

REGULAR COUNCIL AGENDA

C-06/2021 - Regular Council

Tuesday, April 6, 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 and subsequent publication to the Town's website at www.pelham.ca.

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 Pandemic Update - CEMC**

B. Lymburner, Community Emergency Management Co-Ordinator
 - 4.1.2. **COVID-19 Pandemic Update - CAO**

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Mr. Robert Salewytsch, Program Manager - Transit Services,
Niagara Region Transit On Demand Pilot Renewal

4.3. Report of Regional Councillor

5. Adoption of Minutes

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

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8.2. Minutes Approval - Committee

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

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12.	New Business	
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	1. By-law 4333(2021) - Being a by-law to amend By-law #4068(2019) confirming various appointments to Boards, Commissions, and Committees of the Town of Pelham; And to remove and appoint members to the Pelham Public Art Committee (Schedule O).	
	2. By-law 4334(2021) - Being a by-law authorizing the implementation of a 2021 spray program respecting the gypsy moth, and to Repeal and Replace By-Law 4208(2020)	
	3. By-law 4335(2021) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located at 855 Chantler Road (north side of Chantler Road lying west of Church Street), legally described as Concession 12 and Part of Lot 17 in the Town of Pelham. The Zoning By-law Amendment rezones the lands from the Agricultural (A) zone to the following site-specific zones: Agricultural – 304 (A-304) & Agricultural – 305 (A-305). Joyce and John Sonneveld, File No. AM-01-2021	
	4. By-law 4336(2021) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands 1409 Station Street & 0 Summersides	

Boulevard (north side of Summersides Boulevard east of Station Street), legally described as legally as Part of Lots 7, 8, 9, 13 & 14, Registered Plan 717, Part of Thorold Township; Lot 166 & 167, Geographic Township of Thorold, in the Town of Pelham, from the Agricultural (A) zone to a site specific Residential 2 (R2-306) zone, a site specific Residential Multiple 1 (RM1-307) zone, a site specific Residential Multiple 1 (RM1-308) zone and an East Fonthill Open Space (EF-OS) zone. Mountainview Homes (Niagara) Ltd. File No. AM-08-20.

14. Motions and Notices of Motion

14.1. Motion Re: Snow Clearing on Paved Portion of Steve Bauer Trail, Line Avenue to Port Robinson Road

Moved by Mayor Junkin

Seconded by Councillor Olson

WHEREAS Council for the Town of Pelham recently approved hard surfacing along the Steve Bauer Trail between 1106 Line Avenue and Port Robinson Road,

AND WHEREAS it is recognized that the Minimum Maintenance Standards (MMS) and Pelham's Winter Operations Policy provide that paved sidewalks and multi-use paths are cleared of snow and ice, however due to the fact that the Steve Bauer Trail is a recreation trail that is not maintained during the winter months as noted in the Staff Report #2020-0080, winter maintenance has not been undertaken during the 2020-2021 winter season;

AND WHEREAS this hard surfaced area of the Steve Bauer Trail between 1106 Line Avenue and Port Robinson Road has experienced a significant increase in multi-use participants since the paving has been completed;

NOW THEREFORE BE IT RESOLVED THAT Staff be directed to provide a report outlining the estimated additional costs that would be associated with including this portion of the Trail in the contract for sidewalk and multi-use path snow clearing as part of the 2022 budget;

AND THAT the report be provided for Council's consideration prior to the 2022 budget deliberations.

14.2. Motion Re: Request to Region of Niagara to Delay Official Plan Update

Moved by Councillor Stewart

Seconded by Councillor Haun

WHEREAS the Province of Ontario, through the Planning Act, requires that the Region of Niagara conduct a municipal comprehensive review (MCR) of its Official Plan whereby decisions must be made as to how all of the population and employment growth is to be accommodated in the local municipalities for the years 2031 to 2051;

AND WHEREAS since June 2019 the Province has amended a number of Provincial Statutes and policies that impact how municipalities plan for growth including the following:

- The Provincial Policy Statement,
- A Place to Grow: The Growth Plan for the Greater Golden Horseshoe,
- The Development Charges Act,
- The Planning Act,
- The Environmental Assessment Act, and
- The Conservation Authorities Act;

AND WHEREAS these significant Provincial changes include:

- reduced density targets in new greenfield development from 80 persons and jobs per hectare to 50 persons and jobs per hectare,
- reduced intensification targets from 60% beyond 2031 to 50%,
- setting minimum population and employment growth forecasts that can be exceeded subject to Provincial approval,
- extended the planning horizon from 2041 to the year 2051,
- introduced market demand as a consideration in determining the housing mix, and

- revisions to how municipalities fund growth;

AND WHEREAS these Provincial changes signal an abrupt shift from the emphasis on creating compact and complete communities to a planning regime that facilitates lower density and car dependent communities;

AND WHEREAS several Regions throughout Ontario have declared climate change emergencies and must consider the role of land use planning in their strategies to reduce their greenhouse gas emissions;

AND WHEREAS these Provincial changes create pressure to convert more class 1, 2 and 3 farmland in to urban uses than would otherwise be necessary which is contrary to Niagara's Official Plan as it relates to the protection of the agricultural system in Niagara;

AND WHEREAS ensuring that Ontarians have access to healthy safe food in the future requires thoughtful consideration of the long term impact of converting thousands of acres of prime agricultural lands in the Greater Golden Horseshoe to urban uses;

AND WHEREAS the change of the planning horizon to 2051 by the Province means that future municipal councils and the public will have little power to change decisions where they will grow after 2031 to the 2051 planning horizon;

AND WHEREAS in the rural areas internet service is often poor, making it difficult for rural residents to participate in zoom calls;

AND WHEREAS Niagara Region has adopted a public engagement initiative for the Niagara Official Plan review that includes public surveys, stakeholder input, direct public input and a Planning Advisory Committee;

AND WHEREAS the current pandemic is making effective, in person public consultation impossible at a time when robust,

informed public consultation is needed more than ever;

AND WHEREAS the nature of work has evolved in response to the pandemic which may cause long term changes to the assumptions underlying the province's Land Needs Assessment.

NOW THEREFORE BE IT RESOLVED THAT Pelham Council request the Niagara Regional Chair to write to request the Province to allow the Region to delay its final report on its Official Plan Review until proper, in person, informed consultation with the public has been conducted on the growth concepts and the preferred growth concept;

AND FURTHER THAT the Province be requested to allow the new Regional Official Plan which identifies non-discretionary components of a Regional Urban Structure that support local plans and priorities inside the current urban boundaries, exempt from the requirement for in-person consultation with the public;

AND FURTHER THAT the Province be requested to suspend the timetable for municipal conformity to the Growth Plan and the Provincial Policy Statement to ensure that the public can fully participate in the process of planning their communities for the growth planning period covering 2031 to 2051;

AND FURTHER THAT the Province suspend the deadlines it has set for conformity until the Land Needs Assessment Framework can be revisited to adjust to the significant changes to the nature of work that are reducing office space and parking space needs.

AND FURTHER THAT this resolution be circulated to Premier Doug Ford, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, Niagara's Local Municipalities, the Association of Municipalities of Ontario, the leaders of the Provincial opposition parties, Niagara's MPP's, and the Greater Golden Horseshoe municipalities.

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 165 - 165
20. Adjournment

NRT On-Demand Renewal Update

Pilot Project Update - Town of Pelham

April 6, 2021

Robert Salewytsch – Program Manager – Transit Services, Niagara Region

**MOVING
TRANSIT
FORWARD**

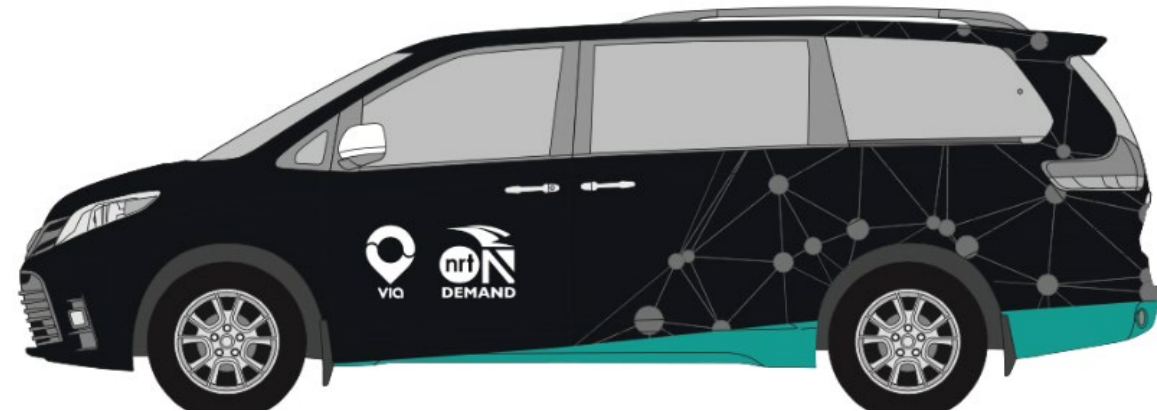
CONNECTING MORE PEOPLE TO MORE POSSIBILITIES

Agenda

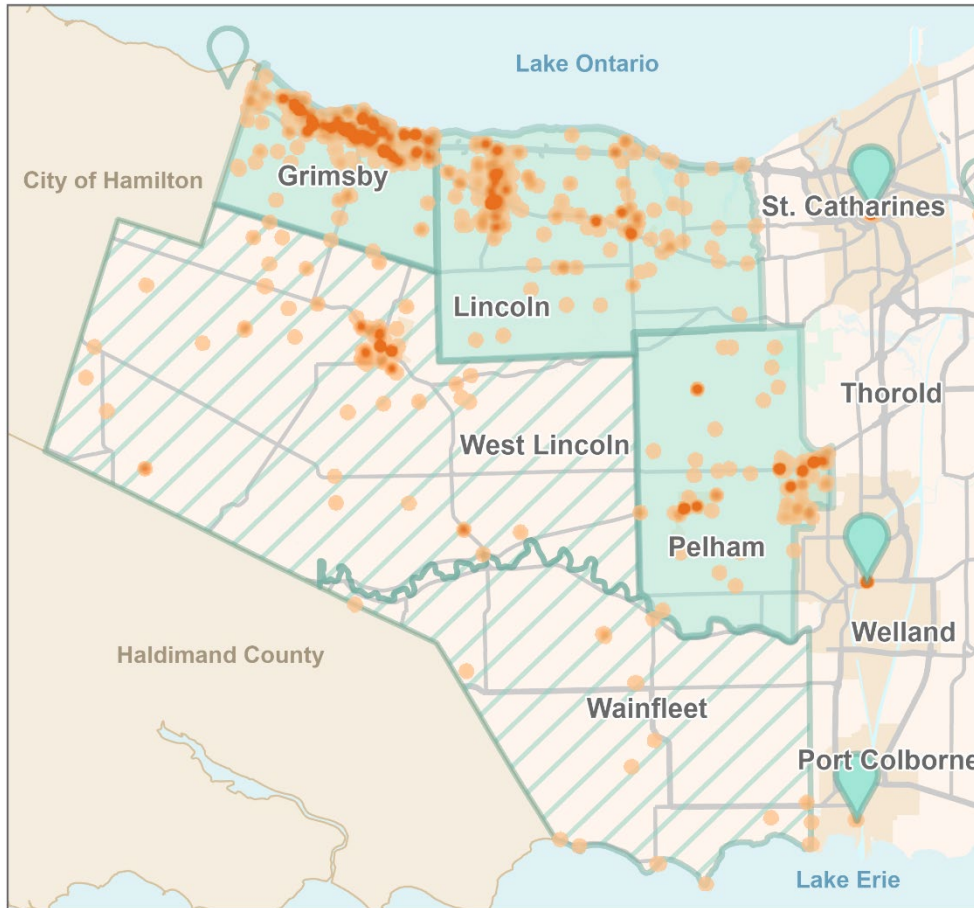
- Background
- Service Parameters
- Pilot Goals
- Metrics and Reporting
- Accessibility
- Local Engagement
- Pilot Renewal

Background

- 12 month pilot with option to extend for additional 12 months
- Municipal Contributors (pay for local service)
 - Grimsby, Pelham and Lincoln; Niagara-on-the-Lake
 - Pelham, Lincoln and Niagara-on-the-Lake all replaced local fixed route transit
- Service Types
 - Inter **and** intra-municipal trips
 - Grimsby, Lincoln, Pelham
 - Inter-municipal trips **only**
 - Wainfleet, West Lincoln
 - Intra-municipal trips **only**
 - Niagara-on-the-Lake



Specific West Niagara Service Parameters



- Service hours: 7am – 10
- Connection to nearest transit hub
 - St. Catharines Bus Terminal
 - Welland Bus Terminal
 - Port Colborne City Hall
- Future potential connections
 - Winona Crossing Shopping Centre

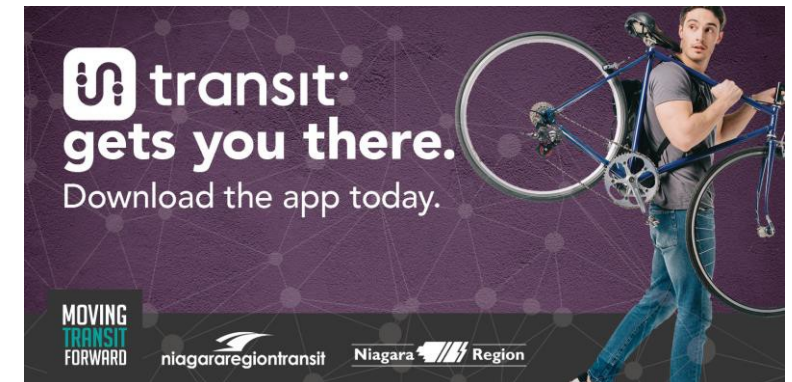
Specific Niagara-on-the-Lake Service Parameters

- Intra-municipal trips **only**
- Service Hours: 7 a.m. – 7 p.m.
- Connections to NRT
 - Niagara College – Glendale Campus
 - Outlet Collection Niagara



Pilot Goals

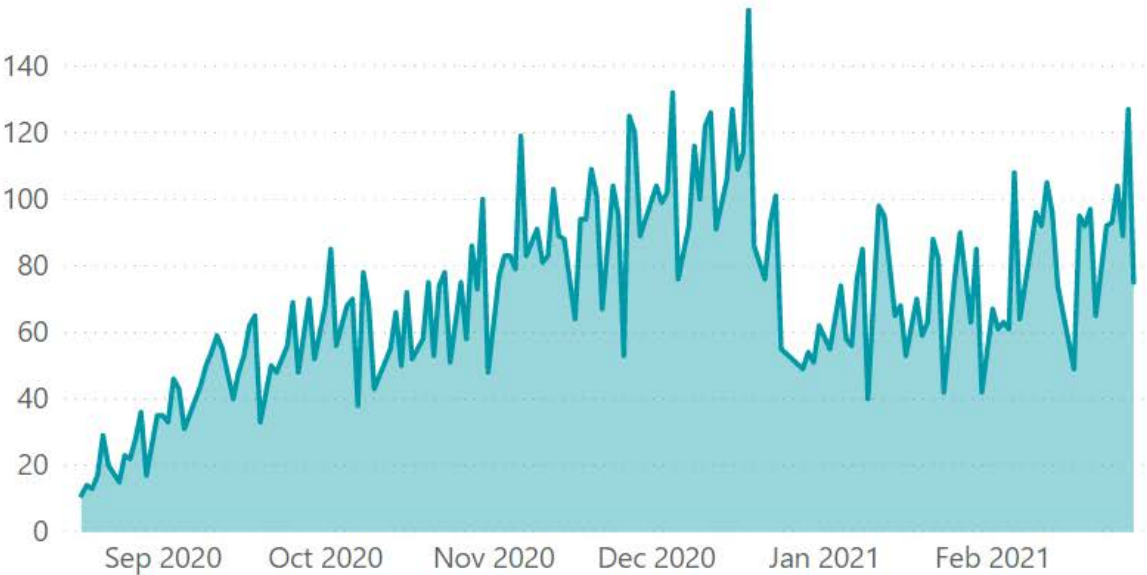
- Assess Via's software for on-demand service
- Balance customer satisfaction with service parameters
- Maximize coverage areas – access for everyone with increased connectivity
- Ensure cost containment
- Strong service utilization
- Assess potential to include specialized transit



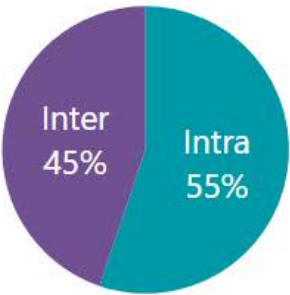
Metrics & Reporting - Overall



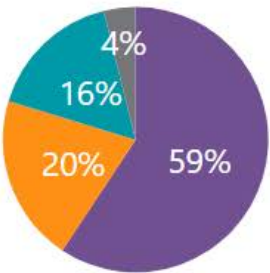
Ridership



Inter vs. Intra-Municipal Rides



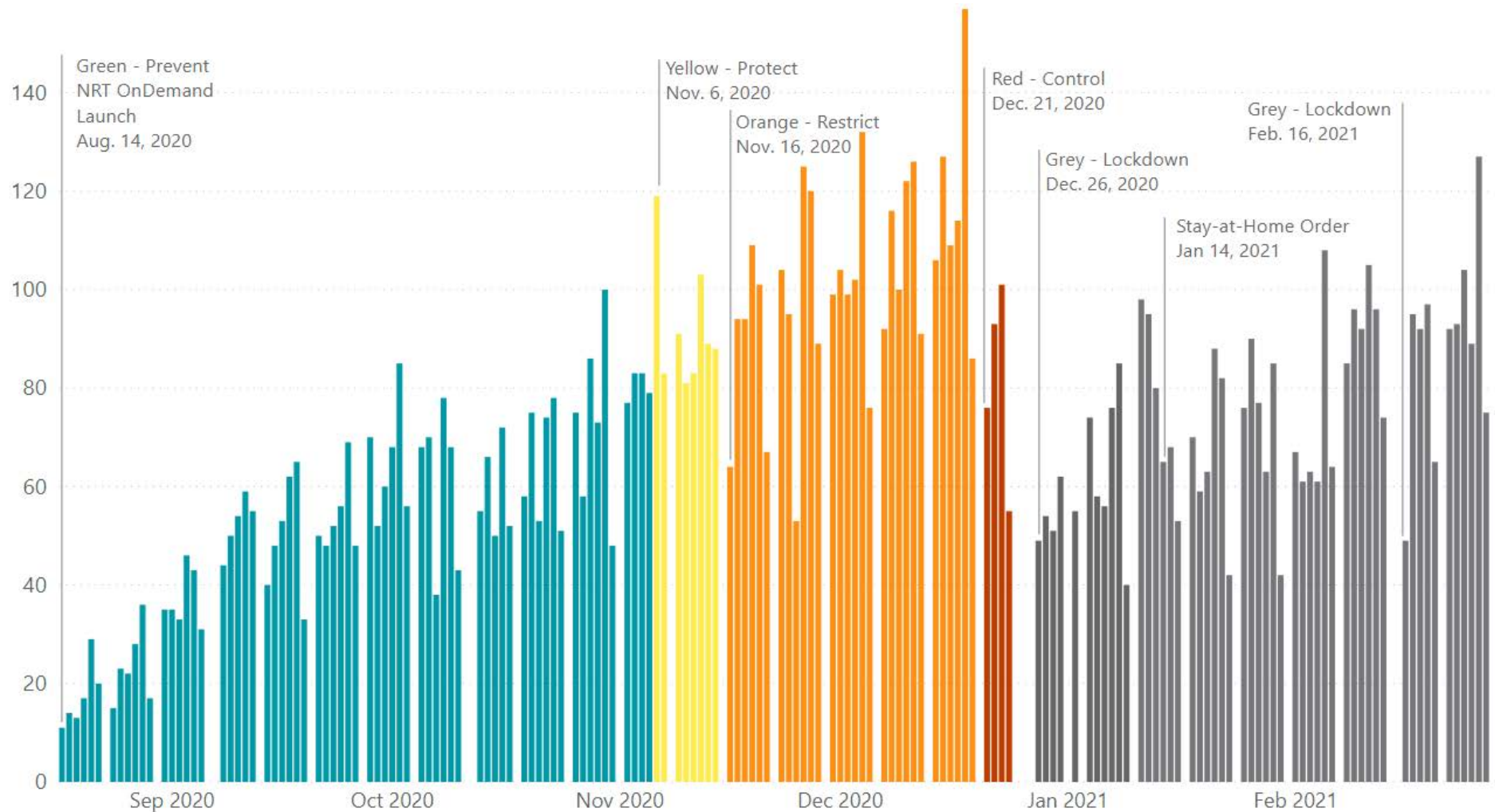
Intra-Municipal Rides



● Grimsby ● Lincoln ● Pelham ● Niagara-on-the-Lake

Data as of: 28/02/2021

Metrics & Reporting – How Covid-19 Affects Ridership



Data as of: 28/02/2021

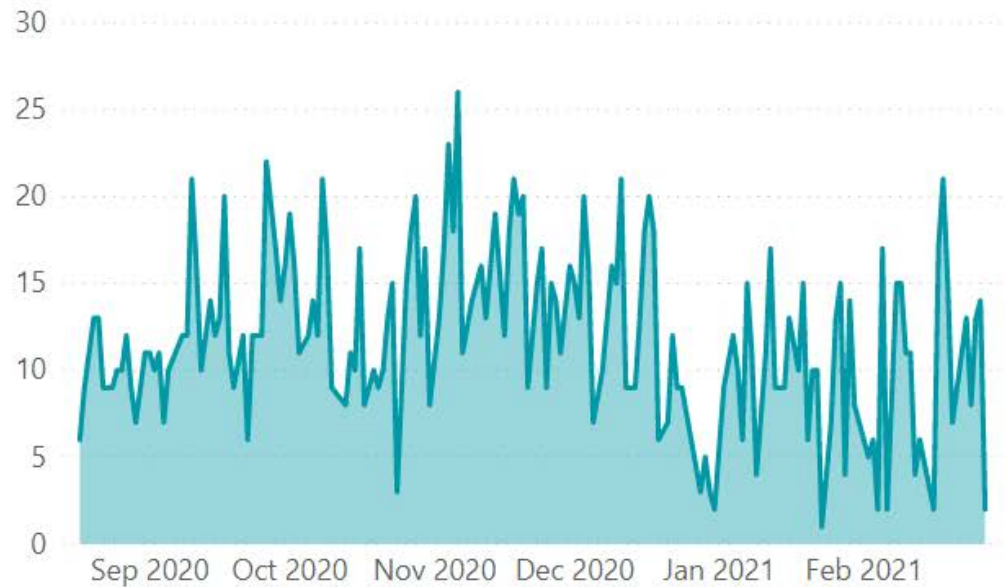
**MOVING
TRANSIT
FORWARD**

CONNECTING MORE PEOPLE TO MORE POSSIBILITIES

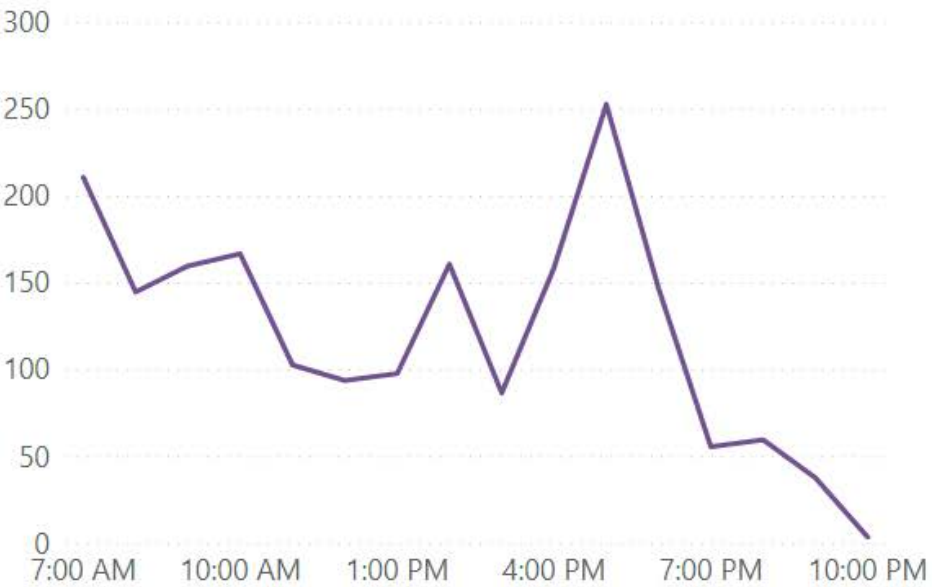
Metrics & Reporting - Pelham



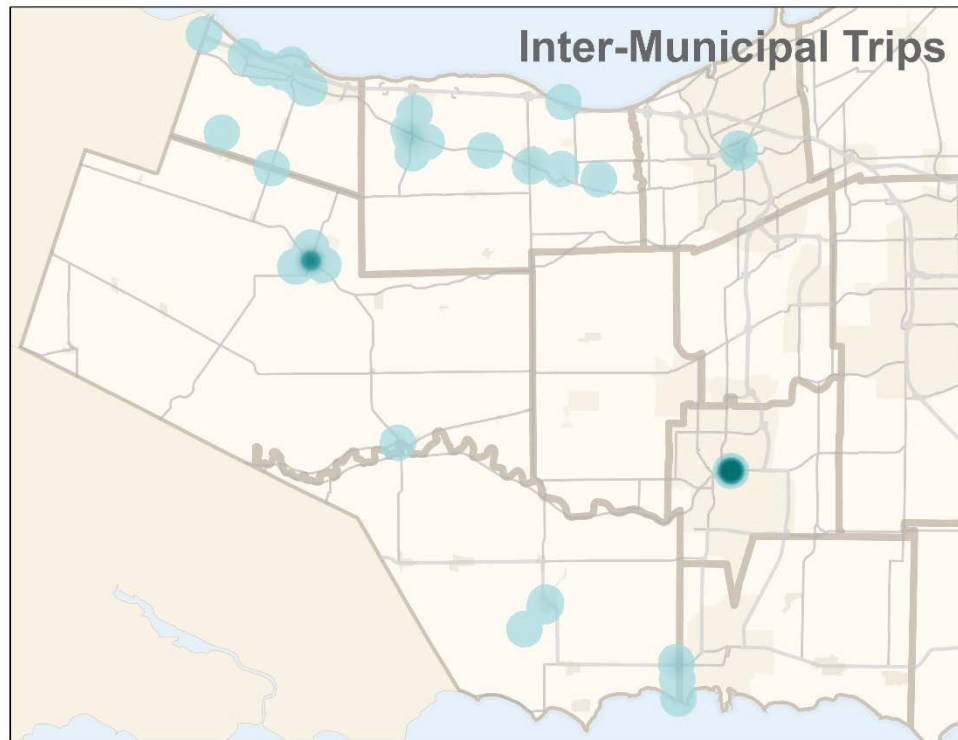
Ridership



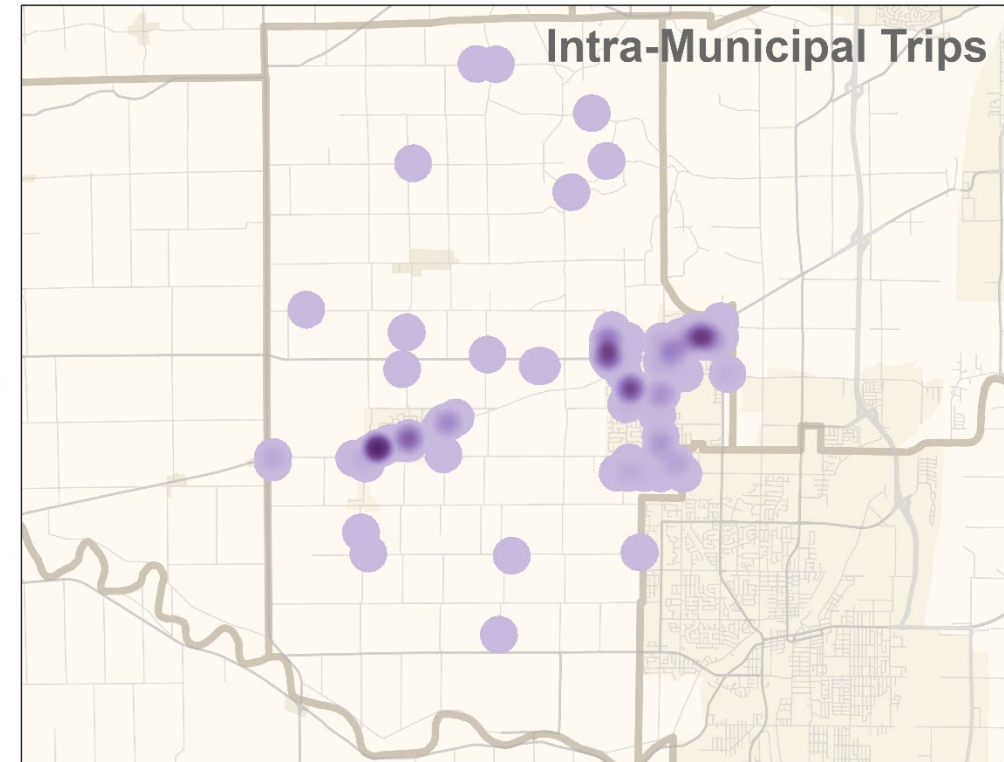
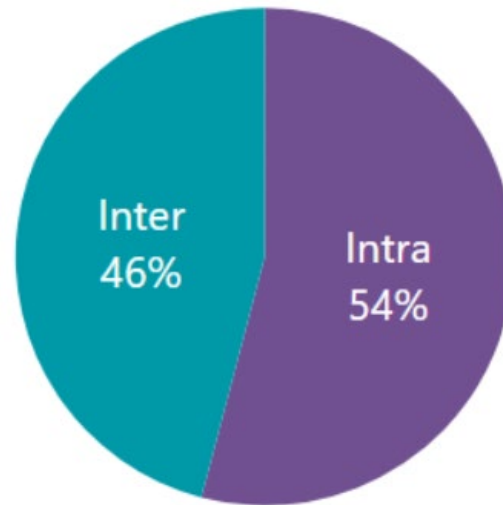
Ride Time of Day



Metrics & Reporting - Pelham



Where Origin = Pelham

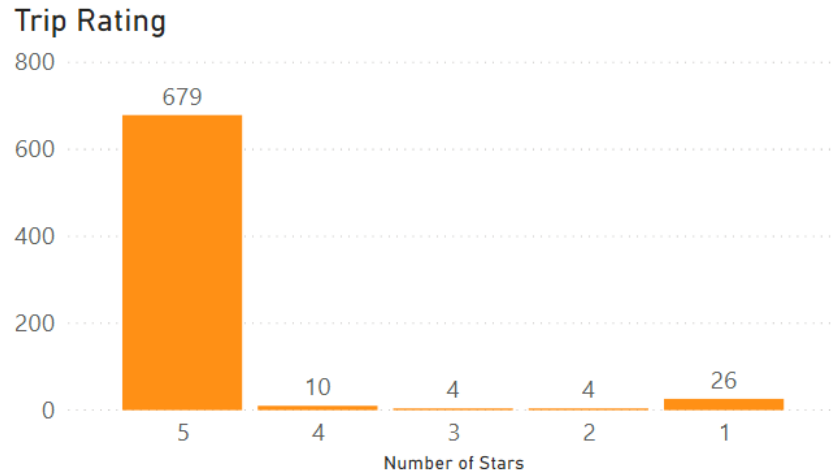


Where Both Origin + Destination = Pelham

Data as of: 28/02/2021

Pelham Customer Feedback

- Mostly positive feedback
- No major trends in regards to areas of improvement, some items mentioned were:
 - Bicycle loading assistance
 - Drivers not wearing masks
 - Types of passes



“Excellent and safe driver!”

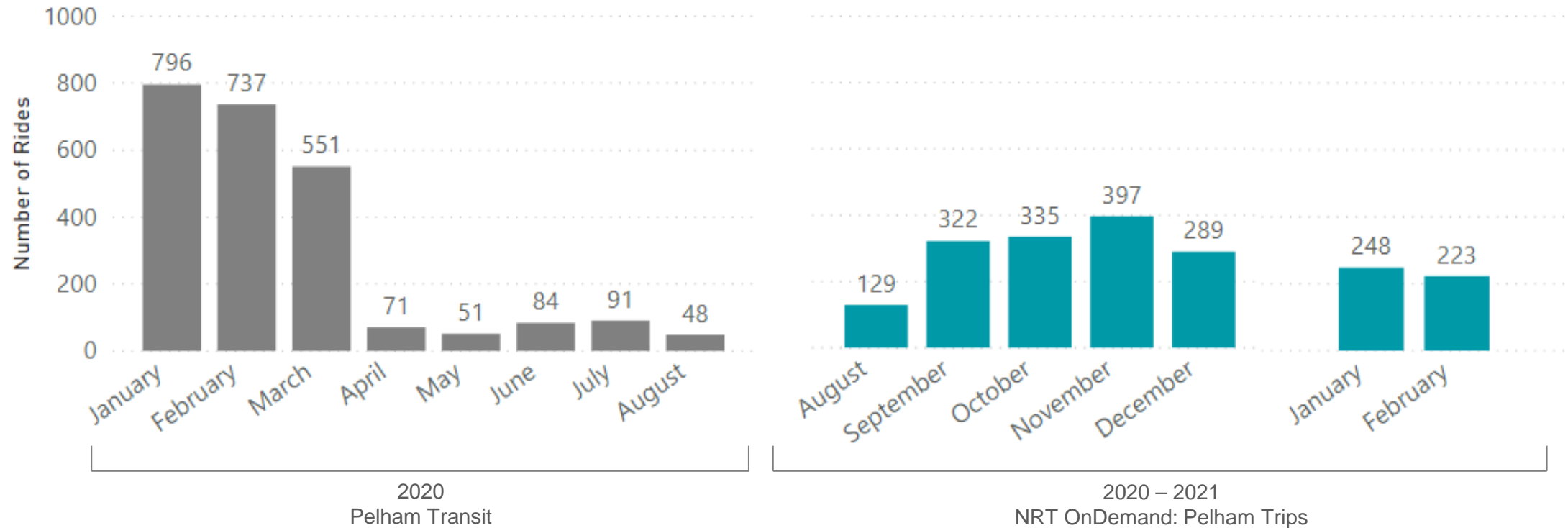
“Everything is great!”

“Great driver, very patient and very helpful!”

“Thank you for being so patient with my grandfathers ride! It means a lot, as he is 92 and is slow moving in the mornings. We appreciate your patience!!”

“The best!”

Metrics & Reporting - Comparison



Accessibility

- Same day booking
- App/Digital and Phone booking and payment options
- Elimination of the need for applications
- Co-mingling of specialized passengers and non-specialized passengers

Local Engagement

- Community engagement
 - Foodbanks
 - Employment centres
 - Long-term care facilities
 - Community centres
 - Secondary schools
- BIA Engagement
 - Local business partnerships
 - Festival and event promotional opportunities

Pilot Renewal

- Memorandum of Understanding provides groundwork for renewal (Section 2.4b)
 - “Niagara Region and Lincoln shall have the right by mutual agreement to renew this Agreement for a further one year term commencing on the anniversary of the Launch Date...”
- Supports future expansions/improvements
 - Winona Crossing Shopping Centre – coming soon!
 - Service expansions?
 - Web portal for bookings?
 - Pre-booking of trips?

Questions?

Robert Salewytsch

Program Manager, Transit Services

GO Implementation Office

Robert.Salewytsch@niagararegion.ca

905-980-6000, ext. 3232

REGULAR COUNCIL MINUTES

Meeting #: C-05/2021
Date: Monday, March 22, 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
Vickie vanRavenswaay
Barbara Wiens
Holly Willford
Sarah Leach
Ryan Cook
Derek Young

1. Call to Order and Declaration of Quorum

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

2. Approval of Agenda

Moved By Ron Kore

Seconded By Wayne Olson

**BE IT RESOLVED THAT the agenda for the March 22, 2021
Regular meeting of Council be adopted.**

	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)

3. Disclosure of Pecuniary Interests and General Nature Thereof

3.1 John Wink - Recommendation for Zoning By-law Amendment and Draft Plan of Subdivision - Park Place South, 2021-0052-Planning

Councillor Wink declared a conflict of interest as the developer for the application contributed to his election campaign.

The Mayor congratulated Mr. David Cribbs, CAO, on having received a certificate of recognition from the Ontario Municipal Administrators Association for dedicated service to his community during the COVID-19 pandemic.

The Mayor further stated the Town received the Canadian Award for Financial Reporting from the Government Finance Officers Association of the United States and Canada for its 2019 Annual Financial Report.

The Mayor announced Ms. Holly Willford will be the Town’s new Clerk upon Ms. Bozzato’s retirement.

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.1.1 COVID-19 Pandemic Update - CEMC

Chief Lymburner updated Council and the public on the continuing 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.

	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)

4.1.2 COVID-19 Pandemic Update - CAO

Moved By Marianne Stewart
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	
Results	7	0

Carried (7 to 0)

4.2 Delegations

4.2.1 John Langendoen, Pelham Greenhouse Growers Group re Hoop Houses

On behalf of the Pelham Greenhouse Growers Group Mr. John Langendoen provided a presentation to Council with regards to Hoop Houses. A copy of the presentation is on file with the Clerk.

Moved By Bob Hildebrandt
Seconded By Lisa Haun

BE IT RESOLVED that Council receive the delegation by John Langendoen, Pelham Greenhouse Growers Group, regarding Hoop Houses, for information; and

THAT the material be referred to Town Planning staff for review and report.

	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)

4.3 Report of Regional Councillor

5. Adoption of Minutes

Moved By Marianne Stewart

Seconded By Ron Kore

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

- 1. SC-03/2021 Special Council Minutes - February 24, 2021**
- 2. SC-03-B/2021 Special Council Minutes - February 24, 2021**
- 3. SC-04/2021 Special Council Minutes - February 25, 2021**
- 4. C-04/2021 Regular Council Minutes - March 1, 2021**
- 5. SC-05/2021 - Special Council Minutes - March 1, 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)

- 6. Business Arising from Council Minutes
- 7. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration
- 8. Consent Agenda Items to be Considered in Block

Moved By John Wink
 Seconded By Bob Hildebrandt

BE IT RESOLVED THAT the Consent Agenda items as listed on the March 22, 2021 Council Agenda be received and the recommendations contained therein be approved, as applicable,

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

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

- 1. PCOW - 02/2021 - Public Meeting Under the Planning Act - February 8, 2021
- 2. PCOW - 03/2021 - Public Meeting Under the Planning Act - March 8, 2021

8.2 Minutes Approval – Committee

8.2.1 PCOW-03/2021 - Public Meeting Under Planning Act Minutes March 8, 2021

BE IT RESOLVED THAT Council receive the Public Meeting under the Planning Act minutes, dated March 8, 2021 for information.

8.3 Staff Reports of a Routine Nature for Information or Action

8.3.1 2020 Council and Board Remuneration, 2021-0029-Corporate Services

BE IT RESOLVED THAT Council receive Report # 2021-0029, being the 2020 Statement of Council and Board Remuneration, for information

8.5 Information Correspondence Items

8.5.1 Regional Report PDS 7-2021 re: Niagara Official Plan Process and Local Municipality Conformity

BE IT RESOLVED THAT Council receive Regional report PDS 7-2021 regarding Niagara Official Plan Process and Local Municipality Conformity, for information.

8.5.2 Notice of Public Information Centre #1 Municipal Class Environmental Assessment for Merritt Rd (RR 37) and Rice Road (RR54)

BE IT RESOLVED THAT Council receive the Niagara Region Notice off Public Information Centre #1 Municipal Class Environmental Assessment for Merritt Rd (RR 37) and Rice Road (RR54), for information.

8.5.3 Ontario Municipal Administrator's Association

BE IT RESOLVED THAT Council receive correspondence from the Ontario Municipal Administrators Association announcing the Achievement Award to David Cribbs, relating to the demonstration of exceptional leadership in response to the COVID-19 pandemic crisis, including the award-winning municipal reopening plan.

8.5.4 Thank You Letter from Hospice Niagara

BE IT RESOLVED THAT Council receive a thank you letter from Hospice Niagara dated March 2, 2021, 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	
Results	7	0
Carried (7 to 0)		

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

10.2.1 Town of Pelham Support Letters Regarding Rural Internet, 2021-0055-Corporate Services

Moved By Wayne Olson
Seconded By Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2021-0055, Town of Pelham Support for Grant Applications Seeking Funding for Rural Internet Connectivity Enhancements;

AND THAT Council authorize the Chief Administrative Officer to provide letters of endorsement and support on behalf of the Town of Pelham as it pertains to any future third party application for funding under the Universal Broadband Fund to improve broadband coverage in Pelham.

	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)

10.2.2 2021 Summer Ice Recommendation, 2021-0059-Recreation

Moved By Bob Hildebrandt

Seconded By Ron Kore

BE IT RESOLVED THAT Council receive Report #2021-0059 Recreation;

AND THAT Council directs staff to maintain ice in both arena surfaces at the Meridian Community Centre for the summer of 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)

**10.2.3 Compensation to Facility Users - Funded by COVID-19
Provincial Financial Relief , 2021-0063-Recreation**

Moved By Lisa Haun

Seconded By John Wink

BE IT RESOLVED THAT Council receive Report #2021-00063 re
Compensation to Facility Users during COVID-19;

AND THAT Council approve the recommended facility rate reduction
during COVID-19 – Red Control Level: compensation to Pelham Minor
Basketball Association to offset loss of gymnasium during vaccination
centre use; and unforeseen costs to offset Pelham Minor Lacrosse
relocation for summer season;

AND THAT all expenses to be covered under COVID-19 Provincial
Financial Relief Funding.

Amendment:

Moved By Bob Hildebrandt

Seconded By Lisa Haun

THAT the motion be amended to add the following:

**THAT Council approve the Red Level Ice Rental Rates until April
14, 2021, being the date that the regular ice rental season ends
for organizations;**

**AND THAT effective April 15, 2021 to August 15, 2021 the
summer ice rental rates shall apply to all rentals as per the rate
schedule approved by Council in January, 2021;**

**AND THAT following August 15, 2021 the January 2021
approved Town Ice Rental schedule shall come into effect.**

	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)

Main Motion as Amended:

Moved By Bob Hildebrandt

Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive Report #2021-00063 re Compensation to Facility Users during COVID-19;

AND THAT Council approve the recommended facility rate reduction during COVID-19 – Red Control Level: compensation to Pelham Minor Basketball Association to offset loss of gymnasium during vaccination centre use; and unforeseen costs to offset Pelham Minor Lacrosse relocation for summer season;

AND THAT all expenses to be covered under COVID-19 Provincial Financial Relief Funding;

AND THAT Council approve the Red Level Ice Rental Rates until April 14, 2021, being the date that the regular ice rental season ends for organizations;

AND THAT effective April 15, 2021 to August 15, 2021 the summer ice rental rates shall apply to all rentals as per the rate schedule approved by Council in January, 2021;

AND THAT following August 15, 2021 the January 2021 approved Town Ice Rental schedule shall come into effect.

	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)

10.2.4 Recommendation for Zoning By-law Amendment and Draft Plan of Subdivision - Park Place South, 2021-0052-Planning

Councillor Wink vacated from the electronic meeting.

Moved By Marianne Stewart

Seconded By Wayne Olson

THAT Committee receives Report #2021-52 for information as it pertains to File Nos. 26T19-02-2020 & AM-08-20 relating to Park Place South;

AND THAT the proposed changes to the draft plan of subdivision and zoning by-law amendment related to Park Place South are minor in nature and no further public meeting is required;

AND THAT Committee directs Planning staff to prepare the by-law for approval of the Zoning By-law amendment for Council’s consideration.

AND THAT Council approves the Draft Plan of Subdivision, attached as Appendix A, subject to the conditions in Appendix B.

Amendment:

Moved By Lisa Haun

Seconded By Marianne Stewart

THAT the motion be amended to include:

THAT the configuration of Blocks 35-39 be amended to allow for 4 units vs 8 units with a minimum 3m side yard.

	For	Against
Marvin Junkin		X
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson		X
Marianne Stewart	X	
Results	4	2

Carried (4 to 2)

Main Motion as Amended:

Moved By Lisa Haun

Seconded By Marianne Stewart

THAT Committee receives Report #2021-52 for information as it pertains to File Nos. 26T19-02-2020 & AM-08-20 relating to Park Place South;

AND THAT the proposed changes to the draft plan of subdivision and zoning by-law amendment related to Park Place South are minor in nature and no further public meeting is required;

AND THAT Committee directs Planning staff to prepare the by-law for approval of the Zoning By-law amendment for Council’s consideration.

AND THAT Council approves the Draft Plan of Subdivision, attached as Appendix A, subject to the conditions in Appendix B;

AND THAT the configuration of Blocks 35-39 be amended to allow for 4 units vs 8 units with a minimum 3m side yard.

	For	Against
Marvin Junkin		X
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson		X
Marianne Stewart	X	
Results	4	2

Carried (4 to 2)

10.2.5 Recommendation Report for Application AM-01-2021, 855 Chantler Road Zoning By-law Amendment, 2021-0062-Planning

Councillor Wink returned to the electronic meeting.

Moved By Bob Hildebrandt

Seconded By Ron Kore

BE IT RESOLVED THAT Council receive Report #2021-0062 as it relates to AM-01-2021; and

THAT Council direct Planning staff to prepare the Zoning By-law Amendment for 855 Chantler Road for Council’s consideration.

	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)

**10.2.6 S801-01 DWQMS Policy Update and Operational Plan
Endorsement , 2021-0051-Public Works**

Moved By Wayne Olson

Seconded By Lisa Haun

**BE IT RESOLVED THAT Council receive Report #2021-0051,
Drinking Water Quality Plan;**

**AND THAT Council re-endorse the Quality Management System
Operational Plan;**

**AND THAT Council approve the revised Quality Management
System Policy S801-01.**

	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)

**10.2.7 2020-21 Gypsy Moth Population Assessment Report -
Treatment Program Development, 2021-0054-Public Works**

Moved By Marianne Stewart

Seconded By John Wink

**BE IT RESOLVED THAT Council receive Report #2021-0054 for
information;**

**AND THAT Council direct staff to implement an aerial spray
program based on Option 2 of the BioForest 2020 Gypsy Moth
Monitoring Program Report.**

	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)

10.2.8 Update on Signalized Pedestrian Crossings on Pelham Street, 2020-0100-Public Works

Moved By Bob Hildebrandt
Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive Report #2021-0100-Public Works entitled “Update on Pedestrian Safety When Crossing Pelham Street at Church Hill” for information purposes

	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)

- 11. Unfinished Business**
- 12. New Business**
- 13. Presentation and Consideration of By-Laws**
- 14. Motions and Notices of Motion**
- 14.1 Notice of Motion: Mayor Junkin (Steve Bauer Trail)**

The Mayor stated he will bring a motion at the next regular Council meeting to request staff provide a report to Council with regards to the cost of snow removal from the Steve Bauer Trail.

- 14.2 Notice of Motion: Councillor Stewart (Delay Regional Official Plan Update)**

Councillor Stewart stated she will bring a motion at the next regular Council meeting to request Council’s support to request a delay in the Regional Official Plan up-date due to various provincial changes and request for public consultation.

- 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**

Moved By Bob Hildebrandt
Seconded By Marianne Stewart

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

Being a By-law No. 4331(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 22nd day of March, 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 Ron Kore
Seconded By Lisa Haun

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for April 6, 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)

Mayor: Marvin Junkin

Deputy Clerk: Holly Willford



March 26, 2021

Dear Mr. Mayor and Town Councillors,

Re: **Park Place South Plan of Subdivision and Zoning By-law Amendment**
Files: 26T19-02-2020 & AM-08-20

On March 22nd, Council passed a motion to approve our Draft Plan of Subdivision for Park Place South but added an amendment which required *"THAT the configuration of Blocks 35-39 be amended to allow for 4 units vs 8 units with a minimum 3m side yard."* (in other words, back-to-back semi-detached dwellings)

We believe this was based upon a notion that the Back-to-back Townhouse Units for Blocks 35-39 might not be appropriately designed. We regret that perhaps we did not submit enough presentation material to more clearly describe these specific housing units and the purpose for including them in this plan. As Town Planning Staff are very familiar with all housing unit needs and styles in accordance with the Town's related planning policies, they recommended approval of our applications.

The back-to-back housing units are designed specifically as an attractive apartment / townhome lifestyle with an affordable price-point for first time home buyers, or for people who wish to downsize; and for those who wish to reside in a walkable town centre area. These dwellings provide for apartment style living but with the convenience of a private entry, attached garage and additional driveway parking. The provision of window and door openings on one side of the dwelling is not uncommon. Similar room designs and window relationships also exist in typical apartment buildings. This type of dwelling has been successfully developed in other parts of Niagara and throughout Ontario; and the safety and well-being of residents is also assured through the Ontario Building and Fire Codes.

The back-to-back housing units in Park Place South will include the following: (See Attached Plans)

- **1,300 – 1,400 sq. ft. of floor space,**
- **Two bedrooms & two bathrooms;**
- **Private garage for each unit;**
- **Greater front yard setbacks to establish streetscape space, landscaping provisions and private driveway parking;**
- **Centrally located in the neighbourhood and surrounded by outlying lower density housing;**
- **Upscale building elevations for community architectural harmony;**
- **Walkability to surrounding parks, trails, recreation, services and shopping;**
- **Targeting the most affordable price point in Fonthill.**

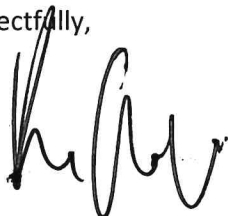
It should be understood that while our subdivision strategies respond to market demand for various lifestyles and levels of affordability, they must also reflect and implement the adopted policies of the Town of Pelham, Region of Niagara and Province of Ontario. Accordingly, our plans meet government density targets; is compatibility with surrounding uses; and creates a harmonious and pleasant neighbourhood design for living. Our Park Place South Plan has been established through a great deal of consultation with Town and Region of Niagara Staff to assure policy compliance and to meet the

expectations for proper traffic flow, servicing provisions and neighbourhood design. It is important to note that all of the housing choices proposed in the Park Place South subdivision, including the back-to-back townhouses, are permitted by and specifically implements the Town's Secondary Plan. In addition, if Council changed the back-to-back townhousing to back-to-back semi-detached dwellings within the plan, that adjustment would render the Park Place South plan to be out of conformity with the Town's Official Plan policies. This is because it would increase the amount of single detached/semi-detached dwellings over the maximum 15% permitted in the Town's Medium Density Designation within which the plan falls.

On the next Council Agenda, we are asking Council to reconsider the decision to amend the Back-to-back Townhouse Plans and related Zoning for Blocks 35-39 within the subdivision; and refer this request back to Staff for further comment and recommendation.

In the meantime, if anyone has any questions, or if you would like to discuss the plans with us, we will certainly make ourselves available at your convenience. Please feel free to call me at the numbers noted below at any time.

Respectfully,



KEN GONYOU
LAND DEVELOPMENT DIRECTOR
Direct: 905-323-6215
Cell: 289-968-0160
Main: 905-688-3100
Fax: 905-688-5524

CC: Barb Wiens, Director of Community Planning & Development, Town of Pelham
Matt Kernahan, Upper Canada Consultants


Attached: Concept Building Elevations for Back-to-Back Townhomes



MOUNTAINVIEW
BUILDING GROUP

BACK to BACKS

RENDERING IS AN ARTIST'S CONCEPT.
SIZES AND SPECIFICATIONS ARE SUBJECT
TO CHANGE WITHOUT NOTICE.
Page 43 of 165

Organization Name:	
Contact Name:	
Address:	
City:	Postal Code:
Phone:	Email Address:
Proclamation Requested:	
Date(s) of Proclamation:	
Purpose of Proclamation: <hr/> <hr/> <hr/> <hr/>	
Description of Organization <i>(Please provide a brief description. Additional information may be attached to this form)</i> <hr/> <hr/> <hr/> <hr/>	
Has the same or a similar proclamation been requested <input type="checkbox"/> Yes <input type="checkbox"/> No of the Town of Pelham Council in past years?	
You must provide the draft wording for your proclamation in order to receive an official signed proclamation from the Mayor.	
Personal information on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of processing your request. Question about this collection should be directed to the Town Clerk, 20 Pelham Town Square, P.O. Box 400, Fonthill, ON, L0S 1E0, 905-892-2607 Ext. 315.	
Please complete and submit your completed form at least two weeks in advance of the occasion.	
 Signature	<hr/> Date



PROCLAMATION

WHEREAS hundreds of thousands of Canadians show their concern for the environment and their communities each year by participating in PITCH-IN CANADA projects to:

reduce, reuse, recycle and properly dispose of waste; clean up and rejuvenate local neighbourhoods, green spaces, ravines, waterways and illegal dump sites; restore habitats; and to establish composting and recycling projects;

AND WHEREAS PITCH-IN CANADA, a national, community-based, organization comprised of eco-action and community volunteers, believes that maintaining a quality environment and encouraging civic pride is everyone's responsibility;

AND WHEREAS PITCH-IN CANADA encourages voluntary action to keep communities clean and beautiful and restore and maintain a healthy environment;

NOW THEREFORE the _____ declares the week of April 18 - 24, 2021 as "PITCH-IN CANADA Week" in the _____ and invites all citizens in our region to actively participate in PITCH-IN Week!

www.pitch-in.ca

PITCH-IN Week

April 18 - 24, 2021

WHEREAS, hundreds of thousands of Canadians show their concern for the environment and their communities each year by participating in PITCH-IN CANADA projects to:

Reduce, reuse, recycle and properly dispose of waste; clean up and rejuvenate local neighborhoods, green spaces, ravines, waterways and illegal dump sites; restore habitats; and to establish composting and recycling projects;

AND WHEREAS, PITCH-IN CANADA, a national, community-based, organization comprised of eco-action and community volunteers, believes that maintaining a quality environment and encouraging civic pride is everyone's responsibility;

AND WHEREAS, PITCH-IN CANADA encourages voluntary action to keep communities clean and beautiful and restore and maintain a healthy environment;

THEREFORE, BE IT RESOLVED THAT the Corporation of the Town of Pelham does hereby proclaim April 18th – 24th, 2021 as "PITCH-IN CANADA WEEK" and invites all citizens in our region to actively participant in PITCH-IN Week!

DATED AT the Town of Pelham this 6th day of April, 2021.

Mayor Marvin Junkin
Town of Pelham

March 18, 2021

City of Pelham

Dear Mayor and Council,

As May marks both Melanoma and Skin Cancer Awareness Month and the beginning of summer, it is imperative that communities across Canada be reminded of the importance of sun safety at this time of the year. In order to keep your citizens aware, informed, and vigilant about the potential risks of over-exposure to UV radiation, we ask that you, as a mayoral body, **publicly proclaim May as Melanoma and Skin Cancer Awareness Month in your municipality.**

Over-exposure to UV radiation is the leading cause of melanoma and non-melanoma skin cancers. Though skin cancers should be largely preventable, their diagnosis rates are increasing. Skin cancer is the most common of all cancers. **1 in 6 Canadians born in the 1990s will get skin cancer in their lifetimes.** There are more new cases of skin cancer each year than the number of breast, prostate, lung and colon cancers COMBINED. While most forms of non-melanoma skin cancer can be surgically removed, melanoma is an aggressive form of cancer. The five-year relative survival rate of melanoma that has metastasized is 18%.

Despite these figures, many people seek sun without taking the advisable precautionary measures, or believe that only severe burns contribute to one's risk of skin cancer. In fact, **any darkening of skin colour, including a tan, is indicative of UV damage.**

Mayor of New Westminster, B.C., Jonathan Coté, has committed to proclaim May 2021 as Melanoma and Skin Cancer Awareness Month, and challenges other municipalities to follow his example by promoting sun safety, skin cancer awareness, and early detection information among their populations.

"People are spending more time outside now than ever and it's crucial that more be done to educate people on the importance of sun safety. This is why as Mayor of New Westminster, I'm happy to support this important initiative and challenge all municipalities to do the same." - Mayor Jonathan Coté

If you choose to make the proclamation, Save Your Skin Foundation will provide you with an online resource package providing information on these matters and a certificate recognizing your municipality's efforts.

Save Your Skin Foundation is a Canadian non-profit registered charity founded by North Vancouver resident and melanoma survivor Kathleen Barnard. It is dedicated to the fight against non-melanoma skin cancers, melanoma and ocular melanoma through nationwide education, advocacy, and awareness initiatives like this one.

Thank you for your consideration. We look forward to working with you.

Sincerely,



Kathleen Barnard, Founder and President
Save Your Skin Foundation

Melanoma and Skin Cancer Awareness Month

May 2021

WHEREAS it is imperative that communities across Canada be reminded of the importance of sun safety;

AND WHEREAS over-exposure to UV radiation is one of the major causes of melanoma and non-melanoma skin cancers;

AND WHEREAS skin cancer is the most common of all cancers. 1 in 6 Canadian born in the 1990s will get skin cancer in their lifetimes;

AND WHEREAS many people seek sun without taking the advisable precautionary measures and are unaware that any darkening of skin color, including a tan, is indicative of UV damage;

AND WHEREAS skin self-examinations should be performed on a monthly basis because skin cancers are highly treatable when detected early;

AND WHEREAS Save Your Skin Foundation is dedicated to the fight against non-melanoma skin cancers, melanoma and ocular melanoma through nationwide education, advocacy, and awareness initiatives:

THEREFORE, BE IT RESOLVED THAT the Corporation of the Town of Pelham does hereby proclaim May 2021 as Melanoma and Skin Cancer Awareness Month.

DATED AT the Town of Pelham this 6th day of April, 2021.

Mayor Marvin Junkin
Town of Pelham



The Corporation of
The Township of Brock
1 Cameron St. E., P.O. Box 10
Cannington, ON L0E 1E0
705-432-2355

March 2, 2021

The Honourable Patty Hajdu
Minister of Health Canada
Via email: Patty.Hajdu@parl.gc.ca

Health Canada
Ottawa, Ontario
via email: hcinfo.infosc@canada.ca

Dear Honourable Madam:

Re: Cannabis Licencing and Enforcement

Please be advised that the Council of the Township of Brock, at their meeting held on February 22, 2021 adopted the following resolution:

Resolution Number 22-2

MOVED by **Michael Jubb** and SECONDED by **Cria Pettingill**

WHEREAS the Government of Canada introduced Bill C-45 (the Cannabis Act) to create the foundation for a comprehensive national framework to provide restricted access to regulated cannabis, and to control its production, distribution, sale, importation, exportation, and possession;

WHEREAS the police have not been given lawful authority to lay charges under the Cannabis Act to appropriately respond to violations of Health Canada Registrations and Licenses;

WHEREAS there is no direct communication or dedicated effort to provide a communication channel between Municipal government staff or Police Agencies for dealing with Health Canada Registrations and Licenses;

WHEREAS the Township of Brock has not been consulted by Health Canada prior to the issuance of licenses for properties not in compliance with municipal zoning by-laws;the future;

BE IT RESOLVED THAT the Township of Brock requests that Health Canada:

1. Require Federal Licenses and Registrations for Designated Growers to conform with local zoning and control by-laws;
2. Ensure local authorities are provided with notification of any licence issuance, amendment, suspension, reinstatement or revocation within their region;

3. Provide dedicated communication with local governments and Police services;
4. Provide lawful authority to Police agencies to lay charges when registered or licences operations grow in excess of their registration or licence through Health Canada; and,
5. Provide enforcement support and guidance to local municipalities for dealing with land use complaints relating to Cannabis.

AND FURTHER BE IT RESOLVED THAT the Township of Brock will forward this motion by email to the following partners: All municipalities in Ontario; the MP and MPP of Haliburton–Kawartha Lakes–Brock; the Minister of Agriculture, Food and Rural Affairs; the Minister of Agriculture and Agri-Food; and the Durham Region Police Services with the request that the Federal government enact legislation to better support local governments with land use management and enforcement issues as they relate to Cannabis Production and Processing.

MOTION CARRIED

Thank you for your consideration. Should you have any questions please do not hesitate to contact the undersigned.

Yours truly,

THE TOWNSHIP OF BROCK



Becky Jamieson
Municipal Clerk

BJ:dh

cc. The Honourable Christine Elliott, Minister of Health, Ontario –
christine.elliott@ontario.ca
The Honourable Laurie Scott, MPP, Haliburton-Kawartha Lakes-Brock -
laurie.scottco@pc.ola.org
Jamie Schmale, MP, Haliburton-Kawartha Lakes-Brock - Jamie.schmale@parl.gc.ca
The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs –
minister.omafra@ontario.ca
The Honourable Marie-Claude Bibeau, Minister of Agriculture and Agri-Food - Marie-
Claude.Bibeau@parl.gc.ca
Inspector Ryan Connolly, DRPS - northdivision@drps.ca
Ontario municipalities



Norfolk County
Officer of the Mayor
Governor Simcoe Square
50 Colborne St., S.
Simcoe, Ontario N3Y 4H3
519-426-5870
Fax: 519-426-7633
norfolkcounty.ca

February 23, 2021

The Honourable Jonathan Wilkinson
Minister of Environment and Climate Change
House of Commons
Ottawa, ON K1A 0A6

The Honourable Marie-Claude Bibeau
Minister of Agriculture and Agri-Food
House of Commons
Ottawa, ON K1A 0A6

Dear Ministers,

I am writing to advise that Norfolk County Council supports the attached Norfolk County Agricultural Advisory Board's letter regarding the application of the carbon tax on primary agriculture producers. It is the recommendation of Norfolk County Council that the Federal Government consider the concerns of the agricultural community and move to exempt all primary agriculture producers from current and future carbon taxes. Please find attached the full recommendation.

Thank you for your attention,

Yours truly,

A handwritten signature in black ink that reads "Kristal Chopp".

Kristal Chopp
Mayor, Norfolk County

P.c. Norfolk County Council
Association of Municipalities of Ontario
Federation of Canadian Municipalities
Ontario Municipalities

Dec 7, 2020

The Honourable Marie-Claude Bibeau, MP
Minister of Agriculture and Agri-Food House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister Bibeau

Our agricultural advisory board (AAB) who represents the agricultural sector in Norfolk County, Ontario is very concerned about the federal government's current carbon pricing policies. It is our hope that you consider our concerns and move to exempt all primary agriculture producers from current and future carbon taxes.

Carbon tax remains as a major cost of production for producers in Norfolk County. Although some farm fuel purchases are exempt, it is selective and does not meet the needs of the entire agriculture industry. Currently crop drying, heating/cooling of livestock barns and cooling of perishable commodities are still subject to full carbon taxes.

Currently there are no replacements for fossil fuels in agricultural production. As a result, carbon tax policies are not appropriate for the agricultural sector and only decrease farm margins.

Norfolk County which is known as Ontario's garden is home to one of the country's largest diversity of crop production. In addition to the extensive vegetable, fruit and grain production it boasts some of the highest ecological diverse natural habitats, plants and animals in Canada. There is approximately 25% tree cover in the county which is the highest percentage of forested land in Southwestern Ontario. Norfolk County It is also home to over 10,000 acres of woodlots and wetlands protected under Long Point Conservation Authority. In addition to the natural woodlots and wetlands there is also extensive fruit production with 2000 acres of apples and 1000 acres of sour cherries. A mature orchard can fix upwards of 18 mt of CO₂ annually.

The adoption of production practices to protect the soil and environment are advanced in Norfolk County. There has been a wide implementation of cover cropping, planting green and reduced tillage practices all of which sequester carbon. Additional farming practices of 4R nutrient management coupled with precision technology ensure that appropriate nutrients are applied at the right time, place and rate. In many cases sensitive water sources around ponds and wetlands are planted with buffer strips and soil erosion control measures of grassed waterways and windbreaks are also common practices. ALUS (alternative land use) programs have been embraced across the county, taking unproductive land out of production, and returning it to natural native grass plantings, trees and constructed wetlands. Currently there are 1148 active projects with 189 producers covering 1573 acres in Norfolk County managed under the ALUS program.

The agriculture industry has made great strides to protect the environment and will continue to improve production practices that reduces the carbon footprint in food production.

The AAB board believes that all on farm fuels used in agricultural production should be exempt from carbon tax. This should include natural gas, propane, gas, and diesel. We strongly urge the government to be consistent with a sector wide exemption to current carbon tax policies.

Sincerely,

Dustin Zamecnik
Chair of Norfolk County Agriculture Advisory Board

Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

December 18, 2020

CL 23-2020, December 17, 2020**CSC 11-2020, December 9, 2020****CSD 81-2020, December 9, 2020*****Local Area Municipalities******SENT ELECTRONICALLY*****RE: Amending Agreement to the Niagara Region Inter-Municipal Agreement**

Regional Council, at its meeting of December 17, 2020, considered the following recommendation of its Corporate Services Committee:

That Report CSD 81-2020, dated December 9, 2020, respecting Amending Agreement to the Niagara Region Courts Inter-Municipal Agreement, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That an Amending Agreement to the Niagara Region Courts Inter-Municipal Agreement in a form substantially as set out in Appendix A of Report CSD 81-2020, **BE APPROVED** for purposes of advancing the Vision Zero Program;
2. That the Director of Legal and Court Services **BE AUTHORIZED** to make such revisions to the Amending Agreement as may be deemed necessary and approved by the Acting Chief Administrative Officer in response to requests from the local area municipalities in order to finalize the Amending Agreement; provided that the apportionment of costs and revenue remains the same as provided in Appendix A of Report CSD 81-2020;
3. That the Regional Chair and Regional Clerk **BE AUTHORIZED** to execute the Amending Agreement to the Niagara Region Courts Inter-Municipal Agreement once finalized, subject to approval by all 12 local area municipalities; and
4. That Report CSD 81-2020 and the Amending Agreement, attached as Appendix A of Report CSD 81-2020, **BE CIRCULATED** to the 12 local area municipalities and that the 12 local area municipalities **BE REQUESTED** to review and approve the Amending Agreement at the earliest opportunity in order to advance the Vision Zero Program.

The following amendment was approved by Regional Council:

That Appendix A, point #2 under definitions, **BE AMENDED** to read as follows:

Net revenues from Red Light Cameras, Automated Speed Enforcement and such other automated technology-based traffic enforcement tools that may be approved by the Province, be shared 50/50 between the Region and local area municipalities consistent with current practice.

In light of the resolution of Council to amend the Amending Agreement to the Niagara Regional Inter-Municipal Agreement, a new agreement will be drafted to reflect the amendment and further communicated in due course.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ann Marie Norio', with a stylized flourish at the end.

Ann-Marie Norio
Regional Clerk

:kl

CLK-C 2020-228

cc: B. Brens, Manager, Program Financial Support, Corporate Services
T. Harrison, Commissioner/Treasurer, Corporate Services
D. Gibbs, Director, Legal and Court Services
C. Ryall, Director, Transportation Services

DRAFT

NIAGARA REGION COURTS INTERMUNICIPAL AGREEMENT- AMENDMENT 2

This Agreement dated the _____ day of _____, 2020

BETWEEN:

THE CORPORATION OF THE TOWN OF FORT ERIE
(hereinafter called "Fort Erie")

OF THE FIRST PART

-and-

THE CORPORATION OF THE TOWN OF GRIMSBY
(hereinafter called "Grimsby")

OF THE SECOND PART

-and-

THE CORPORATION OF THE TOWN OF LINCOLN
(hereinafter called "Lincoln")

OF THE THIRD PART

-and-

THE CORPORATION OF THE CITY OF NIAGARA FALLS
(hereinafter called "Niagara Falls")

OF THE FOURTH PART

-and-

THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE
(hereinafter called "Niagara-on-the-Lake")

OF THE FIFTH PART

-and-

THE CORPORATION OF THE TOWN OF PELHAM
(hereinafter called "Pelham")

OF THE SIXTH PART

-and-

THE CORPORATION OF THE CITY OF PORT COLBORNE
(hereinafter called "Port Colborne")

OF THE SEVENTH PART

-and-

THE CORPORATION OF THE CITY OF ST. CATHARINES
(hereinafter called "St. Catharines")

OF THE EIGHTH PART

-and-

THE CORPORATION OF THE CITY OF THOROLD
(hereinafter called "Thorold")

OF THE NINTH PART

-and-

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
(hereinafter called "Wainfleet")

OF THE TENTH PART

-and-

THE CORPORATION OF THE CITY OF WELLAND
(hereinafter called "Welland")

OF THE ELEVENTH PART

-and-

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
(hereinafter called "West Lincoln")

OF THE TWELFTH PART

-and-

THE REGIONAL MUNICIPALITY OF NIAGARA
(hereinafter called "the Region")

OF THE THIRTEENTH PART

WHEREAS, by the Niagara Regional Court Intermunicipal Agreement dated April 26, 2000 (the “Intermunicipal Agreement”), all parties agreed, among other thing things, to appoint the Region as Agent to undertake the court administration, support and prosecution program for the operation of the Provincial Offences Court on behalf of all municipalities;

AND WHEREAS effective November 22, 2005, the Parties amended the Intermunicipal Agreement to update Schedule A entitled “Reporting Relationships”;

AND WHEREAS the Region wishes to proceed with the implementation of the Vision Zero Program, which among other things would include enforcement of the *Highway Traffic Act* through Automated Speed Enforcement and Red Light Camera enforcement for purposes of enhancing traffic safety for the benefit of all visitors to and residents of the region of Niagara;

AND WHEREAS in order for the Region’s operation of the Vision Zero Program to be financially sustainable, it would need to be fully supported by the fines received through charges issued under the Vision Zero Program that will be processed through the Court;

AND WHEREAS the Council of the Region have approved the Vision Zero Program subject to an amendment to the Intermunicipal Agreement regarding the apportionment of costs and revenue to ensure that the Vision Zero Program is financially sustainable in the long term;

NOW THEREFORE in consideration of the promises, mutual covenants and conditions contained herein, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. Definitions

In this Amending Agreement:

“Effective Date” means the date upon which the first Certificate of Offence issued pursuant to the *Provincial Offences Act* for a charge under the Vision Zero Program is filed with the Court;

“Vision Zero Program” means the Vision Zero Road Safety Program to be administered by the Region that includes without limitation: enforcement of the *Highway Traffic Act* through Automated Speed Enforcement, Red Light Camera enforcement and such other automated technology-based traffic enforcement tools that may be approved for use by the Province from time to time; infrastructure upgrades such as street lighting, signage and intersection improvements; and, communication and educational programs; all for purposes of enhancing traffic safety for all road users;

“Vision Zero Program Court Costs” means the Court costs and expenses related to administration, prosecution, adjudication of Vision Zero Program charges, including

all staffing costs, fees and collection costs incurred by the Agent in processing charges issued under the Vision Zero Program;

2. The parties acknowledge that implementation of the Vision Zero Program by the Region requires significant upfront investment in particular related to the acquisition and installation of necessary equipment, fees imposed by the Joint Processing Centre and Ministry of Transportation and staffing costs, in addition to other operational costs to administer the Vision Zero Program. Notwithstanding sections 8.2 and 8.3 of the Intermunicipal Agreement, given the costs incurred by the Region to implement and operate the Vision Zero Program, the Region shall receive 100% of net Vision Zero Program revenues.
3. Except as otherwise provided herein, the Region shall use the net Vision Zero Program revenues exclusively for the operation and enhancement of the Vision Zero Program.
4. Regional Staff shall report to the Council of the Region on an annual basis regarding operational costs and technical performance of the Vision Zero Program and the use of the net Vision Zero Program revenues.
5. The costs of the Program, as defined in the Intermunicipal Agreement, will be adjusted as a part of the annual budget process in accordance with section 7.1 of the Intermunicipal Agreement as necessary to address any change in Vision Zero Program Court Costs required to accommodate the volume of charges processed pursuant to the Vision Zero Program and shall be recovered by the Agent from gross revenues in accordance with section 8.1 of the Intermunicipal Agreement.
6. The Agent will track the Vision Zero Program Court Costs separately to the extent reasonably possible for inclusion in the annual budget and financial reporting submitted to the Board from time to time, and the report provided to the Council of the Region pursuant to section 4 of this Amending Agreement.
7. In the event that the Vision Zero Program gross revenues are less than the Vision Zero Program Court Costs at the end of any fiscal year, the Region will provide funding to cover the deficit from the Region's share of the net revenue distribution pursuant to section 8.2 of the Intermunicipal Agreement, so that the net revenues distributed to all Municipalities, with the exception of the Region, pursuant to section 8.3 of the Intermunicipal Agreement are not negatively impacted by the Vision Zero Program. In subsequent years, any net Vision Zero Program revenues will first be used to repay the Region for previous years' deficit and then used for the operation and enhancement of the Vision Zero Program as outlined in section 3 of this Amending Agreement.
8. The Region agrees to notify the parties in writing of the date that the first Certificate of Offence issued for a charge under the Vision Zero Program is filed with the Court for purposes of confirming the Effective Date of this Amending Agreement.

9. The term of this Amending Agreement will be five (5) years from the Effective Date. The parties agree that on or about three (3) years from the Effective Date they will engage in discussions to collectively review available data related to the Vision Zero Program compiled as of that date, including but not limited to Vision Zero Program Court Costs, charges, gross revenues, technical performance and trends for purposes of considering long-term projections and plans for the Vision Zero Program including possible sites for future capital investment in the Vision Zero Program and any potential future amendments that may be required to the Intermunicipal Agreement.
10. This Amending Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
11. The acceptance of this Amending Agreement may be communicated by facsimile or email transmission reproduction between the Parties, and such reproduction will be binding upon the Parties with the same effect as an executed original of the Amending Agreement.
12. Save and except as modified herein, the provisions of the Intermunicipal Agreement shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have executed this Amending Agreement:

(signing blocks to be inserted)



ADR
CHAMBERS

Integrity Commissioner Office
for the Town of Pelham

Edward T. McDermott
Integrity Commissioner
Town of Pelham
integrity@adr.ca

March 23, 2021

SENT BY EMAIL TO:

Nancy Bozzato
Town Clerk
Town of Pelham
20 Pelham Town Square
Fonthill, Ontario L0S 1E0

Re: Town of Pelham Integrity Commissioner
Annual Report – January 1, 2020- December 31, 2020 - IC-12520-0121

Dear Ms. Bozzato:

Thank you for the opportunity to act as the Integrity Commissioner (the “IC”) for the Town of Pelham (the “Town”) over the past year.

In accordance with the terms of the Agreement between the Town and ADR Chambers Inc. pursuant to s. 223.3 (1) of the *Municipal Act 2001*, I am providing my Annual Report for the second operating period of the agreement covering period January 1, 2020 – December 31, 2020. The previous reporting period covered eleven months and was adjusted for this year to coincide with the Town’s budget processes.

As you know, the IC's role is to help Members of Council ("Members") ensure that they are performing their functions in accordance with the Town's *Code of Conduct* (the "Code"). The IC is available to educate and provide advice to Members on matters governing their ethical behavior and compliance with the Code and the Municipal Conflict of Interest Act ("MCIA"). The IC is also responsible for receiving, assessing and investigating appropriate complaints made by Council, Members, and members of the public respecting alleged breaches of the Code by Members.

In addition, and independently from an IC's duties under the Code, under the March 1, 2019 amendments to the Municipal Act, the IC was empowered (upon application by an "elector" of the municipality or "a person demonstrably acting in the public interest") to inquire into an alleged contravention of the MCIA and make application to a judge for a judicial determination as to whether a Member of Council has contravened section 5, 5.1, or 5.2 of the MCIA. If the Court determines such a contravention has occurred it can impose a wide range of penalties on the offending Councillor including declaring the Member's seat vacant and prohibiting the Member from serving on Council for up to seven years.

Activities During the Second Year

The second year of our service to the Town was more active than the first as we undertook an investigation into a significant matter within my jurisdiction and mandate as established by Council, the Municipal Act and the MCIA. The result of the investigation into this matter was the subject of a full public Report to Council in May 2020. In the result, findings were made that the Code had been contravened and Council imposed a penalty.

As required by the Municipal Act and the Code, we also provided full written responses to Requests for Advice from Members of Council.

We also provided Council with an Annual Report on the first year (eleven months) of our service to the Town.

Costs

The total cost incurred by the Town during the year for the services performed amounted to \$21,197.50 (plus HST) as compared to the charges of \$7,000.00 during our first year of service. This amount does not include billings for any work performed with respect to matters which were initiated or in progress but not completed prior to the end of the review period (December 31, 2020).

Issues to be Considered Going Forward

As a result of our experience during the past year, it is respectfully suggested that Council consider the following issues on a going forward basis:

- The provisions of Bill 68 came into force on March 1, 2019 and contain some significant amendments to the *Municipal Act 2001* and the *Municipal Conflict of Interest Act* which affect the role and powers of the Integrity Commissioner and the obligation of Members under the Town's Code. We have now been working with these new requirements for two years and have gained a considerable amount of knowledge and experience in contending with the various issues that have arisen under the amendments.

Inasmuch as it has now been almost two years since our last seminar with Council, we accordingly suggest that an *in camera* (preferably in person) education seminar should be scheduled in the future (when circumstances permit) in order to review our experience with these changes and familiarize all Councillors with the effect of these new amendments as well as emphasizing our experience with evolving issues such as the importance of not disclosing confidential information in accordance with the requirements of the Code.

- Consideration should be given to amending the City's investigation protocol to include a provision conferring on the IC the discretion to mandatorily order a mediation session when, in the judgment of the IC, circumstances so warrant. In light of certain situations that have emerged over the past two years, Council may also wish to consider altering or adding to other provisions of the Code (e.g. limitation periods on Complaints).
- On March 5, 2021, The Ontario Government launched a Consultation process to "Strengthen Municipal Codes of Conduct" with the objective of eliminating "workplace harassment or discrimination of any kind". The Consultation process will be led by Ms. Jill Dunlop the Associate Minister of Children's and Women's Issues. On March 8, 2021 a Private Member's Bill was introduced by a Member of the opposition to expand the ambit of the Codes of Conduct of Municipalities by requiring all Members of Council to comply with Municipal Policies with respect to workplace violence or harassment under the OHSA.

The Bill contemplates expanding the powers of an IC to receive and investigate Complaints of a contravention of this mandated provision under the Code and to

apply to the Court for a determination by it of the issue and the imposition of a penalty (including declaring the Councillor's seat vacant).

While the provisions of the Private Member's Bill will not necessarily become law, it is reasonably clear that Complaints against Councillors for mistreatment of staff will be enabled under an amendment to the Municipal Act and it will likely fall to the IC to determine these Complaints.

Council should be aware of this impending development and make whatever submissions it wishes to the Government Consultation process as these measures will affect the scope of the Code; the role of the IC; and inevitably, the cost of administering this program.

Summary

It has been a pleasure to assist the Town and its Members with the issues that have arisen in connection with the administration of its Code of Conduct in the past year. I look forward to continuing to provide the services of Integrity Commissioner to the Town in the upcoming year.

Yours very truly,



Edward T. McDermott

Integrity Commissioner, Town of Pelham



ADR
CHAMBERS

Integrity Commissioner Office
for the Town of Pelham

Edward T. McDermott
Integrity Commissioner
Town of Pelham
Integrity@adr.ca

March 25, 2021

Sent by Email to:

Ms. Nancy Bozzato
Town Clerk
nbozzato@pelham.ca

Re: IC- 12627-0221

Dear Ms. Bozzato:

I wish to advise that I have now completed my review of this Complaint and have determined that I have no jurisdiction under the Town's Code of Conduct to inquire into it.

The Complaint is accordingly dismissed and the Complainant has been advised to that effect and provided with the reasons for such decision.

The matter is now concluded.

Yours very truly,

Edward T. McDermott
Integrity Commissioner - Town of Pelham

NEWS RELEASE

Ontario Launches Consultation to Strengthen Municipal Codes of Conduct

Province seeking input on ways to increase accountability of council members

March 5, 2021

[Municipal Affairs and Housing](#)

TORONTO — The Ontario government is launching consultations with the municipal sector to strengthen accountability for council members. The province wants to ensure that councillors and heads of council maintain a safe and respectful workplace and carry out their duties as elected officials in an ethical and responsible manner.

"We want to gather input to ensure there are adequate mechanisms in place to hold council members accountable for any unacceptable behaviour," said Steve Clark, Minister of Municipal Affairs and Housing. "It's critical that everyone feels safe and respected in the workplace, and that they know there are accountability measures in place for members who violate codes of conduct."

Jill Dunlop, the Associate Minister of Children and Women's Issues will be leading the consultations to hear from members of council, municipal associations as well as municipal staff on how to ensure that municipal staff and officials are supported and respected in the workplace.

"Our government has been absolutely clear that we will not tolerate workplace harassment or discrimination of any kind," said Associate Minister Dunlop. "We are committed to upholding our shared values of respect, equity, equality and fairness for all people in Ontario. These consultations are to help us move that commitment forward in municipal governments so that everyone feels safe."

Quick Facts

- Workers, supervisors and employers have rights and duties when dealing with workplace violence and harassment. Ontario has [a guide](#) that explains what every worker, supervisor, and employer needs to know about workplace violence and workplace harassment.
 - Under the [Municipal Act, 2001](#), all municipalities are required to establish a code of conduct for councillors and certain local boards. They are also required to provide access to an integrity commissioner.
-

Additional Resources

- [Municipal Councillor's Guide](#) for more information on codes of conduct.
-

Related Topics

Government

Learn about the government services available to you and how government works. [Learn more](#)

Media Contacts

Stephanie Bellotto
Minister's Office
stephanie.bellotto@ontario.ca

Conrad Spezowka
Communications Branch



LINCOLN PUBLIC LIBRARY MISSION: The Lincoln Public Library is a community hub ensuring equal access to resources and opportunities for thinking, playing, learning, and growing.

PELHAM PUBLIC LIBRARY MISSION: The mission of Pelham Public Library is to engage, encourage and enrich our community.

**MINUTES OF JANUARY 27, 2021
SPECIAL MEETING OF THE LINCOLN PUBLIC LIBRARY BOARD
AND THE PELHAM PUBLIC LIBRARY BOARD**

Time: 6:00 p.m.
Location: via Zoom

Present from Lincoln Board: Donna Burton (Chair), Councillor JD Pachereva, Councillor Adam Russell, Donna Edwards (Vice-Chair), Ruth Gretsinger, Joanna Kocsis, Anna Murre, Terry Teather, Jennifer Thiessen

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

Staff: Julie Andrews (Lincoln CEO), Amy Guilmette (Pelham Acting CEO), Jo-Anne Teeuwsen (Pelham Acting Deputy CEO), Mikayla Gora (Pelham - minutes), David Cribbs (Town of Pelham CAO), Michael Kirkopoulos (Town of Lincoln CAO)

Guest: Peggy Malcolm (SOLS Consultant),

Regrets: None.

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 and Chair Introductions

- 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 January 27, 2021 and receipt of reports and correspondence

- Moved by G. Lewis, seconded by T. Wright

Special Board Meeting Minutes of January 27, 2021

**That the agenda for the meeting of January 27, 2021 be approved and the reports and correspondence listed on the agenda be received for discussion/action.
CARRIED.**

3. Conflict of Interest Declarations

- None.

4. Opening Introductions and Meet & Greet - N. Nolan

4.1 Review Process

4.2 Introduction of Library Board Members

- N. Nolan reviewed process for meeting between both boards.
- Each board member from both libraries were given the opportunity to introduce themselves and give their thoughts on a union library.

5. Guess Panel - Question & Answer - D. Burton

5.1 Discussion & Questions for Guest Panel:

- **Peggy Malcolm, SOLS Consultant**
- **David Cribbs, Town of Pelham CAO**
- **Michael Kirkopoulos, Town of Lincoln CAO**

- D. Burton posed the following question to the guest speakers:

Communication is vital to ensuring stakeholders understand the rationale behind the amalgamation. How do you suggest we allow both Councils the opportunity to engage their communities regarding the process? Public meetings? Delegations? Surveys? Other?

- M Kirkopoulos shared his view on the engagement process, commenting that all the forms that had been listed can be useful and when an appropriate stage might be for community input.
- D. Cribbs stated that while public meetings would be useful, the pandemic makes that difficult to schedule. Potentially an option in the distant future. Would suggest that open houses between both libraries where patrons would be able to visit may be an idea.

- D. Burton posed the following question to the guest speakers:

The agreement between Councils to join library services into a single operation is key to the success of the relationship. Can you provide some ideas about how you see the agreement coming together and who should be involved in the process?

- P. Malcolm stated that she potentially sees the agreement working as an approximate 50/50 split. She has looked into both towns and feels that would be a fair division. Alternatively, she feels that Lincoln, with a slightly larger population, may wish to have more representation, therefore a 45/55 split would also be appropriate.
- M. Kirkopoulos stated that having representatives from each board would be preferable as opposed to all members of each board plus both town councils. Too many individuals involved in discussions may hinder them, instead of moving them along.
- D. Burton posed the following question to the guest speakers:

Special Board Meeting Minutes of January 27, 2021

A public communication plan will help both communities understand the rationale for the amalgamation and allay fears that their library services will be negatively impacted. What do you think is the appropriate schedule of activities to inform and educate library members and allow for input?

- P. Malcolm commented that the wording of such communication to the public is important. This would be a Union library, not an Amalgamation. This difference is important to convey to members of the public as they are two very different situations. Traditionally, amalgamations are forced by other branches of government and may have a negative connotation, whereas the formation of a union library is a chosen path and is a positive step forward.

5.2 Resolution to Move to Closed Session

- Moved by D. Edwards, seconded by R. Gretsinger

That the Boards now move into closed session at 6:53 p.m. for reasons permitted under the Public Libraries Act RE: discussion of matters about an identifiable individual. CARRIED.

5.3 Resolution to Rise from in Camera

- Moved by A. Russell, seconded by A. Murre

That the Boards now move out of closed session at 7:20 p.m. without report. CARRIED.

6. Next Steps - D. Burton

- Moved by C. McPherson, seconded by G. MacDougall

That the Lincoln Public Library Board and the Pelham Public Library Board direct the Lincoln Public Library CEO and the Pelham Public Library Acting CEO to prepare together a draft press release on the topic of forming a union library and to have this draft shared with both sets of board members for comment and suggestions prior to being sent out to the media. CARRIED.

- The Boards discussed the creation of a Special Committee that includes the Board Chair, and two board members from each library system, and that this Committee will be actioned to review, provide feedback and finally recommend the final draft of the union agreement that will be introduced by the library CEO/acting CEOs and the two CAO of the municipalities to both library boards.
- The appointment of this committee will take place during each board's regularly scheduled meeting to take place immediately following this special meeting.

- Moved by G. McDougall, seconded by G. Lewis

That the Lincoln Public Library Board and the Pelham Public Library Board will form a new Special Committee to review and provide feedback on the draft of the Union Draft Agreement. And, that both library boards will appoint their Chair and two board members for membership in this Special Committee at their next regular library board meeting. CARRIED

7. Adjournment

- Moved by T. Teather

That the Special Library Board meeting of January 27, 2021 be adjourned at 7:44 p.m. CARRIED.

Special Board Meeting Minutes of January 27, 2021

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

Feb. 24, 2021
(date)

Amy Guilmette
Amy Guilmette, Secretary

Nicole Nolan
Nicole Nolan, Chair

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

**Minutes of Wednesday, January 27, 2021
Meeting of the Pelham Public Library Board**

Time: 7:30 p.m.

Location: via Zoom

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

Staff: Amy Guilmette (Acting CEO), Jo-Anne Teeuwsen (Acting Deputy CEO), Mikayla Gora (minutes)

Regrets: None.

We begin this gathering by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabeg 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 7:58 p.m. by N. Nolan

2. Elections

a. Election of Chair

- N. Nolan was re-elected to Chair.

b. Election of Vice-Chair

- G. Lewis was elected to Vice-Chair

c. Committee Appointments - Finance, Personnel, Policy and Planning, Seniors Advisory Committee, Pelham Art Festival, Special Committee

- G. MacDougall was re-appointed to Seniors Advisory Committee.
- D. Brown was re-appointed to Pelham Art Festival Committee.

Library Board Meeting Minutes of January 27, 2021

- T. Wright and G. Lewis volunteered to participate in the Union Library Special Committee.
- Appointments for Finance, Personnel, and Policy and Planning Committees will be done during the February 2021 Board Meeting.

3. Approval of the Agenda for the Library Board Meeting of January 27, 2021 and receipt of reports and correspondence

- Moved by G. Lewis, seconded by G. MacDougall
That the agenda for the meeting of January 27, 2021 be approved and the reports and correspondence listed on the agenda be received for discussion/action. CARRIED.

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

- None.

5. Consent Agenda Items to be Considered in Block

5.1 2020 Board Attendance List

5.2 Minutes of the Library Board Meeting of December 9, 2020

5.3 December 2020 Charitable Account Summary

- Moved by T. Wright, seconded by C. McPherson
That the Consent Agenda items as listed on the January 27, 2021 Library Board Agenda be received. CARRIED.

6. Items for Separate Consideration, If Any

- None.

7. Conflict of Interest Declarations

- None.

8. Library Reports

8.1 Manager's Report for January 2021

- Guilmette provided an overview of the Manager's Report for the Board.
- Moved by T. Wright, seconded by C. McPherson
That the Manager's Report for January 2021 be received. CARRIED.

9. Finances

9.1 December 31, 2020 Consolidated Financial Report

- A. Guilmette gives an overview of the December 31, 2020 Consolidated Financial Report to the Board.
- Moved by G. Lewis, seconded by D. Brown
That the December 31, 2020 Consolidated Financial Report be received. CARRIED.

Library Board Meeting Minutes of January 27, 2021

10. Library Board Reports

10.1 Councillor's Report - M. Stewart

- M. Stewart reports that the Library's budget request was accepted by the Town.

10.2 Maple Acre Friends' - M. Smith

- Friends have not met since last board meeting.
- At their next meeting, the Friends will discuss adding another plaque to the tree at Maple Acre for Colleen McCarthy.
- Friends will also discuss plans for the BBQ Fundraiser that they annual hold outside of Maple Acre with regards to the current pandemic.

10.3 Town of Pelham Seniors Advisory Committee - G. MacDougall

- G. MacDougall provided an update on the developments that the Seniors Advisory Committee has been working on.

10.4 Pelham Art Festival Report - D. Brown

- Pelham Art Festival will be holding their annual show virtually this year, they are currently planning how this will occur.
- Moved by G. MacDougall, 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.

11. New and Other Business

11.1 Library Board Evaluation

11.2 Strategic Planning Update

- Moved by M. Smith, seconded by T. Wright
That the Library Board Evaluation and Strategic Planning update be rescheduled to the February Board meeting. CARRIED.

12. Next Library Board meeting date

- The next Library Board meeting will be held Wednesday, February 24, 2021 at 6:00 p.m. via Zoom.

13. Adjournment

- Moved by C. McPherson
That the Library Board meeting of January 27, 2021 be adjourned at 8:24p.m. CARRIED.

Library Board Meeting Minutes of January 27, 2021

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

Feb. 24, 2021
(date)

Amy Guilmette
Amy Guilmette, Secretary

Nicole Nolan
Nicole Nolan, Chair

**Cannabis Control Committee
Town of Pelham**

**Minutes of Meeting
Wednesday, January 20, 2021 – 5:00 p.m.
Zoom Video Conference**

- Present:** Tim Nohara (Chair)
Bob Hildebrandt, Councillor - Town of Pelham
John Langendoen
Bill Heska
Louis Damm
Jim Jeffs
Jim Steele
Carla Baxter
David Cribbs, CAO - Town of Pelham
Barbara Wiens, Director, Community Planning & Development, Town of Pelham
Shannon Larocque, Senior Planner, Community Planning & Development,
Town of Pelham
Jodi Legros, Administrative Assistant, Community Planning & Development,
Town of Pelham (Secretary)
- Other:** Bob Lymburner, Fire Chief – Town of Pelham
Phil Girard, PG Compliance Management Inc.
-

1. Declaration of Quorum

Chair declared quorum at 5:03 p.m.

2. Approve Agenda

Additional items have been included in 'Other Items' to the Agenda.

Moved by B. Heska, seconded by J. Langendoen that the Agenda of January 20, 2021 as amended, be approved.

CARRIED

3. Implementation of Odorous Industries Nuisance By-law (4202-2020)

a. Phil Girard Presentation and recommendations on the ambient odour neighbourhood monitoring program (AOMP)

P. Girard gave a detailed presentation on the design of an AOMP that will help the Town implement the Odorous Industries Nuisance Bylaw (OINBL). This design would be part of an RFP to hire an environmental contractor to carry out the work. This presentation was double the length of the initial presentation he gave to the Committee on November 25th, 2020 and included additions, revisions and recommendations to the AOMP that took into account complaints filed by residents, nasal ranger experience by enforcement staff, and comments from the Committee and staff.

Revisions included odour sampling frequency and locations for quality measurements, discussion of receptor impacts and reporting, and recommendations on reducing the odour unit limits to 1 odour unit as the current ones are not protective.

Discussion took place between P. Girard, Committee members and Town staff on odour unit limits. B. Lymburner reminded the Committee testing and recording must be enforceable and defensible with respect to adverse effect. P. Girard noted that complaints are the key to establishing adverse impact.

b. Bob Lymburner Report on Enforcement's Odour Measurements & PSR complaints through December 31, 2020

B. Lymburner informed the Committee there have been 4 new residents who each filed an odour complaint using the PSR system in December along with 9 new odour PSRs filed by a complainant who has previously filed PSR complaints. In December, by-law carried out 9 random odour sampling measurements with just one taken at a cannabis facility property line that registered 3 odour units on the nasal ranger. The by-law officer smelled cannabis odour three times with his nose.

For the month of January 2021, 1 PSR complaint was received from a new complainant and 1 from a prior complainant to date. By-law conducted 26 random measurements to date in January.

T. Nohara asked if by-law has been able to measure an odour reading greater than 3 odour units. B. Lymburner confirmed that they have not registered reading that exceeded 3 odour units.

B. Lymburner advised that although Health Canada leaves enforcement to the municipality, they will no longer provide information to By-law Staff on locations of designated growers when requested.

By-law Staff are responding to a number of complaints as soon as they are posted on the PSR system. By-law noted that one person in Fenwick admitted that he filed a complaint without actually detecting odour. Complaints must be valid.

By-law Staff's goal is to achieve compliance and not to shut down a business. T. Nohara noted that the Committee shares that goal.

c. Discussion

The committee discussed P. Girard's presentation at length, including the wind speed map description, odour unit limit and masking agents with P. Girard.

P. Girard explained his Wind Rose plot in relation to the Redecan facility and the committee learned and discussed (i) why it is challenging with our local wind patterns for by-law to measure cannabis odour without hunting for it upwind and downwind, and (ii) why particular dwellings such as those downwind on Foss Road and on Balsam Street in Welland are so affected with complaints.

P. Girard and the Committee also discussed reducing the odour threshold that by-law is using based on actual experience. P. Girard confirmed that the most important tool is the Town's complaints, and that the MECP sets 1 odour unit on odorous industries. He noted that lower odour units at a higher frequency can be just as problematic as higher odour units on an infrequent basis. It is clear from the complaints that Redecan is causing off-property impact.

T. Nohara raised the question of asking the cannabis producers to provide their ESDM report and contingency plan as required by the OINBL.

4. Approval of Minutes of November 25, 2020 and December 16, 2020

Moved by B. Heska, seconded by J. Langendoen, that the amended Minutes of November 25, 2020 and the Minutes of December 16, 2020 be deferred to the next meeting.

CARRIED

5. Update on Legal Actions

No updates to report.

6. Review of Draft Light By-Law with provisions to include sky glow

a. Discussion on approaches to defining light threshold

T. Nohara disclosed there may be a conflict with some committee members concerning the information L. Damm will be discussing.

L. Damm advised that he and J. Langendoen are communicating with local growers. He noted light by-laws were introduced in other municipalities such as Kingsville and Leamington without consideration for the fact that cannabis growers are governed by the Cannabis Act and flowers and vegetable growers are not and have different standard venting practices which impact the release of light. Growers plan to challenge those by-laws. L. Damm suggested flowers and vegetables growers be excluded from the light by-law to avoid costly challenges. L. Damm noted that Flowers Canada and Ontario Greenhouse Vegetables Association are going to challenge improper bylaws and he believes it will become a normal farm practices issue.

Staff noted concern from skyglow from all growers and do not recommend targeting cannabis growers only.

T. Nohara noted that we need to focus on a bylaw that addresses the adverse effects of skyglow experienced in Pelham. Based on complaints, the skyglow of concern has not been coming from vegetable and flower growers in Pelham, but from the two large cannabis operations.

D. Cribbs noted that there may be some options for proceeding, and yet we may end up having to wait on this one.

The Committee discussed a wait and see approach to see what happens with challenges to the Leamington and Kingsville by-laws.

7. Other items

B. Heska indicated information was released today from Niagara Region Planning of how municipalities are dealing with cannabis related issues. B. Wiens noted it is high-level research of what municipalities are doing to regulate cannabis. T. Nohara agreed to provide comments and B. Wiens will forward to the Region.

T. Nohara advised he will provide Council with a Committee update on February 1, 2021 Council meeting with the focus on the steps to complete the implementation of the odour by-law.

T. Nohara provided an update to the Committee on a discussion with legal concerning the applicability of our by-laws to designated grow operations.

T. Nohara advised he has not received a response from the local MP on designated grow operations in Pelham.

8. Next Meeting: February 17, 2021 at 5:00 pm

9. Adjournment

Moved by J. Jeffs, seconded by J. Langendoen that the meeting be adjourned.

The meeting adjourned at approximately 7:44 p.m.

CARRIED

Signed by:

Tim J. Nohara

Edited

by: Tim Nohara (Chair)

J. Legros

Prepared by: Jodi Legros, Administrative Assistant
Community Planning & Development-Town of Pelham

Subject: By-law Enforcement Policy 2021**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-0069;

AND THAT Policy #S502-05, By-law Enforcement Policy be submitted for Council approval at their next regular meeting.

Background:

As part of council's 2021 strategic planning initiative, council instructed staff to research and develop a policy to support by-law efforts in handling resident complaints, infractions and compliance issues. The proposed Enforcement Policy identifies the philosophical approach to bylaw enforcement that will underpin future department actions. Staff consider this report satisfaction of the outstanding action item identified in the strategic plan.

Analysis:

Developing this policy supports and directs staff in delivering by-law services in a pragmatic way to all residents of Pelham. By directing and approving the enforcement philosophy, Council has an opportunity to represent the public interest and ensure that the general approach to enforcement reflects the values and preferences of the community.

Financial Considerations:

There are no direct costs associated with this report

Alternatives Reviewed:

Operating without policies does not support council's strategic planning initiative. This policy provides a mechanism for indirect involvement in enforcement by elected officials. The status quo is the only practical alternative where 100% discretion is provided to enforcement staff.

Strategic Plan Relationship: Strong Organization

A clear enforcement policy/philosophy will enable bylaw staff to help maintain a high quality of life for Town residents.

Consultation:

By-law, planning, building, CAO

Other Pertinent Reports/Attachments:

The enforcement policy is attached.

Prepared and Recommended by:

Bob Lymburner, Fire Chief
Director of Fire and By-law Services

Prepared and Submitted by:

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



Operating Procedure	
Procedure Name:	By-Law Work Step Procedure
Policy Number:	S502-05
Creation Date:	February 1, 2013
Revision Date(s):	-

1. Purpose

To ensure thorough, prompt and courteous receipt, processing, investigation and resolution of a formal request or complaint within the By-Law services department and ensure appropriate reporting to the Fire Chief.

2. Hazards

3. Requirements

3.1. Abbreviations

Formal Complaint

A complaint or request received by the By-Law Services Department on a complaint form or through the PSR system, where the complainant has supplied all information required.

Fire Chief

Director of the By-Law Services Department

MLEO

Municipal Law Enforcement Officer appointed by Council to deliver By-Law Services within the Town of Pelham.

POO

Provincial Offences Officer

Admin

Fire and By-Law Services Administrative Assistant



Responsibility	Work Steps
Admin	1. Upon receipt of a request or complaint, the complainant will fill out the proper complaint form with all required information and it shall be forwarded to MLEO.
Admin, Fire Chief, MLEO	2. Assures the complainant that their personal information will remain in the strictest of confidence unless required in a legal proceeding. Explains the procedures for investigating the matter and what the next step for the complainant is.
MLEO	3. Conducts a preliminary review of the complaint to verify information and research any supporting documentation which may be available in the Town records.
MLEO	4. Contacts the complainant to confirm or clarify any information received in the complaint which is missing or unclear.
MLEO	5. If after reviewing the file and it is found that the complaint is not warranted, the complainant will be contacted to explain the reasons not to proceed. Repeated and excessive benign complaints will not be reviewed.
MLEO	6. Contacts the property owner, explains the situation and makes an appointment.
MLEO	7. Conducts a site investigation to assess the complaint and possible violation.
MLEO	8. Upon determining that there is a potential violation, begins the process of progressive enforcement as laid out in the by-law enforcement policy.
MLEO	9. Identifies the potential violation and determines the Authority having jurisdiction, consults with the department involved and decides on the course of action, work to be performed and time lines in which compliance is expected.
MLEO	10. Contacts the property owner and makes an appointment to review the potential violation(s) and course of action ensuring the property owner understands what is expected of them.
MLEO	11. Reviews the file and determines if the potential violations have been resolved, if additional time is required, or if the next step in the progressive enforcement process is required.



MLEO	12. If they meet compliance, the file will be closed; if compliance has not been met then the progressive enforcement policy will dictate the next step.
MLEO	13. Closes file if compliance was met, advises the Fire Chief, and notifies complainant that compliance has been met.
MLEO	14. If compliance has not been met, contacts property owner to review property file.
MLEO	15. Discuss with the property owner and review potential violations, if compliance is not Forth With, advises property owner next step in progressive enforcement policy.

4. Operating Guidelines/ Best Practices

- 4.1.** It is important to understand the overall impact that some of these proceedings have on our Town, Staff, Property owners, Council and the Citizens of the Town of Pelham. It is vital that communication between all parties be exercised to its fullest extent.
- 4.2.** All attempts shall be made to assist the property owners to meet compliance, education is priority one, enforcement will be our last attempt for resolve.
- 4.3.** When a site meeting is scheduled and there is a potential for heightened emotions then the MLEO shall take a second person with them, this person should be a POO.
- 4.4.** When making contact with a property owner or tenant the MLEO should be dressed in the proper uniform, be in a Town of Pelham marked vehicle, and clearly identify themselves both verbally and with their issued identification.
- 4.5.** Every attempt shall be made to make the Property owner or Tenant feel at ease.
- 4.6.** If at any time an MLEO or any Town of Pelham staff feel threatened then they shall leave the area promptly, no other contact with the property owner or tenant shall be made at this time, your supervisor shall be notified immediately.



4.7. If the MLEO is visiting a site to investigate a potential violation, the investigation should be restricted to the violation cited, unless it is a life safety matter. The MLEO is not to look for addition violations.

4.8. Unless a matter is viewed as a life safety issue, any potential violations should be addressed through a formal complaint.

5. Appendices

Appendix A – Complainant Form

Appendix B – Risk Assessment

Appendix C – Priority Scale

By Law Services Request Form

Appendix A

CONFIDENTIAL

*This form represents a request to resolve an alleged By-law infraction within the Town of Pelham. In order for the Bylaw Enforcement Officer to proceed with an investigation, it is required that you complete this form in **FULL** including your signature and date. By signing this form, depending on the nature of the complaint, you hereby grant consent for an Investigating Officer, if necessary, to enter upon your property as part of this investigation.*

Complainant Information:

Your Name:	
Your Street Address & Mailing Address (if different):	
Your Email:	Your Phone Number:

Violation Information:

Location of Offence (Street Address):
Name of Property Owner/Tenant (if known):
Nature of Complaint (What violation is taking place):

*Confidentiality will be maintained between the complainant and the alleged offender, **except** where disclosure is necessary in a Court of Law or when subject to the provisions of the Freedom of Information and Protection of Privacy Act noted below. Should this complaint proceed to Court, you may be required to give evidence as a witness, and your name filed complaint will become a matter of public record.*

Disclaimer: The personal information requested on this form is being collected to conduct a Bylaw Enforcement investigation and may be shared with the applicable departments and agencies for the purpose of initiating action. Collection of personal information is governed, authorized, and protected by the Freedom of Information and Protection of Privacy Act. By providing this information, you consent to its use for the above purposes.

Signature _____**Date** _____

PLEASE NOTE: This fully completed AND Signed form must be dropped off either in person at the By-Law Services Department located at **FONTHILL FIRE STATION ONE, #177 Highway 20 West, Fonthill ON L0S 1E0**, by email at **cgenesse@pelham.ca.**, or by fax **905.892.8499**. Partially completed forms will not be accepted.

By-Law Risk Assessment Work Sheet

Probability	Severity							
	E x t r e m e	V e r y H i g h	H i g h	S e r i o u s	M o d e r a t e	M i n o r	S l i g h t	M i n i m a l
	8	7	6	5	4	3	2	1
Always 8	64	56	48	40	32	24	16	8
Frequent 7	56	49	42	35	28	21	14	7
Very Likely 6	48	42	36	30	24	18	12	6
Likely 5	40	35	30	25	20	15	10	5
Occasional 4	32	28	24	20	16	12	8	4
Rare 3	24	21	18	15	12	9	6	3
Exceptional 2	16	14	12	10	8	6	4	2
Unlikely 1	8	7	6	5	4	3	2	1
Range of Risk								
46 to 64	Risk is Severe and Unacceptable			Immediate Action Forth With				
25 to 42	Risk is High			Priority action to be taken to apply control measures				
12 to 24	Risk is Moderate			Action to be taken as a matter of routine				
5 to 10	Risk is Low and Broadly Acceptable			Low priority action				
0 to 4	Risk is Minimal			Requires review				
Life safety			Enviromental			Property		

By Law Priority Scale

This is intended as a rating system to be used by By Law Services to establish a reasonable time frame in which a Formal Request or Complaint could be received, processed and resolved. Times may vary for each particular case depending on a number of factors which may affect the outcome of the investigation and resolution.

Priority Scale

Risk Rating Score	46 to 64	25 to 42	12 to 24	5 to 10	0 to 4
Time to Resolve	1 Immediately	2 1 to 2 weeks	3 2 to 4 weeks	4 4 to 6 weeks	5 open
Typical Priority Rating					
Typical Complaint			Priority		
Building without a permit			2		
Business in a residential area			4		
Dumping			3		
Property standards			4		
Dogs barking			2		
Snow / Ice problems			1		
Fences			4		
Pool fencing			1		
Illegal signs			3		
Derelict vehicles			3		
Commercial vehicles in residential areas			3		
Overgrown weeds and or grass			4		
Noise trail bike, model planes			2		
Noxious weeds			2		
Parking violation			3		
Public nuisance			1		
Zoning			4		
Unsafe or hazardous condition			1		
Cannabis Odour			1		
Short Term Rentals			3		



Policy Name: By-law Enforcement Policy	Policy No: S502-05
Committee approval date:	-
Council approval date:	-
Revision date(s):	-
Department/Division:	By-law Enforcement

1. Purpose

The purpose of this policy is to provide guidelines for the philosophical approach to Municipal Law Enforcement in the Town of Pelham. This document identifies a range of options to achieve compliance with Pelham by-laws, which will be adhered to by the Town's Municipal Law Enforcement Officers (MLEOs).

The goal of Municipal Law Enforcement is to achieve compliance through information, education and voluntary compliance. If this is not achievable then Pelham MLEOs will take appropriate action such as the issuance of "Orders to Comply", the issuance of an Administrative Monetary Penalty ("AMP") or the laying of charges under the *Provincial Offences Act* ("POA"), as appropriate. In certain circumstances, it will also be appropriate to enter onto private property and take action to remedy, remove or resolve non-compliance situations at the property owner's expense, in all instances pursuant to law.

MLEOs are encouraged to be compliance-focused on the objectives of the regulatory by-law and policy and to consider the most innovative, efficient and effective method of achieving compliance. A compliance-focused approach enables all citizens to better understand and comply with the rules, and to better pursue their social, economic and recreational activities in a safe, productive and responsible manner.

This policy applies to all enforcement actions taken by MLEOs, or any other staff involved in the MLEO enforcement activity. Each MLEO plays an important role in promoting compliance with the laws that protect the public interest. The Municipal Law Enforcement Policy operates collectively with existing policies and procedures that continue to support regulatory compliance and MLEO enforcement practices; and embraces a Customer Service and Problem Solving principle for resolving the issues to ensure customer satisfaction.



2. Policy Statement

The Municipal Law Enforcement Department provides a proportionate compliance strategy that emphasizes health and safety above all other considerations.

Enforcement is both proactive and reactive, depending on the nature of the potential infraction and the availability of resources.

3. General Provisions

3.1. Progressive Enforcement

Progressive enforcement action is undertaken on an escalating continuum, starting with public education on by-law requirements to encourage voluntary compliance, progressing to warnings, and finally with notices/orders and/or commencing legal action. The foundation of a progressive investigative process is based on the following guiding principles:

- i. Complainant Communication
- ii. Reasonable, Transparent and Proportionate Enforcement
- iii. Voluntary Compliance
- iv. Investigations, Enforcement and Compliance

MLEOs must ensure that their actions and reactions are reasonable and based on legal authority, and that the measures taken are proportionate with the alleged violation. The goal is to achieve consistency in responses to non-compliance, and predictability when determining the appropriate enforcement action.

3.2. Public Complaints

Public complaints are the mechanism by which the community can inform by-law staff as to the potential existence of non-compliance. In order to ensure positive relations are maintained and appropriate information is provided to the community, MLEOs shall follow the Town of Pelham Work Step Procedure guidelines in addressing public complaints. Public complaints with regard to non-parking by-law violations will ideally be submitted in writing using the Town's online Public Service Request System (PSR) or by submitting a Town of Pelham By-law Service Request Form (BLSRF). It is also recognized that complaints may initially be received by other means including by phone or email.



Informal or non-written complaints of alleged violations will not be given the same weight or priority unless the complaint pertains to a situation that could impact life safety or pose a significant threat to the natural environment.

In all cases, a complainant may be requested to sign an affidavit and/or be prepared to stand as a witness should enforcement action proceed to court.

3.3. Level of Service

Reactive Service is the dominant form of by-law enforcement in the Town of Pelham. Reactive enforcement requires complainant communications to be filed by members of the public with Town administration. Typically, formal complaints represent significant issues. Pragmatically, this is also necessary because of human resource and financial constraints on the municipality.

Proactive Service occurs when Pelham MLEOs conduct routine patrols. Enforcement activities in this category occur as the result of direct observation by officers, and by attending locations of frequent infractions and known incidents when time and workflow allow.

Legislative Enforcement Service occurs where the Town of Pelham has a statutory obligation to inspect, investigate and potentially enforce legislative requirements. Examples include, but are not limited to the *Ontario Building Code*, the *Ontario Fire Code* and Pelham's Short-term Rental Licensing By-law. Pursuant to the legislative regimes, Town staff perform duties and tasks required by the enabling legislation. Legislative enforcement typically has its own specific rules, such as guidelines on time of entry, purpose of inspection, special powers to compel co-operation and other factors.

3.4. Reasonable, Transparent and Proportionate Enforcement

In determining the relative significance of each contravention, the MLEO must clearly understand the applicable regulations and possible outcomes should evidence prove a violation has occurred. When a contravention has been identified, Pelham MLEOs will be guided by the following three principles in determining what will constitute an appropriate response:

1. **Health/Life Safety/Harm to Property** – this considers the seriousness of the contravention, such as the health or life safety impact on residents, or potential damage to property



2. **History** – the compliance history of the property or individual is considered with respect to previous investigations and/or violations for the same issue, and/or the seriousness of previous contraventions
3. **Intent** – the alleged violator is a repeat offender, or the evidence demonstrates that the individual knowingly contravened the by-law or was willfully ignorant or indifferent towards compliance

3.5. Utilization of AMPs v POA Charges

When a given situation requires enforcement action, it is the sole prerogative of the Pelham MLEO to determine which specific actions will be taken and in which forum charges, if any, shall be laid. Most Town of Pelham by-laws have been moved into the Town's administrative penalty system, thereby allowing AMPs tickets to be issued. AMPs tickets result in modest fines relative to charges issued in the POA system. For particularly serious conduct or for multiple time offenders it will be more appropriate to proceed by way of a Part III summons under the POA. Part III charges have the capacity to lead to Court Orders and fines up to \$100,000.

3.6. Voluntary Compliance

While the majority of residents comply with the Town's by-laws, some may be unaware of a given by-law, have difficulty understanding regulations, be in error taking the steps to achieve compliance, or simply lack the necessary resources.

Pursuant to s. 81 of the POA, ignorance of the law is not an excuse for non-compliance with Town of Pelham by-laws or provincial regulatory regimes. Although "intent" is not a required element in the prosecution of regulatory by-laws, it speaks to the penalty when a progressive enforcement process demonstrates that the defendant knowingly contravened the by-law and did not avail themselves of the opportunities presented by the MLEO.

The first step on the progressive enforcement continuum is voluntary compliance, which requires education to ensure that the offending party and the public is aware of the Town's by-laws that apply to them. This includes understanding the intent and purpose of the by-laws.

It is imperative that the MLEO exhaust all methods available to personally contact the offender (in-person, business card, telephone, email, written correspondence,



otherwise). Engaging in dialogue provides the opportunity to inform and educate the offending party to their obligations and the requirements under the Town's by-laws; and to establish a reasonable enforcement plan for voluntary compliance where appropriate.

A compliance-focused approach focuses on the objectives of regulatory law and policy and then considers the safest most efficient and most effective method of achieving compliance. This leads to an approach based on education and assistance/guidance to gain compliance, rather than solely focusing on the issuance of charges and similar enforcement action.

3.7. Investigations, Enforcement and Compliance

Even with a strong voluntary compliance program in place, violations may occur and will require MLEOs to respond and conduct investigations based on complaint and risk assessment.

A risk-based focus identifies potential hazards, undesirable events, and repeat offenders and uses an understanding of the likelihood and consequences of the undesirable events (health/life safety issues) to determine the steps needed to reduce the risk. When combined with a compliance-based focus, this approach can help achieve maximum compliance effectively and efficiently.

It is important that all investigations be conducted with the notion that evidence collected may need to be presented in court or records released under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). Investigative procedures are followed by MLEOs, with evidence gathered in accordance with professional law enforcement standards, and the integrity of every investigation maintained at all times.

3.8. Prioritizing Violations

Complaints and violations will be identified, classified and prioritized using the By-law Department's Work Step Procedure. Any allegation or situation that has the potential to threaten health and safety will be given priority.

3.9. Service Principles: Achieving Compliance

The compliance strategy in the Municipal Law Enforcement Policy is dependent upon the specific circumstances of any investigation:



- a) For situations where there is **no previous history of non-compliance**, MLEOs will consider providing compliance assistance (education and negotiation) as well as progressive compliance and enforcement action where appropriate to seek voluntary compliance.
- b) For situations where there is **repeated history of non-compliance**, consider using progressive compliance and enforcement actions.
- c) For situations where there is a threat to health and safety, any appropriate action which remedies the threat is acceptable.

3.10. Escalated Enforcement Options

The goal of an MLEO is to achieve compliance through information, education and voluntary compliance. If this is not achievable then the MLEO may take further enforcement action. Depending on the provisions contained within a By-law or statute, and at the discretion of the MLEO, escalated enforcement options may include the issuance of an Administrative Monetary Penalty (AMP), the laying of a Provincial Offence Notice, (PON), issuance of a Municipal ORDER, the laying of a Provincial Part III Information, or a combination of the foregoing.

The Town of Pelham has no obligation to take enforcement action with respect to every contravention of every by-law that may be occurring within its jurisdiction, allowing discretion guided by this policy. Complaints which have been reviewed by the Director of Fire and By-law Services and have been identified as retaliatory, vexatious or are insignificant in nature will or will not be acted upon, as appropriate.

3.11. Exception to Enforcement Philosophy: Parking Tickets

Enforcement of parking is conducted both on a proactive and complaint basis. Parking infractions do not fall under the provisions of progressive enforcement. At the discretion of the MLEO, either a warning or Administrative Monetary Penalty notice will be issued for confirmed parking infractions.

3.12. Civil Action

In rare cases it will be appropriate to proceed with enforcement activity by way of civil action, wherein a court order, mandatory order or injunction from the Superior Court of Justice is necessary to address complicated, ongoing or intractable problems. Where civil action is considered, the Town Solicitor will determine



whether and how to proceed, and will assume carriage of the file unless she/he declares a conflict on the matter.

4. External Influence and Interference

No Town employee or Member of Council shall attempt directly or indirectly to influence any MLEO or employee working within the By-law Department in the administration of his/her duties. This policy is not intended to prevent or limit the ability of Members of Council or any other person to request information about the By-law Department or its policies or procedures.

In the event that a member of Council attempts to apply undue influence upon an active investigation, enforcement staff will first explain the problem to the elected official. If the behaviour persists, enforcement staff will bring the matter to the attention of the Niagara Regional Police and/or local Crown Attorney.

5. Complaints Against Town Staff or Elected Officials

All by-law enforcement complaints filed against members of Town Council or an employee of the Town with respect to an alleged by-law infraction shall be treated in the same manner as all complaints. Care shall be given to ensure that all records in relation to a complaint against a member of Council or a Town employee remain confidential. In the event that the MLEO feels themselves to have a conflict, the matter shall be referred to the Fire Chief, the Town Solicitor or the Chief Administrative Officer, who will request the assistance and review of a MLEO from a neighbouring municipality.

6. Privacy and Confidentiality

Subject to MFIPPA, the identity of the complainant, any personal information they provide, and the complaint itself, shall not be disclosed to the alleged offender or any member of the public. The response of the alleged offender shall not be disclosed to the complainant, whether it is in writing or made orally. The complainant and the alleged offender shall be informed that this information will be kept confidential unless required by court proceedings. The anonymity and confidentiality given to complainants and alleged offenders under this policy cannot be assured if the investigation results in court proceedings.

7. Policy Review



This Policy will be reviewed at least once every Council term for necessary changes. The Chief Administrative Officer, Town Solicitor, Town Clerk or Director of Fire and By-law Services may bring forward revisions to this policy on an as-needed basis.

8. Attachments

By-law Work Step Procedure

Subject: 2021 Events and Festivals Update**Recommendation:**

BE IT RESOLVED THAT Council receive Report # 2021-0067-Recreation, 2021 Events and Festivals Update; and that recommendations within be accepted:

AND THAT staff be directed to submit two applications for the Reconnect funding opportunity through the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

AND THAT Council authorize the Clerk to make an application for a Special Occasion Permit for the Summer Chill Series,

AND THAT Council designate the Summer Chill Series as a Municipally Significant Event that will be held in the Peace Park on the following dates:

July 8, 2021	4:00pm-10:00pm Peace Park, Pelham Town Square
July 15, 2021	4:00pm-10:00pm Peace Park, Pelham Town Square
July 22, 2021	4:00pm-10:00pm Peace Park, Pelham Town Square
July 29, 2021	4:00pm-10:00pm Peace Park, Pelham Town Square
August 5, 2021	4:00pm-10:00pm Peace Park, Pelham Town Square
August 12, 2021	4:00pm-10:00pm Peace Park, Pelham Town Square
August 19, 2021	4:00pm-10:00pm Peace Park, Pelham Town Square
August 26, 2021	4:00pm-10:00pm Peace Park, Pelham Town Square
Sept, 2, 2021	4:00pm-10:00pm Peace Park, Pelham Town Square

Background:

The purpose of this report is to update Council on the status of various community festivals and events. Staff have met with most municipal and community committees throughout the COVID-19 pandemic and ultimately arrived at the status recommendations below.

Analysis:

Kinsmen Home & Garden Show - Annual in April

After the cancellation in 2020, and the current pandemic regulations the Kinsmen have again cancelled their annual Home & Garden show for the 2021 season. An alternate delivery format was not feasible for this event.

Annual Easter Egg Hunt – Easter Weekend

The Annual Easter Egg hunt held in Centennial Park was cancelled in 2020, no alternate was provided. For the 2021 event, a hybrid event was provided to the community that included a curb side delivery from the Easter Bunny in addition to interactive virtual events including an online scavenger hunt with the GooseChase app platform and a live virtual magic show.

Pelham Art Festival May 1 - 15

The Pelham Art Festival will not be an in person event at the Meridian Community Centre for 2021. The Pelham Art Festival will be hosted virtually between May 1 – 15, more information can be found on their website:

<https://www.pelhamartfestival.com/>

Pelham Farmers Market May 6 – October 7

Staff have been working with the Farmers Market Committee in conjunction with Niagara Public Health. The Farmers Market Committee will operate Thursday May 6 and run through to October 7 under Public Health recommendations and guidelines similar to 2020 operations:

- On site market with one entrance and one exit
- No drinks or items will be sold that will promote “hanging around”
- Controlled access to only permit limited numbers from entering
- Arrows to be painted on ground to direct flow of attendees
- Currently 13 vendors will be allowed (normally 26) and will be spaced 6 ft apart
- No reusable bags allowed
- Hand wash and/or sanitation stations will be at entrance and within market

The Farmers Market Committee will adjust operating procedures as Public Health regulations permit, through the Province reopening guidelines. A layout of the market is attached. Vendors for the 2021 season will be:

Weiland Orchards
Calico Farms
Bry-Anne Farms
Sunhill Gardens

Greenview Farms
Riverside Berry Farm
Flower Hill Farms
Chocolate Expressions
Country Boys Mobile Food Service
Fonthill Lions
Nature's Corner
Shriners Creek Popcorn
Soothing Petals

Pelham Supper Market Mid June – September

Staff met with the Thursday Night Committee on March 10 and discussed opportunities for supper market vendors. At this time the [Orders under Section 22 of the Health Protection and Promotion Act](#) are in place for all indoor and outdoor dining; currently there is no expiry on this order. The pre-pandemic approach to the Supper Market event will not align with the current provincial regulations regarding COVID-19. Staff is recommending that an alternate event described as the "Summer Chill Series" take place as a rebranded and revised event for this year that is specifically designed to meet the changing pandemic and Section 22 orders.

Summer Chill Series July 8 – September 2; 9 weeks

Staff is recommending that the newly developed Summer Chill Series, that focuses on immediately local participants and limited capacity events be adopted for the 2021 season. The Summer Chill Series, will allow for an adapted and easily aligned event that can meet the requirements and changing restrictions of the pandemic. The Summer Chill Series will align with Farmers Market operations and operate weekly on Thursdays from July 8 – September 2 2021. Council approval is required to identify the series as a municipally significant event so application for the special occasions permit can proceed. The Summer Chill Series proposal identifies impacts to the event in each of the provincial framework phases and will be continually monitored in consultation with EOC and Niagara Region public health. Operations of the Summer Chill Series will include a controlled layout, have options for food vendors, beer, wine, cider vendors, and the opportunity for local musical performances and buskers, and can all be adapted to the provincial framework.

Bandshell Concerts Mid-June to Sept.

Under the current pandemic restrictions, gatherings of the size typically experienced at Bandshell Concerts, are not permitted. At this time, there is no anticipated lift to gathering limits. Staff met virtually on Wednesday March 10, with the Bandshell Committee to discuss the viability of an alternate event for 2021. The committee has advised they will not operate until restrictions allow for gatherings of 500 patrons or more. On an average Thursday evening, attendance is between

2,500-4,500 people. The current COVID-19 pandemic framework does not allow for gatherings of 500.

Fenwick Lions Carnival & Parade May 22 – 24

The Fenwick Lions Club are currently evaluating alternates for this year and a final decision regarding this year's event is pending.

Fenwick Lions Fish Frys Friday Easter – Thanksgiving

The Fish Frys are served out of the Centennial Park concession, on a take-out basis. The Fenwick Lions will be serving Fish Frys starting Friday April 2, 2021 under current restrictions and public health guidelines

Shorthills Strawberry Festival June 14

The association is currently reviewing alternate delivery for this event in consultation with Public Health and the provincial regulations.

Canada Day Celebration July 1

Staff have met virtually with the Canada Day Celebration planning group and have agreed to cancel the traditional pre-pandemic event. The virtual event that took place in 2020 will be built upon for this year's Canada Day celebration. A digital component will be provided through the continuation of the regional approach with all other Niagara municipalities including the Niagara Parks Commission. Pelham will also offer a drive thru Canada Day parade, based on the framework used in the Santa Claus Parade. Hybrid virtual events that engage the community will be utilized with the GooseChase app and contests that include house and bike decorating will be offered. Staff have been involved in correspondence regarding the annual Canada Day grant, applied for in the fall, and have been advised that modified virtual/hybrid will be considered for funding and revised plans can be submitted for review.

Pelham Summerfest July 15 - 18

The current pandemic gathering limits do not support the annual four day event in Pelham. A discussion with a limited number of Summerfest Committee members occurred on March 22 2021 to review the impact of COVID-19 and the Provincial framework for events. With the diverse nature of the event, a virtual event, or modified is not recommended as an alternate. Based on the large gatherings that result from the different elements of the event, the recommendation is to cancel the event for 2021. Committee members present were supportive of using the Town funds allocated to Summerfest for the support of applications for grant requests for alternate mini events.

Fenwick Lions – Car Show and Raffle September 11 2021

The Fenwick Lions in consultation with Public Health and monitoring current

Pandemic guidelines are preparing to provide a 2021 Car Show and Raffle.

<https://fabulousfenwicklions.org/classic-car-raffle-2021/>

Christmas In Pelham December

Based on the successful 2020 event that was provided in a drive thru and virtual hybrid, a 2021 event can be adapted if required. Staff will continue to plan for Christmas In Pelham keeping in mind the changing nature of pandemic restrictions. Staff will prepare additional details in the Fall, based on reopening guidelines and status.

Financial Considerations:

There will be both revenues foregone and costs avoided as a result of the cancellations and adjustments to the events.

On Wednesday March 17, the Ministry of Heritage, Sport, Tourism and Culture Industries announced a Reconnect funding opportunity for local festivals and events. The grant funding is up to a maximum of 50% total eligible expenses up to a maximum request of \$250,000. Funds allocated to Summerfest 2021, can be utilized to support the financial considerations required for the applications. The deadline for applications is April 20, 2021. Staff will be looking at submitting two applications; one for support for Summer Chill Series in addition to the Christmas in Pelham Event.

Alternatives Reviewed:

Pursuant to Provincial Regulations, there are no practical alternatives to cancellation for most of these events.

Strategic Plan Relationship: Strong Organization

Pelham is known for its events and festivals, and has strived to provide alternates where available throughout the pandemic. Cancellations and modifications are difficult anytime, and the entire community looks forward to the day that we can gather again and celebrate. Staff will continue to explore viable event alternative delivery options that align with Provincial regulations and Public Health

Consultation:

Municipal Committees; Service Clubs; Event organizers

Other Pertinent Reports/Attachments:

Pelham Farmers Market layout

Canada Day Drive Thru Layout

Prepared and Recommended by:

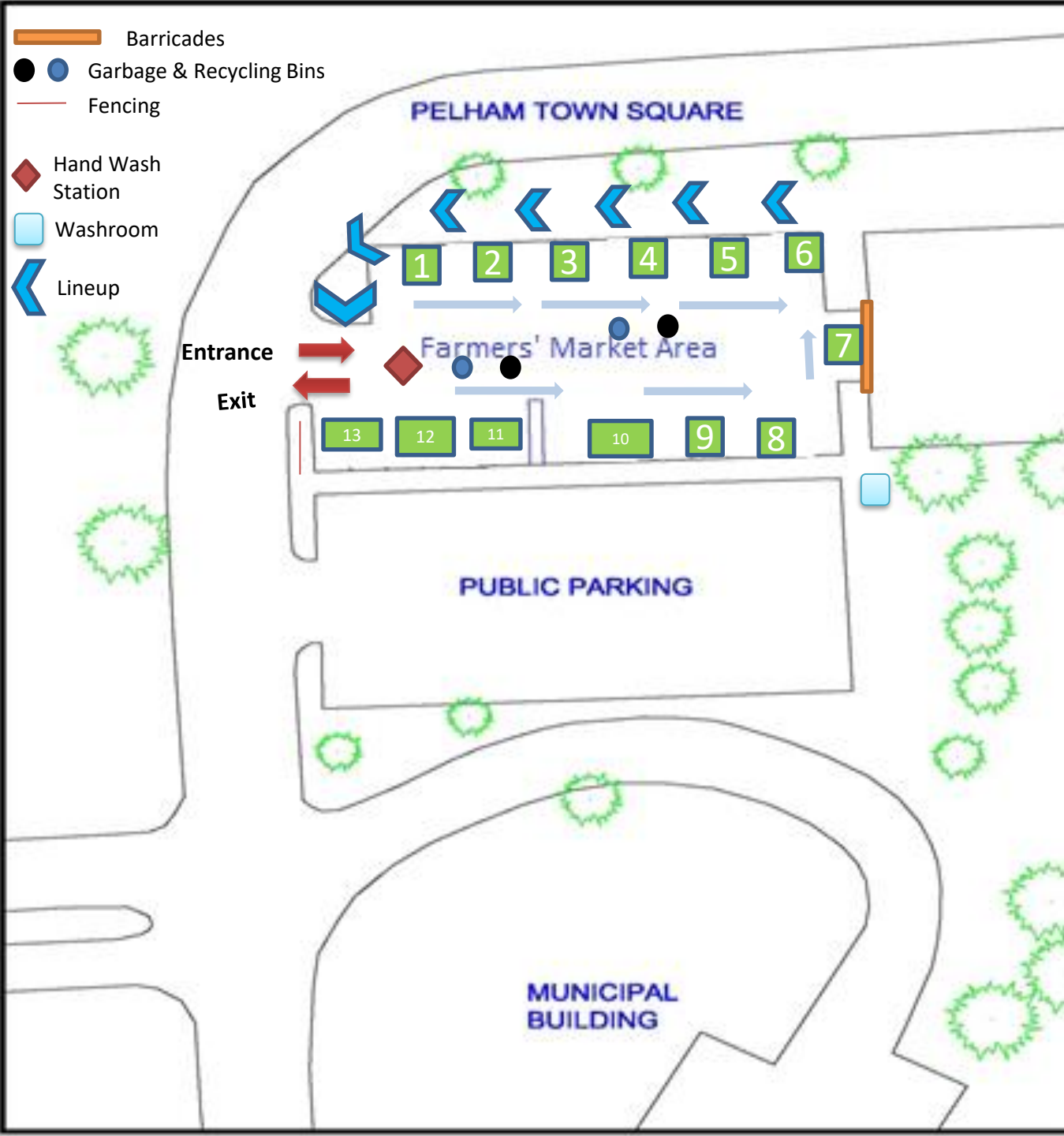
Jodi Shiskov, Culture & Community Enhancement Programmer

Leah Letford, Festivals & Events Programmer

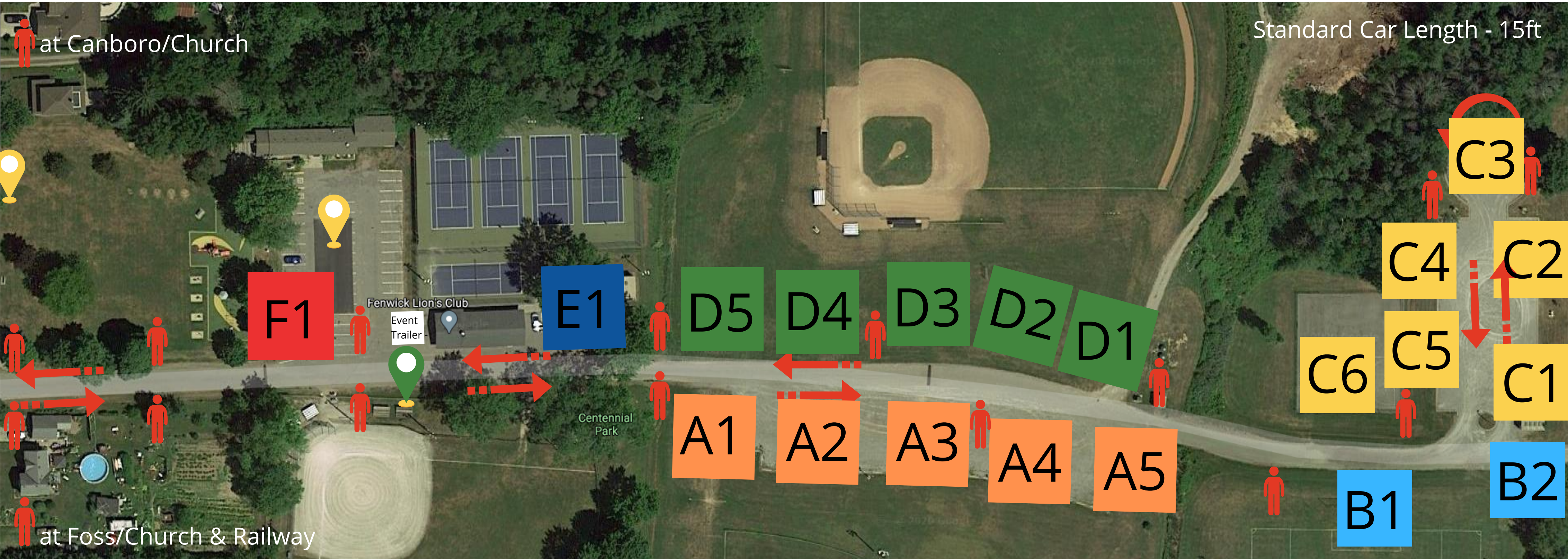
Vickie vanRavenswaay, RRFA
Director of Recreation, Culture and Wellness

Prepared and Submitted by:

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



Drive Thru Canada Day Parade 2021



Drive Thru Parade has all parade "floats" as stationary points along a route. Vehicles (spectators) then move their way along the parade route. One way traffic flow only - from Church Street (feeds from both Canboro & Foss) Exit from park - right hand turn only from Centennial Park. Residents would be able to participate in a closed access area. Residents must access the parade in a vehicle with a registered parade pass. Passes will be distributed in 15min increments

- Parade Start Point/Drop Off
- Volunteers for Traffic Flow
- Parking area for parade float support

Gravel Surface	Gravel Surface	Grass Surface	Paved Surface
A1 -	C1 -	D1 -	E1 -
A2 -	C2 -	D2 -	F1 - Fire Department
A3 -	C3 -	D3 -	
A4 -	C4 -	D4 -	
A5 -	C5 -	D5 -	
B1 -	C6 -		
B2 -			

Subject: Pelham Tennis Operations 2021**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0066-
Recreation, Pelham Tennis Operations 2021;**

**AND THAT the Town of Pelham assist both pickleball volunteers and
the Pelham Tennis Association in providing programs at the
Centennial Park Tennis Court;**

**AND THAT the following fees, effective immediately, be included in
the Town of Pelham user fee guide:**

Family Membership \$150.00

Single Adult Membership \$100.00

Single Student Membership \$50.00

Single Senior Membership \$50.00

Children (12 years and under) Free

Lesson Fees will be determined based on competitive rates;

**AND THAT staff be directed to update the Fees and Charges By-law to
reflect these new fees;**

**AND THAT staff investigate funding opportunities for capital
improvements to the tennis courts, due to base failure, resulting in
cracking.**

Background:

The Pelham Tennis Association has been a great Community partner since 1977. The dedicated volunteers have worked with the Town to provide organized tennis opportunities by offering memberships, ladies leagues, men's league, lessons for all ages at the Centennial Park Tennis Courts in Fenwick.

From 1977-1991 the Town of Pelham was responsible for the administration of the tennis programs, by hiring an instructor/court monitor; purchasing equipment;

promotion of the programs, etc. The Association would collect all registrations and hand the money over to the Town to offset the costs of operations and improvements to the tennis courts.

In 1991, the Pelham Tennis Association had a strong membership and agreed to take over the Tennis program, setting their own fees and retaining collected revenues; purchase their own supplies; hiring and paying their supervisory and instructional staff. The Town agreed to continue basic maintenance of the courts during the year, and continue to contribute to a reserve fund on an annual basis in order to fund capital improvements to the courts, keeping them at a competitive level.

Over the last 30 years the Courts have had capital improvements every 5-7 years, mainly court resurfacing with colour coating; crack repair, etc. The court surface (base and playing surface) was rebuilt in 2004; a new fence was installed in 2005; new net post anchors and sleeves in 2011; and the playing surface was crack sealed and replaced in 2015, but now the base has failed. The Pelham Tennis Association has always contributed to the Capital improvements annually up to 50% of the cost. The final year of their last capital improvement agreement is 2022. Due to the base failure the courts are experiencing major cracking. Staff have received reconstruction estimates of \$275,000.00. Staff are investigating funding under the Healthy Communities Fund or Community Building Fund for this reconstruction. Both funding applications will be open later in the year. Either way the Tennis Court reconstruction will need to be identified in the Capital Forecast due to safety concerns. The Pelham Tennis Association agree the courts are still playable for the 2021 season.

Tennis and pickleball are both growing in popularity within the region, province and Town. Pickleball is one of the fastest growing sports in Canada, especially among seniors. This has been evident in Pelham with the growing registration and participation in pickleball programs at the Meridian Community Centre. During the warmer seasons, and now with COVID-19 precautions in place, there is an additional need within the community for minimal contact, outdoor activities, that are inclusive and accessible for the community to access. Over 60% of tennis in Canada is played in public parks, which shows the needs for outdoor facilities to accommodate the growing number of player's, Country, Region and Pelham wide.

Peter Bedard, President of the Pelham Tennis Association (PTA), presented to Council on September 23, 2020, expressing concerns around the condition of the courts, as well as the growing need to offer pickleball, and allow both sports to share one space. Mr. Bedard's presentation focused on a coordinated approach, which one year later, is being revisited as an approach the PTA is still seeking.

Assistance from the Town of Pelham, helping to support the PTA, by utilizing the resources and practices already in place, will create a partnership that benefits both the Town, the Pelham Tennis Association, and most importantly provides benefits to the community.

The Pelham Tennis Association (PTA) has contacted the Recreation, Culture and Wellness Department looking for guidance on governance, as their current governing body, due to only having 2 members, is unable to complete all tasks required for the upcoming summer season. Due to COVID-19, additional requirements are in place pertaining to pre-registration, pre-booking facility spaces, screening, disinfecting and cleaning. This, in combination with an increase need from the community for outdoor, socially distanced activities, has lead the PTA to feel overwhelmed, and in need of assistance, which the Town of Pelham would successfully be able to provide with resources already available.

With pickleball being in high demand at the Meridian Community Centre, this partnership would provide additional outdoor space, which could expand existing programming opportunities.

As Pelham strives to provide quality programs to the community they serve, this coordinated approach would not only allow for the expansion of programming, but would offer a strong support for existing members and advocates for recreation and sport within the community.

Analysis:

Based on the needs of the Pelham Tennis Association (PTA), and the resources the Town of Pelham currently utilizes, a partnership would benefit both parties, and would lead to successful programming and further opportunities for community involvement. This would help to alleviate the stress of the PTA members, while also providing an opportunity for the Town to offer programs, leading to additional revenue, while also supporting a growing demographic of tennis and pickleball players who are already advocates of the Town facilities they currently utilize.

Through this partnership, the Town of Pelham will:

- a) Provide safe facilities; clean and sanitized washrooms; maintaining courts; provide a way to control access.
- b) Provide all programming by taking registration, instructor contracts and bookings, while also developing a plan for and monitoring contactless screening of participants for contact tracing
- c) Retain all program revenues to offset operating costs

- d) The marketing and advertising of programs, lessons and memberships both through the Town website and social media platforms
- e) Providing program insurance, as well as costs associated with being a member of the Ontario Tennis Association and the Ontario Pickleball Association.
- f) Promoting both tennis and pickleball volunteer opportunities through the existing volunteer data base, as well as through advertising, seeking passionate players who will take on active roles in a meaningful way
- g) Expanding on existing programming (ex. Adding after school programs, senior/retiree's programs, opportunities for beginners)

Through this partnership, the Pelham Tennis Association would be responsible for:

- a) Purchasing portable pickleball nets to be used on multipurpose courts to allow for additional playing space
- b) Contributing to the payment for painting additional lines on multipurpose courts if required
- c) Organizing volunteers to advocate for the facility, assist during busy program times and monitor the condition of the courts
- d) Organizing volunteers to help assist new players, teaching them the basics of the game
- e) Organize a strong group of both tennis and pickleball volunteers to work together to develop, promote and advance the interest of both racquet sports in Pelham

The community is eager to get out and be active after a long winter season at home, and many inquiries have been received awaiting an opening date for Pelham's community courts. The Recreation, Culture and Wellness Department is prepared to open these locations when possible, and will have portable washrooms available on site until park washrooms open in the spring.

Financial Considerations:

In addition to expanding the opportunity for programs within the community, the proposed takeover of programming would also provide The Town of Pelham with additional revenue. Below is recommended 2021 fees and charges:

Family Membership: \$150.00

Single Adult Membership: \$100.00

Single Student Membership: \$50.00

Single Senior Membership: \$50.00

Children (12 years and under): Free

Lesson fees will be determined based on competitive rates

- *Memberships allows for both tennis and pickleball play
- * Registration for programs and memberships would give priority to Pelham Residents before opening up to open registration.

The 'Pickleball Club' currently has 32 players ready and willing to purchase memberships, and the PTA are hopeful that many of their 150 members from 2019 will be interested in renewing their memberships for the 2021 summer season.

In 2020, over 50 youth participated in regular lessons with tennis instructors, Marko Petkovic and Karen Wright, who would be encouraged to instruct again as Town of Pelham instructors in the 2021 summer season. Lesson fees and charges will set at a future date.

Alternatives Reviewed:

No other alternative were reviewed.

Strategic Plan Relationship: Strong Organization

The Pelham Tennis Association helps to serve members within the community through recreational programs and sports. This opportunity for the Town of Pelham to assist a local association through a coordinated approach will help to better serve the community, providing quality programs to new and existing members. This partnership will further strengthen the existing sense of community, while also providing an opportunity for the Town of Pelham expand on their current program offerings and generate additional revenues. This increase in revenues will also assist in offsetting costs to improve and refinish the courts due to seasonal wear as needed.

Consultation:

Peter Bedard, President, Pelham Tennis Association
Elaine Sommerville, Treasurer, Pelham Tennis Association
James Fraser, Pickleball Club Volunteer

Other Pertinent Reports/Attachments:

None

Prepared and Recommended by:

Brittany MacLean
Active Living Programmer

Vickie vanRavenswaay, RRFA

Director of Recreation, Culture and Wellness

Prepared and Submitted by:

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





Subject: 2021 Gypsy Moth Management Program**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-0065, 2021 Gypsy Moth Management Program;

AND THAT the blocks identified in Report #2021-0065 be aerially sprayed for the Gypsy Moth in 2021;

AND THAT Council consider repealing and replacing By-Law 4208(2020) with By-law No.4334(2021) to allow for the implementation of an aerial spray program in 2021;

AND THAT Council approve the use of Zimmer Air Services to conduct the 2021 aerial spray program.

Background:

Whereas Council received Public Works Report 2021-0054 outlining the results of the Gypsy Moth egg mass surveys, management recommendations, and associated costs. This report serves to fulfill the requirements of Policy S802-03 to inform Council of the proposed spray blocks, and present the by-law amendment required to implement an aerial spray program using the biologic control agent *Bacillus thuringiensis* subspecies *kurstaki* (Btk) in and around public trees and trees on private lands within the Town of Pelham.

Analysis:

Lallemand Inc. /Bioforest (BioForest) worked in conjunction with staff to develop aerial spray blocks to fit within the available spray budget. Consideration was given to the Gypsy Moth Management Policy S802-03, as well as, the 2021 defoliation forecast, and a number of other criteria.

The proposed spray blocks are attached to this report as Appendix A.

To allow the 2021 Gypsy Moth Aerial Spray Program to be implemented, and to

allow for the aerial application of Btk to manage gypsy moth population on both public and private lands, the existing By-Law 4208(2020) is required to be repealed and replaced with By-Law 4334(2021) to include the spray blocks identified as attached in Appendix A.

A key component to the overall 2021 gypsy moth management strategy is communication. Staff have developed a communications plan including print and social media posts outlining the Town's plan and approach to managing the infestation, as well as home control methods. Bang the Table will be utilized in lieu of Public Meetings to satisfy the requirements of Policy S802-03. The Town of Pelham's Communications Plan is attached as Appendix B.

As proposed in the 2020-PW-24 Gypsy Moth Services Project, BioForest has developed a Forest Health Volunteer Program with the purpose of increasing the knowledge and awareness of forest health issues in the community. The program will help build a motivated group of volunteers, and engage them in activities that assist the Town with forest health and pest management. BioForest's Forest Health Volunteer Program Proposal is attached as Appendix C.

The implementation of aerial spray application over urban/residential areas is highly specialized. Low-level, aerial spraying over residential areas requires the use of a double-engine helicopter, as well as, federal and provincial permits. Staff have explored options for aerial spray service providers, including competitors in the rural spraying industry. Staff have confirmed that Zimmer Air Services remains the only applicator in eastern Canada with the ability to spray over urban/residential areas. As a result, it is necessary to enter into a non-competitive procurement contract with Zimmer Air Services as done in 2009, 2019, and 2020.

Financial Considerations:

There are no financial considerations attributed to this report. An aerial spray program based on Option 2 can be implemented within the limits of the existing operating budget.

Alternatives Reviewed:

As staff are following the Council approved policy, and Public Works Report 2021-0054, no further alternatives were considered in the preparation of this report.

Strategic Plan Relationship: Strong Organization

The tree canopy within the municipal boundary is vital to the high quality of life within the Town of Pelham.

Consultation:

Lallemand Inc./BioForest provided; Spray Block Mapping, Forest Health Volunteer Program Proposal.

Marc MacDonald, Communications and Public Relations Specialist provided the Town of Pelham 2021 Gypsy Moth Communications Plan.

Other Pertinent Reports/Attachments:

Appendix A – Spray Block Mapping

Appendix B – Town of Pelham 2021 Gypsy Moth Communications Plan

Appendix C – BioForest Forest Health Volunteer Program Proposal

Gypsy Moth Management Policy S802-03

Public Works Report 2021-0054

2020 Gypsy Moth Monitoring Program Report (Bioforest, 2021)

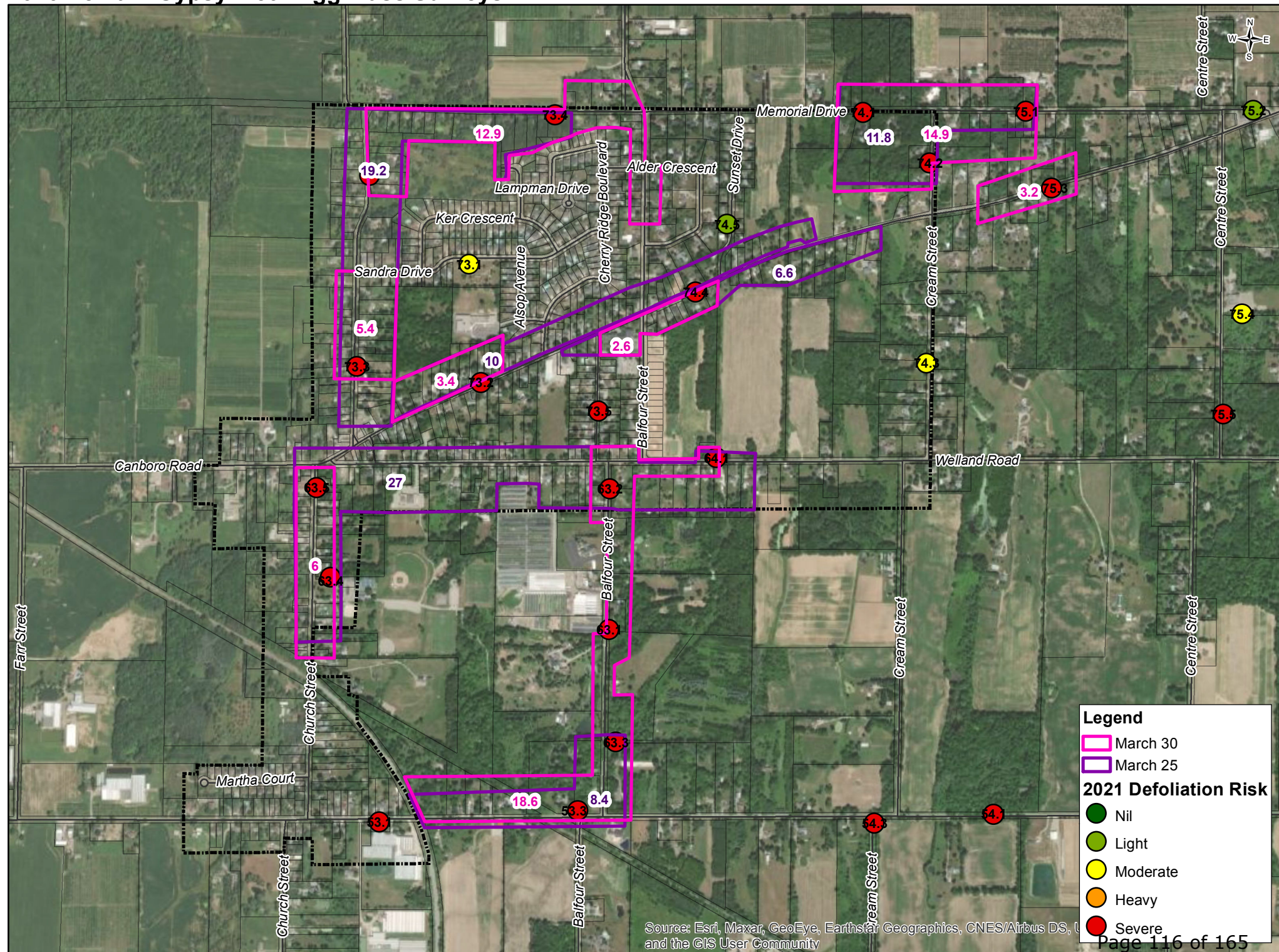
Prepared and Recommended by:

Jason Marr, P. Eng.
Director of Public Works

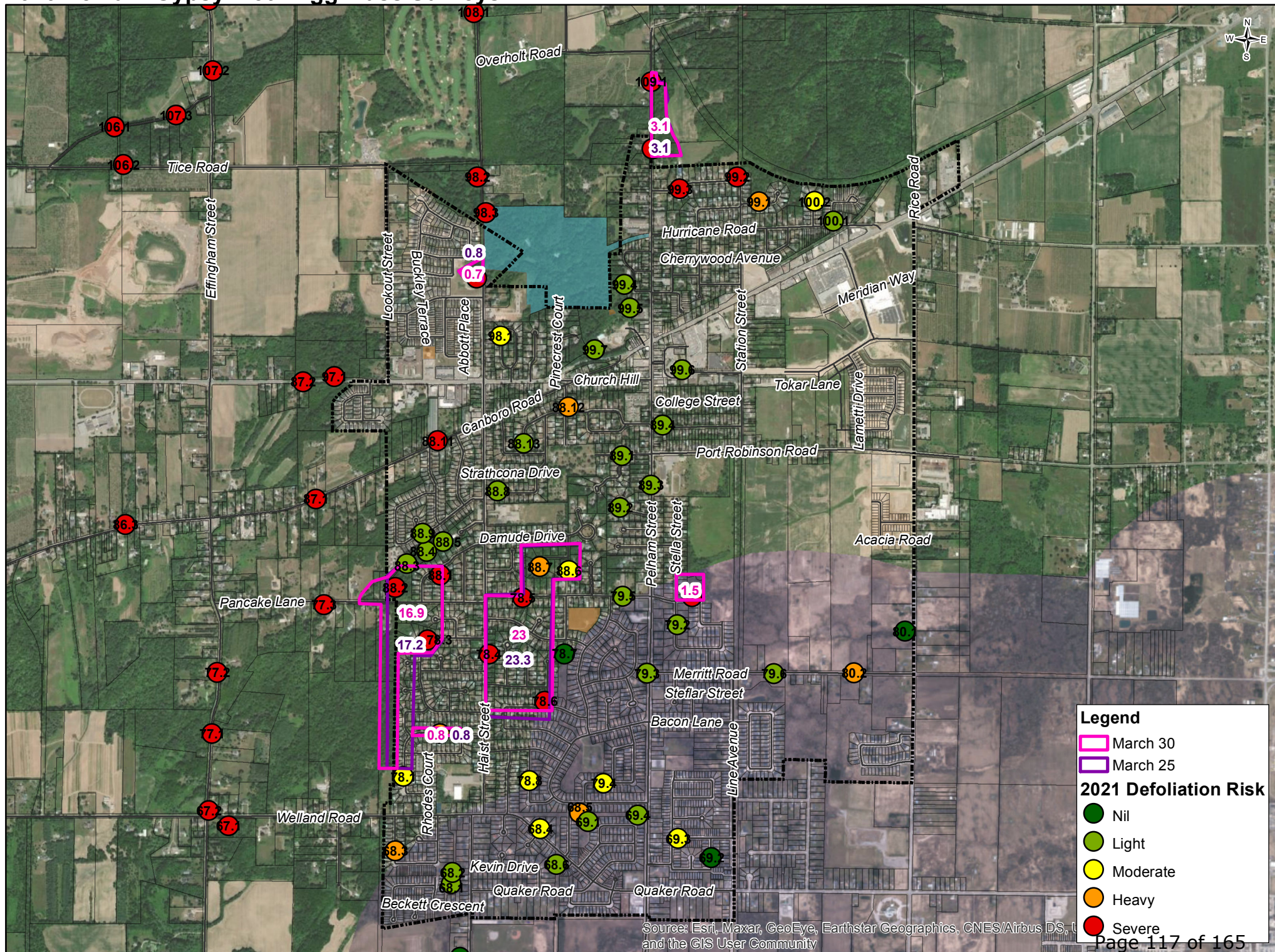
Prepared and Submitted by:

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

2020 Pelham Gypsy Moth Egg Mass Surveys



2020 Pelham Gypsy Moth Egg Mass Surveys



TOWN OF PELHAM COMMUNICATIONS PLAN
Gypsy Moth Spray Program - 2021**March 16, 2021**

INTRODUCTION: This plan addresses key messages to engage the community and inform them about this year's Gypsy Moth Spray program.

It is the responsibility of the Town's Public Works Department to carry out the spray program and its components. Communications is critical to ensure residents are informed about the activities and the precautions put in place to do conduct a spray program safely and effectively.

This plan outlines messaging for Public Works and the Communications Specialist, highlighting communications tactics to be used to get the message out about the spray program and the important information and key dates therein.

PURPOSE: Create an extensive information campaign outlining the activities, dates, and important information for the 2021 Gypsy Moth spray program.

OBJECTIVES:

1. Communicate important program information
2. Educate residents about home control methods
3. Preserve tree canopy through public participation

THEME: Taking action to preserve trees in Pelham

KEY MESSAGES:

1. Pelham Gypsy Moth population on the decline due to recent sprays
2. Program has been successful in keeping trees healthy in Pelham
3. Egg masses are so large that even 95% efficacy leaves many eggs
4. Egg masses have increased in other areas that have not sprayed
5. Other municipalities use Pelham as example to combat gypsy moth

STRATEGIES & TACTICS

TACTIC:	DETAILS AND SUPPORTING MATERIALS	TIMELINES	COSTS
News Brief	Gypsy Moth report outcome from Council	March 23, 2021	
VOP print ad	Home control methods for GM	March 24, 2021	\$290
Bang the Table	Launch BTT project for GM	March 29, 2021	
Digital newsletter	Home control methods, updated info about program	April 1, 2021	
Social Media post	Look to newsletter, BTT, online for information	April 2, 2021	
Website landing page	Feature six box pointing to web page	April 5, 2021	
VOP print ad	Bang the Table project – feature GM	April 7, 2021	\$290
SM Post	Reminder about home control methods	April 9, 2021	
Web update	What is Btk? FAQs	April 15, 2021	
Digital Newsletter	All GM info on hand	May 3, 2021	
SM Post	What is Btk? FAQs	May 6, 2021	
SM Post	Reminder about home control methods	May 11, 2021	
Digital Newsletter	All GM info on hand	June 1, 2021	
SM Post	What is Btk? FAQs	June 3, 2021	
Website/BTT	Spray maps available	TBD	
Mail	Letters to inside/outside spray blocks	TBD	
SM post	Letters sent out	TBD	
VOP print spread	All GM information we have	TBD	\$1,500
Website/news brief	Public notice requirement for spraying	TBD	
SM/WEB/BTT	Spray 1 dates	TBD	
SM/WEB/BTT	Spray 2 dates	TBD	
SM/WEB/BTT	Road closures for spray dates	TBD	
Alert Banner on website	Sprays 1 and 2	TBD	
Press release	Details about program	TBD	
Total			\$2,080

CONFIDENTIAL



2021-2023

Forest Health Volunteer Program

Town of Pelham

Prepared For:

JODI SHISHKOV
CULTURE AND COMMUNITY ENHANCEMENT PROGRAMMER
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Prepared By:

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Overview

The purpose of the Pelham Forest Health Volunteer Program is to increase knowledge and awareness of forest health issues among Pelham residents, build a group of motivated community volunteers, and engage the volunteers in activities that assist the Town of Pelham with forest health and pest management. The primary pest this program will focus upon is gypsy moth, but other pests, such as oak wilt, may also be included according to the risk they pose to the Town's urban forest. The program will take a phased approach, using the first year (2021) as a means of building community awareness and recruiting volunteers. The second and third years (2022-2023) will build on the momentum of the first year and will focus on developing a structured method of tree assessment and data collection, as well as the implementation of a downtown tree watering program.

Phase 1 (2021)

Objectives

The objectives for Phase 1 of the volunteer program are 1) generating interest in forest health among Pelham residents, 2) building an enrollment list of volunteers, and 3) educating community members on the health of Pelham's trees, with a focus on the issue of gypsy moth.

Outreach

The Voice of Pelham

BioForest will prepare a written content (400 words max) with a picture for the Voice of Pelham about gypsy moth and the upcoming egg hatch by April 2nd, ready to print for April 14th or 21st. The content will be general but will offer further opportunities to learn more about gypsy moth and will encourage volunteers to sign up to the program. BioForest will provide and maintain an email address to direct questions from interested residents and to manage volunteer recruitment. BioForest will produce 2 additional written pieces on subsequent life stages of gypsy moth (at peak defoliation, pupation/moth emergence, egg laying) ahead of the deadlines for future print dates. Each of these releases will also include an email address to encourage volunteers to sign up. BioForest will coordinate with Town staff on the timelines for these future pieces.

Social Media

BioForest will produce content (with pictures and/or videos) for social media posts (Facebook, Twitter, and Instagram) for periodic release. Included in each social media posting will be an email address (provided and maintained by BioForest) for interested residents to join the program and receive more information about gypsy moth and the volunteer program.

Timeline of Activities

April/May

BioForest will produce written content (including a video demonstrating how to install a burlap band) for a social media piece with similar content to the piece printed in the Voice of Pelham, focusing on egg hatch and the importance of signing up as a volunteer to show their interest and receive additional content (e.g. Lists of stores that sell materials for burlap bands). BioForest will be able to include a prediction for the approximate days of egg hatch, based on BioSIM modeling. BioForest will also draft a welcome letter for volunteers who sign up for the program that outlines the scope of the program. In mid-May, BioForest will draft an email to residents who have signed up as volunteers that will include more information on when to expect to see egg hatching and instructions on how to set up burlap/sticky bands. A social media post will be prepared for Pelham staff when BioForest crews see egg hatch and will include a picture of early instar caterpillars emerging.

A week prior to the estimated aerial spray (end of May/early June), BioForest will produce content for a post about the aerial spray program, providing a link to the Town's website where people can go for more information on program. On spray days, BioForest will provide images/video of the spray in action.

June

BioForest will produce content for social media posts with photo updates of the caterpillars and of burlap bands that have been spotted around Pelham. BioForest will draft an email for volunteers as a reminder to install and check their bands and to ask volunteers to document their activities to help control gypsy moth (photo, video, etc.). Volunteers will be encouraged to tag friends who may be interested in joining the effort, as a way to boost awareness and resident involvement. BioForest crews will also prepare a social media post for when caterpillars begin to pupate.

BioForest will produce the second print article for the Voice of Pelham ahead of the deadline in July. The topic of this piece will focus on the emerging adults and provide information about the timeline of the adult life stage, and peak defoliation and re-foliation. As with the first print article, the second piece will encourage residents to sign up to the volunteer program through the dedicated email address.

July

BioForest will produce content for a social media post on how to identify adult gypsy moths, including photos. BioForest will draft an email to volunteers including more details on the difference between female and male moths. Both social media posts and emails to volunteers will mention an upcoming egg mass scraping contest and encourage more volunteers to sign up to participate.

August

The egg mass scraping contest will begin, which will include a social media post to kick-off the contest. Both enrolled volunteers and other residents can participate in the contest. Rules would stipulate that residents scrape and collect as many egg masses as they can, keep a running tally of egg masses they have scraped, and take photos linked to a specific hashtag to document their activities. By the end of August, BioForest will help determine the winner with Town of Pelham staff. BioForest will liaise with Town of Pelham staff to award Pelham Bucks as a prize to the contest winner.

Fall Season

During the fall and winter, BioForest will produce content for social media posts highlighting that the best time to look for egg masses is when trees lose their leaves. Volunteers and residents will be encouraged to look for signs of gypsy moth egg masses and to continue scraping egg masses in this slower part of the season. Volunteers and residents could be encouraged to post photos of their finds and of their favourite trees in winter, using a specific hashtag. BioForest will also draft an email during the fall/winter months expanding on the social media post and providing additional information about the winter phase of the gypsy moth life cycle and encouraging residents to sign up for Phase 2 of the program in the spring.

The 3rd and final print for the Voice of Pelham (prior to November's deadline) highlighting the winner of the egg scraping contest and that now is the best time to spot egg masses and to continue scraping egg masses.

BioForest will prepare a brief summary report for the Town of Pelham on Phase 1 of the volunteer program. The report will provide an overview of the year's activities, an assessment of successes and areas for improvement, and recommendations for Phase 2.

Phase 1 cost = \$2,955

Phase 2 (2022)

At the beginning of 2022, an assessment of the previous year will take place using feedback gained from the public and thoughts from Town staff and BioForest. Phase 2 can be adjusted based on the previous year's participation and review.

While Phase 1 focused heavily on communication and generating interest among the public in the volunteer program, Phase 2 will shift the focus more toward training volunteers to monitor trees and collect data.

Objectives

The objectives for Phase 2 of this program are to: 1) expand volunteer membership, 2) teach volunteers in person on general tree health and specific pests that are a threat to the Town of Pelham's trees, and 3) provide volunteers with a formal survey method they can use to collect data on tree health and the presence of pests.

Outreach and Training Session

To launch the second phase of the program, BioForest will produce a piece for the Voice of Pelham as well as social media posts announcing the start of the program. Outreach will include general information about gypsy moth, successes of Phase 1 of the program, and details on how to sign up to volunteer for Phase 2. Specialized outreach will be targeted toward high school students who are looking for opportunities to accrue community service volunteer hours.

BioForest will conduct volunteer training sessions in Pelham for members of the public who sign up to participate in the program. Two training sessions will be set up for late May to early June. The training sessions will provide volunteers with information on how to visually assess street or park trees for various structural and health issues and for signs of invasive species. The sessions will include an indoor presentation followed by an interactive outdoor component to demonstrate and practice the survey method.

Volunteer Program

Trained volunteers will then be given data sheets and maps of local street trees for them to evaluate. The content of the maps and data sheets will be developed by BioForest in consultation with Town of Pelham staff. Some features of the material may be dependent on data available from the Town of Pelham. Volunteers will assess trees and collect data on their own time throughout the assessment period (June-August). Volunteers will be asked to return data sheets when completed. BioForest staff will be available throughout the assessment period to answer questions from volunteers and assist them with any issues, as required. Assistance will be provided by phone, email, or on-site visits, if necessary. All inquiries from volunteers forwarded to BioForest staff by Town staff will receive a response within 24 hours (Monday – Friday).

BioForest will promptly investigate any urgent findings reported by volunteers, such as potentially hazardous trees or suspected finds of high-risk pests (oak wilt, Asian longhorn beetle, spotted lanternfly, hemlock woolly adelgid, and beech leaf disease) not already known to be present in the Niagara Region.

BioForest staff will conduct quality assessment audits on trees assessed by volunteers to ensure that data received from participants is accurate and complete. At least one data sheet per volunteer will be audited. Any issues with the data will be communicated to the volunteer in order to ensure that subsequent submissions are completed correctly.

Appreciation Night

BioForest will collaborate with Town of Pelham staff to host a volunteer appreciation event. The event will feature a presentation of the results of the volunteer data collection from each year and will include a summary of significant trends reported by volunteers. BioForest will provide items to give as tokens of appreciation for volunteers (such as notebooks, water bottles, etc.). At this event and in the period leading up to it, BioForest will distribute a feedback survey to volunteers, both electronically and on paper, for the volunteers to provide input that may inform future improvements to the program.

BioForest will prepare a brief summary report for the Town of Pelham on Phase 2 of the volunteer program. The report will summarize the volunteers' findings, assess the program's successes and areas of improvement, and provide recommendations for Phase 3.

Downtown Tree Watering Program

BioForest will work in collaboration with Town staff and/or the local BIAs to contact businesses located in the urban areas of Fonthill (along Pelham Street between Highway 20 and College Street) and Fenwick (at the intersection of Canboro Road and Maple Street). BioForest will visit all eligible business owners during the spring of 2022 and advertise the opportunity to participate in this program and “sponsor” their sidewalk tree. BioForest will prepare a digital and physical one-page pamphlet describing the objectives and benefits of the program, as well as the commitment required by the business owner. This pamphlet will be given to all interested business owners. BioForest will collect the name and email address of all willing participants and will collect species, diameter, and baseline health data for their sidewalk tree(s). Over the growing season, monthly emails will be sent out to enrolled businesses to remind them to water their trees, especially during the summer months and other care tips. Each business would receive a window decal describing how their efforts are an important contribution to taking care of Pelham’s downtown trees, along with specific information (species, attributes, history, etc.) about the tree that is under their care and a small sign to be located at the base of the tree with the sponsoring business’ name. Each tree will be assessed and measured again at the end of the growing season by BioForest to monitor the health and growth and the results will be shared with Pelham staff.

Phase 3 (2023)

Phase 3 will continue with an assessment of the previous year gained from feedback received from volunteers and can be adjusted based on previous two phase’s participation and review.

Objectives

The objectives for Phase 3 of this program would be to continue to implement the program using the structure established in Phase 2, with amendments made as required.

Subject: Update Report – Proxy Voting for Members of Council**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-00064, Update Report – Proxy Voting for Members of Council;

AND THAT Council further receive Report 2021-0001, consideration of Procedure By-law Amendment, Proxy Voting for Absent Municipal Council Members, Bill 197, attached as Appendix 1, which was referred to a future meeting;

AND THAT Council not proceed with amendments to the Procedure By-law to permit Proxy Voting by Members of Council.

Background:

For a full review and analysis of amendments to the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, pursuant to Bill 197, *COVID-19 Economic Recovery Act* which introduced new provisions to allow for proxy voting by Members of Council, please refer to Report # 2021-0001 dated February 1, 2021.

Council reviewed Report 2021-0001 on February 1, 2021 and referred consideration to a future meeting. The Report was not formally received. Some of the comments to support proxy voting included an unexpected or last-minute situation to prevent attendance, such as hospitalization or a sudden family matter. In contrast, additional comments indicated an inability to support proxy voting for reasons outlined in the Report and the importance associated with debate on matters before Council. Staff was subsequently directed as follows:

THAT consideration of Agenda Item 10.2.5, Procedure By-law Amendment regarding Proxy Voting for Absent Municipal Council Members, be postponed until the Second quarter of 2021, pending receipt of additional information regarding what other Ontario municipalities are doing and the parameters they will use if proxy voting is approved; AND THAT staff be directed to bring the matter back to Council for consideration once said additional information is available.

For the information of Council, decisions by Ontario municipal councils to support proxy voting remain essentially unchanged since the February report in that there appears to be little support across Ontario for this initiative. The single example found of how proxy voting is used relates to the Region of Peel, explained in the Analysis section of this Report. Based on conversations with peers, it appears that no other municipality in Niagara intends to adopt proxy voting.

Analysis:

Since the Council meeting of February 1, 2021, only one example has been found as it pertains to the use of proxy appointments, being the Region of Peel.

The Region of Peel is the upper tier level of government encompassing Brampton, Caledon and Mississauga. Peel Regional Council is comprised of 25 members including a Regional Chair, the Mayors of Brampton, Caledon and Mississauga and Council Members representing wards from each city or town. Some Regional Councillors from Brampton and Caledon represent two wards from the lower tier. Mississauga is represented by each of its Ward Councillors.

The City of Mississauga is the only municipality using proxy voting, as it does not have the option of appointing alternatives whereas Brampton and Caledon have this capability, due to the shared representative capacity. To further explain, for the City of Mississauga, all local municipal councillors sit at the Regional level as well as the City Council. In contrast, Brampton and Caledon each have some Regional representatives serving two local wards, and have the ability to appoint an alternate local Councillor to attend the upper tier meeting in their absence. Mississauga was afforded the opportunity to appoint a proxy at the Regional table, but may only appoint a fellow Mississauga Councillor to vote on its behalf. If this rationale were to be applied to Pelham, it would equate to representation by Ward, meaning that a Ward One Councillor could only appoint the other Ward One Councillor as their proxy, and the same for Wards Two and Three.

For the reasons outlined in the February 1, 2021 Report analysis, staff is not recommending the adoption of Proxy voting given the fact that a proxy appointee does not count toward quorum and that a legal meeting can occur as long as a quorum is achieved and maintained. This Council has not found it necessary to cancel or postpone any meetings due to lack of quorum.

Financial Considerations:

There are no financial considerations impacted by this report.

Alternatives Reviewed:

Council can direct the Clerk to develop a procedure to allow for the appointment of a proxy by Members of Council. Council will need to provide specific details in the stated direction to outline what circumstances would warrant such appointment. If the Peel Region example is considered, staff should be directed to ensure the procedure requires that Councillors from Ward One shall appoint the alternate Ward One representative, and the like for Wards Two and Three. It is recommended that the procedure state that the Deputy Mayor be the individual to be appointed by the Mayor.

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. Members of Council would have the benefit of all current information, amendments, etc. prior to casting a vote on any particular matter.

Consultation:

The Region of Peel Clerks Department was consulted as it specifically pertains to how proxy voting is used in this upper tier municipality.

Other Pertinent Reports/Attachments:

Appendix 1: Clerks Report 2021-0001, February 1, 2021

Refer Also to: Report 2020-0121, August 10, 2020, Clerks Report 2020-0160, November 16, 2020

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: 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 21st 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”.¹

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

¹ 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.

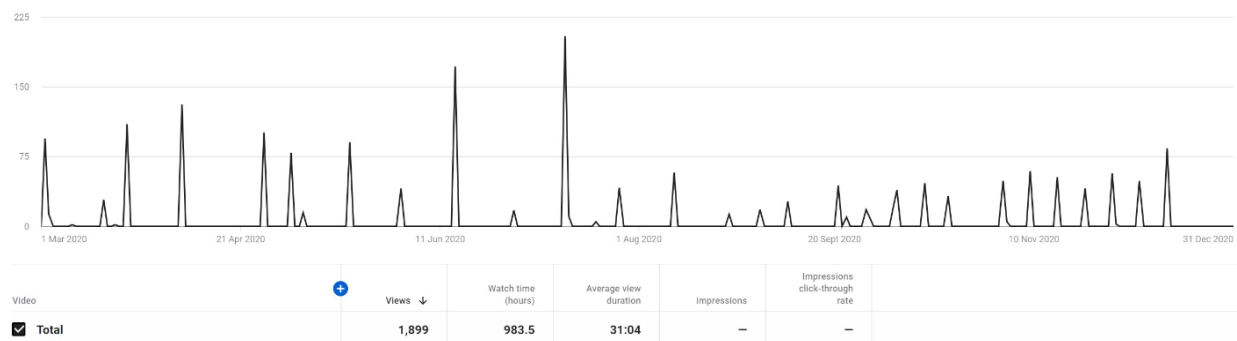


Figure 1.

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 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>

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4333(2021)

**Being a by-law to amend By-law #4068(2019) confirming
various appointments to Boards, Commissions, and
Committees of the Town of Pelham;**

**And to remove and appoint members to the Pelham Public
Art Committee (Schedule O).**

WHEREAS Council of the Corporation of the Town of Pelham deems it
desirable and necessary to appoint members of Boards, Commissions, Committees
and Municipal Positions;

AND WHEREAS By-law #4068(2019), provides for the appointment of
individuals to various Boards and Committees;

NOW THEREFORE the Council of the Corporation of the Town of
Pelham enacts as follows:

- 1. THAT By-Law #4068(2019) be amended to additionally include the
appointments as follows, detailed in the attached schedules, as below listed:

Schedule O: Pelham Public Art Committee
 Christina Drummond - Remove
 Catharine Carr – Add (Citizen Appointee)
 Colleen Kenyon - Add (Citizen Appointee)
 Darren Keay - Add (Citizen Appointee)

ENACTED, SIGNED & SEALED THIS 06th
DAY OF April, 2021 A.D.

MAYOR MARVIN JUNKIN

TOWN CLERK, NANCY J. BOZZATO

SCHEDULE O

Town of Pelham Public Art Advisory Committee

Four Year Term Ending November 15, 2022 or until their successors are appointed:

7 residents

- i. Brian DiMartile
- ii. Barb Rybiak
- iii. ~~Christina Drummond~~
- iv. ~~Dianne Gibson~~
- v. Els Swart
- i. Catharine Carr - appointed by By-law #4290(2020)
- ii. Colleen Kenyon – appointed by By-law #4333(2021)
- iii. Darren Keay -

Council Representative: Councillor Hildebrandt

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 4334(2021)

**Being a by-law authorizing the implementation of a 2021 spray program
respecting the gypsy moth, and to Repeal and Replace By-Law
4208(2020)**

WHEREAS, the Council of the Town of Pelham ("Council") deems it necessary to take steps to limit the impact of gypsy moth infestation on trees within the Town's Municipal Boundary, so as to help preserve its tree assets and to reduce the consequences to the well-being of the public due to the loss of trees;

AND WHEREAS, section 128 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended ("the Act"), permits a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or come become, or cause a public nuisances;

AND WHEREAS, section 10(1) of the Act authorizes a municipality to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS, section 10(2) of the Act authorizes a municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality;

AND WHEREAS, Council has considered the research and surveying conducted by staff and an external consultant on the levels and effects of the gypsy moth infestation in certain areas within the Town;

AND WHEREAS, Council is of the opinion that the level of gypsy moth infestations in certain areas within the Town constitutes a matter of public nuisance or could become a public nuisance;

NOW THEREFORE THE MUNICIPAL COUCIL OF THE
CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. The gypsy moth infestations in areas identified by the Director of Public Works as severe in nature and deemed a matter of public nuisance in the Town of Pelham.
2. The Director of Public Works is authorized to implement an aerial spray program using the biological control agent *Bacillus thuringiensis* subspecies *kurstaki* (Btk) In and around the proposed spray areas identified in the Public Works Report "2021 Gypsy Moth Management Program, Report #2021-0065" where the Director is satisfied that the established criteria outlined in the Gypsy Moth Management Policy for the aerial spray program are met.
3. The Director of Public Works is authorized to implement a gypsy moth control aerial spray program using the biological control agent *Bacillus thuringiensis* subspecies *kurstaki* (Btk) in and around Public Street Trees within the road allowances and trees on private lands within the Town found within the areas identified in the Public Works Report "2021 Gypsy Moth Management Program, Report #2021-065" where surveys have been

carried out by the Director confirming that the treatment threshold has been exceeded and the Director is satisfied that the established criteria outlined in the Gypsy Moth Management Policy for the aerial spray program are met.

- 4. This By-law shall come into force and effect on the date of its enactment.

ENACTED and PASSED this 06th day of April, 2021

MAYOR M. JUNKIN

TOWN CLERK NANCY J. BOZZATO

The Corporation of the Town of Pelham

BY-LAW NO. 4335(2021)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located at 855 Chantler Road (north side of Chantler Road lying west of Church Street), legally described as Concession 12 and Part of Lot 17 in the Town of Pelham. The Zoning By-law Amendment rezones the lands from the Agricultural (A) zone to the following site-specific zones:

- **Agricultural – 304 (A-304)**
- **Agricultural – 305 (A-305)**

Joyce and John Sonneveld

File No. AM-01-2021

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

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

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

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

1. **THAT** Schedule 'A' to Zoning By-law 1136 (1987), as amended, is hereby amended by rezoning the lands identified on Schedule 'A', attached hereto and forming part of this By-law from:
Agricultural (A) to Agricultural – 304 (A-304)
Agricultural (A) to Agricultural – 305 (A-305)
2. **THAT** Section 30 – Exceptions of By-law No. 1136 (1987), as amended, be modified by adding the following:

A-304 In addition to the provisions of Section 7 of the Agricultural (A) zone, the following site-specific regulations shall apply:

Section 7.1 – Permitted Uses

- a) Agricultural uses including greenhouses;
- b) Uses, buildings and accessory structures to the foregoing;
- c) Forestry and conservation uses.

Section 7.2 – Regulations

- | | |
|-------------------------|------|
| b) Minimum Lot Frontage | 91 m |
|-------------------------|------|

A-305 In addition to the provisions of Section 7 of the Agricultural (A) zone, the following site-specific regulations shall apply:

Section 7.7 – Regulations

- | | |
|-------------------------|---|
| a) Maximum Lot Coverage | 6.4 % provided the maximum lot coverage of all buildings does not exceed 10 % |
|-------------------------|---|

d) Maximum Building Height

Existing as of the date of
Passing or 3.7 m

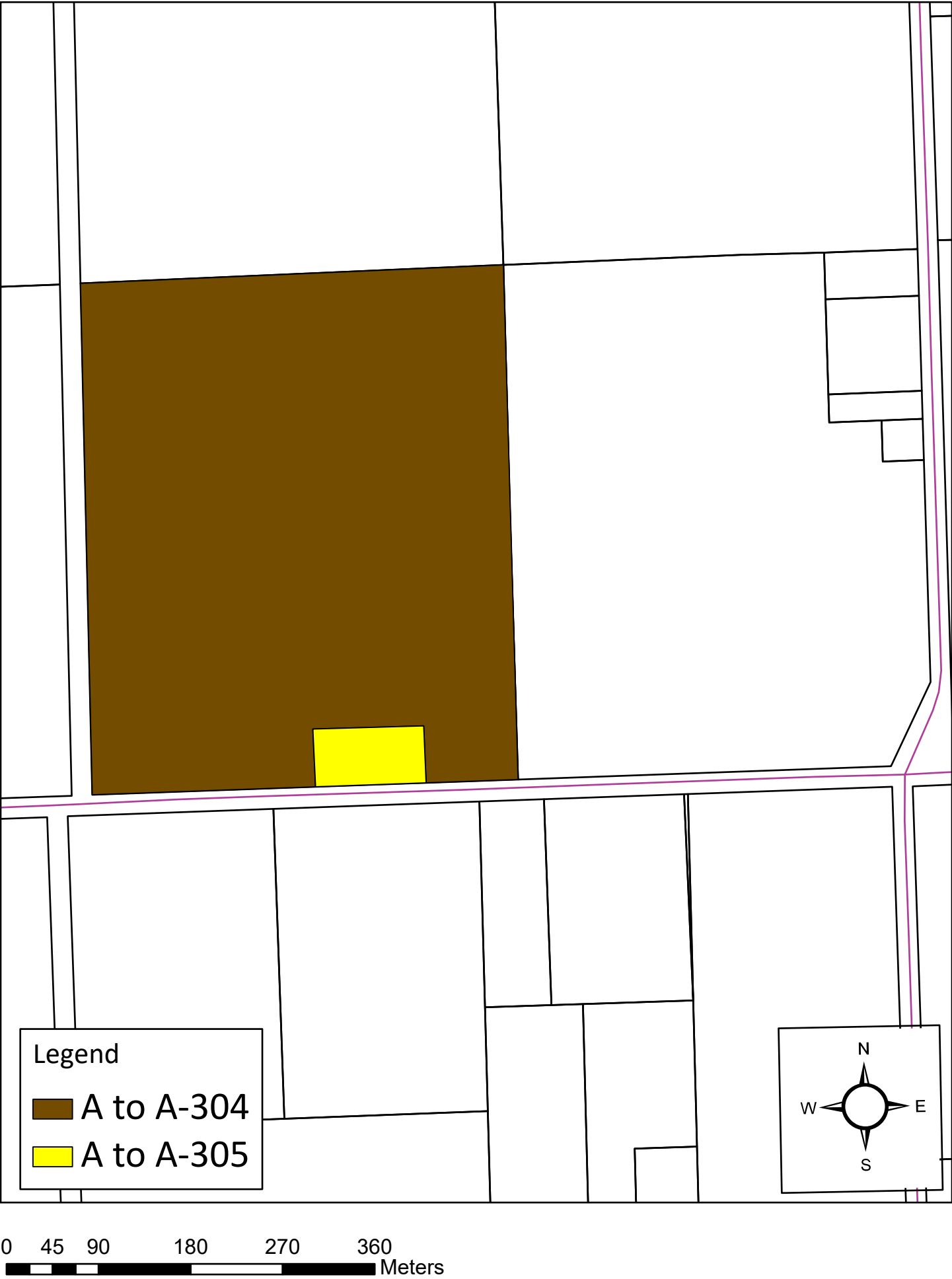
- a) **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

Enacted, signed and sealed this
06th day of April 2021.

MAYOR: MARVIN JUNKIN

CLERK: NANCY J. BOZZATO

Schedule 'A'



This is Schedule 'A' to By-law No. 4335 (2021) passed the 06 day of April, 2021.

Mayor: Marvin Junkin

Clerk: Nancy J. Bozzato

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

BY-LAW NO. 4336 (2021)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands 1409 Station Street & 0 Summersides Boulevard (north side of Summersides Boulevard east of Station Street), legally described as legally as Part of Lots 7, 8, 9, 13 & 14, Registered Plan 717, Part of Thorold Township; Lot 166 & 167, Geographic Township of Thorold, in the Town of Pelham, from the Agricultural (A) zone to a site specific Residential 2 (R2-306) zone, a site specific Residential Multiple 1 (RM1-307) zone, a site specific Residential Multiple 1 (RM1-308) zone and an East Fonthill Open Space (EF-OS) zone.

Mountainview Homes (Niagara) Ltd.

File No. AM-08-20

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

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

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

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

1. **THAT** Schedule 'A5' to Zoning By-law 1136 (1987) as amended, is hereby further amended by rezoning the lands identified on Schedule 'A' attached hereto and forming part of this By-law from Agricultural (A) to a site specific Residential 2 (R2-306) zone, a site specific Residential Multiple 1 (RM1-307) zone, a site specific Residential Multiple 1 (RM1-308) zone and East Fonthill – Open Space (EF-OS) zone.
2. **THAT** Section 30 – Exceptions of By-law No. 1136 (1987), as amended, be modified by adding the following:

Definitions Section 5 of the Definitions is amended for the subject lands as follows:

Section 5.54

b) Back-to-back Semi-Detached Dwelling

Means a townhouse dwelling that contains dwelling units divided vertically from each other by common side walls and common rear walls

Section 5.55

d) Second Dwelling Unit

Means a second dwelling unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building (e.g. in-law suite, basement suite, coach house).

General Provisions	Section 6 of the General Provisions is amended by deleting and replacing the following subsections as follows for the lands identified as R2-301, RM1-302 and RM1-303:
--------------------	--

Section 6.1 – Accessory Uses

a) General	Where this By-law provides that a lot, building or structure may be erected or used for a purpose, that purpose shall include any accessory building, structure or accessory use, but shall not include any occupation for gain or profit conducted within or accessory to a dwelling unit except as in this By-law is specifically permitted.
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Only one second dwelling unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling, provided:

- i) The maximum floor area does not exceed 60 m².
- ii) A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling.
- iii) A minimum of one parking stall is required.
- iv) Compliance with the Ontario Building Code and Fire Code, as applicable.

b) Location	Detached garages shall be located in the rear yard with a minimum rear setback of 6.0 m to laneways, minimum 1.5 m setback from end wall to interior side lot line or 0 m setback from common wall to interior side lot line.
-------------	---

c) Maximum Height	Except as otherwise provided herein, no accessory building shall exceed 3.7 m in height and no accessory building containing a second
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dwelling unit shall exceed 6 m in height.

- d) Maximum Lot Coverage 15%

Section 6.2 – Dwelling Units Below Grade

Deleted.

Section 6.16 – Parking Area Regulations

- d) Ingress and Egress

i) Ingress and egress, to and from required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3 m wide, where only one-way traffic is permitted or if the number of residential units is three or less, and have a minimum width of 6.5 m, but not more than 8.0m in perpendicular width where two-way traffic is permitted.

All uses fronting Summersides Boulevard shall be accessed from a public or private laneway.

ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 8.0 m.

Section 6.35 – Yard Encroachments Permitted

- c) Unenclosed Porches, Balconies, Steps & Patios

Notwithstanding the yard provisions of this By-law, unenclosed porches, balconies, steps and patios, covered or uncovered shall not be permitted within 2 m of the front lot line or exterior side lot line, and 4.5 m of the rear lot line provided that, such uses are not more than 2.0 m above ground. Uncovered patios and decks shall not be permitted within 1.2 m of a rear or side lot line provided that, such uses are not more than 0.3 m above ground.

R2-306 Notwithstanding Section 14 of the Residential 2 (R2) zone, the following site-specific regulations shall apply:

Section 14.2 – Regulations

- a) Minimum Lot Area 360 m²
- b) Minimum Lot Frontage 12 m

- c) Maximum Lot Coverage delete
- d) Minimum Front Yard 4 m to dwelling front face 6 m to garage
- e) Minimum Interior Side Yard 1.2 m
- f) Minimum Exterior Side Yard 3 m
- g) Minimum Rear Yard 6.0 m
- h) Maximum Height 3 storey or 12 m, whichever is greater
- i) Min. Ground Floor Area for dwelling (i) One storey: 88 m²
(ii) Two or three storey: 50 m²

RM1-307 Notwithstanding Section 16 of the Residential Multiple 1 (RM1) zone, the following site-specific regulations shall apply:

Section 16.3 – Regulations for street townhouse dwellings

- c) Minimum Lot Area 170 m² per dwelling unit
- a) Minimum Lot Frontage 6 m
- b) Minimum Corner Lot Frontage 7.5 m
- d) Minimum Front Yard 3 m to dwelling front face / 6 m to garage
- e) Minimum Exterior Side Yard 3 m
- f) Minimum Interior Side Yard 1.2 m, 0 m to common wall
- g) Minimum Rear Yard 6.0 m
- h) Maximum Height 12 m or 3 storeys, whichever is greater
- i) Minimum Ground Floor Area for Dwelling
(i) One storey: 88 m²
(ii) Two or three storey: 50 m²
- j) Planting Strips delete

RM1-308 Notwithstanding Section 16 of the Residential Multiple 1 (RM1) zone, the following site-specific regulations shall apply:

Section 16.1 – Permitted Uses

In addition to the uses permitted by 16.1, back-to-back semi-detached dwellings shall also be permitted subject to the following regulations:

Section 16.3 – Regulations for back-to-back semi-detached dwellings

- a) Minimum Lot Frontage 6 m
- b) Minimum Corner Lot Frontage 10 m
- c) Minimum lot area 110 m² per dwelling unit
- d) Minimum front yard 6 m
- e) Minimum Exterior Yard 3 m
- f) Minimum Interior Side Yard 3.0 m to the side of
another-back-to-back semi- 0 m to common wall
detached dwelling
- g) Minimum Rear Yard 0 m
- h) Maximum Building Height 12.5 m or 3 storeys,
whichever is greater
- i) Minimum Ground Floor Area for Dwelling
 - (i) One storey: 88 m²
 - (ii) Two or three storey: 22 m²

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

ENACTED, SIGNED AND SEALED THIS

6th DAY OF APRIL, 2021 A.D.

MAYOR MARVIN JUNKIN

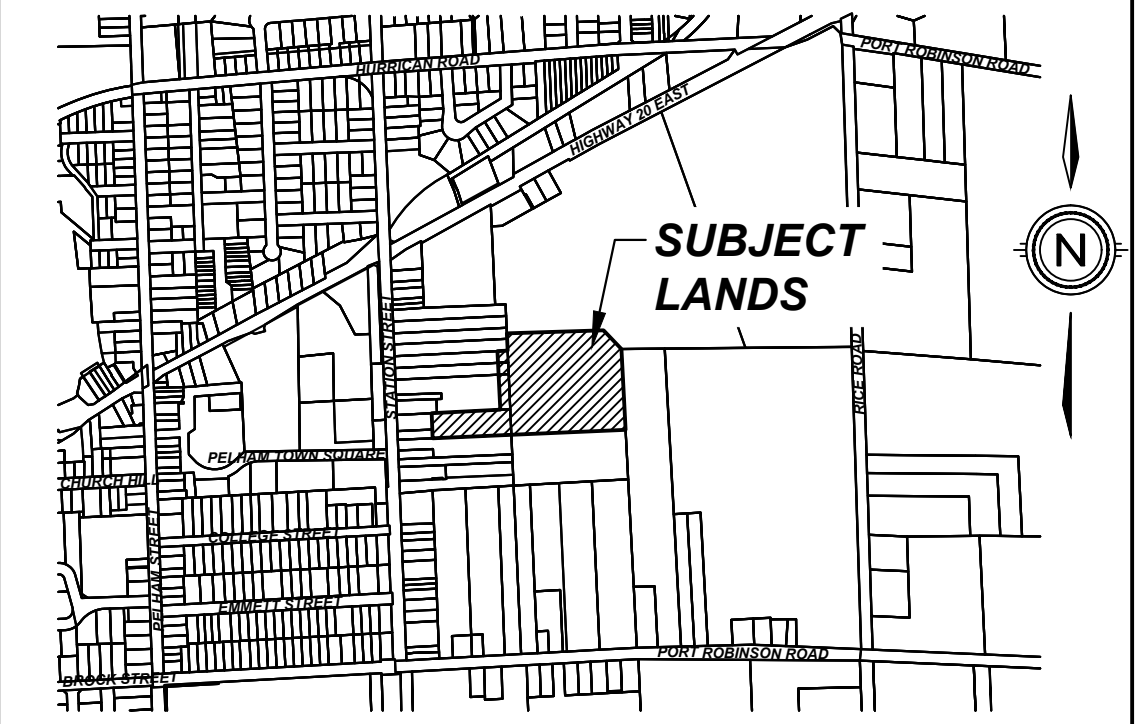
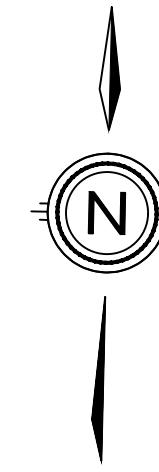
CLERK NANCY J. BOZZATO

LEGAL DESCRIPTION

PART OF LOTS 7, 8, 9, 13 & 14,
REGISTERED PLAN 717
PART OF THOROLD TOWNSHIP
LOTS 166 & 167
GEOGRAPHIC TOWNSHIP OF THOROLD
IN THE
TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA

PARK PLACE SOUTH

TOWN OF PELHAM



KEY PLAN

N.T.S.

DRAFT PLAN OF SUBDIVISION

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE TOWN OF PELHAM
FOR APPROVAL.

JUNE 17, 2020
MOUNTAINVIEW HOMES (NIAGARA) LTD. (APPLICANT '1') DATE

AUGUST 10, 2020
MICHAEL DEFAZIO (APPLICANT '2') DATE

AUGUST 10, 2020
FRANK DEFAZIO (APPLICANT '2') DATE

AUGUST 10, 2020
FRANCESCO GROTTOLA (APPLICANT '2') DATE

AUGUST 10, 2020
ALEXANDER MACKAY (APPLICANT '3') DATE

AUGUST 10, 2020
BERYL GEORGIEV (APPLICANT '3') DATE

AUGUST 10, 2020
ROBIN BURNS KAISER (APPLICANT '4') DATE

AUGUST 10, 2020
VICTORIA BAUD (APPLICANT '4') DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

Dec 17, 2020
J.D. BARNES LIMITED
20-16-044-01 DATE

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- | | | |
|-------------|--------------------|-----------------|
| a) SEE PLAN | e) SEE PLAN | i) SILTY SAND |
| b) SEE PLAN | f) SEE PLAN | j) SEE PLAN |
| c) SEE PLAN | g) SEE PLAN | k) FULL SERVICE |
| d) SEE PLAN | h) MUNICIPAL WATER | l) SEE PLAN |

*	*	*	*
*	*	*	*
0	ISSUED FOR APPROVAL	2020-12-17	M.K.
#	REVISION	DATE	INIT

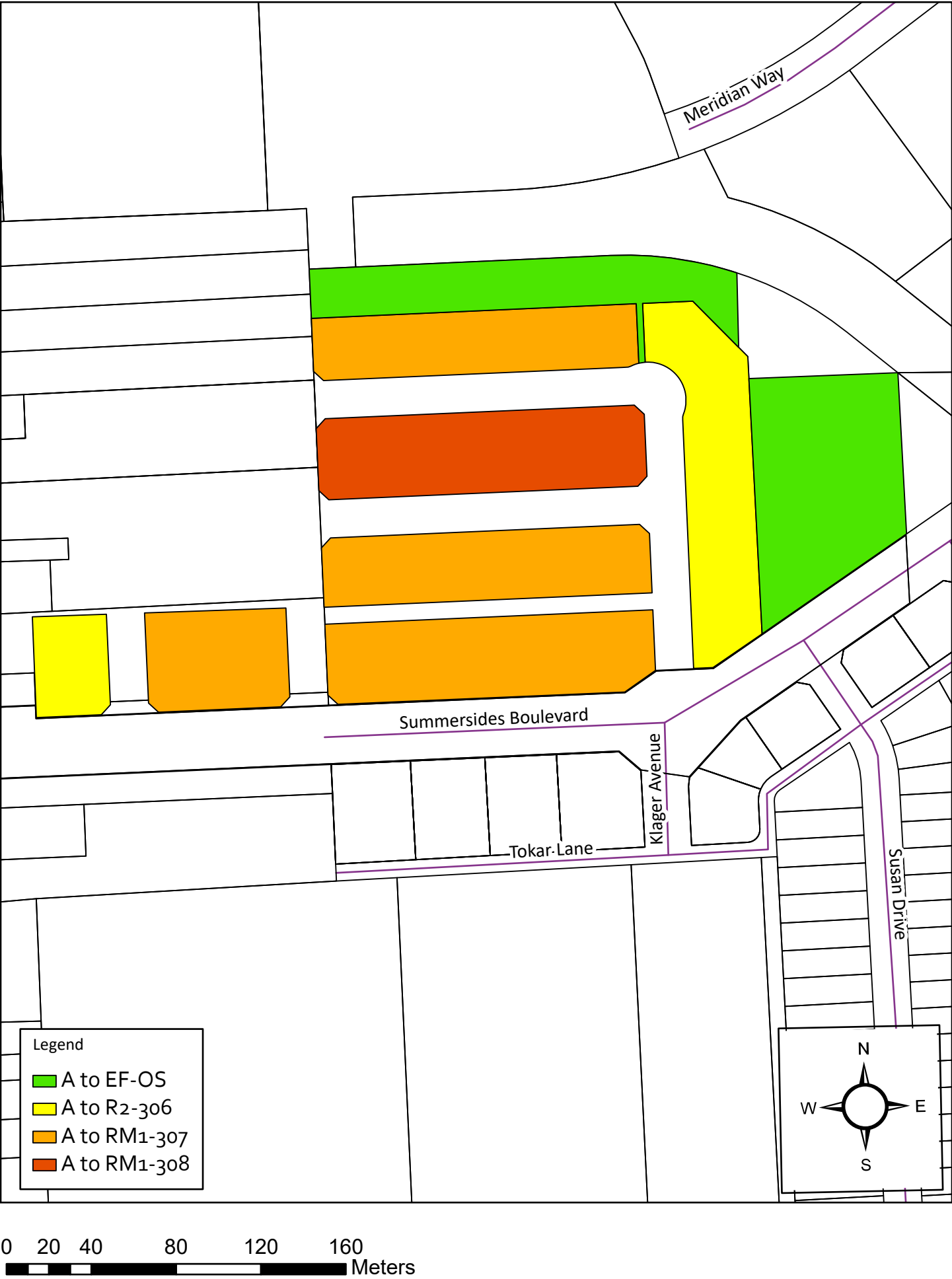


DRAWING TITLE	DRAFTING	M.K.
DRAFT PLAN OF SUBDIVISION	DATE	JANUARY 13, 2020
	PRINTED	FEBRUARY 26, 2021
	SCALE	1:750
	DWG No.	REV
1890-DP	0	

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE-DETACHED RESIDENTIAL	LOTS 1-16	16	0.700	15.64
2 STOREY TOWNHOUSE	BLOCK 17-30	56	1.257	28.08
REAR LANE TOWNHOUSE	BLOCK 31-34	17	0.580	12.96
BACK TO BACK TOWNHOUSE	BLOCK 35-39	24	0.589	13.16
3.0m WALKWAY	BLOCK 40		0.008	0.18
FUTURE DEVELOPMENT	BLOCK 41-42		0.031	0.69
0.3m RESERVE	BLOCK 43-50		0.010	0.22
RIGHT OF WAY			1.301	29.07
TOTAL		143	4.476	100.00
DEVELOPABLE AREA = 4.476ha				
DEVELOPABLE DENSITY = 28.82 units/ha				

Schedule 'A'



This is Schedule 'A' to By-law No. 4336 (2021) passed the 06 day of April, 2021.

Mayor: Marvin Junkin

Clerk: Nancy J. Bozzato

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4337(2021)

**Being a by-law to adopt, ratify and confirm the actions of
the Council at its regular meeting held on the 06th day of
April 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 06th day of
April, 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 06th DAY OF APRIL 2021 A.D.

MAYOR MARVIN JUNKIN

TOWN CLERK NANCY BOZZATO