

**Cannabis Control Committee
Town of Pelham**

**Minutes of Meeting
Wednesday, February 17, 2021 – 5:00 p.m.
Zoom Video Conference**

Present: Tim Nohara (Chair)
Carla Baxter
Louis Damm
Bill Heska
Jim Jeffs
John Langendoen
Jim Steele
Bob Hildebrandt, Councillor - Town of Pelham
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)

1. Declaration of Quorum

Chair declared quorum at 5:06 p.m.

2. Approve Agenda

Moved by B. Heska, seconded by J. Langendoen that the agenda of February 17, 2021 be approved, as amended.

CARRIED

3. Approval of Minutes of November 25, 2020, December 16, 2020 and January 20, 2021

Moved by J. Jeffs, seconded by J. Steele that the minutes of November 25, 2020 be approved, as amended.

Moved by L. Damm, seconded by J. Langendoen that the minutes of December 16, 2020 be approved, as amended.

Moved by B. Heska, seconded by J. Jeffs that the minutes of January 20, 2021 be deferred to the next meeting date.

CARRIED

4. Implementation of Odorous Industries Nuisance Bylaw (4202-2020)

a. Review Phil Girard's Ambient Odour Monitoring Program recommendations from his January 20, 2021 briefing

T. Nohara reviewed the recommendations from P. Girard regarding the final design of the odour monitoring program. These include the increase of sampling frequency, using both upwind and downwind locations, imposing a one (1) odour unit limit at sensitive uses and proposed sensitive uses, and weekly reporting from the odour sampling contractor to staff. Staff noted permission is required from private property owners in order for odour samples to be taken from private properties. In addition, odour readings from locations within Welland would not be useful in prosecution cases.

b. Discuss proposed amendments to our Odorous Industries Nuisance By-law including the possible addition of licensing provisions

T. Nohara reviewed proposed amendments he drafted to the Odorous Industries Nuisance By-law to modestly reduce odour unit threshold levels. Focus of discussion between committee members and town staff related to odour strength.

The proposed amendments were in light of continued odour complaints from residents without being able to issue any enforcement violations to date; and Mr. Girard's recommendations (see 4a above) where he noted that the present thresholds in the odour by-law are not protective for residents as validated by the olfactometer measurements collected by enforcement staff in the Town as well as experience in measuring cannabis odour in other areas.

Committee members noted that the modest reduction in the proposed odour thresholds as drafted fell short of Mr. Girard's (our odour expert) recommendations. J. Jeffs noted that U.S. states including Washington, Colorado and Alaska all use *no detectable odour* as the standard which is why we should look at one odour unit as recommended. L. Damm noted that the Canadian standard is no release of odour and that that we shouldn't weaken the Ontario standard (one odour unit) with our by-law because the investment made by industry in improving their air filtration systems will be based on our standard.

Town staff discussed the difficulty to support a reduction to the low odour unit level as adverse impact needs to be demonstrated and advised to keep the odour unit level at a more defensible level noting the numbers in the draft document are reasonable based on discussions with P. Girard who advised the human nose cannot detect what an odour is at odour unit strength 1 or 2. T. Nohara indicated he had a different understanding on P. Girard's odour panel teaching regarding the meaning of these levels.

Committee members noted the odour at a level of 1 or 2 can be unpleasant and cause an adverse impact on a resident, and noted that P. Girard advised to change odour level to be exceeded from 2 to 1. Committee members and town staff disagree on this point.

T. Nohara asked each committee member and they all confirmed that they wish us to use the odour exceedance thresholds recommended by our odour expert P. Girard. In light of the apparent difference in understanding between staff and committee members, T. Nohara agreed to go back to P. Girard to confirm the proper understanding of one and two odour units and his recommendations for the three different odour exceedance thresholds found in the by-law.

5. Briefing on Town Submissions to OMAFRA and MPP Sam Oosterhoff in late January 2021

D. Cribbs advised that a 15 minutes meeting was granted in January at the ROMA Conference with a parliamentary assistant to OMAFRA regarding the Normal Farm Practices Board. The Ministry understands the issues regarding cannabis growers and what is considered to be a normal farm practice. The meeting ended without being granted any scheduled follow-up.

6. Update on Legal Actions

The only matter before the court is the Town's prosecution matter. Judicial pre-trial was scheduled for February 3rd. The matter will be set for trial should it not settle. It was noted that this matter will be a contested trial however, due to the current pandemic, Ontario Court of Justice is not setting matters down for trial dates at this time. It is unknown when a trial date will be set.

7. Review any updates concerning Draft Light By-law with provisions to include skyglow

No comments at this point.

8. Next Meeting: March 24, 2021 at 5:00 pm via Zoom.

9. Adjournment

Moved by C. Baxter, seconded by L. Damm that the meeting be adjourned.

The meeting adjourned at approximately 6:44 p.m.

CARRIED

Edited and Signed by:

Tim J. Nohara

Tim Nohara (Chair)

Jodi Legros

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