
Y-T-D Total 2020	2												
2019 Total	10												
NOISE COMPLAINTS													
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
	TOTALS												
NEW Complaints	25	1	3	1	1	0	1	2	4	0	0	10	2
REPEAT Complaints	0												
Monthly Total		1	3	1	1	0	1	2	4	0	0	10	2
Y-T-D Total 2020	25												
2019 Total	10												
NON-PARKING AMP CITATIONS ISSUED													
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
AMPS ISSUED		0	0	0	0	0	1	1	0	2	4	1	0

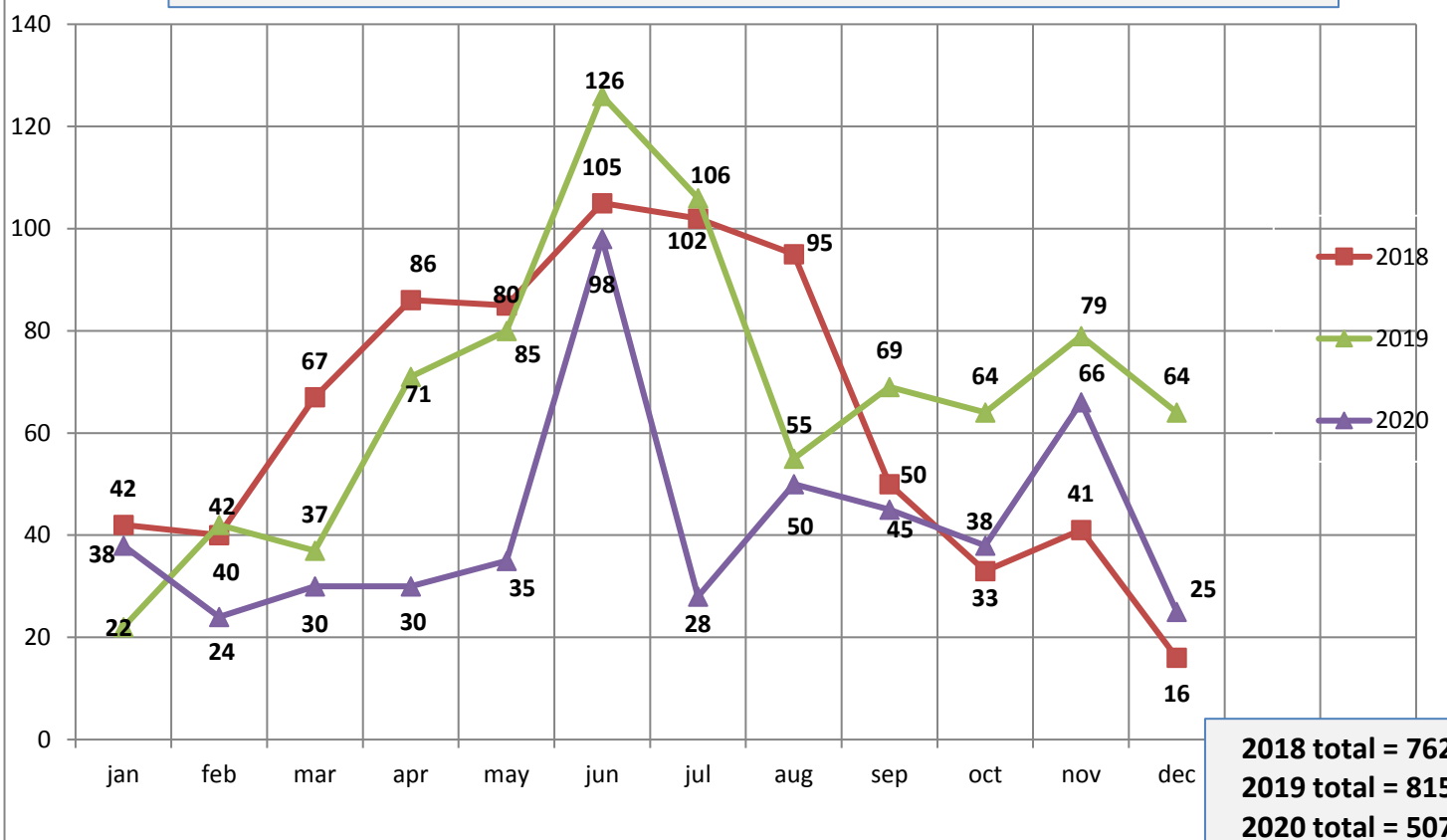
Y-T-D Total 2020	9												
2019 Total	0												

## PUBLIC WORKS MONTHLY REPORT

FEBRUARY, 2021

### DEPARTMENT OVERVIEW & STATISTICS

#### PW -Service Requests from the Public



### PROJECTS

#### ROADS

Roads Staff continue to perform maintenance activities identified during routine road patrols as per the *Ontario Regulation 239/02; Minimum Maintenance Standards (MMS)* for Municipal Highways, passed



pursuant to the *Municipal Act, 2001*.

Roads staff have concentrated their efforts on patching roads, completing signage improvements, and general road maintenance activities. 20 tonnes of QPR cold patch and hot mix asphalt has been utilized to patch potholes throughout the Town's transportation system during this period. Warning signage improvements are continuing along Effingham including new curve warning signs and chevrons guided by the MTO's Ontario Traffic Manual.

Between November 1st and December 31st, 2020, the Town received approximately 40cm of snow. In response to winter weather Town staff have completed 9 winter maintenance operations including 4 treatment (sand/salting) programs and 5 combination, plowing & treatment programs. Staff have utilized 800 tonnes of sand/salt and 50 tonnes of salt to maintain roads in accordance to the Winter Maintenance Policy S802-04.

## **BEAUTIFICATION**

An increase in litter and vandalism continue to be observed in all of the Town's municipal parks throughout the fall. Graffiti on the Isaac Riehl Memorial Skate Board Park required the use of an outside service provider to remove the paint.

The volume of tree requests have leveled out to a more manageable frequency during this period. The reduction in requests has allowed staff to complete planned area pruning and begin work on completing an inventory and basic inspection of municipally owned boulevard trees using GIS software platforms that became available with Town's ESRI licencing agreement with the Niagara Region.

Beautification staff are responsible for the set up and removal of Christmas lights in parks and assist in the installation of decorations on hydro poles.

## **WATER/WASTEWATER**

Water/wastewater maintenance activities continue throughout the year. Operators perform system pressure monitoring, flush water mains to ensure adequate chlorine residual, and respond to customer complaints or concerns. In the fall staff complete dead-end watermain flushing at 43 locations within the distribution system as per our Drinking Water Quality Management System (DWQMS). Hydrant repair and valve exercising programs occur in the fall as well.

## **ENGINEERING**

The following is a summary of the activities that have occurred in the Engineering Department between October 2020 and December 2020:

**Sulphur Springs Rehabilitation** – The Design & Build RFP for this project has been awarded to Duffin Contracting. Duffin is currently working with their engineering consultant to generate a design working in conjunction with the various environmental approval agencies. Town staff are still awaiting the preliminary design for review.

**Pelham Street North** – Works for this project are complete with the exception of top course asphalt and final pavement marking, which will happen in early Spring 2021. Staff are still in the process of considering the petition received regarding excessive speeding on this section of roadway and are considering possible traffic calming measures including the potential implementation of a 3-way stop controlled intersection at the intersection of Pelham Street and Shorthills Place.

**Pelham Street South** – The Town has received Federal and Provincial funding towards completing a total reconstruction of Pelham Street to the Town Boundary south of Welland Road. The works include new storm sewers, updates to existing water mains, as well as new curb, asphalt, the construction of on-road bicycle lanes and new sidewalks. Design for this work was originally completed in 2013. Staff prepared an RFP for an engineering consultant to confirm the existing design and update it in accordance with current standards. Engineering works for this project were awarded to Associated Engineering, who completed design for Phase 1 of the project (College Street to Port Robinson and Pelham Street intersection) and Phase 2 (Port Robinson Road to John Street). The design for Phase 1 was tendered in the fall of 2020 and was awarded to Rankin Construction Inc. Work for Phase 1 commenced November 2020, and as of December 23, 2020 the project is substantially complete and on hold for the winter season. Outstanding works for Phase 1 include the relocation of utilities at the intersection of Port Robinson Road and Pelham Street, the placement of top course asphalt, final pavement markings, the installation of a solar powered flashing school zone sign and speed indicator sign and landscape restorations.

Associated Engineering has completed approximately 90% design for Phase 2, which will be from Port Robinson Road including the intersection to a south limit of approximately 50m south of the Pancake Lane intersection. The works include complete urbanization of Pelham Street including new curb and gutter, new sidewalks, new storm sewers and new watermain. This section of road will also receive dedicated 1.5 m on-road bicycle lanes in both directions. In addition, because the intersection at Port Robinson Road and Pelham Street experiences high traffic volumes and given the fact that it is within a school zone particular attention has been given to ensure it is designed with pedestrian safety in mind while accommodating all types of active transportation. A virtual Public Information Centre (PIC) will be scheduled in February 2020 in order to present the project to the public and receive comments. Following this meeting the design will be finalized with tendering to follow soon after. The intersection design and active transportation features have been reviewed and endorsed by the PATC, as well as, the Glynn A Green Parent School Active Transportation Committee.

**Road Rehabilitation Program** - This program was been awarded to Norjohn Contracting and Paving and work

commenced in November of 2020. A number of streets within Fonthill were identified as candidates for resurfacing. Due to inclement weather, the contractor was only able to complete a portion of the works before asphalt plants closed for the winter. The streets that were completed included Welland Road between Harbour Circle and Hunters Court, Harbour Circle, Townsend Square, and Milburn Drive. The remainder of the streets under this contract will be completed Spring 2021. The streets that will be completed in the spring of 2021 include Woodside Square, Meadowvale Crescent, Kevin Drive (between Haist Street and Sherri Lee Cres.) and Sherri Lee Crescent.

**Road Base and Patching Repair Program** – This program was awarded to and completed by Circle P. Paving. Works included patching various roads throughout the municipality and paving of the Steve Bauer Trail. Works were completed late Fall 2020.

**Concrete Repair and Replacement Program** – This program was awarded to Signature Contractors. The scope of work is to replace various deficient curb and sidewalk panels throughout the Town, as well as installation of a concrete parking slab in front of the Hurricane Road Pumping Station. Works were complete October 2020.

**Bridge Replacement Program** – This program is to complete the replacement design of two failing culverts; on Balfour Street south of Roland Road, and on Sixteen Road east of Balfour Street. The design work has been awarded to ELLIS Engineering Inc. The design will look at replacement options and methodology, and design is expected to be complete by Q2 of 2021. The replacement of Sixteen Road Bridge is expected to go to construction in the summer 2021 with construction of Balfour Street Bridge to be completed in 2022 pending budget approval.

**Roadside Ditching Program** – This program was awarded to CRL Campbell Construction and Drainage LTD and included re-ditching and shouldering works at various locations throughout Town. Works were completed fall 2020.

**Station Street Watermain Program** This project was completed late Fall 2020 by Duffin Contracting.

**Station Street Storm Pond Rehabilitation** – This project has been awarded to Duffin Contracting and is expected to commence in the Spring of 2021.

**Other commitments by Engineering staff:**

Engineering staff continue to thoroughly review all Planning and Committee of Adjustment applications. Reviews entail a site visit and detailed analysis of drawings and reports, to ensure Town standards are adhered to. For more complex applications, this process sometimes involves several re-submissions and repeated reviews by staff. Engineering staff also continue to manage requests for assumption of subdivisions, and for reduction of securities at various stages of the development process. In addition, Engineering Staff complete reviews on lot grading plans for building permits received through the Planning Department. Further, Engineering Staff continue to support the Pelham Active Transportation Committee (PATC),

generating reports for other departments to be sent back to the federal government, and coordinating with other Town departments for assistance.

## **CORPORATE CLIMATE CHANGE ADAPTATION STRATEGY AND ADAPTATION PLAN**

The following is an update on the development of the Town's Corporate Climate Change Adaptation Plan since October 2020:

The Climate Change Coordinator compiled a list of adaptation options based on the feedback from the Adaptation Steering Committee (ASC) and Niagara Adapts Team. The adaptation options were then used to create an implementation plan which outlines the action, its description, lead departments, relevant departments, resources required (budget and staff), and the implementation timeline for each action. The climate change coordinator attended Workshop #5 with Niagara Adapts on Monitoring & Evaluation which is the fifth milestone of the planning process. The information gained was utilized to build an M&E plan for the Town's Corporate Climate Change Adaptation Plan. The M&E plan outlines indicators for tracking each action, the lead department for the collection of data, the duration for collection of data and the resource requirement for the same. Also, the stakeholder survey was successfully implemented, and the desired results were achieved. The monthly breakdown is listed in the next paragraphs.

In October, the Climate Change Coordinator compiled the results from Workshop #4: Part One to consolidate Adaptation Vision & Goals. Simultaneously, Niagara Adapts prepared a stakeholder engagement survey based on the Adaptation Vision and Goals provided by the Town's planning team for further solidification of the vision and goals, and the inclusion of Town's stakeholders in the planning process. The coordinator further developed and defined Adaptation Actions & Goals selected by the previous coordinator.

In November, the Climate Change Coordinator administered the Workshop #4: Part 2 to the ASC to gain consensus on adaptation options. The adaptation options were simultaneously circulated to the Niagara Adapts Team for their feedback. Once the process was complete, a final list of adaptation options was prepared. The Climate Change Coordinator decided on the 45 most suitable adaptation options divided amongst 8 Adaptation Goals for the Town. The coordinator attended an M&E workshop on November 16 conducted by Niagara Adapts. The Stakeholder Engagement Survey was administered in late November and the feedback from internal stakeholders (i.e. staff and council members) was recorded.

In December, the climate change coordinator prepared an implementation plan as well as an M&E plan based on the workshop conducted by Niagara Adapts Team in November. Both the plans have been drafted and ready to be added to the Adaptation Plan. The Stakeholder Engagement survey was opened to external stakeholders (i.e. Town residents; community at large). The results were recorded, and the Niagara Adapts Team is preparing a summary to be added to the Adaptation Plan.

In the coming months, the plan will be drafted, designed, completed, and circulated for feedback. The main sections include Introduction, Planning Process, Climate Change, Climate Projections, Impacts Summary, Risk and Vulnerability Assessment, Adaptation Vision, Goals and Actions, Implementation, and Monitoring & Evaluation. The required updates will be accommodated in the Engineering Design Guide. The Corporate Climate Change Adaptation Plan will be shared with the council for approval. Niagara Adapts will conduct two more workshops on Implementation and Knowledge Mobilization and these will be attended by the Climate Change Coordinator.

## CONSTITUENT CONCERNS & ISSUES ARISING

### COVID-19 PUBLIC WORKS RESPONSE

The Public Works Department has implemented measures to help reduce the spread of COVID-19 and provide a safe work environment for staff.

Where possible and appropriate staff have been directed to work from home. The Engineering Department consists of five (5) staff all of whom are currently working from home and the office on a rotating schedule. In order to maintain safe numbers of employees at Town Hall, engineering and administration staff are working approximately 50 percent of the time from home and 50 percent of the time in the office. This work schedule is coordinated with the Planning Department as the office space is shared with this department. Engineering staff are busy preparing tenders and RFPs for the 2021 Capital and Operating program, continue to complete administration and site inspection on projects and operations that are considered essential, and work with the review of development related items.

Pursuant to the Provincial guidelines, Public Works Operations staff are considered to be an essential service. Public Works has continued to operate with an adjusted work day schedule to include eight hours per shift with a paid working lunch. This is an attempt to limit the amount of interaction employees have with each other during lunch and scheduled breaks. With this work schedule staff are encouraged to take their breaks on the jobsite in order to limit potential contact at the Tice Road Operations Centre. Further, in order to further protect staff, most vehicles have been equipped with plexi-glass shielding between the passengers and driver. Vehicles not equipped with shielding are limited to single driver operation. Finally, Public Works has continued to operate with increased levels and frequency of cleaning and disinfecting.

Public Works staff are concentrating on critical and essential activities related to providing safe drinking water, safe wastewater collection and disposal, and maintaining safe roadways (including winter maintenance) in



accordance with the minimum maintenance standards as set forth by the Province and the *Municipal Act, 2001*.

Staff are continuing with capital projects in accordance with Provincial Guidelines. In addition, Public Works staff continue to issue Request for Proposals (RFPs), and Tenders as the Town's method of procuring these services is fully digital and does not require hand delivered submissions.

#### PERSONNEL

There are no new personnel changes that occurred in Public Works in Q4.

#### GRANTS, CONTRACTS, RFPs & AGREEMENTS

Please see Corporate Services report regarding contract assignments and grant submissions and approvals.

#### MEETINGS

Staff have attended the following general meetings via electronic means:

- 1) Public Works Officials Meetings
- 2) Brock University (Climate Change - Niagara Adapts)

## RECREATION, CULTURE & WELLNESS MONTHLY REPORT

FEBRUARY, 2021

This report covers October, November, December 2020

### DEPARTMENT OVERVIEW & STATISTICS

### PROJECTS

#### 1) Recreation Programs: Programs

Due to the Covid-19 pandemic, programming at the MCC continued to be limited to Brock Senior Fit, Pickle Ball, Chair Yoga, Yogalates, Shinny, Stick & puck, Ladies learn to play hockey and shinny, and adult learn to skate.

Ice rentals continued to be in high demand with both rinks operational and fully booked 7 days a week from 7am – 10pm daily. September was the beginning of the fall rental season. The licensed user groups submitted their schedules with adjustments due to provincial covid restrictions. Any remaining open ice time was quickly taken by private user groups.

Gymnasiums rentals were also in high demand. Open time not utilized by Pelham Minor Basketball was quickly booked by private pickleball and volleyball rentals.

#### 55+ Programs

##### Art Your Service

To help combat feelings of isolation and to increase healthy practices during the Pandemic, the Town of Pelham has a monthly subscription with Art Your Service, which offers both social and active programs twice daily, 5 days a week. This is free for Pelham residents to join through the Town's subscription. This is a great way for seniors within the community to stay connected and active from the comfort of their own home. This program also sends recordings after each activity, to allow those who were unable to attend at the time to participate on their own when they are able to do so. This program has been successful and staff have heard great feedback from participants. Staff hope to continue to grow the number of participants over the winter months.

##### Stay Connected

As many aspects of life have turned virtual, it is understood that this creates some communication barriers for many people within the community, including seniors who often rely on face to face interactions as a way to feel connected to loved ones. The Town has begun offering one on one instructional sessions to help those within the community who need assistance setting up or navigating Zoom as a way to stay connected. So far staff have assisted 3 residents who could not be happier! All have either had family out of Town who they wanted to connect with, and find the



**Recreation, Culture  
& Wellness**

technologically challenging, or their kids are working in hospitals or long term care homes and are fearful of having close contact during this time. Although this program is taking a break during the lockdown, seeing how helpful it has been for residents shows its importance when facilities are able to reopen.

### **Brock Fit**

Functional Independent Training (FIT) with Brock has resumed, this session ran from September 28<sup>th</sup> for 12 weeks. This class, in partnership with Brock University Kinesiology students, offers supervised functional strength, cardiovascular and balance training through hands on circuits. This program has always been extremely popular. This session, along with other sessions in the past, have met the maximum registration rate.

### **Youth Programs**

#### **Winter Break Camp**

The Town of Pelham's Winter Break Camp was a great success, seeing higher registration numbers than in years past. The camp ran for 3 days before the holidays, from December 21<sup>st</sup>-23<sup>rd</sup>, and reached its maximum number of participants at 16. Before the announcement of the lockdown beginning on Boxing Day, the decision had already been made to only offer camp for the 3 days before Christmas, as the risks of having the children back together after the holidays were apparent. Campers enjoyed themed camp days, and activities including skating, crafts, gym time and more!

#### **Santa's Workshop**

The Town of Pelham's Santa's workshop provided parents with a great opportunity to prepare for the holidays while their kids came to the MCC to get into the holiday spirit! The 6 participants enjoyed a night of making and wrapping homemade gifts to take home and put under the tree, Holiday activities, a Christmas movie and a delicious dinner from Peter Pipers.

#### **Letters to Santa**

This year the *Big Man in Red* asked us to help him stay connected with the Children of Pelham this year, and spread some extra holiday cheer, and the RCW department were happy to help! A special mailbox was delivered to the MCC, and the IT department even made Santa his own email address to make it easy for Children to send their letters in a COVID-19 friendly way. Santa said he received some wonderful letters and was happy he was able to respond to each and every one. Mrs. Claus even included a TOP secret recipe for a few of the boys and girls who had been extra good this year. The Town of Pelham is hoping to help Santa with this for many Christmas' to come!



### **Culture & Community Engagement**

#### **SAY IT! On Stage**





The SAY IT! On Stage program which brings together youth and seniors for intergenerational theatre experiences, continued to proceed virtually with conversation circles and script writing throughout the year. In early October the final draft of this year's play was completed and



virtual rehearsals allowed the group to polish their performance.

The performers developed the story of two armchair detectives that unravel a case of "who done it" supported by a cast of unlikely characters and suspects. In November, the group met with support from Town staff, under strict COVID precautions at the MCC record the audio files for "Unearthed".

To assist with the promotion of the release of the podcast, the cast participated in the 2020 Drive Thru Santa Claus Parade that took place in December.

Final editing was completed and the podcast was first heard over an all cast zoom call in December. The podcast was separated into three episodes and uploaded for public listening and can be found on the SAY IT! On Stage section of the Town of Pelham website.

The performers were very pleased to be part of the virtual and digital project and are looking towards the next opportunity to expand the program.



### **Meridian Community Centre – Art Walls**

The MCC Art Wall Exhibit is currently on hold, due to the COVID-19 pandemic. The Arts Committee has met virtually to discuss the continuation of the project when it is safe to do so. The committee is preparing a best practises and a guide to successful art showings resource for artists exploring the program when it returns.

### **Senior VIP Program**

Upon the return of foot traffic at the MCC these trained volunteers, where available, have been invited back to continue to assist. COVID-19 continues to impact this project and are continually adjusted to match the requirements of Public Health

### **Big Band Dance Night**

Performance screens were secured to allow for the future return of the Town of Pelham's Big Band Dance Night, featuring the Jimmy Marando Swing Band. COVID-19 pandemic safety recommendations included barriers between performers and audiences. Discussions were had for the potential return for December 2020, however with the changing impacts of COVID, the Big Band made the decision to continue to suspend in person performances. In person performances at the MCC have been on hold as of March 17, 2020 due to the COVID-19 pandemic. The event typically takes place every third Tuesday of the month, and averages over 100 attendees per night.



## Family Day



**February 12-15**



Download the [goosechase](#) app to join in!

Planning has started for the Family Day Adventure in Pelham. In previous years, we have hosted "Free Family Day Fun at the MCC" and have hosted a community expo, a Golden Boot hockey game, public skating, laser tag, balloon animal artists and glitter tattoo artists. COVID-19

lockdown measures have pushed us to think outside the box once again for this event. We are continuing with the community expo by having each community group highlighted in a virtual scavenger hunt. All Community groups have the opportunity to submit a "Mission" that residents can then work through from the comfort of their home. Residents will be able to see others race against them for a chance to win one of three prizes. The virtual scavenger hunt will go live for family day weekend February 12 – 15.

## Easter Egg Hunt

Planning for the Annual Easter Egg Hunt for 2021 has continued, with focus on virtual and digital platforms that can be utilized as an alternate to an in person event. These include the, "what three words" and "goosechase app" which will allow for an interactive digital Easter Egg Hunt that can adjust to the provincial and regional guidelines on COVID safety. Staff continue to consult with event programmers across municipalities in Ontario. Staff are evaluating and researching logistical implications and best practices for the event for both in person and virtual programming. The impact for in person events will be contingent on gathering limits and Public Health requirements.



## Christmas in Pelham

Christmas in Pelham was converted to a hybrid of activities supported by town staff to allow for as much of the traditional annual experiences to take place in a digital or alternate form. COVID-19 impact was most notable in the cancellation of the in person Christmas Market, however, key elements of the market, Santa visits, Ice Carvers, entertainers were migrated to alternate events.

Christmas in Pelham included the following elements:

- Christmas card design contest, which had participation from youth across Pelham schools.
- Letters and emails to Santa. Letters could be dropped off at the MCC in a mailbox or alternatively a forwarding email was set up for Santa. Over 65 youth participated in this program. Return letters and emails included a secret cookie recipe from Mrs. Claus.
- Holiday Colouring Contest to Decorate a Christmas Tree with online entries

### The Decorated Trees



*Congrats!*



**Recreation, Culture  
& Wellness**



- A video from the North Pole, from Santa and Mrs Claus, doing a special reading of the "Night Before Christmas" for Pelham residents from the special request of the Mayor, the video segment saw 2700 plus views on social media and continues to be available for viewing for future though the youtube link
- Digital Advent calendar with safe at home activities that was shared through social media daily in the count-down to Christmas. Each daily activity had a reach of 150 – 300 viewers. A hard copy printable activity remains available on the website
- Self-Guided light tour that saw 25 entries from homes across Pelham. Prizing in the way of Pelham Bucks were awarded to a Grand Prize winner, as well as 1<sup>st</sup> and 2<sup>nd</sup> place in both traditional and Griswold categories. This was highlighted by a video segment that was released on Social Media which had an organic of 3700 viewers.
- Drive Thru Santa Claus Parade:  
Extensive logistical support was provided for the 2020 Drive Thru Reverse Parade presented by The Fenwick Lions Club with support from the Town of Pelham. The event, which took place December 12 2020 had over 315 vehicles attend despite the rainy inclement weather. The reverse parade model had vehicles drive thru a predetermined route within Centennial Park, as the standard floats converted to a static display. Vehicles pre-registered for a complimentary Parade Pass that was issued via email prior to the event. The timed and ticketed entry allowed for the safe movement of vehicles through the park to view the displays. Niagara Regional Police, along with volunteers from the Fenwick Lions were along the route to ensure the safe movement of all vehicles. Displays were provided by community groups and local businesses in addition to the Town Display which included a rideable train, inflatable reindeer and a group of elves. A total of 20 different displays were incorporated into the route. Elements from the Christmas Market were included with the inclusion of warming stations with the heaters, inflatables, entertainers by the way of stilt walking jugglers and the ice carving demonstration. The Fenwick Lions, distributed Parade Bags for each vehicle which included the elements typically handed out along the parade route. Each child was given a reindeer antler head band which many wore as they drove the route. The Fenwick Lions also collected food and cash donations for Pelham Cares at the entrance to the event, which amounted to an overflowing truck load and \$1300 in cash contributions.



### Street Pole Banners/Honour our Veterans Banner Program

The Veterans Banner program included an expansion to the area surrounding the MCC. This included the installation of 8 new banners, which highlighted 16 additional Veterans for 2020. The program continues to have increased interest and participation year over year. Applications for Veterans to be considered for the 2021 installation are now open.



## Niagara Investment in Culture – Connected Coffee House

The final episodes of the Connected Coffee House, the virtual event supported by the Niagara Investment in Culture (NIC), were completed. Final reporting back to Niagara Region on the event was compiled. The project, across all four episodes, saw over 5000 views and engagements. Episodes are available for viewing still through the Town of Pelham website with direct links to each of the performances. Feedback from performers who were part of the project was positive, with all who completed post event surveys indicating an interest in working with the town on future projects either in a virtual or in person platform.

## MYAC Updates

Although MYAC hasn't been able to meet in person, they are doing a great job staying active and involved within Pelham! Even with the COVID-19 restrictions, MYAC was excited to host their annual Halloween Skate at the MCC. This event was extremely successful, and hit maximum capacity for all available time slots. MYAC also had a costume and pumpkin carving contest with prizes, for youth who were not yet comfortable coming out to public events. MYAC was excited to help fill giveaway bags for the Reverse Christmas Parade, with items donated by local businesses and organizations, as well as attend the parade. This year, as they knew many families were struggling with the economic effects of COVID-19, MYAC decided to sponsor a 5-person family from Pelham through The Salvation Army. Although this year had brought on its own struggles, MYAC has many plans for the future and continues to set both long and short term goals for their council to achieve.



## NRT OnDemand Overall – August 17, 2020 – December 31, 2020

### NRT OnDemand Service Metrics

Pelham  
Origin and/or Destination Municipality

Thursday, December 31, 2020  
Data as of

Number of Rides

1472

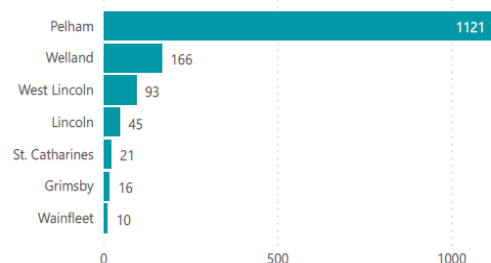
Number of Trips

1402

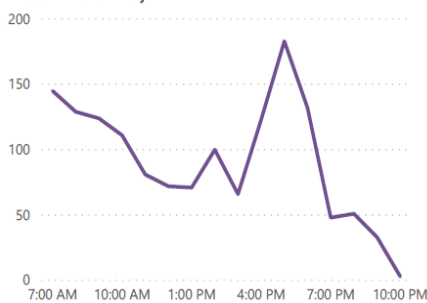
WAV Trips

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#### Rides by Origin Municipality



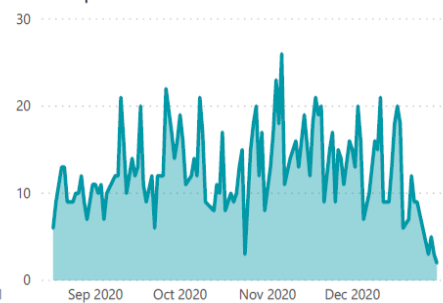
#### Ride Time of Day



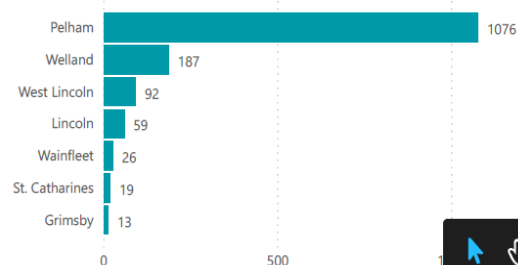
#### Trip Rating



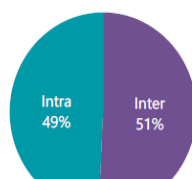
#### Ridership



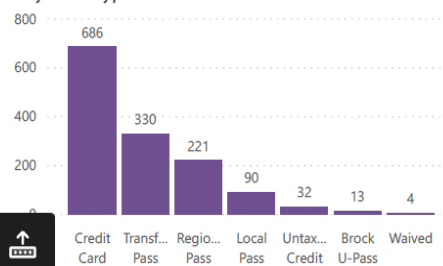
#### Rides by Destination Municipality



#### Inter vs. Intra-Municipal Rides



#### Payment Type



## Facilities Update

The Meridian Community Centre usage ramped up during October while provincial restrictions slowly lifted. User groups such as Pelham Minor Hockey Association, Pelham Panthers Junior B, AAA Admirals, Brock Senior Fitness, Pelham Minor Basketball and Pickleball were all back in action following provincial guidelines limiting number of players and pedestrians. In October alone the Meridian Community Centre had 20264 visitors use the facility, all the while adhering to the Provincial policies. By November two more Public Skating ice times were added to compensate for limited patrons. Regular scheduled programming was running smooth keeping all aspects of the facility running at maximum allotted patrons per room. Junior B Pelham Panthers even had spectators for limited contact scrimmages with neighboring teams located in Niagara. In November 26,816 visitors came through the Meridian Community Centre keeping all RCW staff on their toes; screening, cleaning, disinfecting, scheduling and keeping all operations progressing, meeting the needs of Pelham residents and visiting users. By December Provincial guidelines and policies became second nature to MCC facilities staff. December had 18,979 visitors used the Meridian Community Centre until the Province wide lockdown on the 24<sup>th</sup>. In total 66,059 visitors used the Meridian Community Centre in some way to keep their minds at peace and living with some normality thanks to the service provided by the Town.



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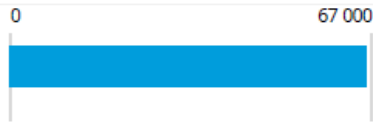


10/01/2020 - 12/31/2020: Custom period

Dashboards > System Default

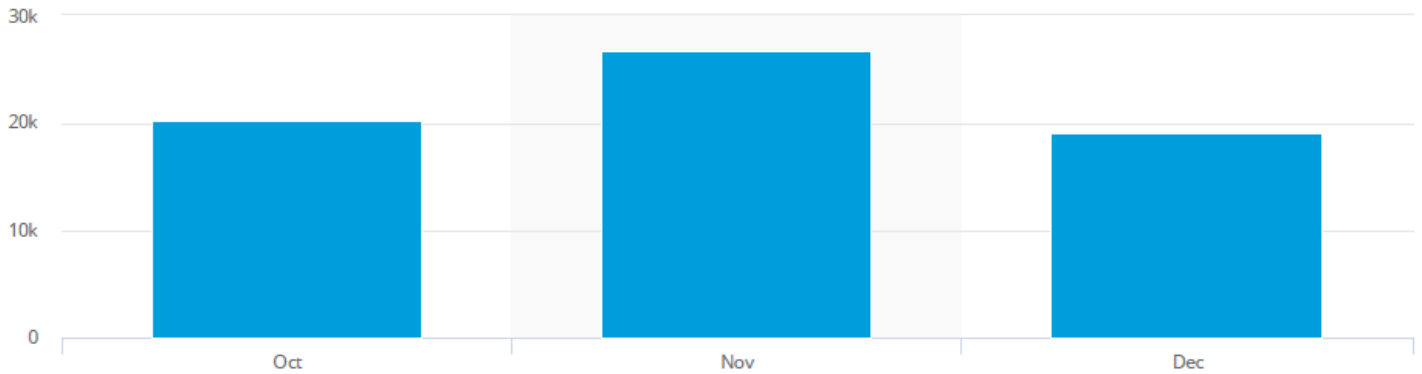
No. of Visitors Coming In

66 059



No. of Visitors Coming In

● No. of Visitors Coming In



## PERSONNEL

Jodi Shishkov returned from Maternity Leave January 4<sup>th</sup>, 2021  
Bryan Secord is currently Acting Facilities Supervisor to cover a leave of absence  
Heather Crouse has stepped in as Senior Facility Operator

## GRANTS, CONTRACTS, RFPs & AGREEMENTS

NIC – Niagara Investment in Culture, final reporting completed for 2020  
Application for Niagara Region: Micro Grant for Shop Local support

## MEETINGS

MCC User group roundtable zoom meetings (October 9, 2020 and November 19, 2020)  
Niagara Parks and Recreation bi-weekly information exchange zoom meeting  
Pelham Seniors Advisory Committee zoom meeting  
Pelham Public Arts Advisory Committee zoom meeting  
Brittany MacLean attended the Aquatic Information Sharing Group Meeting (October 27, 2020)  
Brittany MacLean attended the Lifesaving Society Webinar (October 21, 2020)  
Brittany MacLean attended the Niagara Falls Virtual Youth Forum (October 22, 2020)



**Recreation, Culture  
& Wellness**

## **Subject:** Rural Economic Development (RED) Grant Update

### **Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2021-0033- Corporate Services; and Council receive this report for information.**

### **Background:**

The Ontario RED grant program provides cost-share funding to support activities that create strong rural communities in Ontario, and opens doors to rural economic development through:

- funding assistance to address barriers to economic development, better position rural communities to attract and retain jobs and investment, and enhance economic growth
- funding to build community capacity and support for economic development in Ontario's rural communities
- investments in rural communities to help diversify and grow local economies-making economic growth more inclusive so Rural Ontario continues to share in the province's economic prosperity.

Funding amounts for the Strategic Economic Infrastructure Stream: up to 30% of eligible project costs to a maximum of \$250,000.

Application deadline is February 1, 2021.

### **Analysis:**

The Town of Pelham has received funding for reconstruction of Pelham St under the Infrastructure Community Improvement Program: Northern and Rural Stream in the amount of \$4.1 M. This RED grant will help fund the bike lanes and wayfinding for Pelham.

### Project Summary:

Bikes mean business in Pelham. The addition of wayfinding signage throughout the town and of bike lanes on Pelham Street, a main arterial road in Fonthill undergoing

a multi-phase reconstruction will ensure that cyclists, whether residents or visitors, will have safe access to shops, restaurants, services, and community events. Funded by the Town of Pelham and the Investing in Canada Infrastructure Program, the reconstruction of Pelham Street is vital to the community. Taking advantage of the reconstruction of Pelham Street to include bike lanes will add to the Town's considerable investment in active transportation, including additional sidewalks, bicycle lanes, multi-use pathways and other AT infrastructure such as benches and bike racks.

Pelham is a well-known destination for cyclists, attracting more cycling tourism through efforts by the Niagara Cycling Tourism Centre. The 2022 Canada Games will have a significant economic impact of at least \$180 million, according to Regional government sources, and Pelham will be showcased as it hosts the cycling road races. Pelham's support for local businesses is multi-faceted and includes a Community Improvement Plan (\$737,194 invested to-date), beautification strategies for business areas and improved cycling and pedestrian infrastructure, which increase property values and stimulate the local economy. Wayfinding signage and bike lanes on Pelham Street, as per the Town's approved Active Transportation Master Plan (ATMP), will add another important component to the cycling network.

Businesses in Pelham have embraced the economic benefits that cyclists can generate. Fonthill businesses participated in a pilot project, the Bike Friendly Business Network, designed to attract cyclists' business, including cycling clubs which regularly schedule rides and road races in Pelham. Some businesses are registered with Ontario by Bike and other bike friendly certification organizations. Post-pandemic, Pelham's businesses will be eager to attract customers who are local cyclists or cyclists touring the area.

### **Financial Considerations:**

The \$250,000 from this RED grant will help to offset the costs of the Pelham St project that the Town is contributing through reserves.

### **Alternatives Reviewed:**

If the Town does not apply for this grant, then the Town will miss out on an opportunity to receive additional grant funding which will reduce the need to use Town reserves. The \$250,000 which would be saved from the Town's reserve if the Town received this funding could be used for other road projects listed in the 10-year capital plan.

**Strategic Plan Relationship: Financial Sustainability**

It the RED grant is approved, it will improve the Financial Sustainability for the Town by reducing the amount of Roads Reserve allocated to the Pelham St project by \$250,000 which will enable more funds available for future roads capital projects.

**Consultation:**

Director Public Works

**Other Pertinent Reports/Attachments:**

None

**Prepared and Recommended by:**

Teresa Quinlin, MBA, CPA, CA  
Director of Corporate Services/Treasurer

**Prepared and Submitted by:**

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

**Subject:** Meridian Community Centre Ice Pad Status  
and Future Opportunities**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0024 for information;**

**AND THAT Council approve the plan to maintain ice in both arenas for the duration of the province-wide shut down;**

**AND THAT Council approve in the further alternative the plan to maintain ice in both arenas until June 1, 2021, to provide recreational opportunities to the public, and to reduce the net loss of revenue caused by the Covid-19 pandemic and provincial restrictions.**

**Background:**

The Government of Ontario declared its first provincial state of emergency in response to the COVID-19 on March 17, 2020 which resulted in the closure of Town of Pelham Facilities including the Meridian Community Centre (MCC).

On July 6<sup>th</sup>, 2020 the Town of Pelham began to slowly reopen its facilities and began to provide recreational services and opportunities in a safe and measured approach. The ice surface became available to user groups and camps on July 8<sup>th</sup>, 2020 and public skating on October 4<sup>th</sup>, 2020.

Several surrounding area Municipalities kept their facilities and arenas closed to the public which resulted in an increased demand for ice time. Covid-19 impacts in other sectors including entertainment, travel, education and commerce helped drive people towards the recreation and fitness opportunities offered at the MCC. By having the ability to provide these services, The Town of Pelham was able to capitalize on this demand which allowed both ice pads to be fully utilized throughout the summer and fall.

On December 21, 2020 the Province of Ontario announced a second provincial shutdown to stop the spread Covid-19. This shutdown was to remain in effect for 28 days, however on January 12, 2021 the province issued a stay-at-home order and expanded its public health restrictions.

### **Analysis:**

During the initial shut down announced on December 21, 2020, staff developed a work plan that included maintaining both ice surfaces to accommodate user groups and public demand as soon as the restrictions were lifted.

Since the recent provincial stay-at-home order, several area municipalities have made plans to remove their ice, and close the arenas for the remainder of the season. The closure of arenas and removal of ice in other municipalities will directly result in increased demand for rental opportunities here.

The costs of maintaining the ice as is are minimal. Under normal operation the refrigeration plant runs between 10 and 12 hours per day. To keep the ice in usable condition in anticipation for reopening, the bond between the concrete pad and the ice must be maintained. Staff are currently maintaining the ice operating the plant an average of 4.8 hours per day.

Taking the ice out and reinstating it will involve significant plant energy load that may overshadow any possible energy savings if removed. To remove and reinstate the ice in both arenas will cost approximately \$15,400. The additional hydro costs for running the refrigeration plant for 20 hours per day during initial ice buildup are not included.

The MCC user groups have expressed interest in returning to pre-lockdown schedules as soon as the facility is able to safely reopen for use. Hockey and Figure Skating have expressed interest in extending their seasons and have committed to utilize ice through April and May.

Cancellations of events typically held in the Accipiter arena and notification that the Lacrosse Association will delay the start of their season until June allows the Town of Pelham to offer both ice surfaces until the end of May for potential rentals.

### **Financial Considerations:**

During the period between July 1, 2020 and August 31, 2020 revenues increased in comparison to 2019 by 200% or \$108,804.

The total revenue in 2019 for these two months with one ice pad was \$54,395. In 2020, the total revenue with two ice pads was \$163,199. The increase was a result of operating both ice pads and the demand for rental time by skills camp organizers and private renters.

Keeping the ice for both pads this year has made a significant difference in helping the Town mitigate the financial impact of the Covid-19 Pandemic.

### **Alternatives Reviewed:**

Removing ice from one or both arenas was reviewed. Both of which are acceptable options given that the staff do not know the future end date of the current province wide shut down. However, given the efficiency of the facility, the potential for rental revenues, and the ability to safely provide recreational opportunities, outweighs the costs of maintaining the ice in its current state.

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

During the COVID-19 pandemic many people are desperately looking for ways to remain active and access recreation and fitness programs. Because of the Town's commitment to provide services, the Meridian Community Centre has become a beacon of success and serves as a model for safely and effectively offering recreational opportunities when the community needs them most.

### **Consultation:**

Meridian Community Centre User Group Committee  
Director of Corporate Services and Treasurer

### **Other Pertinent Reports/Attachments:**

There are no other pertinent reports or attachments included for this report.

### **Prepared and Recommended by:**

Ryan Cook, Dipl.MM  
Acting Director of Recreation, Culture and Wellness

### **Prepared and Submitted by:**

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



**Subject:** Review of the City of Burlington's Public Participation Process – Development Applications**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0027 for information.**

**Background:**

This report is provided to Council for information. On November 2<sup>nd</sup>, 2020, Council requested that Staff review the City of Burlington's public participation process for development applications and report back. The City of Burlington's development process is similar to that followed here at the Town of Pelham, however, the City of Burlington has implemented an additional meeting. This meeting is a Pre-Application Community Meeting, that is not legislatively required and is voluntary. These meetings have been implemented as an additional mechanism to receive public feedback on development proposals early on in the process.

The Pre-Application Community Meeting Protocol applies only to development projects requiring Official Plan amendments, Zoning By-law amendments, and/or Plan of Subdivision applications. It does not apply to other development application types, such as variances, consents, site plans or minor zoning by-law amendments. *Please note that Secondary Plans follow a process that requires a Public Open House in addition to the statutory public meeting under the Planning Act.* The objectives of Burlington's Protocol is to establish an opportunity for public input early in the development process and to give clarity to the roles of applicants, staff, council and the public in advance of a development application being received by the City.

The Pre-Application Community Meeting is held by the applicant for all residents and businesses within 120 metres of the proposed development location (300 metres in the agricultural/rural area) to provide those interested in the proposed development with information about the application. The meeting also facilitates conversations between the interested residents and businesses and applicant to gather input and feedback necessary to make any adjustments (if needed) to the proposal before a development application is submitted to the City. The applicant is required to summarize the feedback received at the Pre-Application Community Meeting in their Planning Justification Report and outline how the feedback has influenced the development proposal.

## **Analysis:**

The City of Burlington started this process at the beginning of 2019 as an additional mechanism to receive public feedback early on in the process. The goal of these meetings are to improve efficiency, reduce the need for revisions during the application process and advance a collaborative approach to development. Since implementation, the City of Burlington has recorded a 100% participation rate from proponents. Those that voluntarily participate and Planning Staff, said that it has shortened the development approval process by decreasing the number of revisions and iterations to studies and plans. Town staff spoke with Planning staff at the City of Burlington to understand the overall objective of facilitating these meetings. City Planning staff feel that these meetings provide for impartiality, neutral moderation, respectful dialogue by all participants, standardization of communication and collection of feedback.

### Pre-Application Community Meeting

The meeting is the responsibility of the applicant and at their expense include the costs for display materials, mailings and venue rental. Municipal staff create the mailing list of addresses within the prescribed 120 metre radius (300 metres in agricultural area) of the proposed site and complete the mail out at the expense of the proponent. Invitation to the meeting is required to be provided to the municipality a minimum of four (4) weeks prior to the meeting for staff to complete the mail out to ensure that invitations are received a minimum of 14 days before the meeting.

Given the current pandemic, these meetings have been held via zoom. City staff provide technical support should the proponent wish to proceed using the City's zoom account. If another virtual platform is requested, the proponent provides an overview of the technology a minimum of five (5) weeks prior to the meeting to ensure things will run smoothly. The virtual meeting is to be run by the proponent who is to also provide their own moderator and facilitator, at their own expense. The Moderator needs to make it clear to those in attendance that no application has been submitted and that no decision has been made.

City staff attend the Pre-Application Community Meeting to provide background information on the application process, identify opportunities for public input, and a description of the existing policies and zoning regulations of the site and a high-level description of the amendments that may be required. IT staff are also required to be available for these meetings to be able to address technical issues if they arise while using the City's zoom account.

After the meeting has been completed, the proponent is responsible to:

- Provide the meeting minutes to staff for project file.

- Consider the feedback received and how the proposed development might be adjusted to respond to this feedback.
- Include an additional public consultation section in the Planning Justification Report. This will provide information about the notification process, date and location of the meeting, a summary of the discussion, and how the public feedback was used to refine the development proposal.

While the Town of Pelham does not have a formal process for a Pre-Application Community Meeting, Town staff do encourage proponents to meet with and discuss their proposals with neighbours and the surrounding community prior to submitting an application. Some examples where this has occurred include the redevelopment of the former Fonthill Lumber Yard, 770 Foss Road, 1 Pancake Lane and 3 Hurricane Lane.

### **Conclusion:**

Implementing a Pre-Application Community Meeting Protocol similar to the City of Burlington, will require further analysis regarding implementation requirements, staff and meeting room resources, a policy amendment given that the Pre-Application Meeting has no legislative authority and consultation with the development community. Town Staff currently participate in a number of meetings, therefore the introduction of new processes and meetings will have implications on work load and staff resources.

### **Prepared and Recommended by:**

Tara Lynn O'Toole, B.A (Hons.)  
Policy Planner

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

### **Prepared and Submitted by:**

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



## Community Services

### Legislative Services

January 19, 2021  
File #120203

Wayne Gates, MPP  
Unit 1, 6746 Morrison Street  
Niagara Falls, ON L2E 6Z8  
[wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)

Tony Baldinelli, MP  
4056 Dorechester Road, Suite 107  
Niagara Falls, ON L2E 6M9  
[Tony.Baldinelli@parl.gc.ca](mailto:Tony.Baldinelli@parl.gc.ca)

Mr. Gates and Mr. Baldinelli:

**Re: Town of Pelham - Support of 988 Crisis Line**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of January 18, 2021 received and supported correspondence from the Town of Pelham dated December 17, 2020 endorsing the 988 Crisis Line Initiative.

Attached please find a copy of the Town of Pelham's correspondence dated December 17, 2020.

Thank you for your attention to this matter

Yours very truly,

Carol Schofield, Dipl.M.A.  
Manager, Legislative Services/Clerk  
[cschofield@forterie.ca](mailto:cschofield@forterie.ca)

CS:dlk  
c.c.  
Attach  
Local Area Municipalities

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Mailing Address:

The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: [www.forterie.ca](http://www.forterie.ca)



January 25, 2021

Wayne Gates, MPP  
Unit 1, 6746 Morrison Street  
Niagara Falls, ON L2E 6Z8  
[wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)

Tony Baldinelli, MP  
4056 Dorechester Road, Suite 107  
Niagara Falls, ON L2E 6M9  
[Tony.Baldinelli@parl.gc.ca](mailto:Tony.Baldinelli@parl.gc.ca)

Mr. Gates and Mr. Baldinelli:

**Re: Town of Pelham – Support of 988 Crisis Hotline**

Please be advised that the City Council of Niagara Falls at its meeting of January 19, 2021 passed the following motion:

**That Council receive and support the correspondence from the Town of Pelham dated December 17, 2020 endorsing the 988 Crisis Hotline initiative.**

Attached please find a copy of the Town of Pelham's correspondence dated December 17, 2020.

Thank you for your attention to this matter.

Sincerely,

*Bill Matson*

Bill Matson  
City Clerk



## PORT COLBORNE

Corporate Services Department  
Clerk's Division

Municipal Offices: 66 Charlotte Street  
Port Colborne, Ontario L3K 3C8 • [www.portcolborne.ca](http://www.portcolborne.ca)

T 905.835.2900 ext 106 F 905.834.5746  
E [amber.lapointe@portcolborne.ca](mailto:amber.lapointe@portcolborne.ca)

January 25, 2021

Vance Badawey, MP  
136 East Main Street, Suite 103  
Welland, ON L3B 3W6

**Via E-mail: [Vance.Badawey@parl.gc.ca](mailto:Vance.Badawey@parl.gc.ca)**

And

Jeff Burch, MPP  
60 King St., Unit 102  
Welland, ON L3B 6A4

**Via E-mail: [JBurch-CO@ndp.on.ca](mailto:JBurch-CO@ndp.on.ca)**

Dear Vance Badawey, MP and Jeff Burch, MPP

**Re: Resolution – 988 Crisis Line**

Please be advised that, at its meeting of January 11, 2021, the Council of The Corporation of the City of Port Colborne resolved as follows:

That the resolution received from the Town of Pelham - 988 Crisis Line, be supported.

A copy of the above noted resolution is enclosed for your reference. Your favourable consideration of this request is respectfully requested.

Sincerely,

Amber LaPointe  
City Clerk

Encl.

ec: Niagara Region  
Niagara Area Municipalities

December 17, 2020

Dean Allison, MP  
4994 King Street, PO Box 880  
Beamsville, ON L0R 1B0  
[Dean.allison@parl.gc.ca](mailto:Dean.allison@parl.gc.ca)

AND

Sam Oosterhoff, MPP  
4961 King Street  
Beamsville ON L0R 1B0  
[Sam.oosterhoff@pc.ola.org](mailto:Sam.oosterhoff@pc.ola.org)

Attention: Dean Allison, MP and Sam Oosterhoff, MPP

**Re: Support for 988 Crisis Line**

At their regular meeting of December 14, 2020, Council of the Town of Pelham received a Motion put forth by Councillor Haun and seconded by Councillor Stewart calling for support for the 988 Crisis Line and endorsed the following:

**WHEREAS there is a call for the Federal government to adopt 988, a National three-digit suicide and crisis hotline;**

**AND WHEREAS the ongoing COVID-19 pandemic has increased the demand for suicide prevention services by 200 per cent;**

**AND WHEREAS existing suicide prevention hotlines require the user to remember a 10-digit number and go through directories or be placed on hold;**

**AND WHEREAS in 2022 the United States will have in place a national 988 crisis hotline;**

**AND WHEREAS Pelham Town Council recognizes that it is a significant and important initiative to ensure critical barriers are removed to those in a crisis and seeking help;**

**NOW THEREFORE BE IT RESOLVED THAT Pelham Town Council endorses this 988 crisis line initiative;**

**and that Staff be directed to send a letter indicating such support to the local MP, MPP and local area municipalities to indicate our support.**

On behalf of Council, we thank you for receiving our correspondence of support for this important initiative.

Yours very truly,



(Mrs.) Nancy J. Bozzato, Dipl.M.M., AMCT  
Town Clerk

/sl

cc. Councillor Lisa Haun  
Local Area Municipalities





# Tony Baldinelli, MP

Member of Parliament  
Niagara Falls

January 20, 2021

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

Mayor Junkin and Council Members,

In December of 2020 there was a unanimous vote in the House of Commons in favour of implementing the 988 Crisis Line which was initiated by my colleague, Todd Doherty the Member of Parliament for Cariboo-Prince George. I wish to sincerely thank you for your recent support of this potentially life-saving initiative.

As you know, in the past ten months, the effects of the Covid-19 pandemic have taken a toll on Canadians' mental health. So many people suffer in silence. It is important to eliminate unnecessary barriers for those who choose to seek help which is why the implementation of a crisis line is so crucial to help those struggling with mental illness. Suicide-prevention experts have stated that the three-digit number will be a breakthrough that helps people in crisis.

Thank you again for your support as we work together to ensure residents have the tools they need to seek assistance during a time of personal crisis.

Sincerely,

Tony Baldinelli, MP  
Niagara Falls

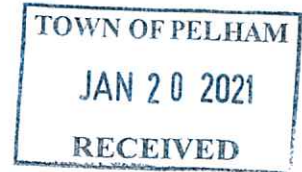
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Tel.: 905-353-9590  
Fax.: 905-353-9588  
Tony.Baldinelli@parl.gc.ca

**Fort Erie**  
48 Jarvis Street  
Fort Erie, Ontario  
L2A 2S4  
Tel. : 905-871-9991  
Fax. : 905-971-5046

17 January 2021



Re: Objection Letter for Proposed Rezoning of 1522 Pelham St.

Dear Council Members,

We are writing to express our strong opposition to file number AM-10-20, the proposed rezoning at 1522 Pelham Street from GC (General Commercial) to a site-specific GC (General Commercial) zone. As honorable members of the council, you are well aware of the purpose and function of zoning bylaws. A zoning bylaw implements the objectives and policies of a municipality's official plan and provides a legal way of managing land use and development. The current zoning of 1522 Pelham Street is consistent with the current official plan and the Provincial Policy Statement (PPS). There is no need to approve a rezoning. The proposed rezoning is objectionable on the following grounds.

1. Compatibility with adjacent lands: Urban Design Guidelines for Downtown Fonthill have been fixed in Policy B1.2.4.3 of the Official Plan. Specifically, the policy indicates that the maximum building height along Pelham St. shall be three storeys. It is obvious the adjacent buildings are limited to three storeys. The adjacent buildings are uniform in regard to scale and spacing. The proposed development is not compatible with existing homes in the neighborhood with respect to size, height, lot coverage, floor area and sensitive issues such as privacy and parking. The proposed development will be detrimental to the streetscape and character of the neighborhood. Such factors need to be seriously considered by the Council Members. The LPAT has upheld the need for new developments to be compatible and respect the established physical character of the neighborhood. Specifically, the LPAT has noted that 'proposed developments which may be considered: out of scale, out of character; inappropriate; destabilizing the character of the neighborhood; a break in the pattern or continuity of the street; insensitive; visually incongruous or detrimental to the streetscape, should be discouraged and objected to.' All these terms have been employed by LPAT members. Driving down Pelham Street or streetscape photos highlight the lack of consistency and compatibility for this proposed oversized development. The proposed rezoning and accompany regulations including but not limited to, the lot coverage, gross floor area, parking, planting strip and height lack compatibility and consistency with the neighborhood. Retaining the current zoning is appropriate.
2. Suitability of the land: The proposed rezoning may have an adverse affect on the area. The proposed rezoning may adversely affect the area as the land is not suitable for a larger building. This development may lead to additional noise and traffic. This is concerning as street parking on Pelham St. is limited. In addition, Pelham St. is only a



two-lane road. Larger residential and commercial structures will result in more occupants. It is highly probable the current zoning took traffic into account. The proposed rezoning does not address the future traffic flows and possible negative impact on traffic on Pelham St. The proposed rezoning represents an over intensification of a stable, low density neighborhood, putting strain on an under-sized road. The increase in density is not compatible with the surrounding neighborhood.

Another primary issue is related to the loss of sunlight, privacy, views, spacing and openness which can be adversely affected by the mass, height and bulk of the proposed development. The proposed overbuilding may cause a degree of discomfort related to a sense of being exposed. Specifically, visual intrusion in the form of views into windows, overviews of gardens and outdoor private family areas may negatively affect the neighborhood. While, there is no legal right in Ontario to sunlight, privacy or views, due consideration 'to whether a proposed obstruction to such long established amenities is of such a magnitude as to cause an unacceptable adverse impact upon the neighborhood to the point where the intent and purpose of the zoning by-law is not maintained' needs to be evaluated. Retaining the current zoning is appropriate.

3. Lack of need for zone change: The current zoning is consistent with the comprehensive plan for the area. There is no need for a zone change. There has been no substantial change in circumstances and there was no mistake made when the property was originally zoned. There is sufficient land elsewhere within Fonthill and Fenwick for residential use including higher density residential use. These alternative lands are sufficient to accommodate any projected housing growth in Fonthill. An applicant's wish to develop a specific piece of property is not enough to justify a zone change especially, since there is no need to rezone the neighborhood. The current zoning is appropriate for the current needs of the neighborhood. It is obvious, the applicant believes the rezoning is desirable but consideration must be given to many factors including planning principles and existing patterns of development. In examining the rezoning application, necessity is imperative. We are not against development of the area but are in favor of good planning that leads to orderly growth.

The rezoning does not maintain the general intent and purpose of the zoning. What is the need for increased floor area? Increased lot coverage? Or an additional storey? The developer's requirements and the need for housing growth can be met within the limits of the existing zoning. As Council Members, I respectfully request you look at the necessity of such a proposed development. Certainly, convenience or profit should not be considered valid reasons by planning authorities.

4. Against zoning principles: There are prescribed zoning principles that must be upheld. The area has been developed according to the current zoning. Mixed use buildings have been established and buildings are currently undergoing the approval process under the

current zoning. Accordingly, Council Members must give due consideration to the doctrine of discrimination as applied to zoning. Generally, the Court's use of the doctrine of discrimination 'in limiting municipal zoning power has largely been an attempt to ensure the substantive fairness of municipal decisions.' In the case of *Township of Scarborough v. Bondi* Mr. Justice Judson considered the classic definition of discrimination as provided in *Forst v. Toronto* (1923), 54 O.L.R. 256 p.278-9

'when the municipality is given the right to regulate, I think all it can do is pass general regulations affecting all who come within the ambit of municipal legislation. If cannot itself discriminate, and give permission to one and refuse it to another.'

Respectfully, Council Members must examine whether comparable properties nearby are zoned differently and whether this rezoning amount to receiving favorable zoning classification because the applicant asked or because they are favored. In addition, respectfully the Council Members must also be mindful of how future rezoning applications for the area will be determined. We do not wish to witness an alteration of the landscape of Fonthill that amounts to a reduction of development standards.

5. Additional Concerns: The current dwelling is included on the draft register of non-designated properties of cultural heritage interest. The register has not been approved by the Council but this does not discredit the possibility of the property being of cultural interest.

The rezoning and changes being requested are not minor. They are substantial. We strongly object to the rezoning based on the above-mentioned grounds. The current zoning is appropriate and took into account the needs of the area, patterns of development, suitability and zoning principles. As such, we strongly urge the Council Members to retain the current zoning for 1522 Pelham St. In the interest of full disclosure, we intend to appeal an approval for rezoning.

Sincerely,



C.S Garcha  
President of 1485312 Ontario Inc.



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

**MINUTES OF WEDNESDAY, OCTOBER 28, 2020  
MEETING OF THE PELHAM PUBLIC LIBRARY BOARD**

Time: 6:00 p.m.

**Location: Via Zoom meeting**

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

**Staff:** Amy Guilmette (Acting CEO), Jo-Anne (Acting Deputy CEO), Brynley Eckhart (minutes)

**Regrets:** Donald Brown

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

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

- The meeting was called to order at 6:02 p.m. by N. Nolan.

**2. Approval of the Agenda for the Library Board Meeting of October 28, 2020 and receipt of reports and correspondence**

Moved by G. Lewis, seconded by C. McPherson

**That the agenda for the meeting of October 28, 2020 be approved and the reports and correspondence listed on the agenda be received for discussion/action.  
CARRIED.**

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

- None.

**4. Consent Agenda Items to be Considered in Block****4.1 2020 Board Attendance List****4.2 Minutes of the Library Board Meeting of August 26, 2020****4.3 Minutes of the Special Library Board Meeting of September 30, 2020****4.4 September 2020 Charitable Account Summary****4.5 November 2020 Just Browsing Newsletter**

Moved by G. Lewis , seconded by T. Wright

**That the Consent Agenda items as listed on the October 28, 2020 Library Board Agenda be received. CARRIED.**

**5. Items for Separate Consideration, If Any**

- None

**6. Conflict of Interest Declarations**

- None

**7. Library Reports****7.1 Manager's Report and Statistics for October 2020**

- Curbside service is being used by 50% of the library's visitors. A. Guilmette advised that the Library would continue to serve Pelham residents in this manner, as it prevents the Library's COVID allowable capacity from being reached.
- A. Guilmette reported that while digital usage statistics have recently declined, they still remain at a higher monthly usage than pre-COVID.
- The DSBN has started a project advocating that all their students get a public library card and use their public library. All the Niagara Libraries are participating and have given the DSBN information on how to obtain a library card. A. Guilmette advised the Board that due to this project we have fast-forwarded and completed an initiative to have online registration available through our website. The NCDSB is not part of this initiative as of yet, but we plan to reach out in early 2021 if they haven't done so before then.
- A. Guilmette reported that volunteers have returned to service delivering books through our Books on Wheels program and delivering library materials once per week between branches.

Moved by M. Smith, seconded by C. McPherson

**That the Manager's Report and Statistics for October 2020 be received. CARRIED.**



**8. Finances****8.1 September 30, 2020 Consolidated Financial Report**

- A. Guilmette reported that fines, fees and rental revenues essentially stopped when the library closed in March. The amount of revenue coming in at this time is incidental. Revenues will continue to be impacted by COVID-19 in early 2021 and a return to applying late fees will be examined in January.
- A. Guilmette reported that there will be a surplus at the end of the year and that traditionally surpluses are added to the Library Reserves to cover future library capital costs.
- G. Pepper asked about the possibility of increasing digital resources with part of the surplus. A. Guilmette reported that other digital resources are being looked into.
- T. Wright proposed that a one-time portion of the surplus be allotted to update the physical collection. A. Guilmette reported that the library cannot house any more print materials so digital resources will have to be looked into.

Moved by G. Lewis, seconded by C. McPherson

**That the September 30, 2020 Consolidated Financial Report be received.  
CARRIED.**

**9. Library Board Reports****9.1 Councillor's Report - M. Stewart**

- M. Stewart advised that Council would like more comprehensive minutes from Library Board meetings. T. Wright asked if they wanted more details in the minutes and M. Stewart agreed. A. Guilmette advised that a full Library Board meeting agenda package is available online prior to the meeting and the minutes are a direct reflection of the Board package which is why the minutes are not overly detailed.
- Discussion on Library Board meeting minutes ensued. A. Guilmette was asked to check with the Town CAO for more information and the Board requested that M. Stewart distribute to the Board examples of committee minutes that met Council's approval.
- M. Stewart suggested the Library look into borrow baking pans. G. Lewis said that with COVID it may not be possible right now, but is something to consider for the future.
- N. Nolan asked M. Stewart for an update about the recent Council strategic planning session and if the library was included. M. Stewart advised she didn't recall where the library fell within the strategic plan. Other Library Board members advised that the Voice had reported the Library fell into the top category.

**9.2 Maple Acre Friends' Report - M. Smith**

- The Maple Acre Friends have not met since the Spring of 2020.
- M. Smith advised there will be no 2020 Christmas Craft sale due to COVID, however the Friends will help in supporting Giving Tuesday.

**9.3 Town of Pelham Seniors Advisory Committee Report - G. MacDougall**

- The Town of Pelham Seniors Advisory Committee has not had a meeting since the Spring of 2020, but are looking at having a Zoom meeting in the near future
- G. MacDougall noted that there are two seniors programs happening at the MCC, and over the summer the Committee provided social contact over the telephone for seniors which was well received.

**9.4 Pelham Art Festival Report - D. Brown**

- no report due to absence

Moved by G. Pepper, seconded by G. Lewis

**That the Councillor's report, the Maple Acre Friends' report, the Town of Pelham Seniors Advisory Committee report and the Pelham Art Festival report be received. CARRIED.**

**10. New and Other Business****10.1 Proposed 2021 Holiday Library Closure Dates**

- A. Guilmette suggested the Board leave out the possible September 2021 week-long closure, advising that this would be too big a loss of services at a time when services have already been cut due to COVID.
- A. Guilmette advised the only real change is that Boxing Day 2021 is on a Sunday, resulting in the library being closed on the Monday instead.

Moved by M. Smith, seconded by G. MacDougall

**That the Library Board approve the Library Closure dates as listed. CARRIED.**

**11. Resolution to Move to Closed Session**

Moved by M. Smith, seconded by G. MacDougall

**That the Board at 6:38 p.m. move into closed session for reasons permitted under the Public Libraries Act RE: discussion of matters about an identifiable individual. CARRIED.**

Moved by G. Lewis, seconded by T. Wright

**That the Library Board rises at 7:11 p.m. from closed session and directs the acting-CEO to complete the actions discussed in camera. CARRIED.**



**12. Next Library Board meeting date**

- The next Library Board meeting will be held December 9, 2020 at 6:00 p.m.

**13. Adjournment**

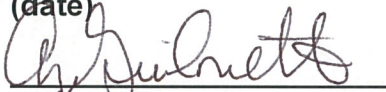
Moved by M. Smith

That the Library Board meeting of October 28, 2020 be adjourned at 7:13 p.m.  
**CARRIED.**

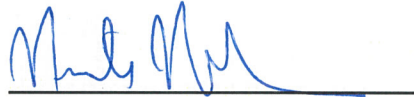
The foregoing minutes were approved by the Pelham Public Library Board on

Dec. 9, 2020

(date)



Amy Guilmette, Secretary



Nicole Nolan, Chair

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

**MINUTES OF FRIDAY, NOVEMBER 13, 2020  
SPECIAL MEETING OF THE PELHAM PUBLIC LIBRARY BOARD  
Time: 10:00 a.m.**

**Location: Via Zoom meeting**

**Present:** Nicole Nolan (Chair), Greg Lewis, Gwendoline MacDougall, Catherine McPherson, Councillor Marianne Stewart, Madison Smith, Tim Wright

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

**Regrets:** Gail Pepper

**Absent:** Donald Brown (Vice-Chair),

1. **Call to Order/Regrets / Review Health and Safety Guidelines**
  - The meeting was called to order at 10:00 a.m. by N. Nolan
2. **Approval of the Agenda**
  - Moved by G. Lewis, seconded by G. MacDougall  
**That the agenda for the Special Meeting of November 13, 2020 be approved as presented. CARRIED**
3. **Conflict of Interest Declarations**
  - None
4. **Resolution to Move to Closed Session**
  - Moved by C. McPherson, seconded by M. Smith  
**That the Board now move into closed session at 10:01 a.m. for reasons permitted under the Public Libraries Act RE: discussion of matters about an identifiable individual. CARRIED.**

**5. Rise From In Camera**

- Moved by T. Wright, seconded by G. Lewis  
That the Board now move out of closed session at 10:28 a.m. with report. CARRIED.

- Moved by G. MacDougall, seconded by C. McPherson  
That the Board instruct the Acting CEO to undertake the directions provided during this meeting of November 13, 2020. CARRIED.

**6. Next Pelham Public Library Board Meeting Date**

- The next Pelham Public Library Board meeting will take place via Zoom on Wednesday, December 9, 2020 at 6:00 p.m.

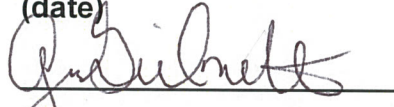
**7. Adjournment**

- Moved by G. Lewis  
That the Pelham Public Library Board special meeting of November 13, 2020, be adjourned at 10:29 a.m. CARRIED

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

Dec. 9, 2020

(date)



Amy Guilmette, Secretary



Nicole Nolan, Chair

**Subject:** The Assumption of Residences at Lookout Subdivision**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-0028, Assumption of Residences at Lookout Subdivision;**

**AND THAT Council assume the municipal services in Residences at Lookout subdivision and open the streets within the subdivision as 'public highways' by by-law in accordance with the Subdivision Agreement.**

**Background:**

The Developer of the subdivision has satisfied its obligations with respect to the conditions specified in the subdivision agreement. The Developer has now requested that the Town assume the subdivision. Drawings of the subdivision are attached. "Residences at Lookout Subdivision" is located on the east side of Lookout Street north of Brewerton Boulevard. By-law 3399(2013) covers this subdivision agreement. The Developer of Residences at Lookout has requested that the Town assume Residences at Lookout, as per the Subdivision Agreement section 17.

**Analysis:**

Residences at Lookout was constructed by Costiano Developments in 2014 and has completed its maintenance period as of November, 2020. The Developer has recently requested the assumption after receiving confirmation that the maintenance period has concluded and deficiencies were rectified. The residential development is comprised of one hundred and twenty-two (122) lots for single detached dwelling use, one (1) block for parkland, and one (1) block for a stormwater management facility. The primary and secondary services are complete, and the maintenance period has elapsed. As-built drawings for the development have been received. Holdback securities will be released upon assumption. The Developer has completed their obligations.

**Financial Considerations:**

None.

**Alternatives Reviewed:**

None.

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

Assumption is the final step in the development process, and will bring all the infrastructure under Town ownership.

**Other Pertinent Reports/Attachments:**

General Servicing Plan for Residences at Lookout

**Consultation:**

Upper Canada Consultants were the engineering consultants for Residences at Lookout. The consultant has agreed that the works have been completed in a satisfactory manner and recommend assumption of the works.

**Legal Consultation, If Applicable:**

Not applicable.

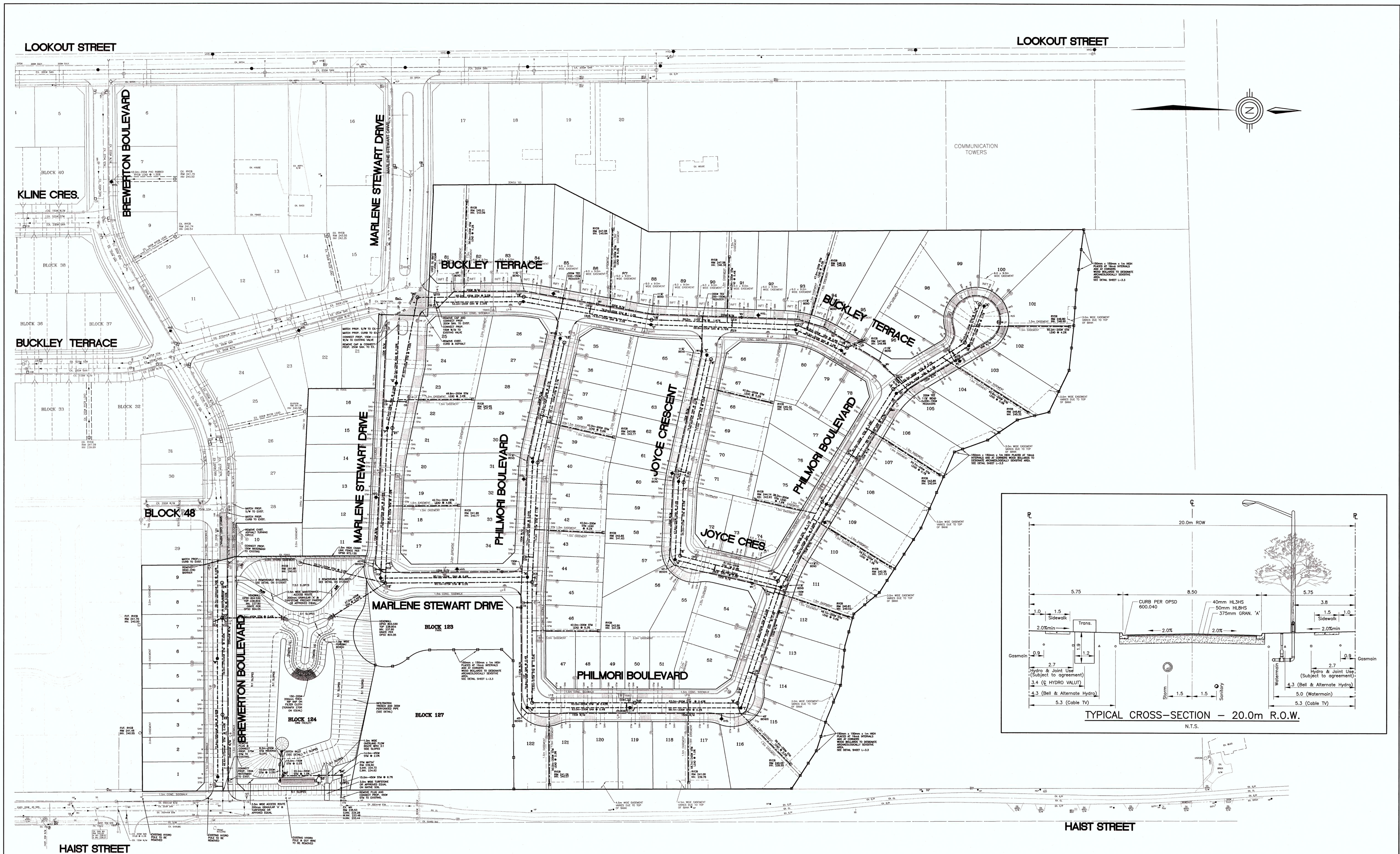
**Prepared and Recommended by:**

Jason Marr, P. Eng.  
Director of Public Works

**Approved and Submitted by:**

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





4 ADDED HYDRO EASEMENT IN SWM FACILITY BLOCK 3 ISSUED FOR CONSTRUCTION 2 REVISED PER SWM PEER REVIEW (APRIL 26, 2013) 1 REVISED PER TOWN COMMENTS (MARCH 5, 2013) 0 ISSUED FOR APPROVAL			AUG. 1/13 M.H. JULY 26/13 M.H. MAY 31/13 M.H. MAR.22/13 M.H. NOV.20/12 M.H.			UPPER CANADA PLANNING AND ENGINEERING LTD., CARRYING ON BUSINESS AS UPPER CANADA CONSULTANTS (UCC), CLAIMS COPYRIGHT AND FULL RIGHT TO AN OWNERSHIP OF THIS DOCUMENT WHICH MAY NOT BE PHOTOCOPIED BY ANY PARTY WITHOUT UPPER CANADA CONSULTANTS SPECIFIC WRITTEN CONSENT AND MAY NOT BE USED FOR ANY PURPOSE OTHER THAN A PURPOSE ESPECIALLY PROVIDED IN A CONTRACT WITH THE CLIENT WITHOUT THE SPECIFIC WRITTEN CONSENT OF UPPER CANADA CONSULTANTS.		
APPROVED FOR CONSTRUCTION:			TOWN OF PELHAM			PROJECT NAME: THE RESIDENCES AT LOOKOUT		
DIRECTOR OF COMMUNITY & INFRASTRUCTURE SERVICES			UPPER CANADA CONSULTANTS ENGINEERS/PLANNERS			OWNER: COSTIANO DEVELOPMENTS INC. 3350 MERRITTVILLE HWY., UNIT 9 THOROLD, ONTARIO L2V 4Y6		
DATE			DRAWING TITLE: GENERAL SERVICING PLAN 11			DESIGN: M.H. DRAFTING: B.V. DATE: AUGUST 1, 2013 SCALE: 1:1000		
REVISIONS			DRAWING No: 0125GSP11			REV: 4		



**Subject:** Park Lane Right-of-Way Land Exchange**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0031; and**

**THAT Council direct staff to undertake the preparation of the necessary easement agreement in perpetuity for the exclusive use of 4 parking spaces on Park Lane by the owner of 9 Highway 20 West in exchange for land dedication to the Town to improve the Park Lane right-of-way; and**

**AND THAT staff be directed to prepare the necessary by-law to declare the lands associated with the 4 parking spaces surplus to the Town needs when the necessary Reference Plan is prepared; and**

**AND THAT Council direct staff to work with the owner of 9 Highway 20 West to facilitate the transfer of 27m<sup>2</sup> of land to the Town and the preparation of the necessary Reference Plan; and**

**AND THAT the owner of 9 Highway 20 West is responsible for the legal and surveying costs associated with this land exchange.**

**Background:**

The property owner of 9 Highway 20 West has approached Town Staff with a proposal to increase the width of Park Lane, thereby improving the access to Marlene Stewart Streit Park. The owner is willing to dedicate to the Town a strip of land along the west side of Park Lane right-of-way to the Town in exchange for the exclusive use of 4 parking spaces that are located along Park Lane north of the property owner's lands.

**Analysis:**

The owner of 9 Highway 20 West proposes to dedicate to the Town a 27m<sup>2</sup> triangular strip of land along the west side of Park Lane along the boundary of Park Lane and 9 Highway 20 West to the Town, in exchange for the exclusive use of 4

Four Parking Spaces for Exclusive Use

Land to be Dedicated to Town

Highway 20 East

Pelham Street

The area where the 4 parking spaces are located that are proposed for exclusive use for 9 Highway 20 West is just north of the access driveway that provides rear laneway access to 11-17 Highway 20 West from Park Lane. The owner of 9 Highway 20 West initially requested exclusive use of all of this area (7 parking spaces),



however Town staff recommend that the Town retain control of at least 3 parking spaces in this area and the owner is now requesting exclusive use of 4 parking spaces.

9 Highway 20 contains one commercial unit, 1 apartment unit, an attached garage and surface parking for 3 vehicles to the rear of the building. The commercial unit is currently vacant and with the exclusive use of 4 more additional parking spaces the owner of 9 Highway 20 West would have greater flexibility with regards to finding a suitable tenant for the commercial space.

### **Financial Considerations:**

According to Town By-law 1942(1997) being the by-law to establish procedures for the sale of real property, all legal and surveying costs are to be borne by the proponent not the Town. The proponent, in this case the owner of 9 Highway 20 West, however is requesting that the Town bear the remainder of the costs to complete this transaction. This is contrary to approved policy that requires the proponent to bear the costs and it recommended that the proponent be responsible for the legal and surveying costs associated with this transaction. While the Town is not technically selling the lands associated with the exclusive use of parking, the easement in perpetuity does give the owner of 9 Highway 20 exclusive use over these lands and accordingly having the owner pay for the legal and surveying costs is consistent with the Town's approach regarding the sale of real property.

### **Alternatives Reviewed:**

Council could choose to not agree to the land exchange to improve the access of Park Lane for the exclusive use of 4 parking spaces on Park Lane. This puts the Town at some risk as that portion of Park Lane that the Town owns in this area is not wide enough for safe two-way traffic movements.

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

Improving the width of Park Lane is a benefit to the Town and provides control over the access to an important recreational asset, being Marlene Stewart Streit Park and to the trails on the Lathrop property.

### **Consultation:**

The CAO, Public Works, and Town Clerk staff were consulted on this proposal.

### **Other Pertinent Reports/Attachments:**

See preliminary survey sketch attached prepared by the proponent.

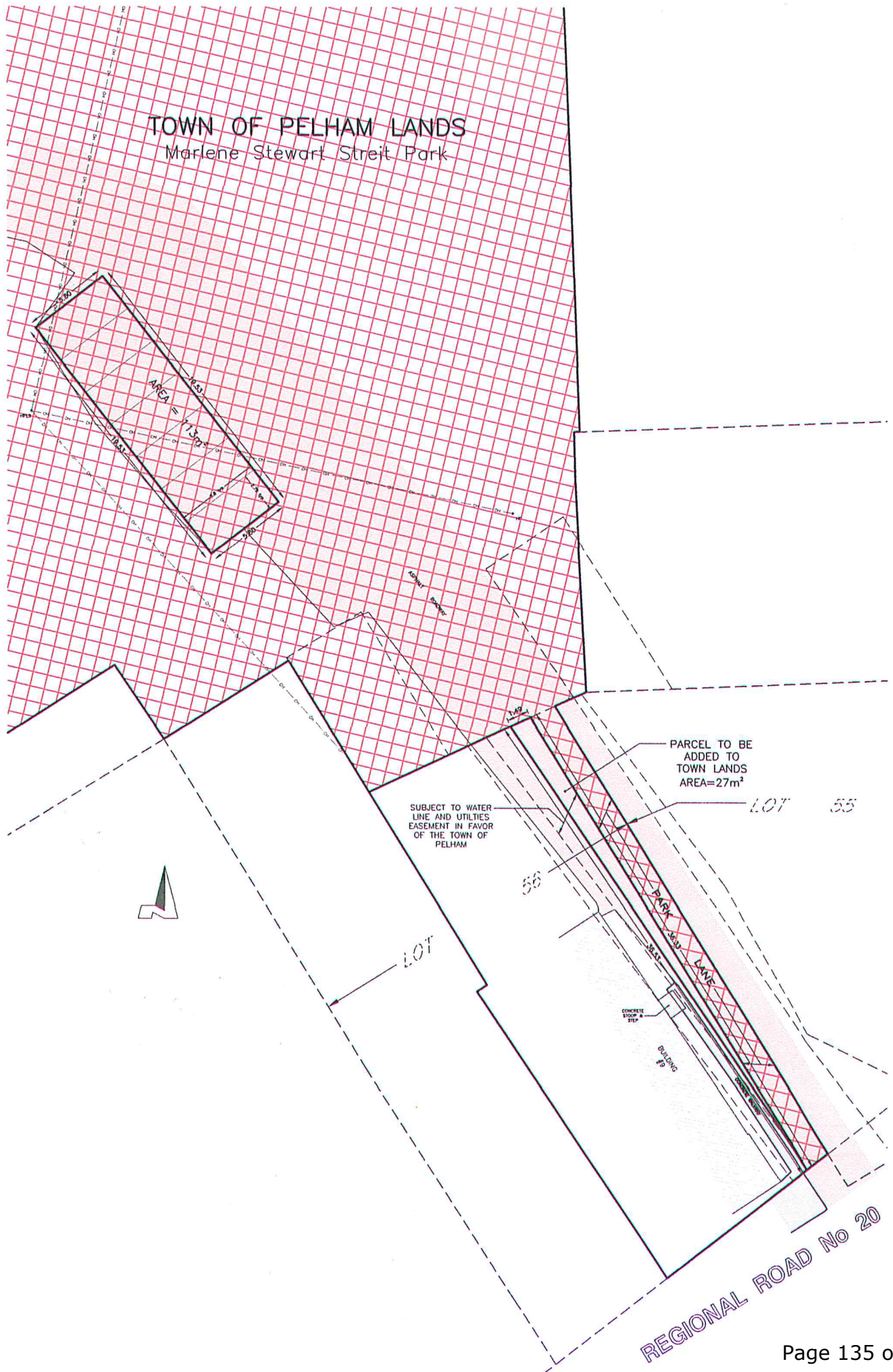
**Prepared and Recommended by:**

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

**Prepared and Submitted by:**

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

TOWN OF PELHAM LANDS  
Marlene Stewart Streit Park



**Subject:** Special Pre-authorized Property Taxes COVID-19 Payment Plan for 2021**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2021-0035-Corporate Services ;**

**AND THAT Council approve the Special Pre-authorized Property Taxes COVID-19 Payment Plan for 2021 in order to offer flexibility for tax payers facing financial challenges due to the pandemic.**

**Background:**

The COVID-19 Pandemic has resulted in severe financial hardship for some property tax payers. The Town responded by mitigating this financial hardship for Pelham residents in 2020 by suspending interest and penalty for three months for property taxes and utility bills.

In order to help residents who have incurred financial hardship in 2020, the Town is proposing a Special Pre-authorized Property Taxes COVID-19 Payment Plan for 2021. This Special Payment Plan will allow residents to pay their outstanding 2020 and 2021 property taxes over a 10-month period (starting in March 2021).

Property owners using the program will be able to pay their outstanding 2020 tax amount and their 2021 taxes through equal instalments penalty and interest free.

The relief is available for tax payers who had paid their taxes in full as of February 28, 2020 but are now experiencing hardship due to the pandemic. Hardship could include such experiences as loss of employment, illness or death of a family member, closure of a business.

Residents must be able to provide proof or attest to financial hardship related to the pandemic.

Applications are due by February 19, 2021 for the 10-month payment period. If applications are received after this date, the payment period is reduced by the

number of months left in 2021.

### **Analysis:**

There are approximately 175 residents that might be eligible for this Special COVID-19 Pre-authorized Payment Plan. The value of outstanding property taxes for these 175 properties for 2020 is approximately \$450,000. The benefit of this Special Pre-Authorized Payment Plan is that it will help residents who have experienced financial hardship pay their 2020 outstanding taxes plus their 2021 balance without incurring additional interest and penalties. This will also allow them to spread their payments over 10-months providing some monthly cash flow relief.

### **Financial Considerations:**

A special COVID-19 pre-authorized property tax payment plan would enable the Town to collect outstanding 2020 property taxes evenly throughout 2021, and it would mean that the Town would forego the interest and penalties that would otherwise be charged on those arrears balances in 2021. However, it will assist residents that have fallen into financial hardship during the pandemic and provide some interest relief and an even monthly payment plan for their property taxes.

### **Alternatives Reviewed:**

The alternative is not to provide this program. By not providing this program, residents who have experienced financial hardship may continue to struggle to pay off their 2020 and 2021 taxes and will continue to accumulate penalty and interest monthly.

### **Strategic Plan Relationship: Financial Sustainability**

This Special Pre-authorized Payment Plan will help residents in financial hardship with their outstanding 2020 tax balances and it will improve the collection process for our taxes receivable.

### **Consultation:**

The City of Niagara Falls and the City of St Catharines have implemented this program for 2021. Port Colborne ran a similar program and experienced modest levels of participation.

Town of Pelham Tax Clerk

### **Other Pertinent Reports/Attachments:**

## Appendix 1: Draft Application Form and Guidelines

### **Prepared and Recommended by:**

Teresa Quinlin, MBA, CPA, CA  
Director of Corporate Services/Treasurer

### **Prepared and Submitted by:**

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

Application for A Special Pre-Authorized Property Taxes COVID-19 Payment Plan for 2021 which would allow all tax payers whose taxes were paid in full by Feb. 28, 2020 --- and who have since experienced severe financial hardship due to the pandemic --- to pay their outstanding 2020 and 2021 property taxes penalty and interest free over a 10- month period.

**Applications must be received by February 19, 2021.**

The application-based program allows for all property tax payers to pay their outstanding 2020 tax balance (including any penalty and interest charged), in addition to their 2021 taxes, through pre-authorized payments over 10 equal instalments on the 15<sup>th</sup> of each month from Mar 15, 2021 to Dec. 15, 2021. No penalty and interest would be charged for accounts on this pre-authorized plan.

If a payment is returned NSF, the property tax account holder must replace the payment within the first month of default. There will be a \$30 NSF fee. If the payment is not replaced within one month the account will be removed from the program and normal penalty and interest charges will begin as of the date of default.

**Program restrictions:**

- All applications must be made on the Town's form and must include documentation that reasonably and sufficiently establishes eligibility under the pre-authorized payment program.
- Applications will automatically be denied if false, inaccurate or insufficient information is provided. Eligibility for inclusion in the program will be determined at the time the application is first approved and changes in financial circumstances before December 1, 2021 will not affect eligibility.
- The Treasurer's determinations with respect to eligibility shall be final.

Please read the eligibility requirements for the given property class below before completing the form.

## **Eligibility criteria for residential and farm taxpayers:**

1. The property owner must have experienced financial hardship directly related to the COVID-19 pandemic in the form of a temporary or permanent loss of employment or a decrease in income of greater than 70 percent.
2. The property must be in the taxable residential property class with a residential structure, or farm, with no portions of the property classified in any non-residential tax class (e.g. commercial, multi-residential, industrial, large industrial or pipeline) and be the official primary residence of the applicant.
3. The property must be the primary residence of all owners who are directly responsible for paying the property taxes.
4. The account must not have been approved for any other form of tax relief from the Town for 2020 taxes.



5. Applications must be accompanied by documentation or proof to demonstrate severe financial hardship or as otherwise deemed acceptable proof in the sole discretion of the Treasurer.
6. All property taxes have been **paid in full** (i.e. no amounts outstanding) up to and including the February 2020 Interim Installment, (i.e. date prior to the COVID-19 related closures).
7. Property owners must apply for the relief by February 19, 2021 for the 10-month plan.
8. All applications must be made on the Municipality's form and must include documentation that reasonably and sufficiently establishes eligibility under the relief program.
9. Applications will automatically be denied if false, inaccurate or insufficient information is provided. Eligibility for inclusion in the program will be determined at the time the application is first approved and changes in financial circumstances before March 15, 2021 will not affect eligibility.

## Eligibility criteria for commercial and industrial properties:

1. The property owner must have experienced financial hardship directly related to the COVID-19 pandemic.
2. All property taxes have been **paid in full** (i.e. no amounts outstanding) up to Feb. 28, 2020.
3. The property must be a taxable property in the following tax classes; occupied commercial, shopping centre, parking lot, industrial, large industrial or office property.
4. Applications must be accompanied by documentation to demonstrate financial hardship in one or more of the following categories; excessive business revenue loss or temporary business closure, or another category of financial hardship related directly to the COVID - 19 pandemic as determined at the sole discretion of the Treasurer.
5. Property owners must apply for the program by February 19, 2021 for the 10-month plan.
6. Property owners who received compensation from Business Interruption Insurance towards the payment of property taxes do not qualify.
7. All applications must be made on the Municipality's form and must include documentation that reasonably and sufficiently establishes eligibility under the relief program.
8. Applications will automatically be denied if false, inaccurate or insufficient information is provided.  
Eligibility for inclusion in the program will be determined at the time the application is first approved.
9. The Treasurer's determinations with respect to eligibility shall be final.



# Property Validation

Please provide the following information.

<b>Your 19-digit Tax Roll Number*</b>	
<b>Property Address*</b>	
<b>Your Name as it appears on the bill*</b>	
<b>Phone Number*</b>	
<b>Email Address</b>	

**Your eligibility will be confirmed via email. If you do not have access to email, we will phone you.**

☐ I do not have access to email

By submitting this application, I acknowledge the Town of Pelham will take steps it deems are reasonable and necessary to verify that the information I am submitting satisfies program eligibility requirements. I acknowledge that my application will automatically be denied if false, inaccurate or insufficient information is provided. I acknowledge that the Town Treasurer's determinations with respect to eligibility shall be final.

**I have read and agree with the eligibility of this program \***

☐ Yes

**Are you applying for a residential / farm property or a commercial / industrial property \***

☐ Residential / Farm

☐ Commercial / Industrial Property

**Subject: Off-Site Work Arrangements Policy****Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0009, Off-Site Work Arrangements Policy;**

**AND THAT Council approve the Off-Site Work Arrangements Policy.**

**Background:**

Early in the COVID-19 pandemic the Town's Emergency Control Group deemed it necessary for staff to work remotely where possible in order to control the spread of the virus and to provide for operational resiliency. The Town worked diligently to ensure staff could return to work safely. Offices have been rearranged and refitted with barriers to ensure physical distancing, all rooms were measured to determine maximum occupancy limits, daily disinfecting schedules were implemented, PPE has been distributed, and many new operating procedures were established. Many staff continue to work both from home and in the office on a rotational basis.

**Analysis:**

With infection numbers continuing to rise, it is still not clear when it will be safe to have all staff return to work. Although many modifications to Town facilities have been made, the risk of transmission continues to exist. Town staff still must share a limited number of bathrooms, printers/copy machines, lunchrooms etc. As such, it is still not safe to have 100 percent of staff back to work 100 percent of the time. Those who have the ability to do their jobs from home must continue to do so on at least a part-time basis. Accordingly it is necessary to develop a policy and operating procedure to clearly outline the process and guidelines of this arrangement.

The Off-Site Work Arrangement policy and operating procedure provide clarity on eligibility and the approval process, expectations on availability during regular work hours and maintaining the same level of work product, health and safety guidelines, expense reimbursements, and how the arrangement may be cancelled. This policy and procedure will ensure any work from home arrangements will be granted and monitored consistently across the organization.

**Financial Considerations:**

There are no immediate financial considerations with respect to staff working from home. Any purchases for home offices has already occurred and been entirely or substantially covered by Covid Phase I or Covid Phase II federal and provincial funding.

**Alternatives Reviewed:**

Such a policy needs to exist for at least the duration of the COVID-19 pandemic in order to reduce the risk of spread amongst staff and ensure business continuity. As such, no alternatives have been reviewed. The policy has been developed by taking best practices from other municipalities and public sector organizations and is at least partially the result of legal advice received by Town administration.

**Strategic Plan Relationship: Risk Management**

The Town has been encouraging remote work where possible for most of 2020 and now into 2021 in the interest of health and safety. The Town will continue to follow public health guidelines and recommendations and will allow the option to work remotely until it is deemed safe to return to normal operations, at which point the arrangements will be reviewed.

**Consultation:**

The Communicate for Confidence team, one of the Safe Six groups, worked collaboratively on this policy and operating procedure.

**Other Pertinent Reports/Attachments:**

"Appendix A" – Off-Site Work Arrangements Policy

"Appendix B" – Off-Site Work Arrangements Operating Procedure C19-07 and Acknowledgment Form

**Prepared and Recommended by:**

Brianna Langohr  
Human Resources Coordinator

**Prepared and Submitted by:**

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



<b>Policy Name: Off-Site Work Arrangements Policy</b>	<b>Policy No: S600-XX</b>
Committee approval date:	-
Council approval date:	-
Revision date(s):	-
Department/Division:	Human Resources

### 1. Purpose

The Town of Pelham understands that some employees may need to work off-site from their designated workplace, especially in the event of a pandemic or epidemic. This policy outlines the process and expectations for employees working from home.

### 2. Policy Statement

New employees who have successfully completed their six (6) month probationary period or current employees who have worked at least three (3) months in their current position may be eligible to participate in an Off-Site Work Arrangement. This policy applies to the following employees:

Organizational Status	- Non-bargaining
Pay Category	- Salary Rated
Classification	- Regular Full-time - Contract Full-time

Eligibility to participate in an off-site work arrangement may be altered in the event of a pandemic or epidemic. The Town of Pelham reserves the right to impose remote working under such circumstances and to recall workers back to the workplace.

Employees approved for participation in an Off-Site Work Arrangement will adhere to all provisions outlined in this policy and the Off-Site Work Arrangement Operating Procedure C19-07.

### 3. Definitions

Off-site: includes working from home on a regular basis, or at other Town facilities and other appropriate sites.



#### **4. General Provisions**

This policy does not alter or replace the terms of an existing employment contract. Employees must comply with all Town of Pelham policies, procedures, and instructions that would apply if the employee were working at their regular worksite.

Work hours, compensation, and leave scheduling will continue to conform to applicable policies and agreements. Requests to work overtime or use leave time must be approved by the employee's supervisor in the same manner.

##### Approval Process:

Ongoing Off-Site Work Arrangements is not an entitlement and will only be considered:

- i. where working off-site will not negatively impact client/ customer/ citizen service and the ability of the employee's co-workers to perform their duties, and is operationally feasible;
- ii. when the employee's work can reasonably be done off-site;
- iii. where the employee has demonstrated that they are self-motivated, self-disciplined, can work independently, are able to manage distractions and have the ability to meet deadlines;
- iv. when the overall quality and productivity of work is maintained at acceptable level, as determined by the immediate supervisor.

##### Availability:

When working off-site employees must be available to communicate with their work unit during the core business hours (8:30 am to 4:30 pm). The employee is responsible for maintaining effective communication and workflow with clients, co-workers and their supervisors, including checking of office voice mail and email as applicable.

##### Health and Safety:

Town of Pelham is committed to ensuring that the alternate worksite is safe and ergonomic. The Town may make onsite visits to the employee's work site at a mutually agreed upon time to ensure that the designated work space is safe and free from hazards. If the workspace is unsafe and cannot be made safe, the



Town of Pelham may refuse or revoke the employee's work from home arrangement.

Employees working from home will be covered by workers' compensation for job-related injuries that occur in the course and scope of employment while working from home. The employee remains liable for injuries to third parties that occur on the employee's premises.

Responsibilities:

The employee shall:

- a) discuss and seek the approval of their immediate supervisor for an Off-Site Work Arrangement;
- b) ensure regular contact with the office while working off-site;
- c) ensure appropriate connections to the internet;
- d) ensure an ergonomically appropriate workspace is available for this Off-Site Work Arrangement;
- e) if applicable, arrange dependent care to ensure work can be completed without interruptions;
- f) review and understand all applicable policies (HR, Health and Safety and IT policies); and
- g) review and understand the Off-Site Work Arrangements Policy and Procedure C19-07.

The immediate supervisor shall:

- a) review and authorize requests and agreement if appropriate;
- b) ensure that an appropriate trial period is completed for ongoing Off-Site Work Arrangements and ensure that such agreements do not negatively impact on requirement service levels;
- c) confirm the details, changes or discontinuation of all ongoing Off-Site Work Arrangements with the employee in writing; and
- d) where available and approved, ensure that all corporate costs for the off-site work arrangements are provided.

## **5. Attachments**

C19-07 Off-Site Working Arrangements Operating Procedure and Acknowledgement Form



Operating Procedure	
Procedure Name:	<b>Off-Site Work Arrangements</b>
Procedure Category:	<b>Communicate for Confidence</b>
Procedure Number:	<b>C19-07</b>
Creation Date:	<b>June 2020</b>
Revision Date(s):	-

### 1. Purpose

This procedure provides a structure that will permit eligible employees to work off-site from their designated workplace. The off-site Work Arrangement would include working from home on a regular basis, or at other Town facilities and other appropriate sites.

### 2. Scope

New employees who have successfully completed their six (6) month probationary period or current employees who have worked at least three (3) months in their current position are eligible to participate in an Off-site Work Arrangement.

This procedure applies to the following employees:

Organizational Status	- Non-bargaining
Pay Category	- Salary Rated
Classification	- Regular Full-time - Contract Full-time

### 3. General Provisions

4.1 New Off-Site Work Arrangements will commence for a set trial period as agreed to by the Supervisor and employee in order to assess whether the employee's duties can be appropriately completed off-site. The length of such trial period shall be at the discretion of the immediate supervisor, but shall be a minimum of three (3) months and a maximum of six (6) months. Upon successful completion of the trial period, the arrangement may continue on an ongoing basis in accordance with this procedure.

4.2 Arrangements are based on a maximum of three (3) days per week off-site with the remaining two (2) days spent in their normal workplace. Individual circumstances may vary, with Director's approval.



4.3 All Off-Site Work Arrangements including scheduling the days working off-site or the required hours of work will be mutually agreed upon by the employee and their immediate supervisor.

4.4 Where there is a need for the employee to attend the workplace on a day pre-scheduled as an off-site work day, the employee will be required to work at the office that day. Such a requirement will be at the discretion of their immediate supervisor who will provide as much notice as possible.

4.5 Except where an employee has been authorized in advance by their immediate supervisor to work extra hours on a day the employee is working off-site, overtime or lieu time shall not be approved on off-site work days.

4.6 Employees with Off-Site Work Arrangements are required to provide their immediate supervisor with a description, in writing, of their workspace. The workspace shall be a designated space with furnishings that are ergonomically correct and appropriate to the nature of work. Employees are required to watch the video provided by Human Resources on how to set up their home office in an ergonomically acceptable way. Participants agree to allow a Health and Safety Associate to inspect the work-space location if necessary, provided such visits are arranged in advance. Costs associated in preparing the work-space, are the responsibility of the employee (installation of telephone lines, electrical upgrades, appropriate internet connections, etc).

4.7 All telephone costs for making or returning business calls during the work day shall be the responsibility of the employee. Employees are required to use their work phones, if applicable, for all work related phone calls during the work day. The use of a personal phone is a last option. Employees are encouraged to utilize a call block feature (\*67) in advance of returning calls to locations other than their work location so as to block their home phone number.

4.8 Employees participating in an Off-Site Work Arrangement must make appropriate dependent care arrangements and must manage their personal responsibilities in a way that allows them to successfully meet their job responsibilities.





4.9 Advance approval from the immediate supervisory is required to attend personal appointments during work hours on off-site work days. Personal appointments must be recorded in Vadim.

4.10 Employees will communicate with the office and respond to their voice mail and e-mail messages within regular business hours (8:30 am to 4:30 pm) unless otherwise approved by their supervisor. Employees will ensure their voice message contains detailed information on who to contact when they are working off-site.

4.11 Employees will notify co-workers and/or clients of the off-site work arrangements and ensure the necessary coverage is available to address immediate in-office business requirements.

4.12 Business meetings can occur at an off-site workplace with the exception of an employee's home office. These business meetings will be scheduled at the original work-space or via teleconference.

4.13 Performance expectations should be incorporated into the employee's regular performance management plan. Expectations should be specific and focused on measurable results. Performance expectations should not change because of where the work is being performed.

4.14 Except where a department has reduced or changed its office space allotment for an Off-Site Work Arrangement, such arrangements can be cancelled at the discretion of the employee, in consultation with their immediate supervisor.

4.15 With 2 weeks notice, an immediate supervisor can cancel an Off-Site Work Arrangement:

- i. In situations where participation is impacting the employee's performance;
- ii. where there is a need for the employee's performance to improve for reasons other than their work location;



iii. in situations where service to the client/ customer/ citizen can no longer be provided;

iv. in situations where operational demands of the department or division can no longer accommodate such arrangements;

v. employees are covered for work-related illnesses or injuries arising out of and in the course of employment provided they occur in the designated off-site work space. Employees must immediately report any work related injuries or illness to their immediate supervisor. Employees may be required to grant access to their premises from such authorities as the Ministry of Labour of the Workplace Safety Insurance Board (WSIB).

4.16 The Town will supply the employee with a small filing cabinet and shredder to equip the home office. Employees are expected to follow the provisions identified in the Records Management Policy and Procedure.

4.17 An employee participating in an off-site work arrangement using a home office, the employee is required to carry a minimum of \$1,000,000 of general liability insurance and inform the insurance company that he/she is working from home; any additional costs are the responsibility of the employee. The Town's insurance covers loss of or damage to equipment provided by the Town. The Town's insurance coverage does not cover equipment owned by the employee. The Town will not be liable for loss or damage to the Town's property where the employee had failed to take reasonable precautions to secure and protect Town property.

4.18 Employees must only use the VPN to connect to Town resources and for work purposes only. Laptops and wireless devices (smartphones, etc.) used for work purposes are not to be shared with other individuals outside the Corporation, such as family members or friends. Please be diligent in taking the appropriate measures in protecting confidential information, and maintain your cyber-resilience during this time.

4.19 The guidelines within this procedure are subject to change in the event of a pandemic or epidemic.



#### **4. Attachments**

Off-Site Work Arrangement Acknowledgment Form



**Off-Site Work Arrangements Acknowledgment Form**

I, \_\_\_\_\_ (first and last name),  
hereby acknowledge that I have read and understand the Town of Pelham Off-Site  
Work Arrangement Operating Procedure and agree to abide by the provision identified  
in the procedure.

I understand that violations of the Off-Site Work Arrangement Operating Procedure may  
result in disciplinary action including the termination of my off-site work arrangements.

I certify that this is a true and correct statement by my signature below:

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director Signature

\_\_\_\_\_  
Date

**Subject:** Consideration of Procedure By-law  
Amendment, Proxy Appointments for Absent Municipal  
Council Members, Pursuant to Bill 197, COVID-19  
Economic Recovery Act

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0001,  
Consideration of Procedure By-law Amendment, Proxy Appointments  
for Absent Municipal Council Members, Bill 197;**

**AND THAT Council not proceed with any form of proxy voting.**

**Background:**

Amendments to the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (The Act) made pursuant to Bill 197, *COVID-19 Economic Recovery Act*, (Bill 197) include provisions to allow municipalities the option to permit proxy appointments for municipal council members who are absent. Initially reported to Council at the Special Meeting convened August 10, 2020, Clerks Report 2020-0121 outlined briefly the new provisions relating to proxy voting, noting that a comprehensive review was needed prior to presenting a staff recommendation report for Council consideration. See Appendix 1.

Clerks Report 2020-0160 dated November 16, 2020, once again referenced the ability to allow for proxy voting, noting that the rules regarding proxy appointments are significant in terms of policy development and that a 2021 report would follow to provide a thorough analysis of the new provisions. See Appendix 2.

In accordance with section 243.1 of The Act, the proxy appointment parameters are as follows:

**243.1 (1)** The procedure by-law may provide that, in accordance with a process to be established by the clerk, a member of council may appoint another member of council as a proxy to act in their place when they are absent subject to the following rules:

Rules re Proxy Votes:

(2) The following rules apply with respect to the appointment of another member of council to act as a proxy under subsection (1):

1. A member shall not appoint a proxy unless the proxyholder is a member of the same council as the appointing member.

2. A member shall not act as proxy for more than one member of council at any one time.

3. The member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the clerk.

4. For the purpose of determining whether or not a quorum of members is present at any point in time, a proxy holder shall be counted as one member and shall not be counted as both the appointing member and the proxyholder.

5. A proxy shall be revoked if the appointing member or the proxyholder request that the proxy be revoked and complies with the proxy revocation process established by the clerk.

6. Where a recorded vote is requested under section 246, the clerk shall record the name of each proxyholder, the name of the member of council for whom the proxyholder is voting and the vote cast on behalf of that member.

7. A member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant under clause 259(1)(c). 2020, c. 18, Sched. 12, s.2.

At the Regular Council meeting of November 16, 2020, during consideration of amendments to the Procedural By-law to allow for extended electronic meeting duration, Council directed that the Procedural By-law be further amended by adding a provision for proxy voting by members of Council, and that this be brought for Council consideration in February 2021.

As with any substantive change in how a municipal Council conducts business, it is imperative that Council be provided the opportunity to review and debate the implications of a proxy appointment protocol, so as to determine when the use of such a provision would be appropriate. Staff considered a recommendation for limited use of proxy voting in the event of an unforeseen emergency situation, only because Council directed that a mechanism be presented in February, 2021. Staff are in no way supportive of even this limited use of proxy voting.

In conducting research for the preparation of this report, staff were unable to identify a single municipality amongst the 444 in the Province of Ontario that has exercised its capacity to utilize proxy voting. Staff did identify a number of municipalities that have considered the concept. Not one of them has endorsed the



idea after a public debate or staff report.

## **Analysis:**

Presented below are considerations regarding the use of proxy appointment for Members of Council who cannot attend a meeting in person, which is deemed to include virtual attendance. For the purpose of this report, “in attendance” includes physical attendance or electronic attendance, both of which are considered to count in the quorum of the members present.

### Fundamental Principles of Local Government:

Municipal Councils are mandated to conduct business in a manner that is open and accessible to the public. The open meeting provisions set out in The Act are founded on the principle that members of the public are entitled to witness local decision-making in a way that is accessible, accountable and transparent and that decisions are made with integrity.

### Principles of a Meeting:

Council has adopted “*Meeting Procedures – Parliamentary Law and Rules of Order for the 21<sup>st</sup> Century*”, James Lochrie, as its parliamentary authority. Lochrie describes the fundamental essence of a meeting as “the equal opportunity of members to initiate ideas, oppose ideas, and to do so without coercion”.<sup>1</sup>

Council meetings are required to be conducted in an open, transparent and accountable manner which is visible to the public, save and except for limited provisions to conduct a closed session, or *in camera*, meeting. Personal attendance at a meeting therefore underscores the importance of and adherence to The Act as it pertains to Council’s duty to conduct meetings in a manner that openly demonstrates the decision-making process. These principles have been supported throughout the COVID-19 pandemic, by convening meetings through electronic means while ensuring meetings are livestreamed to the public and video recordings later published to the municipal website. This format includes Public Meetings Under the Planning Act and demonstrates the Town’s commitment to accountability and transparency principles.

Of paramount importance in the decision-making process is the opportunity for decision-makers to explore new ideas through debate, the exchange of ideas through questions and responses, and also includes the potential for amendments to a recommendation to be heard and considered by all voting members. One important consideration for proxy voting is that any member not in attendance will

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<sup>1</sup> Lochrie; Chapter One: Principles and Rules at Meetings

not have the benefit of any new information which may have influenced their position on any one topic, including but not limited to staff elaboration on reports, response to questions and any amendments to recommendations that may result.

#### Electronic Meeting Provisions:

It is the opinion of staff that electronic meetings accomplish virtually all of the purported benefit of proxy voting, by allowing someone to participate in the meeting from home, but simultaneously maintaining accountability. Staff would advise Council to simply continue deriving benefit from the Town's electronic meetings and not take the unprecedented step of going to proxy voting.

With the recent amendments to The Act through Bill 197, the municipality is afforded the ability to conduct Council meetings electronically. Attending members of Council are counted toward the meeting quorum, whether attending in person or through electronic means. This allows members of Council to attend a meeting virtually when, for example, one is experiencing mild symptoms of an illness that do not impede the ability to participate in debate and make decisions, but would prohibit in-person attendance particularly under the pandemic guidelines requiring people to stay home when feeling ill. Electronic meeting provisions also makes attendance at a Council meeting possible from a remote location not limited to the home or office of a member. Pelham has successfully implemented electronic meetings since the beginning of the pandemic, thus allowing the business of the municipality to continue with little to no disruption.

Statistics demonstrate the effectiveness of this approach in ensuring public access to meetings of Council, noting that livestream and subsequent video viewing continues to be embraced by the Pelham community, as seen in the graph below, Figure 1. This fact underscores the importance of ensuring the decision-making process is accessible to the public even during unprecedented times such as the current pandemic when physical attendance in the Council Chamber is not possible.

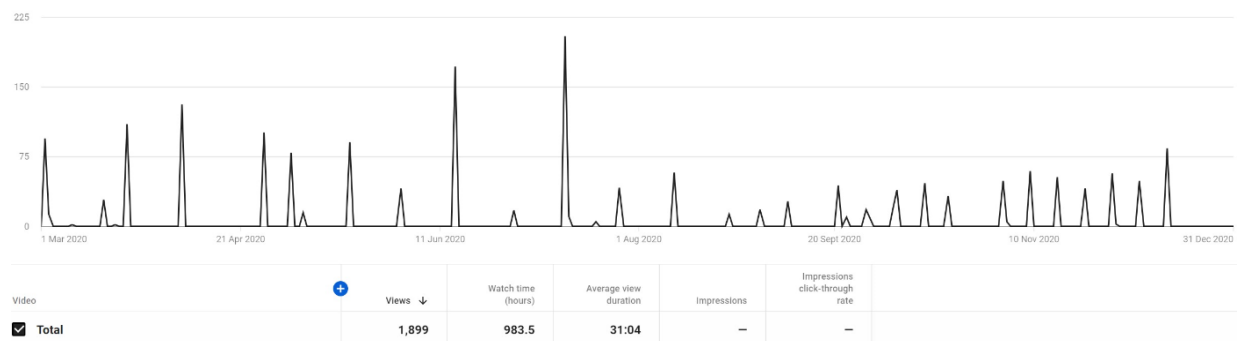


Figure 1.

As can be seen since the end of March, 2020, a total of 1,899 individual views have accessed a Pelham Council or Planning Meeting, whether it be the livestream or a subsequent viewing of the video recording.

Council has approved the provision for electronic meetings until August 31, 2021. Council will be asked to consider this provision on a more permanent basis when a complete review of the Procedure By-law is undertaken in 2021. Incorporating the ability for electronic meetings in whole or in part as a permanent provision in the Procedure By-law would allow the business of the corporation to continue, uninterrupted, when any unexpected situation arises. This provision would apply not only to situations relating to a pandemic, but could also be implemented during an extended weather or emergency event, etc.

Participating in a meeting either in person or through electronic attendance is considered vital because it underscores the fundamental parliamentary principles of why meetings are convened to arrive at a decision, where all members can be present and fully participate in deliberations on any given matter. All meeting attendees, including members of Council, registered delegations, and staff can fully participate in a way that is accessible to the public and allows for the full exchange of information. No member of Council is supposed to control more votes than any other member of Council.

During the pandemic period when electronic meetings have been convened, each member of Council is afforded the opportunity to initiate and oppose ideas relating to agenda items, participate in debate and hear discussion before coming to a final conclusion on any given matter while being able to protect the health of all stakeholders through physical separation. While this is not optimal given the reduced capacity for the public to sit in the Council Chamber to personally hear and witness the decision-making process, electronic meetings have allowed the business of the corporation to continue throughout the ongoing pandemic, with little to no interruption to the Council meeting schedule and in a manner that remains accountable to the public. The opportunity for a full exchange of ideas is fully afforded to all meeting participants through an electronic meeting, and provisions are in place to ensure that a quorum is present at all times. This alternative affords, most specifically, members who are physically or virtually present the ability to hear any new information that may be presented, hear responses to any questions by any member of Council, and give consideration to any applicable amendments before casting a vote, which supports the fundamental principles of a meeting and as such, supports the fundamental principles of democracy overall.

#### Need for Proxy Voting:

Given the demonstrated success of the Town's pivot to an electronic meeting

format to ensure compliance with public health guidelines for group gatherings and the need to facilitate physical distancing, it is recommended that Council not proceed with any form of proxy appointment provisions.

While permitted, proxy voting could be viewed by the public as contradictory to the basis of the open meeting provisions altogether. The use of proxy voting could also expose a member of Council to suggestions that a Councillor's mind was made up vacant of all of the facts, or support a notion that a small group of council members may have convened and predetermined the outcome of an issue before a full debate occurs publicly.

In a recent analysis of the concept of proxy voting which appeared in the local weekly newspaper, *"The Voice"*, November 25, 2020 edition, Brock University Emeritus Professor of Political Science, David Siegal, highlighted the importance of meeting as a group to make decisions. He said: "That sharing of views among members is seen as important," and "This is why boards generally do not countenance proxy voting or any other form of participation in decision-making without participating in the shared discussion that leads up to the decision making." Further, Dr. Siegal supports the notion that a member of Council could "enter a meeting with one view but switch views because of the nature of the discussion, or sometimes a member of the board might present one of those surprise blockbuster bits of information that puts the issue in a whole different light." These observations underscore the need for open meeting provisions and speak directly to the accountability and integrity principles of the decision-making process.

The use of a proxy appointment for members of Council may be more practical and palatable for communities that are not able to accommodate an electronic meeting format due to poor internet connectivity, however this has not been the experience for Pelham throughout the pandemic period.

#### Quorum Considerations:

Members who are being represented by a proxy do not count in the quorum for a meeting, as set out in The Act. While it is recognized that 100% attendance is optimal, this is not always practical. However, with the ability to attend a meeting electronically the potential for full attendance is easier to accommodate, save and except for unique circumstances where, for example, a member may be too ill to participate or if an unexpected emergency arises in the personal life of a member, resulting in an inability to attend either physically or virtually.

It is important to recognize that the quorum requirements for a municipal council acknowledge this possibility, and 100% attendance is not required in order to convene a legal meeting and allow decision-making to occur. There is no

fundamental harm in a single member missing a meeting: it happens all the time and has for decades, with no harm to the municipality. For the Pelham Council comprised of seven members, attendance by four is considered a quorum and constitutes the legal ability to make decisions. A member attending by proxy is not counted in the quorum and pecuniary interest declarations do not impact quorum requirements.

#### Examples of Proxy Voting in Ontario Municipalities:

As noted in previous reports, the provision to allow proxy voting is brand new and therefore no precedents have been set as to circumstances where a proxy provision might be adopted. The Province of Ontario is comprised of 444 municipalities, each governed by The Act as it relates to the conduct of meetings. At the time of writing, the Clerk was not able to find any examples of a municipality having adopted proxy voting for members of Council.

As previously noted, the introduction of proxy voting at Council meetings is an entirely new policy direction by the Province. Municipal staff throughout the Province continue to analyze the implications and will make recommendations to their respective Councils in the coming months.

While Council for the Township of Champlain received a report recommending the use of proxy voting, the Council did not adopt the recommendation. The City of Timmins considered a report with a recommendation not to consider the use of proxy voting, which position was adopted by Timmins Council.

#### Potential Consideration for Limited Use of Proxy Appointment:

If proxy appointments were to be adopted, there are circumstances when staff would strongly not recommend the use of a proxy appointment. If a member of Council is on a leave of absence, the member is not being compensated by the municipality and the appointment of a proxy vote in this circumstance is not recommended. This is likened to an employee being on a leave of absence – when you are not at work you do not participate in work so this would be similar for Council participation by proxy when on a leave of absence. It is important to note that the legislation specifically indicates that a member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant. As Council is aware, any absence longer than three months without a resolution of Council to permit an extension would result in the seat being declared vacant. In support of this provision in The Act, staff does not recommend allowing a proxy appointment during a leave of absence.

Policy S201-20 provides that a member of Council on pregnancy or paternal leave may continue to have access to all equipment and support and will continue to receive all remuneration and benefits afforded to all members of Council. The Councillor on such a leave has the ability to participate in events, conferences, committee and council meetings at the level they determine. If a Councillor chooses to cease attendance at committee or council meetings during this leave, it would be considered in the same manner as a leave of absence and not subject to proxy appointment provisions. However, if a member on a pregnancy or paternal leave regularly attends meetings but is unable to attend one due to a last-minute emergency it is still likely that a quorum would be achieved.

Given the ability for a member to attend a meeting virtually, a Council member would be able to attend a meeting even if located outside of the municipality, Province or Country, depending in internet connectivity. Council members are entitled to take a vacation and would be able to make a personal choice as to whether the vacation would include attendance at a Council meeting or not. Generally, the council meeting schedule is known to all members before year-end for the following year, save and except any special meetings that may be required. Further, the Clerk is generally aware of when Councillor vacation absences will occur, and can monitor the quorum requirements in this regard. It is not recommended that proxy appointments be permitted while a member is on vacation, particularly in light of the fact that proxy appointments do not count in the quorum. Members could attend virtually, or be absent from the meeting without impacting the decision-making ability of the council for quorum deficiencies.

In consideration of a personal emergency or illness resulting in a last-minute and unexpected inability to attend a meeting either in person or through an electronic platform may be one example of when a proxy appointment might be appropriate, although staff does not support this approach given that a legal meeting is likely to occur in compliance with quorum requirements regardless of whether or not a proxy is appointed in this circumstance. If a quorum is not achieved the meeting would be postponed regardless of a proxy appointment.

If a proxy appointment process is approved, it is recommended that the proxy appointment not be permitted to be exercised for new items added to the agenda as an addendum and not be applicable for voting on amendments or amended motions that may arise during a live meeting because the absent member has not had the opportunity to consider such new items or amendments.

#### Summary of Analysis:

In order to respect the fundamental principles of a meeting, together with the accessibility, accountability and transparency requirements of The Act, all of which



contribute to public confidence in the role of the elected official, physical attendance at a meeting is considered optimal to facilitate decision-making based on the ability to exchange ideas and consider relevant information, including amendments. The ability to allow for proxy voting could result in a disincentive to attend, and is recommended only as a last resort in an emergency situation when virtual attendance is not possible, if at all. Staff does not recommend the use of proxy appointments during an extended leave of absence. Further, staff does not recommend proxy appointments during a scheduled Councillor vacation, given the ability for electronic participation which counts toward a quorum.

Conclusion:

The Town of Pelham has been very successful in conducting electronic meetings since March of 2020, thus enabling the business of the corporation to continue throughout the ongoing COVID-19 pandemic. Participation by the majority of members of Council has been seamless, and attendance electronically counts toward the quorum requirements. Proxy attendance does not count toward quorum calculations. When weighed with the ability to attend electronically, it is staff's opinion that proxy attendance should not be approved or be limited to only extraordinary circumstances, if at all.

Recommended Option:

It is staff's recommendation that Council not proceed with adopting the use of proxy appointment provisions in the Procedure By-law.

**Financial Considerations:**

There are no financial implications.

**Alternatives Reviewed:**

For the reasons detailed in this report, proxy appointment is not recommended. Should Council determine it is appropriate to allow for proxy appointments, it is recommended that the policy dictate a very limited scope and only apply to an unforeseen personal emergency.

Should Council opt to allow proxy appointments, the Clerk be directed to present procedures with the following parameters:

- Limit to one member per meeting permitted to appoint a proxy to protect quorum requirements;

- Proxy appointment not applicable during a Leave of Absence or scheduled Vacation;
- Proxy appointment procedures shall be included in the Code of Conduct;
- Appointment of proxy be initiated as a last resort to be used in an unforeseen emergency situation preventing the member's physical or virtual attendance;
- The Clerk shall be informed of any proxy appointment, in writing and a register maintained similar in format to the Conflict of Interest Register required in The Act, made available for public inspection on the municipal website;
- The member appointed must accept the appointment and advise the Clerk in writing.

Council has the option to incorporate a broader approach to proxy appointments.

### **Strategic Plan Relationship: Communication and Engagement**

In person attendance, as opposed to proxy appointments, supports community engagement and encourages open communication in the decision-making process.

### **Consultation:**

AMCTO Municipal Portal and Web Search for Ontario Municipalities re Bill 197 Proxy Voting.

### **Other Pertinent Reports/Attachments:**

Clerks Report 2020-0121, August 10, 2020 and Clerks Report 2020-0160, November 16, 2020

MMAH Proxy Voting for Municipal Council Members - Attached

### **Prepared and Recommended by:**

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

### **Prepared and Submitted by:**

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

**Subject:** Amendment to Procedural By-law to Permit Continued Electronic Participation in Meetings Pursuant to Bill 197, COVID-19 Economic Recovery Act

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2020-0121-Clerks;**

**AND THAT amendments to the Town of Pelham Procedural By-law No. 4107(2019), as amended by By-law No. 4217(2020), as appended hereto be approved to facilitate continued electronic meeting participation during the COVID-19 pandemic recovery period, and extended for a period of one year from the termination of the Provincial Declaration of Emergency;**

**AND THAT staff be directed to provide Council with a report which considers permitting electronic participation and proxy voting in meetings on a more permanent basis prior to the expiry of the one-year period to be presented to Council for consideration at a future date.**

**Background:**

On March 19, 2020, Bill 187, the *Municipal Emergency Act, 2020* received Royal Assent, which amended provisions of the *Municipal Act, 2001* to allow electronic participation by Members of Council, to allow electronic participation to count towards quorum, and for members to participate in closed session during circumstances when an emergency has been declared.

On March 23, 2020, Council approved By-law 4217(2020) which facilitated participation in both open and closed meetings through electronic means, including such participation to be counted toward quorum during the period of emergency.

On July 21, 2020, Bill 197, *COVID-19 Economic Recovery Act*, received royal assent and includes provisions to amend the *Municipal Act, 2001*, to allow members of municipal councils, local boards or of a committee of either of them to participate

electronically and to count toward the quorum, even in the absence of an emergency.

This report is to seek Council approval to allow electronic participation in meetings to continue for a one-year period, until August, 2021 during which period staff will provide a report giving consideration to a more permanent allowance.

Additional components of Bill 197 include the ability for a member of council to appoint another member of council as a proxy, with specific rules in place. This new authority requires additional analysis before a recommendation can be forthcoming, and as such, this initiative is not being recommended at this time.

### **Analysis:**

Since the adoption of By-law No. 4217(2020), which was enacted to allow Council the ability to meet on a regular basis through virtual electronic meetings during the novel coronavirus, COVID-19 pandemic period, the Town has been successful in facilitating these meetings electronically. Electronic participation has been working well for Council meetings since April. Members of the public can view the meetings via the Livestream in real time, or view on the Town's YouTube channel at a later date, thus providing the public a similar experience as when they are present in the gallery to observe. The Committee of Adjustment and Council, when meeting under the *Planning Act*, also convenes electronically, allowing public participation through the Zoom Webinar platform, or to submit written comments prior to the meeting. In addition, to allow for more fulsome public participation the viewing audience has the ability to email live comments/concerns to [clerks@pelham.ca](mailto:clerks@pelham.ca) while streaming the meeting.

Bill 197 now provides municipalities with permissive authority to allow electronic participation in meetings, and repealed the prior rules for electronic participation during the Declared Emergency period only. New rules have now been substituted that permit Council to amend its procedures to allow a member of a council, local board or committee of either to participate electronically, even in the absence of a declared emergency. Further, the Bill provides that any member participating electronically may be counted in a quorum, and can participate electronically whether the meeting is open or closed to the public.

Given that the current Council Chamber is not equipped to accommodate physical distancing measures for Members of Council and Senior Staff in attendance, it is recommended that electronic participation in meetings continue for the foreseeable future. For example, physical glass or acrylic barriers are not present to separate

individuals, and one stationary camera is used to view the Chamber as part of the electronic meeting. At the present time, the Mayor and Clerk are the only two individuals physically present in the Chamber, and are able to maintain a consistent physical distance exceeding the recommended six feet. All Members of Council and Senior Leadership Team members, as well as Delegation representatives, attend electronically.

The Clerk conducts voting using a recorded vote method to minimize transfer of paperwork between the Mayor and Clerk, which has been working smoothly thus far. It is recommended that an additional change to the procedural by-law be incorporated so as to rotate the call for voting so the first alphabetical surname is not always the first to vote. This suggested change has been included in the by-law proposed. Further, it is recognized that Members of Council would appreciate additional agenda review time once the agenda compilation is complete and released. An amendment has been included to move the agenda release date back by one day which should still allow time to include COVID-19 related matters on an agenda that are current.

Bill 197 introduces new rules to permit proxy voting at Council meetings, however given that the Clerk would be required to establish an appropriate process to develop appropriate procedures in this regard, it will be necessary to further study the rules related to proxy votes before a recommendation can be made. Because this represents an entirely new policy direction through the *Municipal Act 2001*, a thorough review is needed.

In summary, it is recommended that Council and all local boards and advisory committees, including the Committee of Adjustment for the Town of Pelham continue electronic participation in meetings for the foreseeable future, and that the Procedural By-law be amended to enact this provision. Based on public health advice and physical distancing requirements needed to curb the spread of COVID-19, remote electronic meetings are recommended. While it is recognized that Niagara has entered Stage 3 of the Provincial Reopening Framework, recommendations continue that people continue to work from home or remotely as much as possible.

### **Financial Considerations:**

The Emergency Operations Committee is considering renovations to the Council Chamber to provide for glass or acrylic separation devices between Council members and between staff representatives, as well as spatial separation

requirements for the gallery. If changes are recommended, they would likely fall within the COVID-19 costs, and Council would be appropriately advised.

**Alternatives Reviewed:**

Council can decide to not permit electronic participation in meetings to continue which would require personal attendance at meetings of Council and Committee. This is not recommended as it conflicts with current public health advice given the inability to physically distance within the Council Chamber in the absence of the installation of barriers.

**Strategic Plan Relationship: Risk Management**

It is recommended to continue with electronic Council meetings for the foreseeable future to protect the health and wellness of all stakeholders.

**Consultation:**

Many Ontario Municipalities are enacting procedural by-law amendments to allow for continued electronic meetings, including the Region of Niagara.

**Other Pertinent Reports/Attachments:**

Proposed Procedural By-law Amendment for Electronic Meeting Participation

**Prepared and Recommended by:**

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

**Prepared and Submitted by:**

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

**Subject:** Procedural By-law Amendment – Extension of Electronic Meetings of Council and Committees to August 31, 2021

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-0160 proposing an extension of the provision for electronic meetings of Council and Committees;**

**AND THAT the proposed amendments to the Town of Pelham Procedure By-law as outlined in Appendix 1, be approved, thereby facilitating electronic meeting participation until the end of August, 2021 for Council, Special Council, Committee of Adjustment, Committees of Council and Advisory Committees;**

**AND THAT Staff be directed to present the necessary by-law to the next Regular Meeting of Council, December 7, 2020.**

**Background:**

The *Municipal Emergency Act* was enacted by the Province on March 19, 2020, amending the *Municipal Act, 2001* provisions regarding electronic participation to allow participation electronically to count toward quorum, and to permit Members of Council to participate in closed session meetings electronically in circumstances when an emergency has been declared.

On March 23, 2020 Council for the Town of Pelham amended the Procedure By-law 4107(2019) to provide for electronic meetings during a declared emergency, in accordance with the new *Municipal Act, 2001* provisions.

On July 21, 2020, the Ontario government made further amendments to the *Municipal Act, 2001*, through the enactment of Bill 197, the *COVID-19 Economic Recovery Act, 2020*. Amendments provided authority so as to permit members of municipal councils to continue to participate electronically in both open and closed meetings and be counted toward quorum, even in the absence of a declared emergency. The amendments allow municipalities to provide that a member of



council, of a local board, or of a committee of either of them, can participate electronically in a meeting and may be counted in determining whether or not a quorum of members is present, and can participate electronically in a meeting that is open or closed to the public. In addition, Bill 197 authorized proxy voting for members of council. Municipalities are now able to update procedure by-laws to allow members of council who are absent to utilize a proxy to vote on an item at council, or committee, and under what circumstances.

Council convened a special meeting on August 10, 2020 to amend the procedural by-law to allow for a continuation of electronic meeting participation with a recommendation that the provisions remain in place for a period of one year from the termination of the Provincial Declaration of Emergency. Council approved such extension to December 31, 2020 with direction to staff to report on electronic participation and proxy voting on a more permanent basis prior to expiry of the amended by-law.

This report seeks Council approval to allow electronic participation in meetings to be permitted for the remainder of the one-year period from the termination of the Provincial Declaration, to the end of August 2021. This recommendation permits continued electronic meetings for an extended period of time while staff continues to focus on more comprehensive amendments to the Procedural By-law, which is an approved strategic priority in the updated Strategic Plan. A more comprehensive analysis will explore a more permanent solution, as well as provide an analysis of the proxy voting alternative. Approval of this report will provide public notice that the Town intends to amend the Procedural By-law to allow for electronic participation to at least the end of August 2021. Should the COVID-19 pandemic situation warrant, there would be no obligation to meet electronically, but without the provision being included in the Procedural By-law, meeting virtually with a quorum of council would not be permitted after December 31, 2020.

The new rules regarding proxy voting are significant in terms of policy development and as such, a more detailed examination is needed. A separate, standalone report will be presented to Council in 2021 that will include a thorough review of the implications of proxy voting.

### **Analysis:**

Based on continued public health advice, physical distancing requirements and the recent escalation of the COVID-19 pandemic to a second wave and resulting requirements throughout Ontario to continue to undertake restrictions, it is recommended that the Procedure By-law amendment be extended to accommodate the ebbs and flows of this global pandemic. The Provincial Framework continues to

advise that working from home or remotely as much as possible is the preference to help curb the spread of the virus. There are uncertainties surrounding the virus and the recommendation is that people stay home when they are feeling ill, regardless of whether COVID-19 testing is warranted or not.

Therefore, it is recommended that the Town continue to limit the number of people attending municipal facilities, specifically Town Hall, so as to take every precaution reasonable to protect the health and well-being of Members of Council, Staff, Committee Members, and the public specifically as it relates to meetings of Council. This can be partially facilitated through electronic meeting participation.

Council, the Committee of Adjustment and advisory committees have regularly met through electronic means since the spring of 2020. Further, Public Meetings under the Planning Act have been successfully convened allowing for full public participation.

The current Council Chamber configuration does not allow for all Members of Council and the Senior Leadership Team to physically attend meetings while adhering to physical distancing requirements. While plexiglass barriers have been designed to provide some means of protection between meeting participants, this solution is not ideal. Therefore, electronic participation is likely to be required for some time into 2021.

Given the requirement for individuals to stay home when ill, there is potential that even when in-person meetings resume it would be challenging to achieve a quorum particularly during the cold and flu season. Members of Council who may be suffering from a minor cold would not be permitted to attend an in-person meeting given the Health Assessment protocols. In order to ensure quorum availability, staff recommends extension of this provision in the Procedural By-law to allow participation electronically.

### **Financial Considerations:**

There are no financial implications to continuing with virtual meetings of Council and Committees.

### **Strategic Plan Relationship: Risk Management**

Staff continues to recommend the continuation of the electronic meeting model to minimize the risk to the health and well-being of all participants.

**Consultation:**

A review of procedural by-laws for several Ontario Municipalities indicates that a vast majority have extended the virtual/electronic meeting provisions until at least the end of August 2021, given the uncertainty of the ongoing Novel Coronavirus COVID-19 pandemic.

**Other Pertinent Reports/Attachments:**

Previous amendments to the Town's Procedure By-law were approved in March and August, 2020. A copy of the proposed by-law, in Draft, is appended.

**Prepared and Recommended by:**

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

**Prepared and Submitted by:**

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



# Proxy Voting for Municipal Council Members

July 2020

This document is intended to give a summary of complex matters. It does not include all details and does not take into account local facts and circumstances. This document refers to or reflects laws and practices that are subject to change. Municipalities are responsible for making local decisions that are in compliance with the law such as applicable statutes and regulations. This document applies only to those municipalities whose meeting rules are governed by the Municipal Act, 2001.

This document, as well as any links or information from other sources referred to in it, should not be relied upon, including as a substitute for specialized legal or other professional advice in connection with any particular matter. The user is solely responsible for any use or application of this document.

## Overview

The province is providing municipalities with the flexibility to choose to allow proxy votes for municipal council members who are absent. This power helps ensure continuing representation of constituents' interests on municipal councils when a member is unable to attend in person due to, for example, illness, a leave of absence, or the need to practice physical distancing.

Municipalities that wish to allow proxy voting must amend their procedure bylaws to allow a member of council to appoint another member of the same council to act in their place when they are absent.

## Optional and Flexible

Allowing proxy voting is optional and it is up to each municipality to determine whether to allow proxies for council and under what circumstances. If a municipal council chooses to allow proxy voting, it is up to each member to decide whether they wish to appoint a member of that council as a proxy or not if they are to be absent.

Municipalities have the flexibility to determine the scope and extent of proxy appointments including, for example, any local rules or limitations, the process for appointing or revoking a proxy, and how proxyholders may participate in meetings. Municipalities may wish to consider:

- how proxies may be established and revoked;
- circumstances where proxies may or may not be used; and
- how a proxyholder may participate in a meeting including voting, speaking, or asking questions on behalf of the appointing member.

If a municipality chooses to allow proxy voting, it would be the role of the municipal clerk to establish a process for appointing and revoking proxies. Municipalities may also wish to consider addressing proxy voting in their code of conduct or other local policies to help ensure that votes are appropriately cast and that the local process is followed.

Once a proxy has been appointed, the appointing member could revoke the proxy using the process established by the municipal clerk.

## Limitations

Limits to the proxy appointment process are set out in legislation. These include:

- A proxyholder cannot be appointed unless they are a member of the same council as the appointing member:
  - For upper-tiers, this means that a proxyholder has to be a member of the same upper-tier council as the appointee, regardless of lower-tier membership;

- A member cannot act as a proxyholder for more than one other member of council at a time;
- An appointed proxy is not counted when determining if a quorum is present;
- A member appointing a proxy shall notify the municipal clerk of the appointment in accordance with a local process established by the clerk; and
- When a recorded vote is taken, the clerk shall record the name and vote of every proxyholder and the name of the member of council for whom the proxyholder is acting.

Council member absence rules still apply. This means that a member's seat would become vacant if they are absent from the meetings of council for three successive months without being authorized to do so by a resolution of council.

## Accountability and Transparency

Members appointing proxies or acting as proxyholders are required to follow existing accountability and transparency requirements. For example, a member may not appoint a proxy or serve as a proxyholder on a matter in which they have a pecuniary interest under the *Municipal Conflict of Interest Act*. Municipalities may also want to consider transparency measures such as:

- communicating to the public who has appointed a proxy and who is serving as a proxy;
- publishing meeting agendas in advance so that proxies can be appointed, if needed, and potential conflicts of interest can be identified; and
- allowing members to participate electronically when not able to attend meetings in person rather than appointing a proxy.

For more information about existing accountability and transparency requirements, including the Municipal Conflict of Interest Act, codes of conduct and the role of the local integrity commissioner, please see the [Municipal Councillor's Guide](#).

## Contact

If you have questions regarding how these new provisions may impact your municipality, contact your local Municipal Services Office with the Ministry of Municipal Affairs and Housing.

- **Central Municipal Services Office**  
Telephone: 416-585-6226 or 1-800-668-0230
- **Eastern Municipal Services Office**  
Telephone: 613-545-2100 or 1-800-267-9438
- **Northern Municipal Services Office (Sudbury)**  
Telephone: 705-564-0120 or 1-800-461-1193
- **Northern Municipal Services Office (Thunder Bay)**  
Telephone: 807-475-1651 or 1-800-465-5027
- **Western Municipal Services Office**  
Telephone: 519-873-4020 or 1-800-265-4736

## Additional Resources

- Municipal Act, 2001: <https://www.ontario.ca/laws/statute/01m25>
- The Ontario Municipal Councillor's Guide: <https://www.ontario.ca/document/ontario-municipal-councillors-guide-2018>



**Subject:** Policy of Timing of Development Charge Calculation, Installment and Interest for the Purpose of section 26.1 and 26.2 of the Development Charges Act

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2021-0016- Corporate Services; and that the Timing of Development Charge Calculation, Instalment and Interest Policy for the Purposes of Sections 26.1 and 26.2 of the Development Charge Act as included in Appendix 1, BE APPROVED.**

**THAT the Development Charges BY-LAW 4023(2018) be AMENDED to reflect the new sections 26.1 and 26.2.**

**THAT a \$550 administrative fee for payment defaults under section 26.1 of the Development Charges Act BE APPROVED for inclusion in the 2021 Fees and Charges By-Law.**

**Background:**

**Key Facts:**

The purpose of the report is to seek Council approval on the proposed policy for timing of development charge calculation, development charge instalments and interest for the purpose of section 26.1 and 26.2 of the Development Charges Act (DCA).

Section 26.1 and 26.2 of the DCA came into effect on January 1, 2020 when Bill 138 received royal assent on December 10, 2019.

Section 26.1 of the DCA established that development charges for certain types of developments are payable in instalments over certain periods of time with the first instalment due on building occupancy:

- Institutional developments and rental housing (that is not non-profit)- 6 annual installments
- Non-profit housing development- 21 annual instalments

Section 26.2 of the DCA established guidelines for determining the calculation date for the development charges payable. Under this section the calculation is the earlier of:

- The date of an application for a site plan control area, or
- If there is no such application, the date of an application for zoning by-laws, or
- If neither of these applications have been made, the charge will continue to be determined at the time of building permit issuance.

Under section 26.2 of the DCA, upon approval of one of the aforementioned planning applications, developers have a maximum of two years in which a building permit must be issued and the development charges paid at these frozen rates or the rates will continue to be calculated at the time of permit issuance.

Section 26.2 of the DCA only applies to applications that were submitted on or after January 1, 2020.

Both Section 26.1 and 26.2 allow an annual interest rate to be applied to both the instalments and frozen rates. Included as part of the accompanying procedure, staff are proposing the rate be set at 5%. This aligns with the approach taken by the Region of Niagara as it relates to Regional development charges.

### **Analysis:**

On December 10, 2019, Provincial Bill 138 “Plan to Build Ontario Together, 2019” received Royal Assent. This Bill amended and repealed various statutes including some of the previously introduced articles of Bill 108 from earlier in 2019. As a result, effective January 1, 2020 certain changes to the DCA under sections 26.1 and 26.2 came into force. These changes affect all municipalities in Ontario that have a development charges by-law. Those sections amended the DCA and changed the timing of the determination and payment of DCs in certain circumstances.

Both section 26.1 and 26.2 are discussed below in detail under separate headings. As a result of the changes to the DCA under section 26.1 and 26.2 staff are recommending that the Town implement a Policy to provide greater clarification on the changes for the development community as well as establish an interest rate as permitted under the DCA for the rate freeze and installment payment plans. The Policy can be found in Appendix 1 of this Report.

### DC Installment Payments under Section 26.1 of the DCA

Section 26.1 was added to the DCA to allow DCs for rental housing (that is not non-profit) and institutional developments to be payable in six (6) equal annual installments and DCs for non-profit housing developments payable in 21 equal annual installments. The first installment payment would occur on the date of issuance of the occupancy permit or occupancy of the building, whichever is earlier, with the subsequent installments occurring annually on the anniversary date of when the first installment was payable. Under the provisions of this section, the Province has provided that an interest rate can be charged on the amount of RDCs eligible for the installments.

### Rate Freeze under Section 26.2 of the DCA (Calculation Date)

Section 26.2 was added to the DCA to set out rules for when the amount of a DC is determined. The calculation of DCs will now be based on:

- (a) The date of an application for a site plan control area, or
- (b) If there is no such application, the date of an application for zoning by-laws, or
- (c) If neither of these applications have been made, the charge will continue to be determined at the time of building permit issuance.

The DCs are effectively frozen at the DC rate in effect at the time of submission of a complete Site Plan or Zoning By-Law Amendment application. Upon approval of the application, developers have a maximum of two years in which a building permit must be issued and the development charges paid at these frozen rates. If the two-year time period has elapsed, then the rate continues to be determined at the rate in effect at the time of building permit issuance. It is noted that these provisions are only applicable to developments for which Site Plan and Zoning By-law Amendment planning applications were submitted on or after January 1, 2020.

### Interest on Development Charges

Where DCs are payable in installments or the charges are determined at the time of Site Plan or Zoning By-Law Amendment planning application, the municipality may charge interest on the DC payment. The interest period for installment payments is from the date of building permit issuance to the date of DC payment, and for Site Plan and Zoning By-Law Amendment applications, from the date of the planning application to the date of the DC payment. Unpaid DCs, including interest payable, can be added to the tax roll under the revision to the DCA if not paid.

For the purpose of applying interest, staff are recommending an annual rate of 5% non-compounding that is included in the procedure. This rate will be utilized for both section 26.1 and 26.2 interest provisions of the DCA. Should the Province prescribe a maximum interest rate in the future, the interest rate that has been adopted may need to be revised in the procedure document. Authority to amend the interest rate is proposed to be delegated to the Treasurer in the draft Policy. Staff also undertook a review of other interest policies that have been approved by other municipalities. Summaries of the rates can be found below in Appendix 2 of this report. Many municipalities adopted a similar rate to that being recommended by Town staff. This review also emphasized the importance of utilizing an interest rate that is simplistic to interpret and has some consistency from year-to-year. Other municipalities reviewed adopted more complex interest rate determination methodologies, which would cause additional administrative complexities.

Staff have also reviewed various interest exemptions offered by the Region and are proposing to implement a 0% interest rate for both section 26.1 and 26.2 of the DCA for certain development types in alignment with Region's policy. This 0% interest charge would be applicable for Non-profit housing development types only as this development type supports the Regional incentive pillar of Affordable Housing. The other development types which are institutional (i.e., LTC/Retirement Homes, Post-Secondary Institutions, Royal Canadian Legion, and Hospices) and not non-profit housing would remain subject to the interest rate of 5%.

### **Financial Considerations:**

Changes to the *Development Charge Act* (DCA) under Bill 108 are effective January 1, 2020 and this policy is meant to formalize the process for development charge calculation and installments for eligible development types.

The interest rate that is proposed for certain development types is intended to offset the Town's opportunity cost of providing the development charge rate freeze and installments as proposed under the section 26.1 and 26.2 of the DCA. The interest that will be generated from this policy will be fully allocated to the DC reserves on a prorated basis.

Staff are also proposing a \$550 administration fee in the event of default of payment under the section 26.1 installment plans. This \$550 fee is intended to offset the staff time required to remedy the default which may include adding any outstanding installment amounts to the tax roll of the property. This fee will not be allocated to the DC reserves but allocated to the appropriate operating revenue account to offset any expenditures incurred.

**Alternatives Reviewed:**

Council may elect not to approve the proposed policy, which is **not recommended**. This policy will assist in creating a clear guideline for the Town's administration of section 26.1 and 26.2 of the DCA.

**Strategic Plan Relationship: Financial Sustainability**

This policy will ensure that financial sustainability will be maintained by addressing the Sections 26.1 and 26.2 of DCA are addressing the timing of the DC calculation, Instalment and Interest charges.

**Consultation:**

The Town of Pelham is following the Niagara Region's policy. The Niagara Region consulted with the following: The Chief Building Officials, Economic Development (Team Niagara) and Area Treasurers group with a copy distributed to the Area Planners. The Area Treasurers were supportive of the proposed policy for the Niagara Region including the interest rates and exemptions.

**Other Pertinent Reports/Attachments:**

Appendix 1 Timing of Development Charge Calculation, Instalment and Interest Policy for the Purposes of Section 26.1 and 26.2 of the *Development Charges Act*.

Appendix 2 Summary of Interest Rates Adopted by Other Municipalities

**Prepared and Recommended by:**

Teresa Quinlin, MBA, CPA, CA  
Director of Corporate Services/Treasurer

**Prepared and Submitted by:**

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

**Appendix 2 – Summary of Interest Rates Adopted by Other Municipalities**

	<b>Section 26.1 Interest Rate (for installments)</b>	<b>Section 26.2 Interest Rate (for rate freeze)</b>
City of Barrie	Weighted average cost of capital as determined by Director of Finance (2019: 4.78%)	Weighted average cost of capital as determined by Director of Finance (2019: 4.78%)
City of Ottawa	The greater of (a) the Infrastructure Construction Price Index <sup>1</sup> plus 0.5%, OR (b) the average annual rate at which the City issues debentures to fund development charge projects plus 0.5%.	The greater of (a) the Infrastructure Construction Price Index plus 0.5%, OR (b) the average annual rate at which the City issues debentures to fund development charge projects plus 0.5%.
City of Guelph	Non-residential construction price index year over year change as of September 30th of the prior year plus 2% if security is not provided.	Non-residential construction price index year over year change as of September 30th of the prior year plus 2% if security is not provided.
Town of Milton	Town's financial institution prime lending rate.	Town's financial institution prime lending rate.
Town of Whitby	Fixed 5% compounded annually.	Fixed 5% compounded annually.
York Region	Fixed 5% compounded annually.	Fixed 5% compounded annually.
Peel Region	0.0%	5.5% per annum after August 1, 2020. Interest will compound on unpaid amounts.
Halton Region	Region's financial institutions prime lending rate.	Region's financial institutions prime lending rate.

Toronto	<p><b>Financial Security</b>  <b>Provided:</b> Cost of capital rate.</p> <p><b>No Financial Security</b>  <b>Provided:</b> Greater of:  Canadian Bank Prime Rate  plus 5% or market rate of  construction financing as  determined by the City.</p>	1.5% per month.
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*1 – The Infrastructure construction price index is produced on a cost-recovery basis for the City of Ottawa by Statistics Canada. 2019 annual rate was 2.34%.*





<b>Policy Name: Timing for Development Charge Calculation, Instalment and Interest Policy for the Purposes of Sections 26.1 &amp; 26.2 of the Development Charge Act</b>	<b>Policy No: S400-XX</b>
Committee approval date:	-
Council approval date:	-
Revision date(s):	Every 5 years or upon expiry of Town Development Charge By-law
Department/Division:	Corporate Services

### 1. Purpose

The purpose of this policy is to establish the timing and rules for development charge calculations, as required under section 26.2 of the Development Charges Act, 1997. This policy establishes the conditions, duration, terms and other requirements on when and how the Town determines the total amount of a development charge, the instalment methodology for eligible development types and the applicable interest rates as outlined in the Act.

### 2. Policy Statement

This policy outlines the timing and rules for development charge calculations, as required under section 26.2 of the Development Charges Act, 1997, in order to be compliant with the new regulation.

### 3. Definitions

### 4. General Provisions:

#### 4 Legislative Framework – Calculation of Development Charges



**4.1** Timing for Development Charge calculation amount under section 26.2 of the Act:

Under subsection 26.2 (1) of the Act, the total amount of a development charge (i.e. rate) is determined under Town of Pelham's (Town) Development Charge Bylaw in effect on:

- 4.1.1.** the day an application for an approval of development under subsection 41 (4) of the Planning Act was made, or
- 4.1.2.** If clause 4.1.1 does not apply, the day an application for an amendment to a bylaw passed under section 34 of the Planning Act was made, or
- 4.1.3.** If neither clause 4.1.1 nor 4.1.2 applies, the date the development charges would have been payable under section 26 of the Act which is normally building permit issuance as per By-law No. 4149 (2019), Amending By-Law No. 4023 (2018) unless permitted otherwise through section 26.1 of the Development Charges Act.

**4.2.** By-law not in effect

Under subsection 26.2 (2) of the Act, subsection 26.1 (1) applies even if the by-law under which the development charge would be determined is no longer in effect.

**4.3.** Interest under section 26.2 of the Act:

Under subsection 26.2 (3) of the Act, the Town may charge interest on the development charge, at a rate not exceeding the prescribed



maximum interest rate, from the date of the application referred to in clause 4.1.1 or 4.1.2 to the date the development charge is payable.

#### **4.4. Exception, prescribed amount of time elapsed**

The dates as determined under sections 4.1.1 and 4.1.2 do not apply if:

- 4.4.1.** any part of a development to which section 26.1 applies if, on the date the first building permit is issued for the development, more than 2 years has elapsed since the application referred to in clause 4.1.1 or 4.1.2 was approved as defined in section 11.2 O. Reg. 82/98; or

### **5. Legislative Framework – Development Charge Instalments**

- 5.1.** Instalment Payments under section 26.1 of the Act and as defined in O.Reg 82/98.

Under subsections 26.1 (1), (2) and (3) of the Act, development charges shall be paid in equal annual instalments, beginning at the earlier of first occupancy or occupancy permit issuance date under the Building Code, Act, 1992 for:

- 5.1.1.** Rental housing development that is not non-profit housing as defined under section 11.1 (1) of O. Reg 82/98 as per section 3 (a) of the Act;
- 5.1.2.** Institutional development as defined under section 11.1 (2) if O. Reg. 82/98 as per section 3 (a) of the Act; and



**5.1.3.** Non-profit housing development as defined under section 11.1 (3) of O. Reg. 82/98 as per section 3 (b) of the Act.

**5.2.** A non-profit housing development under 5.1.3 shall pay their first payment at occupancy and the following 20 anniversaries after that date (21 equal payments).

**5.3.** Both a Rental housing development and institutional development as described under 5.1.1 and 5.1.2 shall pay their first payment at occupancy and the following five anniversaries after that date (six equal payments).

**5.4.** All other development shall pay their development charges upon the issuance of a building permit unless an early or late payment agreement has been entered into under subsection 27 (1) of the Act.

**5.5.** Interest under section 26.1 of the Act:

Subsection 26.1 (7) of the Act allows a municipality to charge interest on the instalments from the date the development charges would have been payable under section 26 of the Act.

## **6. Policy**

**6.1.** The application made date for the purposes of 4.1 of this Policy and 26.2 of the Act shall be determined by the Town and provided to the Niagara Region as information.

**6.2.** The applicant shall be notified of the Application Approval date for the purposes of Section 26.2 of the Development Charges Act by



the Town.

### **6.3. Application Appeal**

Should any Local Area Municipality decision on the application(s) as noted under section 4.1.1 and 4.1.2 be appealed, the Local Area Municipal decision will stand until final resolution of the appeal.

- 6.3.1.** Should a decision on an unapproved application be successfully appealed, the application made date will apply to section 4.1.1 or 4.1.2 of this policy and the application approval date shall be the date the appeal is approved.
- 6.3.2.** Should a decision on an approved application be upheld, the application made date will apply to section 4.1.1 or 4.1.2 of this policy and the application approval date shall be the date the decision is upheld.
- 6.3.3.** Should a decision on an approved application be successfully appealed or a decision on an unapproved application be upheld, the application made date will not apply to sections 4.1.1 and 4.1.2 of this policy.

### **6.4. Interest on Development Charges for Subsection 26.2 (3) of the Act**

Interest will be charged at the rate established in the Procedure on the development charge, from the date of the application referred to in clause 4.1.1 or 4.1.2 of this policy, to the date the development charge is payable.

### **6.5. Final Determination of Total Payable Development Charges**



On the day the development charge(s) is first payable, the final determination of the total payable development charge(s) shall be made.

#### **6.6. Transition**

Clauses 4.1.1 and 4.1.2 do not apply in the case of an application made before January 1, 2020 as per subsection 26.2 (6) of the Act.

#### **6.7. Acknowledgment Letter**

For all eligible development under section 26.1 of the Act an Acknowledgement Letter will be provided to the applicant / property owner at the time of building permit issuance outlining the terms of the development charge annual instalments as per the Act and Town policy.

#### **6.8. Notice of Occupancy**

**6.8.1.** The person responsible to pay development charges shall notify both the Niagara Region and the Town in writing within five business days of the building first being occupied unless an occupancy permit has been issued by the Town for the purposes of section 26.1 of the Act.

**6.8.2.** Under subsection 26.1 (6) of the Act, failure to comply with the occupancy notice requirement under 3.8.1 will result in the development charge including any interest payable becoming payable immediately.



- 6.8.3.** If the person responsible to pay development charges receives an occupancy permit issued by the Town, the Town must notify the Niagara Region within five business days for the purposes of section 26.1 of the Act.

**6.9.** Interest on Instalments for Subsection 26.1 (7) of the Act

- 6.9.1.** Interest will be charged on instalments at the rate found in section 6.14 from the date the development charge would have been payable in accordance with section 26 of the Act and the Town's Development Charges By-law.

**6.10.** Schedule of Instalment Payments

- 6.10.1.** The Town will provide an Instalment Payment Schedule to the person required to pay development charges once notified of occupancy.
- 6.10.2.** Acknowledgement of the Instalment Payment Schedule and the first instalment payment shall be due within 15 days of the Instalment Payment Schedule being provided. It will be the responsibility of the person responsible to pay development charges to provide payment in a prompt and timely manner as per the schedule, no further notification of upcoming payments will be given.

**6.11.** Development Charge Grants

For developments that are in receipt of a Town development charge grant or credit, the amount that shall be used for the purpose of determining instalment payments shall be the net amount of Town development charges payable.





## **6.12. Termination of the Instalment Schedule**

The remaining balance of all development charges shall be payable within 15 days immediately following the notification / determination of any of these trigger events:

- a. Change of use to a development type that is not eligible for development charge instalments under the Act, as of the day the change is made.
- b. Sale or transfer of ownership.
- c. If the balance of Town development charges owing plus any accrued interest as per the instalment schedule is paid to the Town.

## **6.13. Unpaid Development Charges**

**6.13.1.** If any development charges (including interest) are unpaid, those development charges (including interest) may (at the discretion of the Town) be added to the tax roll and collected in the same manner as taxes, in accordance with section 32 of the Act.

**6.13.2.** Interest on late payments added to the tax roll shall incur the applicable taxation interest rate (as provided under section 345 of the Municipal Act, 2001).

## **6.14. Interest Rate Used**



- 6.14.1.** An interest rate shall be used for the purposes of section 26.1 and 26.2 and shall be made available on the Town's website under the development charges page.
- 6.14.2.** Notwithstanding clause 3.14.1, an interest rate of 0% shall be used for the purpose of section 26.1 and 26.2 for the following types of development:
  - a. Non-profit housing development as defined under section 11.1 (3) of O. Reg. 82/98.

#### **6.15. Late Payment Penalty and Interest on unpaid Development Charge**

- 6.15.1.** All development charge instalment (including interest) that are unpaid as per the criteria established under section 26.1 of the Act, will be subject to a Town administration fee as per the Town's user fee by-law and may also be added to the tax roll and collected in the same manner as taxes, in accordance with section 32 of the Act.
- 6.15.2.** Interest on late payments added to the tax roll shall incur the applicable taxation interest rate as established by the Town of Pelham.

#### **6.16. Policy Common Name**

This Policy can also be referred to as: *Timing for Calculation of Development Charge, Instalment and Interest Policy*

### **7. Scope**



This policy applies to all development eligible under section 26.2 and 26.1 of the Development Charges Act, 1997.

## **8. Roles and Responsibilities**

### **8.1 Town of Pelham Council**

Approves, by resolution, the Timing for Calculation of Development Charge, Instalment and Interest Policy and any updates as necessary every five years or upon expiry of the Town of Pelham Development Charges By-law.

### **8.2 Director Corporate Services and Treasurer:**

Reviews and updates Timing for Calculation of Development Charge, Instalment and Interest Policy as necessary every five years or upon the expiry of a Town Development Charges By-law and submits any necessary changes for Council Approval.

Creates necessary guiding strategies, supporting frameworks and procedures as required to administer this policy, which may be amended from time-to-time.

Monitor compliance and adherence to this policy. Ensure interest rate is updated on website.

## **9. References and Related Documents.**

### **9.1. Legislation, By-Laws and/or Directives**

**9.1.1.** Development Charge Act, 1997, S.O. 1997, as amended from time to time.



- 9.1.2.** By-law No. 4149 (2019), Amending By-law No. 4023 (2018) –  
A By-law to Establish Development Charges for the Town of  
Pelham, as amended from time to time.

**Subject:** Fire fighter return to service policy 2021

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2021-0020;**

**AND THAT the Fire Fighter Return to Service Policy be presented to Council for approval at their next regular meeting.**

**Background:**

Occasionally fire fighters request a leave of absence from the active department, depending on the length of the leave of absence the fire fighter may be required to demonstrate the ability to perform a number of tasks prior to returning to active duty. This policy is for housekeeping purposes to provide consistent language so that all fire fighters understand the requirements prior to returning to active duty.

**Analysis:**

All suppression fire fighters are required to maintain a number of core competencies in order to perform efficiently and safely at an emergency incident. If a fire fighter is returning from a leave of absence from the active department they are required to demonstrate the ability to work safely and efficiently. In some cases they may be required to provide a functional abilities form before returning to work.

**Financial Considerations:**

There are no direct costs associated with this report.

**Alternatives Reviewed:**

Section 25(2)(h) of the *Occupational Health and Safety Act*, RSO 1990, c. 0.1, as amended has been interpreted within the fire context to require demonstration of core competencies before a fire fighter who has been on leave can attend active scenes. This is done to ensure the that fire fighter is as safe as possible when involved in inherently dangerous work. As such there is no practical alternative.

**Strategic Plan Relationship: Strong Organization**

This policy serves to codify existing practice. Because it is existing practice, it should be reflected in formal policy, which in turn requires the approval of Council. This practice exists to support a safe work environment for all volunteer fire fighters.

**Consultation:**

District Chiefs, training officers, H/R

**Other Pertinent Reports/Attachments:**

None

**Prepared and Recommended by:**

Bob Lymburner, Fire Chief

**Prepared and Submitted by:**

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



<b>Policy Name: Firefighter Return to Service</b>	<b>Policy No: S500-07</b>
Committee approval date:	-
Council approval date:	February 1, 2021
Revision date(s):	-
Department/Division:	Fire and Enforcement

### 1. Purpose

There are situations where Firefighters may require taking a leave of absence from the fire department. Ensuring they return to service at an acceptable level is crucial to the health and safety of all staff.

### 2. Responsibility

All staff are responsible for understanding the intent of this guideline, and to operate within all operating guidelines, policies and Regulations pertaining to this policy.

### 3. Policy Statement

Return to work procedures are essential in determining a Fire fighter's ability to perform the necessary tasks during active duty. Health and safety of all staff is the highest priority.

All Fire fighters who have been absent from active duty for long periods of time shall be evaluated prior to returning to active duty. The following but not limited to shall be completed prior to returning any active duty:

- Firefighter has been cleared by a doctor to return to service.
- A functional form from the doctor has been submitted to the Fire Chief stating the Firefighter can return to service.
- The Fire Chief or designate indicates to the station training officer(s), that the Firefighter has clearance to return to service.
- The Firefighter is to complete tasks relevant to them as outlined in





Appendix A.

- Station Training officer(s) indicate to the Fire Chief or designate that the Firefighter has completed the tasks outlined in Appendix A.
- Fire Chief or designate to give final authorization for the Firefighter to return to work.

#### **4. Evaluation**

All Fire fighters wishing to return to work shall complete the tasks outlined in Appendix A.

The fire fighter will be required to complete all tasks, the evaluator will score each task as either met requirement or requires further training. The evaluator will then make the recommendation to the Chief or designate on whether or not the Fire fighter can return to active duty.

#### **5. Record Keeping**

All records pertaining to the evaluation of the Fire fighter shall be stored and maintained using the most current record keeping procedures and maintained by the Station Training Officer(s) and fire chief's administrative assistant.



## Appendix A

 <b>Pelham Fire Services</b> <b>Firefighter Return To Service - Test</b>		
<b>Firefighter Name:</b> _____ <b>Firefighter Number</b> _____  <b>Date of Test:</b> _____  <b>Start Date of LOA:</b> _____ <b>Return Date From LOA</b> _____		
<b>Task</b>	<b>Met Objective</b>	<b>Requires Further Training</b>
<b>FIT Testing</b>		
Current FIT test for N95 and SCBA Masks		
<b>PPE</b>		
Properly Don Boots, Pants, Balaclava, Jacket, and Gloves in 90 seconds		
<b>SCBA</b>		
Don SCBA on air in 90 seconds		
Connect Transfil hose to own SCBA with firefighting gloves on		
Perform 14 point SCBA check		
Replace bottle of SCBA		
Fill SCBA Bottle with cascade system		
Test SCBA Mask for Proper Operation		
<b>Pump Operations</b>		
Pull Pumper up to hydrant		
Engage Parking brake		
Chock Wheels		
Engage Pump		
Flow water from tank		
Connect to Hydrant		
Switch over from tank to hydrant		



Fill tank while flowing water		
Disconnect and drain all hose and appliances		
Put truck back in service		
<b>Aerial Operations</b>		
Pull Aerial around to back of hall for setup with ample space		
Engage parking brake		
Chock Wheels		
Engage Aerial Master Switch and Aerial PTO		
Setup outriggers		
Make sure truck is level		
From Aerial Base - Maneuver bucket to place it on the ground behind the Aerial		
Don safety harness		
From the bucket, Maneuver bucket to 60 Ft in air		
From the bucket, Stow the bucket		
Stow all outriggers		
Place Truck back into the hall		
<b>Ladders</b>		
Identify three types of ladders and their purpose		
Remove roof ladder from truck		
Setup roof ladder against wall		
Perform a leg lock on the ladder		
Place ladder back on truck		
<b>Note: All functions to be performed while wearing proper PPE</b>		
<b>Recommend For Return To Service</b>	<b>Yes</b>	<b>No</b>
<b>Instructor Name(Please Print):</b> _____		
<b>Instructor Signature:</b> _____		
<b>Firefighter Signature:</b> _____		

**Subject:** Fire leave of absence policy 2021**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0019;**

**AND THAT the policy be presented for approval at the next regular meeting of Council.**

**Background:**

The Pelham fire service suppression division comprises 91 volunteer fire fighters who provide services to the Town outside of their regular jobs. For a variety of reasons fire fighters occasionally request a leave from the active department, these leaves usually range from 3 months to 1 year.

**Analysis:**

Suppression fire fighters who volunteer for the fire department have a number of commitments outside of their fire duties, the volunteer fire position does not financially support their living requirements and in most cases these fire fighters volunteer their time because of their strong commitment to the residents of Pelham. Granting a leave supports the requests, contributes to their wellbeing, overall health and helps retain their membership within the active department. As a practical matter, periodic short and mid-term leaves are a much better alternative than accepting a resignation and both reduces training costs and supports morale.

**Financial Considerations:**

There are no direct costs associated with this report.

**Alternatives Reviewed:**

The only alternative to providing leaves is refusing to provide leaves, which would both incur training costs and possibly reduce the effectiveness of the fire service. This is a best practice employed elsewhere and has been employed in Pelham, albeit in the absence of formal policy.

**Strategic Plan Relationship: Strong Organization**

By allowing volunteers short to medium term leaves when their personal lives or full-time employment require extra focus is greatly appreciated by the volunteers, and is in the Town's own financial and service capacity best interest. Having Council endorse the attached policy, which reflects current Town practice, formalizes this arrangement.

**Consultation:**

District Chiefs, Training officers, H/R

**Other Pertinent Reports/Attachments:**

Not applicable.

**Prepared and Recommended by:**

Bob Lymburner, Fire Chief

**Prepared and Submitted by:**

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



Policy Name: Firefighter Leave of Absense	<b>Policy No: S500-06</b>
Committee approval date:	-
Council approval date:	-
Revision date(s):	-
Department/Division:	Fire and Enforcement

## 1. Purpose

There are instances where fire fighters need to take a leave of absence ensuring they are granted this time is important for fire fighter health and well-being.

## 2. Responsibility

All volunteers are responsible for understanding the intent of this guideline, and to operate within all operating guidelines, polices and Regulations pertaining to this guideline.

## Policy Statement

The Town of Pelham will comply with all legislation relating to Leaves of Absence as outlined in the *Employment Standards Act (ESA), 2000*.

This guideline will outline the minimum and maximum time-frames a fire fighter can take for a leave of absence from Pelham Fire Services.

The following outline requirements to be met for a fire fighter to take a leave of absence:



- Contact the district chief of his or her station
- Request a leave in writing indicating the duration of time required
- The written submission is presented to the Chief or designate

A leave of absence will be granted for any reasonable period of time. All requests will be evaluated and ruled on by the Chief or designate. Prior to returning to active duty the fire fighter shall notify his district chief and present the required documents for approval.

The district chief will advise the fire fighter on the requirements for him or her to return to active duty.

#### **1. Record Keeping**

All records pertaining to the fire fighter leave of absence shall be stored and maintained using the most current record keeping procedures and maintained by fire administration.



**Subject:** Hiring of fire fighters with previous experience policy 2021

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2021-0021 ;**

**AND THAT the policy be presented for approval at the next regular meeting of Council.**

**Background:**

The fire department is required from time-to-time to hire probationary fire fighters to maintain the department's full complement, all probationary fire fighters are required to successfully complete a recruit training program which takes 10 to 12 months. Occasionally the department receives an application from a fire fighter with previous experience from another municipality. Fast tracking these fire fighters is both cost effective and expeditious for the Town.

**Analysis:**

Hiring a fire fighter with previous experience is an asset to the operation of the fire department, not only does it bring immediate knowledge and expertise it allows the training division to focus more on the probation fire fighters. Requiring a fire fighter with previous experience to complete the probation program needlessly adds to the work load of the training division it also prevents the department from taking advantage of the skills and expertise of the fire fighter.

**Financial Considerations:**

There are no direct costs associated with this report

**Alternatives Reviewed:**

Having all fire fighters regardless of experience complete the recruit training program.

**Strategic Plan Relationship: Strong Organization**

The attached policy reflects the current practices already employed by the Fire Department. Employing experienced fire fighters leads to highly skilled teams and reduced costs for the Town, both of which strengthen the corporation and the community.

**Consultation:**

District Chiefs, training officers, H/R

**Other Pertinent Reports/Attachments:**

[Click here to enter text.](#)

**Prepared and Recommended by:**

Bob Lymburner, Fire Chief

**Prepared and Submitted by:**

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



<b>Policy Name: Hiring Firefighters with Previous Experience</b>	<b>Policy No: S500-08</b>
Committee approval date:	-
Council approval date:	February 1, 2021
Revision date(s):	-
Department/Division:	Fire and Enforcement

### 1. Purpose

Fire fighters that are hired onto Pelham Fire Services, who have previous fire fighting experience, volunteer or full time, provide instant competency well beyond what our new recruits can provide. Recognizing training received in other fire services can expedite the timeline to fulfill the probationary fire fighter goals and objectives.

### 2. Responsibility

All staff are responsible for understanding the intent of this guideline, and to operate within all, operating procedures, policies, and regulations pertaining to this guideline.

### 3. Policy Statement

Recruit fire fighters with previous fire fighting experience are eligible to have their probationary period adjusted based on their experience, knowledge of Pelham fire department operating guidelines and policies and the overall evaluation approved by the Chief.

This guideline will outline the minimum requirements recruit fire fighters have to meet for this expedited probationary period.

It is critical to ensure the recruit fire fighter has adequate experience in the fire service, and is familiar with Pelham Fire Services equipment, before promoting them to fire fighter status.



The following shall be met for the recruit fire fighter with fire fighting experience to be considered for promotion to fire fighter status:

- Must have a minimum of 1 year fire fighting experience
- Chief or designate to call previous fire service for a reference
- Complete practical exam in Appendix A
- Recruit fire fighter to attend 2 practices at each of the 3 halls during a 3 month period.
- Recruit fire fighter will remain recruit for a 6 month period before eligibility to be promoted to fire fighter.

#### **4. Evaluation**

If adequate experience is presented, the Fire Chief or designate will instruct the Training Officer or designate to evaluate the Recruit fire fighter for competences.

The fire fighter will be put through the practical exam in Appendix A. Upon completion of the exam, the evaluator will make his or her recommendation to the Chief or designate.


The Fire Chief or designate will evaluate and make the final decision on promotion.

#### **5. Record Keeping**

All records pertaining to the evaluation of the fire fighter shall be stored and maintained using the most current record keeping procedures and maintained by the Station Training Officer(s).



### Appendix A

 <b>Pelham Fire Services Previous Experience Promotional Exam</b>		
<b>Fire fighter Name:</b> _____ <b>Fire ighter Number</b> _____  <b>Date of Test:</b> _____		
<b>Task</b>	<b>Met Objective</b>	<b>Requires Further Training</b>
<b>PPE</b>		
Properly Don Boots, Pants, Balaclava, Jacket, and Gloves in 90 seconds		
<b>SCBA</b>		
Don SCBA on air in 90 seconds		
Connect Transfil hose to own SCBA with firefighting gloves on		
Perform 14 point SCBA check		
Replace bottle of SCBA		
Fill SCBA Bottle with cascade system		
<b>Knots</b>		
Tie Figure 8 knot		
Tie a water knot		
Tie a clove hitch		
Tie a prussik knot		
Alpine butterfly knot		
<b>Ladders</b>		
Identify three types of ladders and their purpose		
Remove 24 ft. extension ladder from truck		



Setup ladder against wall		
Perform a leg lock on the ladder		
<b>Nozzles &amp; Streams</b>		
Demonstrate proper handling of a nozzle during water flow		
Demonstrate a fog pattern and explain what it is used for		
Demonstrate a straight stream and explain what it is used for		
<b>Advancing Hoseline</b>		
Advance Hoseline through a door		
Advance Hoseline up a ladder(charged and uncharged)		
<b>Locating Equipment on Apparatus</b>		
Locate a pike pole		
Locate a shovel		
Locate a flathead axe		
Locate a pick axe		
Locate attic ladder		
Locate AFFF water extinguisher		
Locate spare O2 bottle		
<b>Note: All functions to be performed while wearing proper PPE</b>		
<b>Recommend For Promotion</b>	<b>Yes</b>	<b>No</b>
<b>Instructor Name(Please Print):</b> _____		
<b>Instructor Signature:</b> _____		
<b>Fire fighter Signature:</b> _____		

THE CORPORATION OF THE  
T O W N   O F   P E L H A M  
**BY-LAW #4310 (2021)**

**Being a by-law to authorize the Mayor and Clerk to enter into a Transfer Payment 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, for the purposes of implementation of the Municipal Transit Enhanced Cleaning.**

WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to enter into a Transfer Payment Agreement with Her Majesty the Queen in Right of the Province of Ontario for the Municipal Transit Enhanced Cleaning Program;

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

- (1) THAT the Transfer Payment Agreement attached hereto and made part of this by-law between the Corporation of the Town of Pelham and the Province of Ontario be and the same is hereby approved.
- (2) THAT the Mayor and Clerk be and are hereby authorized and instructed on behalf of the Corporation of the Town of Pelham to execute the said Agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.

ENACTED, SIGNED & SEALED THIS  
1<sup>st</sup> DAY OF FEBRUARY, 2021 A.D.

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M. JUNKIN, MAYOR

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NANCY J. BOZZATO, TOWN CLERK



## **TRANSFER PAYMENT AGREEMENT FOR MUNICIPAL TRANSIT ENHANCED CLEANING**

**THIS TRANSFER PAYMENT AGREEMENT** for Municipal Transit Enhanced Cleaning (the “Agreement”) is effective as of the Effective Date (both “Agreement” and “Effective Date” as further defined in section A1.2 (Definitions)).

### **B E T W E E N:**

**Her Majesty the Queen in right of Ontario** as represented by the  
Minister of Transportation for the Province of Ontario

(the “**Province**”)

- and -

**The Corporation of the Town of Pelham**

(the “**Recipient**”)

### **BACKGROUND:**

In response to the COVID-19 pandemic and subject to the terms and conditions set out in the Agreement, the Province has agreed to provide funding to the Recipient for the Municipal Transit Enhanced Cleaning (“MTEC” as further defined in section A1.2 (Definitions)).

### **CONSIDERATION:**

In consideration of the mutual covenants and agreements contained in the Agreement and for other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Province and the Recipient agree as follows:

#### **1.0 ENTIRE AGREEMENT**

**1.1 Schedules and Sub-schedule to the Agreement.** The following schedules and sub-schedule form part of the Agreement:

Schedule “A” - General Terms and Conditions

Schedule “B” - Contact Information and Authorized Representatives

Schedule “C” - Eligible Expenditures and Ineligible Expenditures

Schedule “D” - Claim and Attestation Submission, Supporting Documentation and  
Payment Procedures

Sub-schedule “D.1” - Claim and Attestation Form

- 1.2 **Entire Agreement.** The Agreement constitutes the entire agreement between the Parties (as defined in section A1.2 (Definitions)) with respect to the subject matter contained in the Agreement and supersedes all prior oral or written representations and agreements.

## **2.0 CONFLICT OR INCONSISTENCY**

- 2.1 **Conflict or Inconsistency.** In the event of a conflict or inconsistency between any of the requirements of:

- (a) Schedule “A” (General Terms and Conditions) and any of the requirements of another schedule or a sub-schedule, Schedule “A” (General Terms and Conditions) will prevail to the extent of the inconsistency; or
- (b) a schedule and any of the requirements of a sub-schedule, the schedule will prevail to the extent of the inconsistency.

## **3.0 COUNTERPARTS**

- 3.1 **Counterparts.** The Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

### **3.2 Electronic Execution and Delivery of Agreement.**

- (a) The Agreement may:
  - (i) be executed and delivered by scanning the manually signed Agreement as a PDF and delivering it by email to the other Party; or
  - (ii) subject to the Province’s prior written consent, be executed and delivered electronically to the other Party.
- (b) The respective electronic signature of the Parties is the legal equivalent of a manual signature.

## **4.0 AMENDING THE AGREEMENT**

- 4.1 **Amendments.** The Agreement may only be amended by a written agreement.
- 4.2 **Execution of Amending Agreements.** An amending agreement under section 4.1 (Amendments) may be executed by the respective representatives of the

Parties listed in Schedule “B” (Contact Information and Authorized Representatives).

## **5.0 ACKNOWLEDGEMENT**

**5.1 Acknowledgement.** The Recipient acknowledges that:

- (a) the Funds are to assist the Recipient to carry out the MTEC and not to provide goods or services to the Province;
- (b) the Province is not responsible for carrying out the MTEC; and
- (c) the Province is bound by the *Freedom of Information and Protection of Privacy Act* (Ontario) and that any information provided to the Province in connection with the MTEC or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

**5.2 Acknowledgement from Province.** The Province acknowledges that the Recipient is bound by the *Municipal Freedom of Information and Protection of Privacy Act* (Ontario) and any information provided to the Recipient in connection with the MTEC or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

**- SIGNATURE PAGE FOLLOWS -**

The Parties have executed the Agreement on the dates set out below.

**HER MAJESTY THE QUEEN IN RIGHT OF THE  
PROVINCE OF ONTARIO**, represented by the  
Minister of Transportation for the Province of Ontario

---

Date

---

Name: Caroline Mulroney  
Title: Minister

**THE CORPORATION OF THE TOWN OF PELHAM**

---

Date

---

Name: Marvin Junkin  
Title: Mayor

I have authority to bind the Recipient.

---

Date

---

Name: Nancy Bozzato  
Title: Town Clerk

I have authority to bind the Recipient.

## **SCHEDULE “A” GENERAL TERMS AND CONDITIONS**

### **A1.0 INTERPRETATION AND DEFINITIONS**

**A1.1 Interpretation.** For the purposes of interpretation:

- (a) words in the singular include the plural and vice-versa;
- (b) words in one gender include all genders;
- (c) the background and the headings do not form part of the Agreement; they are for reference only and will not affect the interpretation of the Agreement;
- (d) any reference to dollars or currency will be in Canadian dollars and currency; and
- (e) all accounting terms not otherwise defined in the Agreement have their ordinary meanings.

**A1.2 Definitions.** In the Agreement, the following terms will have the following meanings:

**“Agreement”** means this agreement, entered into between the Province and the Recipient, all of the schedules and the sub-schedule listed in section 1.1 (Schedules and Sub-schedule to the Agreement), and any amending agreement entered into pursuant to section 4.1 (Amendments).

**“Authorities”** means any government authority, agency, body or department, whether federal, provincial or municipal, having or claiming jurisdiction over the Agreement or the MTEC, or both.

**“Business Day”** means any working day, Monday to Friday inclusive, excluding statutory and other holidays, namely: New Year’s Day; Family Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving Day; Remembrance Day; Christmas Day; Boxing Day and any other day on which the Province has elected to be closed for business.

**“Effective Date”** means the date of signature by the last signing Party to the Agreement.

**“Eligible Expenditures”** means the costs of the MTEC that are eligible for funding by the Province under the Agreement, and that are further described in section C2.1 (Scope of Eligible Expenditures).

**“Event of Default”** has the meaning ascribed to it in section A12.1 (Events of Default).

**“Expiry Date”** means June 30, 2021.

**“Funds”** means the money the Province provides to the Recipient pursuant to the Agreement.

**“Indemnified Parties”** means Her Majesty the Queen in right of Ontario, and includes Her ministers, agents, appointees, and employees.

**“Ineligible Expenditures”** means the costs of the MTEC that are ineligible for funding by the Province under the Agreement, and that are further described in section C3.1 (Scope of Ineligible Expenditures).

**“Loss”** means any cause of action, liability, loss, cost, damage, or expense (including legal, expert and consultant fees) that anyone incurs or sustains as a result of or in connection with the MTEC or any other part of the Agreement.

**“Maximum Funds”** means \$6,763.

**“MTEC”** means the municipal transit enhanced cleaning as described in section C1.1 (Description of the MTEC).

**“Notice”** means any communication given or required to be given pursuant to the Agreement.

**“Notice Period”** means the period of time within which the Recipient is required to remedy an Event of Default, pursuant to paragraph A12.3(b), and includes any such period or periods of time by which the Province extends that time in accordance with section A12.4 (Recipient not Remediating).

**“Parties”** means the Province and the Recipient.

**“Party”** means either the Province or the Recipient.

**“Proceeding”** means any action, claim, demand, lawsuit, or other proceeding that anyone makes, brings or prosecutes as a result of or in connection with the MTEC or with any other part of the Agreement.

**“Records Review”** means any assessment the Province conducts pursuant to section A7.4 (Records Review).

**“Reports”** means the reports described in Schedule “D” (Claim and Attestation Submission, Supporting Documentation and Payment Procedures).

**“Requirements of Law”** means all applicable requirements, laws, statutes, codes, acts, ordinances, approvals, orders, decrees, injunctions, by-laws, rules, regulations, official plans, permits, licences, authorizations, directions, and agreements with all Authorities.

## **A2.0 REPRESENTATIONS, WARRANTIES AND COVENANTS**

**A2.1 General.** The Recipient represents, warrants and covenants that:

- (a) it has, and will continue to have, the experience and expertise necessary to carry out the MTEC;
- (b) it is in compliance with, and will continue to comply with, all Requirements of Law related to any aspect of the MTEC, the Funds, or both;
- (c) if Funds are used for acquired goods or services, or both, these were acquired in compliance with the Recipient’s policies and procedures and, to the extent possible under the COVID-19 unprecedented times, through a process that promotes the best value for the money;
- (d) it is in compliance with the insurance requirements set out in section A10.1 (Recipient’s Insurance); and
- (e) unless otherwise provided for in the Agreement, any information the Recipient provided to the Province in support of its request for funds including, without limitation, information relating to any eligibility requirements, the MTEC and related timelines was true and complete at the time the Recipient provided it and will continue to be true and complete.

**A2.2 Execution of Agreement.** The Recipient represents and warrants that it has:

- (a) the full power and authority to enter into the Agreement; and
- (b) taken all necessary actions to authorize the execution of the Agreement, including passing a municipal by-law authorizing the Recipient to enter into the Agreement.

**A2.3 Governance.** The Recipient represents, warrants and covenants that it has, will maintain, in writing, and will follow:

- (a) procedures to enable the Recipient to manage the Funds prudently and effectively;
- (b) procedures to enable the Recipient to complete the MTEC successfully;



- (c) procedures to address any identified risks to the MTEC initiatives, all in a timely manner;
- (d) procedures to enable the preparation and submission of all Reports required pursuant to Article A7.0 (Reporting, Accounting and Review); and
- (e) procedures to enable the Recipient to address such other matters as the Recipient considers necessary to carry out its obligations under the Agreement.

**A2.4 Supporting Proof.** Upon request of the Province and within the timelines set out in the request, the Recipient will provide the Province with proof of the matters referred to in this Article A2.0 (Representations, Warranties and Covenants).

### **A3.0 TERM OF THE AGREEMENT**

**A3.1 Term.** The term of the Agreement will commence on the Effective Date and will expire on the Expiry Date unless terminated earlier pursuant to Article A11.0 (Termination on Notice) or Article A12.0 (Event of Default, Corrective Action and Termination for Event of Default).

### **A4.0 FUNDS AND CARRYING OUT THE MTEC**

**A4.1 Funds Provided.** The Province will:

- (a) provide the Recipient up to the Maximum Funds towards the Eligible Expenditures the Recipient incurred and paid for the purpose of carrying out the MTEC;
- (b) provide the Funds to the Recipient in accordance with the payment procedures provided for in Schedule "D" (Claim and Attestation Submission, Supporting Documentation and Payment Procedures); and
- (c) deposit the Funds into an account designated by the Recipient provided that the account:
  - (i) resides at a Canadian financial institution; and
  - (ii) is in the name of the Recipient.

**A4.2 Limitation on Payment of Funds.** Despite section A4.1 (Funds Provided):

- (a) the Province is not obligated to provide any Funds to the Recipient until the Recipient provides evidence satisfactory to the Province that the Recipient's council has authorized the execution of the Agreement by the

Recipient by municipal by-law; and

- (b) the Province may adjust the amount of Funds it provides to the Recipient based upon the Province's assessment of the information the Recipient provides to the Province pursuant to section A7.2 (Preparation and Submission).

**A4.3 Use of Funds and Carry Out the MTEC.** The Recipient will do all of the following:

- (a) spend the Funds only for Eligible Expenditures; and
- (b) not use the Funds to cover any Eligible Expenditure that has or will be funded or reimbursed by one or more of any third party, including any level of government, or ministry, agency, or organization of the Government of Ontario, other than the Province pursuant to the Agreement.

**A4.4 Rebates, Credits and Refunds.** The Province will calculate Funds based on the actual Eligible Expenditures to the Recipient to carry out the MTEC, less any costs (including taxes) for which the Recipient has received, will receive, or is eligible to receive, a rebate, credit or refund.

## **A5.0 RECIPIENT'S DISPOSAL OF ASSETS**

**A5.1 Disposal.** The Recipient agrees not to sell, lease or otherwise dispose of any assets acquired with the Funds without the Province's prior written consent.

## **A6.0 CONFLICT OF INTEREST**

**A6.1 No Conflict of Interest.** The Recipient represents and warrants that there is and there will continue to be no conflict of interest in respect to how the MTEC has been and will continue to be carried out and that the Recipient will use the Funds without an actual, potential, or perceived conflict of interest.

**A6.2 Conflict of Interest Includes.** For the purposes of this Article A6.0 (Conflict of Interest), a conflict of interest includes any circumstances where:

- (a) the Recipient; or
- (b) any person who has the capacity to influence the Recipient's decisions, has outside commitments, relationships, or financial interests that could, or could be seen to, interfere with the Recipient's objective, unbiased, and impartial judgment relating to the MTEC, the use of the Funds, or both.

**A6.3 Disclosure to Province.** The Recipient will:

- (a) disclose to the Province, without delay, any situation that a reasonable person would interpret as an actual, potential, or perceived conflict of interest; and
- (b) comply with any terms and conditions that the Province may prescribe as a result of the disclosure.

**A7.0 REPORTING, ACCOUNTING AND REVIEW**

**A7.1 Province Includes.** For the purposes of sections A7.4, A7.5 and A7.6, “**Province**” includes any auditor or representative the Province may identify.

**A7.2 Preparation and Submission.** The Recipient will:

- (a) submit to the Province at the address referred to in section A15.1 (Notice in Writing and Addressed):
  - (i) all Reports in accordance with the timelines and content requirements as provided for in Schedule “D” (Claim and Attestation Submission, Supporting Documentation and Payment Procedure); and
  - (ii) any other reports in accordance with any timelines and content requirements the Province may specify from time to time; and
- (b) ensure that all Reports and other reports are:
  - (i) completed to the satisfaction of the Province; and
  - (ii) signed by an authorized signing officer of the Recipient.

**A7.3 Record Maintenance.** The Recipient will keep and maintain for a period of seven years from their creation:

- (a) proper and accurate financial accounts and records, kept in a manner consistent with generally accepted accounting principles in effect in Canada or with the public sector accounting standards approved or recommended by the Public Sector Accounting Board including, without limitation, its contracts, invoices, statements, receipts, and vouchers and any other evidence of payment relating to the Funds or otherwise to the MTEC; and
- (b) all non-financial records and documents relating to the Funds or otherwise to the MTEC.

A7.4 **Records Review.** The Province may, at its own expense, upon twenty-four hours' Notice to the Recipient and during normal business hours, enter upon the Recipient's premises to conduct an audit or investigation of the Recipient regarding the Recipient's compliance with the Agreement, including assessing any of the following:

- (a) the truth of any of the Recipient's representations and warranties; and
- (b) the Recipient's allocation and expenditure of the Funds.

A7.5 **Inspection and Removal.** For the purposes of any Records Review, the Province may take one or more of the following actions:

- (a) inspect and copy any records and documents referred to in section A7.3 (Record Maintenance); and
- (b) remove any copies the Province makes pursuant to section A7.5(a).

A7.6 **Cooperation.** To assist the Province in respect of its rights provided for in section A7.5 (Inspection and Removal), the Recipient will cooperate with the Province by:

- (a) ensuring that the Province has access to the records and documents including, without limitation, paid invoices and original receipts, wherever they are located;
- (b) assisting the Province in copying records and documents;
- (c) providing to the Province, in the form the Province specifies, any information the Province identifies; and
- (d) carrying out any other activities the Province requests.

A7.7 **No Control of Records.** No provision of the Agreement will be construed so as to give the Province any control whatsoever over the Recipient's records.

A7.8 **Auditor General.** The Province's rights under Article A7.0 (Reporting, Accounting and Review) are in addition to any rights provided to the Auditor General pursuant to section 9.2 of the *Auditor General Act* (Ontario).

## A8.0 COMMUNICATIONS REQUIREMENTS

A8.1 **Acknowledge Support.** Unless the Province directs the Recipient to do otherwise, the Recipient will in each of its MTEC-related publications whether written, oral or visual:

- (a) acknowledge the support of the Province for the MTEC;
- (b) ensure that any acknowledgement is in a form and manner as the Province directs; and
- (c) indicate that the views expressed in the publication are the views of the Recipient and do not necessarily reflect those of the Province.

## **A9.0 INDEMNITY**

**A9.1 Indemnification.** The Recipient will indemnify and hold harmless the Indemnified Parties from and against any Loss and any Proceeding, unless solely caused by the negligence or wilful misconduct of the Indemnified Parties.

## **A10.0 INSURANCE**

**A10.1 Recipient's Insurance.** The Recipient is responsible for its own insurance and has been carrying, at its own costs and expense, and requiring the same from its subcontractors, all the necessary and appropriate insurance that a prudent municipality in similar circumstances would maintain in order to protect itself and the Indemnified Parties and support the Recipient's indemnification set out in section A9.1 (Indemnification). For greater certainty, the Recipient is not covered by the Province of Ontario's insurance program and no protection will be afforded to the Recipient by the Government of Ontario for any Loss or Proceeding that may arise out of the MTEC or the Agreement.

## **A11.0 TERMINATION ON NOTICE**

**A11.1 Termination on Notice.** The Province may terminate the Agreement at any time without liability, penalty, or costs upon giving at least 30 days' Notice to the Recipient.

**A11.2 Consequences of Termination on Notice by the Province.** If the Province terminates the Agreement pursuant to section A11.1 (Termination on Notice), the Province may take one or more of the following actions:

- (a) cancel all further instalments of Funds; and
- (b) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient.

## **A12.0 EVENT OF DEFAULT, CORRECTIVE ACTION, AND TERMINATION FOR DEFAULT**

**A12.1 Events of Default.** It will constitute an Event of Default if, in the opinion of the Province, the Recipient breaches any representation, warranty, covenant or other material term of the Agreement including, without limitation, failing to do any of the following in accordance with the terms and conditions of the Agreement:

- (a) use or spend any of the Funds or related interest for a purpose other than that contemplated under the Agreement without the prior written consent of the Province; or
- (b) provide, in accordance with section A7.2 (Preparation and Submission), Reports or such other reports as may have been requested pursuant to paragraph A7.2(b).

**A12.2 Consequences of Events of Default and Corrective Action.** If an Event of Default occurs, the Province may, at any time, take one or more of the following actions:

- (a) provide the Recipient with an opportunity to remedy the Event of Default;
- (b) suspend the payment of Funds for such period as the Province determines appropriate;
- (c) reduce the amount of the Funds;
- (d) cancel all further instalments of Funds;
- (e) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient;
- (f) demand from the Recipient the payment of an amount equal to any Funds the Recipient used, but did not use in accordance with the Agreement;
- (g) demand from the Recipient the payment of an amount equal to any Funds the Province provided to the Recipient;
- (h) demand from the Recipient the payment of an amount equal to the costs the Province incurred or incurs to enforce its rights under the Agreement, including the costs of any Record Review and the costs it incurs to collect any amounts the Recipient owes to the Province; and
- (i) terminate the Agreement at any time, including immediately, without liability, penalty or costs to the Province upon giving Notice to the Recipient.

**A12.3 Opportunity to Remedy.** If, in accordance with paragraph A12.2(a), the Province provides the Recipient with an opportunity to remedy the Event of Default, the Province will provide Notice to the Recipient of:

- (a) the particulars of the Event of Default; and
- (b) the Notice Period.

**A12.4 Recipient not Remediating.** If the Province has provided the Recipient with an opportunity to remedy the Event of Default pursuant to paragraph A12.2(a), and:

- (a) the Recipient does not remedy the Event of Default within the Notice Period;
- (b) it becomes apparent to the Province that the Recipient cannot completely remedy the Event of Default within the Notice Period; or
- (c) the Recipient is not proceeding to remedy the Event of Default in a way that is satisfactory to the Province,

the Province may extend the Notice Period, or initiate any one or more of the actions provided for in paragraphs A12.2 (b), (c), (d), (e), (f), (g), (h) and (i).

**A12.5 When Termination Effective.** Termination under this Article A12.0 (Event of Default, Corrective Action, and Termination for Default) will take effect as provided for in the Notice.

## **A13.0 FUNDS UPON EXPIRY**

**A13.1 Funds Upon Expiry.** The Recipient will, upon expiry of the Agreement, pay to the Province any Funds and interest remaining in its possession or under its control.

## **A14.0 DEBT DUE AND PAYMENT**

**A14.1 Payment of Overpayment.** If at any time the Province provides Funds in excess of the amount to which the Recipient is entitled under the Agreement, the Province may:

- (a) deduct an amount equal to the excess Funds from any further instalments of Funds; or
- (b) demand that the Recipient pay an amount equal to the excess Funds to the Province.

A14.2 **Debt Due.** If, pursuant to the Agreement:

- (a) the Province demands from the Recipient the payment of any Funds or an amount equal to any Funds; or
- (b) the Recipient owes any Funds or an amount equal to any Funds to the Province, whether or not the Province has demanded their payment,

such amounts will be deemed to be a debt due and owing to the Province by the Recipient, and the Recipient will pay the amounts to the Province immediately, unless the Province directs otherwise.

A14.3 **Interest Rate.** The Province may charge the Recipient interest on any money owing by the Recipient at the then current interest rate charged by the Province of Ontario on accounts receivable.

A14.4 **Payment of Money to Province.** The Recipient will pay any money owing to the Province by cheque payable to the “Ontario Minister of Finance” and delivered to the Province as provided for in Schedule “B” (Contact Information and Authorized Representatives).

A14.5 **Fails to Pay.** Without limiting the application of section 43 of the *Financial Administration Act* (Ontario), if the Recipient fails to pay any amount owing under the Agreement, Her Majesty the Queen in right of Ontario may deduct any unpaid amount from any money payable to the Recipient by Her Majesty the Queen in right of Ontario.

## A15.0 NOTICE

A15.1 **Notice in Writing and Addressed.** Notice will be:

- (a) in writing;
- (b) delivered by email, postage-prepaid mail, personal delivery or courier; and
- (c) addressed to the Province and the Recipient as set out in Schedule “B” (Contact Information and Authorized Representatives), or as either Party later designates to the other by Notice.

A15.2 **Notice Given.** Notice will be deemed to have been given:

- (a) in the case of postage-prepaid mail, five Business Days after the Notice is mailed; and
- (b) in the case of email, personal delivery or courier on the date on which the Notice is delivered.



**A15.3 Postal Disruption.** Despite paragraph A15.2(a), in the event of a postal disruption:

- (a) Notice by postage-prepaid mail will not be deemed to be given; and
- (b) the Party giving Notice will provide Notice by email, personal delivery or courier.

## **A16.0 CONSENT BY PROVINCE AND COMPLIANCE BY RECIPIENT**

**A16.1 Consent.** When the Province provides its consent pursuant to the Agreement:

- (a) it will do so by Notice;
- (b) it may attach any terms and conditions to the consent; and
- (c) the Recipient may rely on the consent only if the Recipient complies with any terms and conditions the Province may have attached to the consent.

## **A17.0 SEVERABILITY OF PROVISIONS**

**A17.1 Invalidity or Unenforceability of Any Provision.** The invalidity or unenforceability of any provision of the Agreement will not affect the validity or enforceability of any other provision of the Agreement.

## **A18.0 WAIVER**

**A18.1 Waiver Request.** Either Party may, by Notice, ask the other Party to waive an obligation under the Agreement.

**A18.2 Waiver Applies.** If in response to a request made pursuant to section A18.1 (Waiver Request) a Party consents to a waiver, the waiver will:

- (a) be valid only if the Party that consents to the waiver provides the consent by Notice; and
- (b) apply only to the specific obligation referred to in the waiver.

## **A19.0 INDEPENDENT PARTIES**

**A19.1 Parties Independent.** The Recipient is not an agent, joint venturer, partner or employee of the Province, and the Recipient will not represent itself in any way that might be taken by a reasonable person to suggest that it is, or take any

actions that could establish or imply such a relationship.

## **A20.0 ASSIGNMENT OF AGREEMENT OR FUNDS**

A20.1 **No Assignment.** The Recipient will not, without the prior written consent of the Province, assign any of its rights or obligations under the Agreement.

A20.2 **Agreement Binding.** All rights and obligations contained in the Agreement will extend to and be binding on:

- (a) the Recipient's successors, and permitted assigns; and
- (b) the successors to Her Majesty the Queen in right of Ontario.

## **A21.0 GOVERNING LAW**

A21.1 **Governing Law.** The Agreement and the rights, obligations and relations of the Parties will be governed by and construed in accordance with the laws of the Province of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with the Agreement will be conducted in the courts of Ontario, which will have exclusive jurisdiction over such proceedings.

## **A22.0 FURTHER ASSURANCES**

A22.1 **Agreement into Effect.** The Recipient will:

- (a) provide such further assurances as the Province may request from time to time with respect to any matter to which the Agreement pertains; and
- (b) do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of the Agreement to their full extent.

## **A23.0 JOINT AND SEVERAL LIABILITY**

A23.1 **Joint and Several Liability.** Where the Recipient is comprised of more than one entity, all such entities will be jointly and severally liable to the Province for the fulfillment of the obligations of the Recipient under the Agreement.

## **A24.0 RIGHTS AND REMEDIES CUMULATIVE**

A24.1 **Rights and Remedies Cumulative.** The rights and remedies of the Province under the Agreement are cumulative and are in addition to, and not in

substitution for, any of its rights and remedies provided by law or in equity.

## **A25.0 FAILURE TO COMPLY WITH OTHER AGREEMENTS**

**A25.1 Other Agreements.** If the Recipient:

- (a) has failed to comply with any term, condition or obligation under any other agreement with Her Majesty the Queen in right of Ontario or one of Her agencies (a “**Failure**”);
- (b) has been provided with notice of such Failure in accordance with the requirements of such other agreement;
- (c) has, if applicable, failed to rectify such Failure in accordance with the requirements of such other agreement; and
- (d) such Failure is continuing,

the Province may suspend the payment of Funds for such period as the Province determines appropriate.

## **A26.0 SURVIVAL**

**A26.1 Survival.** The following Articles, sections and paragraphs, and all applicable cross-referenced Articles, sections, paragraphs, schedules and sub-schedules, will continue in full force and effect for a period of seven years from the date of expiry or termination of the Agreement: Articles 1.0 (Entire Agreement), 2.0 (Conflict or Inconsistency), 5.0 (Acknowledgment), and A1.0 (Interpretation and Definitions) and any other applicable definitions, paragraph A2.1(a), sections A4.4 (Rebates, Credits and Refunds), A5.1 (Disposal), A7.1 (Province Includes), A7.2 (Preparation and Submission) to the extent that the Recipient has not provided the Reports or other reports as may have been requested to the satisfaction of the Province, A7.3 (Record Maintenance), A7.4 (Records Review), A7.5 (Inspection and Removal), A7.6 (Cooperation), A7.7 (No Control of Records), A7.8 (Auditor General), Articles A8.0 (Communications Requirements) and A9.0 (Indemnity), sections A11.2 (Consequences of Termination on Notice by the Province) and A12.1 (Events of Default), paragraphs A12.2 (b), (c), (d), (e), (f), (g), (h) and (i), Articles A13.0 (Funds Upon Expiry), A14.0 (Debt Due and Payment), A15.0 (Notice) and A17.0 (Severability of Provisions), section A20.2 (Agreement Binding), Articles A21.0 (Governing Law), A23.0 (Joint and Several Liability), and A24.0 (Rights and Remedies Cumulative), and this Article A26.0 (Survival).

**- END OF GENERAL TERMS AND CONDITIONS -**

**SCHEDULE “B”**  
**CONTACT INFORMATION AND AUTHORIZED REPRESENTATIVES**

<b>Contact information for the purposes of Notice to the Province</b>	<p><b>Address:</b> Strategic Investments Office Ministry of Transportation 777 Bay, 30th Floor Toronto, ON M7A 2J8</p> <p><b>Attention:</b> Kevin Dowling, Manager, Strategic Investments Office</p> <p><b>Phone:</b> (416) 585-6312  <b>Email:</b> kevin.dowling@ontario.ca</p>
<b>Contact information for the purposes of Notice to the Recipient</b>	<p><b>Position:</b> Director of Recreation, Culture &amp; Wellness</p> <p><b>Address:</b> 100 Meridian Way PO Box 400 Fonthill ON L0S 1E0</p> <p><b>Attention:</b> Vickie vanRavenswaay</p> <p><b>Phone:</b> (905) 892-2607 x312  <b>Email:</b> vicvanr@pelham.ca</p>
<b>Contact information for the senior financial official in the Recipient organization (e.g., CFO, CAO) – to respond as required to requests from the Province in respect of the Agreement</b>	<p><b>Position:</b> Director of Corporate Services and Treasurer</p> <p><b>Address:</b> 20 Pelham Town Square, PO Box 400 Fonthill ON L0S 1E0</p> <p><b>Attention:</b> Teresa Quinlin</p> <p><b>Phone:</b> (905) 892-2607 x327  <b>Email:</b> tquinlin@pelham.ca</p>
<b>Authorized representative of the Province for the purpose of Section 4.2 (Execution of Amending Agreements - Exceptions)</b>	<p><b>Position:</b> Director, Municipal Programs Branch, Ministry of Transportation</p>
<b>Authorized representative of the Recipient for the purpose of Section 4.2 (Execution of Amending Agreements - Exceptions)</b>	<p><b>Position:</b> Town Clerk</p>

## **SCHEDULE “C”**

### **ELIGIBLE EXPENDITURES AND INELIGIBLE EXPENDITURES**

#### **C1.0 MTEC**

**C1.1 Description of the MTEC.** To address health related issues in respect of the COVID-19 pandemic, the Recipient has been acquiring goods and services for the MTEC of its transit system. Subject to Article C2.1 (Scope of Eligible Expenditures) and for greater clarity, the costs of the MTEC that are eligible for funding by the Province under the Agreement are only those that are supplemental to the Recipient's regular transit system cleaning.

#### **C2.0 ELIGIBLE EXPENDITURES**

**C2.1 Scope of Eligible Expenditures.** Subject to Article C3.0 (Ineligible Expenditures), Eligible Expenditures include the direct costs incurred by the Recipient on or after April 1, 2020 and on or before December 31, 2020 and that, in the opinion of the Province, are considered to have been properly and reasonably incurred and are necessary for the MTEC of transit vehicles and any other public and non-public facing transit assets, that provide or support transit services. In addition to having been incurred, these costs will have to have been paid by the Recipient prior to being submitted to the Province for payment and may include:

- (a) costs of cleaning materials for the MTEC;
- (b) costs of hand sanitizer for passenger and staff use;
- (c) costs of safety wear for the MTEC, such as gloves or goggles;
- (d) costs of equipment purchased for the MTEC;
- (e) costs of contracted services for the MTEC;
- (f) costs of salaries, including redeployment of staff, for the MTEC; and
- (g) any other costs that, in the opinion of the Province, are considered necessary for the MTEC.

#### **C3.0 INELIGIBLE EXPENDITURES**

**C3.1 Scope of Ineligible Expenditures.** Without limitation, the following costs will be considered Ineligible Expenditures:

- (a) costs incurred before April 1, 2020 and after December 31, 2020;
- (b) costs not paid prior to having been submitted to the Province for payment;
- (c) marketing costs including advertising, promotion and communications;
- (d) core administrative and overhead costs (e.g., rent, telephone and communication lines/services, insurance, and computers);
- (e) Recipient's staff, including permanent and seasonal, salaries and travel costs unless otherwise indicated in C2.1 (Scope of Eligible Expenditures);
- (f) legal, audit, or interest fees;
- (g) budget deficits;
- (h) personal protective equipment, unless otherwise indicated in C2.1 (Scope of Eligible Expenditures);
- (i) refundable Harmonized Sales Tax or other refundable expenses (e.g., security deposits, etc.); and
- (j) any other costs that, in the opinion of the Province, are considered ineligible for payment under the Agreement.

**SCHEDULE “D”**  
**CLAIM AND ATTESTATION SUBMISSION, SUPPORTING DOCUMENTATION AND**  
**PAYMENT PROCEDURES**

**D1.0 CLAIM AND ATTESTATION**

**D1.1 Claim and Attestation from the Recipient’s Senior Financial Official.** The Recipient will use the form in Sub-schedule “D.1” (Claim and Attestation Form) for the submission of its claim for payment.

**D2.0 SUPPORTING DOCUMENTATION**

**D2.1 Report on Expenditures and Additional Report and Information.** The Recipient will, together with the claim form described in section D1.1 (Claim and Attestation from the Recipient’s Senior Financial Official), submit the following supporting documentation with its claim for payment:

- (a) a report on expenditures using the form in Appendix A (Form of Report on Expenditures) to Sub-schedule “D.1” (Claim and Attestation Form); and
- (b) any additional reports or information, or both, the Province may request at its sole discretion and in a form provided by the Province.

**D3.0 PAYMENT PROCEDURES**

**D3.1 Submission of Claim for Payment and Required Documentation.** The Recipient will submit its claim for payment, together with the supporting documentation set out in section D1.1 (Claim and Attestation from the Recipient’s Senior Financial Official) and section D2.1 (Report on Expenditures and Additional Report and Information) on or before January 31, 2021.

**D3.2 Claim Payments.** Subject to the terms and conditions set out in the Agreement and if due and owing under the Agreement, the Province will use its reasonable efforts to make the payment to the Recipient for the claim submitted pursuant to section D3.1 (Submission of Claim for Payment and Required Documentation) in a timely manner.

**D3.3 No Interest.** The Province will under no circumstances be liable for interest for failure to make a payment within the time limit provided for in section D3.2 (Claim Payments).

D3.4 **No Obligation to Pay.** For greater clarity and without limitation to any other right of the Province, the Province will have no obligation to pay a claim if it does not meet the terms and conditions of the Agreement including, without limitation, if the claim is missing any of the required supporting documentation or is submitted after January 31, 2021, or both.



**SUB-SCHEDULE "D.1"**  
**CLAIM AND ATTESTATION FORM**

Ministry of Transportation File No.: \_\_\_\_\_

**TO:** Ministry of Transportation  
Transportation Programs Office  
10<sup>th</sup> Floor  
151 Bloor Street West  
Toronto, ON M5S 1S4

Attention: Manager, Transportation Programs Office  
Email: MTO-Transit Cleaning Funding @Ontario.ca

**FROM:** **[Insert address of the senior official]**

Attention: **[insert name and title of Recipient senior official]**  
Telephone No.: **[insert telephone number of Recipient senior official]**

**RE: Transfer Payment Agreement for Municipal Transit Enhanced Cleaning**

In the matter of the Transfer Payment Agreement for Municipal Transit Enhanced Cleaning entered into between Her Majesty the Queen in right of Ontario, represented by the Minister of Transportation for the Province of Ontario, and the **[insert the name of the Recipient]** (the "Recipient"), on **[insert the month day, and year]** \_\_\_\_\_ (the "Agreement").

I, \_\_\_\_\_ **[insert the name and title of the senior official]**, an authorized representative of the Recipient, having made such inquiries as I have deemed necessary for this attestation, hereby certify that to the best of my knowledge, information and belief.

1. On and as of the date set out below:
  - a. all representations and warranties contained in Article A2.0 (Representations, Warranties and Covenants) and section A6.1 (No Conflict of Interest) of the Agreement are true and accurate;
  - b. Funds have been solely used on Eligible Expenditures as claimed in this Claim and Attestation Form and the Form of Report on Expenditures attached as Appendix A (Form of Report on Expenditures) to this Claim and Attestation Form;

- c. the Recipient is in compliance with all the terms and conditions of the Agreement, and no Event of Default, as described in the Agreement, has occurred and is continuing; and
  - d. all records (including, without limitation, contracts, invoices, statements, receipts, vouchers) are being retained in accordance with the requirements of the Agreement.
2. The Eligible Expenditures have been incurred by the Recipient on or after April 1, 2020 and on or before December 31, 2020, and paid on or before January 31, 2021.

By signing below, I hereby claim a payment in the amount of \$ \_\_\_\_\_, on behalf of the Recipient, on account of the Province's contribution towards the Eligible Expenditures of the MTEC costs.

Declared at \_\_\_\_\_ (city), in the Province of Ontario, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Signatures)

\_\_\_\_\_  
Name:

Title:

\_\_\_\_\_  
Witness Name:

Title:

I have authority to bind the Recipient.

**APPENDIX A  
FORM OF REPORT ON EXPENDITURES  
TO  
SUB-SCHEDULE “D.1” (CLAIM AND ATTESTATION FORM)**

<b>MTEC Expenditure Report - April 1, 2020 to December 31, 2020</b>	
<b>Date:</b>	
<b>Recipient's Name:</b>	
<b>Total Funds Allocated:</b>	
<b>Total Funds Claimed:</b>	
<b>Remaining Allocation:</b>	

	Period of Work Performed					Amount Paid (\$)				
Date of Invoice (if Applicable) (DD/MM/YY)	From (DD/MM/YY)	To (DD/MM/YY)	Vendor Name	Description of Expense	Eligibility per Schedule "C"	Subtotal w/o HST (\$) (a)	Total HST (\$) (b)	Recoverable HST (\$) (c)	Net Total (\$) (a) + (b) - (c)	Amount Claimed (\$)
									\$0.00	\$0.00
									\$0.00	\$0.00
									\$0.00	\$0.00
									\$0.00	\$0.00
									\$0.00	\$0.00
									\$0.00	\$0.00
									\$0.00	\$0.00
									\$0.00	\$0.00
									\$0.00	\$0.00
									\$0.00	\$0.00
									\$0.00	\$0.00
									\$0.00	\$0.00
									\$0.00	\$0.00
									\$0.00	\$0.00
Total						\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

<u><b>Results Achieved with Provincial Funding:</b></u>
<u><b>Additional Comments:</b></u>
<u><b>Conclusion:</b></u>

**Recommended for payment:**

\_\_\_\_\_  
**Date:**

\_\_\_\_\_  
**[insert/print the name and title of the Recipient's authorized representative]**

**Recommended for payment:**

\_\_\_\_\_  
**Date:**

\_\_\_\_\_  
**[insert/print the name of the Director]**  
**Director, Ministry of Transportation**

THE CORPORATION OF THE  
TOWN OF PELHAM  
BY-LAW #4312(2021)

**Being a by-law authorizing the borrowing of money to meet current expenditures of the Council of the Corporation of the Town of Pelham;**

**And to repeal and replace By-law #4225 (2020), being a by-law authorizing borrowing.**

WHEREAS the *Municipal Act*, S.O. 2001, Chapter M.25, Section 407 provides authority for a municipality to authorize the Head of Council and the Treasurer to borrow from time to time, such sums as the Council considers necessary to meet, until the taxes are collected and other revenues are received, the current expenditures of the Municipality for the year;

AND WHEREAS the total amount which may be borrowed from all sources at any one time to meet the current expenditures of the Municipality, except with approval of the Ontario Municipal Board, is limited by Section 407 of the *Municipal Act*;

**NOW THEREFORE** the Council of the Town of Pelham hereby enacts as follows:

1. The Head and the Treasurer are authorized on behalf of the Municipality to borrow from time to time from **Canadian Imperial Bank of Commerce** ("CIBC") a sum or sums as may be necessary to meet, until taxes are collected and other revenues are received, the current expenditures of the Municipality for the Current year not exceeding in the aggregate \$11,500,000 pursuant to subsection 407 of the Act, and to execute any documents that are required in connection with the borrowing of the above sum, plus interest, at a rate to be agreed upon from time to time with CIBC, in addition to any reasonable charges of CIBC associated with this borrowing.
2. The Total amount which may be borrowed at any one time under this by-law plus any outstanding amounts of principal borrowed and accrued interest under Section 407 together with the total of any similar borrowings that have not been repaid, shall not exceed from January 1<sup>st</sup> to September 30<sup>th</sup> of the current year, 50 percent of the total estimated revenues of the Municipality as set out in the budget adopted for the current year, and from October 1<sup>st</sup> to December 31<sup>st</sup> of the current year, 25 percent of the total of the estimated revenues of the Municipality as set out in the budget adopted for the current year, or \$11,500,000 whichever is less.
3. All sums borrowed pursuant to this by-law, as well as all other sums borrowed pursuant to the Act in this year and in previous years from CIBC for any purpose will, with interest thereon, be a charge upon the whole of the revenues of the Municipality for the current year and for all preceding years as and when this revenue is received.
4. The Treasurer shall, at a time when any amount is borrowed under this by-law, ensure that the lender is or has been furnished with a certified copy of this by-law, if applicable, and a statement showing the nature and amount of the estimated revenues for the current year and also showing the total of any other amounts borrowed from any and all sources under authority of Section 407 of the *Municipal Act* that have not been repaid.
5. For the purposes of this by-law the estimated revenues referred to herein do not include revenues derivable or derived from: a) any borrowing, including through any issue of debentures; b) a surplus, including arrears of taxes, fees or charges; or c) a transfer from the capital fund, reserve funds or reserves.

6. If the budget for the current year has not been adopted at the time an amount is borrowed under this by-law, the statement furnished under section 4 shall show the nature and amount of the estimated revenues of the Municipality as set forth in the budget adopted for the previous year and the nature and amount of the revenues received for and on account of the current year.
7. The Treasurer is authorized and directed to apply in payment of all sums borrowed plus interest, all of the moneys collected or received on account in respect of taxes levied for the current year and preceding years or from any other source which may lawfully be applied for this purpose.
8. Schedule "A" attached to, and forming part of this by-law estimates the municipality's gross revenue for 2021, and shall be updated by the Treasurer annually upon adoption of the operating budget.
9. This by-law shall come into force and effect on February 1, 2021.

ENACTED AND PASSED THIS  
1st DAY OF FEBRUARY, 2021

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MAYOR MARVIN JUNKIN

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TOWN CLERK NANCY J. BOZZATO

The Corporation of the Town of Pelham  
Schedule “A” to By-law XXXX-2021  
Estimated Gross Revenues for Borrowing By-law  
(Based on 2021 Operating Budget)

Property Taxes		\$15,678,871
Payments in Lieu of Taxes		300,471
User Fees		
	General Administration	27,250
	Fire	35,786
	Building	650,500
	By-law	19,800
	Public Works Operations	20,000
	Facilities	425,000
	Cemetery	31,100
	Recreation	177,020
	Planning	166,840
	Water & Wastewater	5,755,178
Grants		952,400
Miscellaneous/Other		346,700
Revenue		
		<hr/>
		\$24,586,916
		<hr/>
<b>25% of Budgeted Gross Revenue</b>		<b>\$6,146,729</b>
<b>50% of Budgeted Gross Revenue</b>		<b>\$12,293,458</b>



THE CORPORATION OF THE  
TOWN OF PELHAM  
BY-LAW #4313(2021)

**Being a by-law to establish a reserve fund for Volunteer Fire  
Fighters' Life Insurance.**

WHEREAS Section 290(4) of the *Municipal Act*, S.O. 2001, provides that municipalities may in preparing the budget for a year provide for such reserve funds as the municipality considers necessary;

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

1. THAT a reserve fund be established for the purpose of providing life insurance for active volunteer firefighters.
2. THAT the reserve fund shall receive an annual allocation of \$12,500 from the general operational budget, to a maximum balance of \$125,000, plus interest.
3. THAT the monies raised for the reserve fund shall be kept in a separate bank account. At the discretion of the Treasurer, the monies for the reserve fund may be kept in a consolidated bank account with other reserve funds, provided that the consolidated account is segregated from other Town assets, and that the records for the consolidated bank account be so kept that it shall be possible to determine from the consolidated bank account, the true state of each reserve fund.
4. THAT all interest earned from the money held in the reserve fund shall be allocated to the reserve fund on an annual basis.
5. THAT the Treasurer be authorized to expend \$25,000 from the fund to a deceased volunteer firefighter's beneficiary, if a volunteer firefighter dies while being an active firefighter with the Town of Pelham.

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL THIS  
1st DAY OF February, 2021.

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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 # 4314(2021)

**Being a by-law to amend By-law No. 4023(2018), being a By-law for the imposition of development charges.**

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**Whereas** subsection 2(1) of the Development Charges Act, 1997, S.O. c. 27 (hereinafter called “the Act”) provides that the council of a municipality may pass By-laws for the imposition of development charges against land to pay for increased capital costs required because of the need for services arising from development in the area to which the by-law applies;

**And Whereas** Council of the Corporation of the Town of Pelham passed By-law No. 4023(2018) on June 16, 2018 pursuant to the Act for the imposition of said development charges;

**And Whereas** the Act was amendment by Bill 138, *Plan to Build Ontario Together Act, 2019* (Schedule 10) which received Royal Assent on December 10, 2019;

**And Whereas** section 19 of the Act provides for amendments to a development charges By-law;

**And Whereas** the Council of The Corporation of the Town of Pelham wishes to amend By-Law 4023(2018) to reflect amendments set out in Bill 138, *Plan to Build Ontario Together Act, 2019* (Schedule 10);

**NOW THEREFORE** the Council of The Corporation of the Town of Pelham **ENACTS** as follows:

1. THAT By-law 4023(2018) be, and is hereby amended as follows:
2. THAT Section 3 is replaced in its entirety with the following paragraphs and subparagraphs:
  - 3 (1) The development charges imposed pursuant to this by-law are not being phased-in and are payable in full, subject to the exemptions herein, from the effective date of this by-law.
  - 3 (2) The exemption will be for the new Section 26.1 and 26.2 of the Act.
  - 3 (3) Development Charge Installment Payments under Section 26.1 of the Act
    - (i) Section 26.1 was added to the Act to allow Development charges for rental housing (that is not non-profit) and institutional developments to be payable in six (6) equal annual installments and Development charges for non-profit housing developments payable in 21 equal annual installments. The first installment payment would occur on the date of issuance of the occupancy permit or occupancy of the building, whichever is earlier, with the subsequent installments occurring annually on the anniversary date of when the first installment was payable. Under the provisions of this section, the Province has provided that an interest rate can be charged on the amount of Regional Development charges eligible for the installments.
  - 3 (4) Rate Freeze under Section 26.2 of the Act (Calculation Date)
    - (i) Section 26.2 was added to the DCA to set out rules for when the amount of a DC is determined. The calculation of DCs will now be based on:
      - (a) The date of an application for a site plan control area, or

- (b) If there is no such application, the date of an application for zoning by-laws, or
- (c) If neither of these applications have been made, the charge will continue to be determined at the time of building permit issuance.

(ii) The Development charges are effectively frozen at the Development charge rate in effect at the time of submission of a complete Site Plan or Zoning By-Law Amendment application. Upon approval of the application, developers have a maximum of two years in which a building permit must be issued and the development charges paid at these frozen rates. If the two-year time period has elapsed, then the rate continues to be determined at the rate in effect at the time of building permit issuance. It is noted that these provisions are only applicable to developments for which Site Plan and Zoning By-law Amendment planning applications were submitted on or after January 1, 2020.

3 (5) Interest on Development Charges

- (i) Where Development charges are payable in installments or the charges are determined at the time of Site Plan or Zoning By-Law Amendment planning application, the municipality may charge interest on the Development charge payment. The interest period for installment payments is from the date of building permit issuance to the date of Development charge payment, and for Site Plan and Zoning By-Law Amendment applications, from the date of the planning application to the date of the Development charge payment. Unpaid Development charges, including interest payable, can be added to the tax roll under the revision to the Act if not paid.
- (ii) For the purpose of applying interest, an annual rate of 5% non-compounding that is included in the procedure. This rate will be utilized for both section 26.1 and 26.2 interest provisions of the Act.

3. This Amending By-law shall come into force and effect on February 1, 2021.

**Enacted, signed and sealed this 1<sup>st</sup> day of February, 2021**

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MAYOR MARVIN JUNKIN

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CLERK NANCY J. BOZZATO

THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW #4316(2021)

**Being a by-law to adopt, ratify and confirm the actions of  
the Council at its regular meeting held on the 01st day of  
February 2021.**

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 01st day of February, 2021, 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 01ST DAY OF FEBRUARY 2021 A.D.

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MAYOR MARVIN JUNKIN

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TOWN CLERK, NANCY J. BOZZATO