

## REGULAR COUNCIL AGENDA

**C-10/2021 - Regular Council**

**Monday, June 7, 2021**

**5:30 PM**

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

**20 Pelham Town Square, Fonthill**

During the ongoing global pandemic, Novel Coronavirus COVID-19, the Town of Pelham Council will continue to convene meetings in compliance with Provincial directives. Attendance by most Members of Council will be electronic. Public access to meetings will be provided via Livestream

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

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1. By-law 4330(2021) - Being a By-law to Authorize the Mayor and Clerk to enter into an Agreement with the Region of Niagara for Traffic Control Signal Maintenance.

2. By-law 4354(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**

Moved: Councillor Wink

Seconded: Councillor Hildebrandt



WHEREAS the Town of Pelham has a Development Charges Bylaw to help ensure that community growth pays for itself;

AND WHEREAS the 2019 update study resulted in an increase of the Development Charge for outdoor recreation from \$1,206 to \$1,884 for a single and semi-detached dwelling,

AND WHEREAS the current Development Charges Bylaw includes a provision of an "indoor recreation capital sheet" which must be updated to reflect the current level of services at MCC,

AND WHEREAS plans to update the study with indoor recreation data based on 2020 data were interrupted by the Covid-19 pandemic;

AND WHEREAS the cost of a Development Charges Update Study is estimated at \$9,000 - \$11,000, 90% of which can be funded by the Development Charges reserve;

NOW THEREFORE staff are to be directed to take all necessary steps to initiate an update study that is limited to the study of eligible "indoor recreation" costs. Provided that costs do not exceed \$11,000, Town staff are authorized to engage in a sole source procurement with Watson & Associates Economists Ltd., since they did the 2018 D.C. Background Study. Engaging Watson & Associates will ensure consistency of approach, philosophical and methodological alignment of work product and is likely to be the most expeditious manner of proceeding. Any unbudgeted costs which cannot be paid from the DC Reserve are to be derived from management-identified savings in the Building Department, Public Works Department or Corporate Services Department, or a combination thereof.

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**

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## 20. Adjournment

Name: Brian Green	
Address: 603 Memorial Dr., Fenwick	
Postal Code: L0S 1C0	Telephone #: 905 892 5265
Email Address: green_ink@sympatico.ca	
The Council Chambers Is equipped with a laptop and projector. Please Check your audio/visual needs: <input type="checkbox"/> Laptop <input type="checkbox"/> Speaker <input type="checkbox"/> Internet Connection	
<p>PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION:          Regular Council: 1<sup>st</sup> and 3<sup>rd</sup> Monday of the month; 5:30 p.m. (except summer schedule)</p> <p>DATE: <u>June 7, 2021</u></p>	
<p>Please identify the desired action of Council that you are seeking on this issue:          Acceptance of staff report allowing the City of St. Catharines to spend \$250,000 on a project in Pelham</p> <hr/> <hr/> <hr/>	
<p>I have never spoken on this issue before. Key points of my deputation are as follows:  <b>(Presentation must accompany the request)</b>          History of the Cannery Pond, the compensation initiative and TUC involvement          Process of the project... stages to completion (early days!).... reassurances of public engagement and oversight.          TUC track record and principles          Answers to questions raised at the last meeting</p> <hr/> <hr/> <hr/>	
<p>In accordance with the Procedure By-law, Requests to Appear before Council with respect to a matter already on Council's Agenda shall submit a written request to the Clerk no later than 12:00 noon, eight business days prior to the meeting of Council. Delegation requests to address Council on matters not already on the Agenda of Council must be submitted at least fourteen (14) days before the date and time of the Meeting of Council. Delegations shall only be heard at regular Meetings of Council, unless specifically invited by Council to a Meeting of a Committee of Council.</p> <p><b>All requests must include a copy of the presentation materials as detailed in the deputation protocol. Failure to provide the required information on time will result in a deferral or denial. Delegations are limited to ten (10) minutes.</b></p> <p>I have read and understand the deputation protocol included with this form; and, that the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas and on the Town's website.</p> <p>I also understand that presentation materials must be submitted with this deputation form. Electronic presentations must be e-mailed to <a href="mailto:NJBozzato@pelham.ca">NJBozzato@pelham.ca</a> in accordance with the deadlines outlined above.</p>	
Brian Green _____ Signature	May 21, 2021 _____ Date

**DEPUTATION PROTOCOLS:**

The Town of Pelham is an Open, Welcoming and Inviting Community, committed to supporting the strategic theme of ensuring that we are an engaged Community. To assist in achieving this goal, a Deputation Protocol has been developed to allow residents to make their views known to Council, based on the requirements of the Town of Pelham Procedural By-law. The views of interested citizens are valued and input is welcome, along with comments and constructive suggestions. Council must consider a large number of issues and concerns at any given time, thus the following protocol is observed:

**Before:**

- ✓ Please provide Clerk with a final and complete copy of your presentation to be included on the agenda for the meeting. MS PowerPoint is preferred. Failure to provide the final presentation will result in the deferral of your delegation.
- ✓ Presentations will be livestreamed. Therefore any PowerPoint presentation should move forward with your speaking points for the ease of the online public audience.
- ✓ Please arrive at the meeting by 5:15 p.m.

**During:**

- ✓ When called upon, please proceed immediately to the podium.
- ✓ Please keep your presentation brief and to the point. The maximum allowable time is 10 minutes.
- ✓ Please, only discuss the matters indicated on your submission and present in a respectful, temperate manner.
- ✓ If appearing as a group, please designate a spokesperson.
- ✓ Rules of decorum apply during your delegation in accordance with the Procedural By-law.

**After:**

- ✓ Upon completion of your presentation, please remain in position to allow for questions from Council members.

**In Addition:**

- ✓ Thank you for participating in this public meeting process.
- ✓ Your submission will form part of the public record on this matter.
- ✓ Deputation will not be permitted on items that are or have been subject of a Public Meeting under the Planning Act, unless exceptional circumstances apply. Persons should present such concerns and opinions at the scheduled public meeting.

This form may contain personal information as defined under the Municipal Freedom of Information and Protection of Privacy Act. This information is collected under the legal authority of the Municipal Act, S.O. 2001 c.25, as amended and may be publicly released. Questions should be directed to the Clerk, 905.892.2607, ext. 315.

Outline of presentation to Pelham Council, June 7, 2021  
By Brian Green, Secretary, Niagara Chapter Trout Unlimited Canada

Salutations

1. History

- a. Cannery Pond: a heat sink that warms water downstream at least as far as Hollow Rd. culverts. Temperature loggers (NPCA and Niagara College) reveal significant warming caused by sun on the surface, to the point that summer temps are lethal to sensitive aquatic organisms like Brook Trout (22 degrees). And yet, upstream of the pond is a pristine springwater environment coming out of the ground year-round at about 12 degrees. NPCA data also reveals lack of benthic and other aquatic life downstream. Further monitoring is suggested as part of the project.
- b. Compensation: St. Catharines is required to compensate for fish habitat destruction and has, after consultation, chosen the removal or by-passing of the dam that blocks the headwaters of 12 MC as a worthy project. The DFO has given approval in principle, as has the MNRF and the NPCA.
- c. Trout Unlimited Canada is a national conservation organization with a track record of handling compensation projects such as this, and in some cases much larger... usually (not always) private sector projects. The City of SC staff interviewed the CEO of TUC and her staff and determined that TUC would be a prime candidate to manage the project. As a non-profit conservation organization with experience in such projects, it seems an ideal fit. But no contract has yet been signed.

2. Process

- a. It must be stated that we are in the earliest stages of this initiative. All the concerns raised are premature. No design has been drawn, no contracts signed, no subcontractors engaged. Shovels in the ground are not imminent. We simply cannot know the answers to some of the questions that have been asked. And, anyway, as was stated multiple times at your last meeting, you are only being asked to approve expenditures by the City of SC within the boundaries of Pelham... nothing more
- b. However, let me give you some reassurance. Any such project must undergo rigorous permitting involving public consultation. The NPCA, MNRF, Escarpment Commission, DFO must all approve... as must the landowner. Notably absent from the list of approving organizations is the Town of Pelham and the City of St. Catharines. There is enough oversight without municipalities getting involved (as Jason Marr pointed out last meeting).
- c. Trout Unlimited Canada: Should TUC become St. Catharines' choice to manage the project, you have the assurance of a non profit conservation organization dedicated to the preservation, protection, and enhancement of Canada's coldwater resources. But they still have to jump through all those hoops.

3. Answers:

- a. (Kore) public consultations will, of course, be held here in Pelham
- b. (Haun and letter) Rice Rd. outlet was briefly considered for this compensation but rejected because i] it didn't use up enough of the compensation money and ii] it is the responsibility of those who are at fault for the poor design and is a Town facility

- c. (Wink) the Town will not be involved in any way so will have no liability (solicitor already concurred)
- d. (everyone) Public engagement and information will clearly be part of the process. Enquiries and concerns from your residents are premature... again, we are at the earliest stages of this long process.
- e. (letters) assumptions are being made about things that have not yet even been considered.
  - "The pond will fail" suggests the engineering designs will be incompetent
  - "No alternatives have been considered"... false
  - "data not available" false
  - "no fish in the stream" because of the dam!

## REGULAR COUNCIL MINUTES

**Meeting #:** C-09/2021 Regular Council  
**Date:** Monday, May 17, 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  
Bob Lymburner  
Jason Marr  
Teresa Quinlin  
Vickie vanRavenswaay  
Barbara Wiens  
Holly Willford  
Charlotte Tunikaitis  
Sarah Leach  
Jennifer Stirton

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

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

### 2. Approval of Agenda

**Moved By** Wayne Olson

**Seconded By** John Wink

**BE IT RESOLVED THAT the agenda for the May 17th, 2021  
Regular meeting of Council be adopted.**

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

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

**Carried (7 to 0)**

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

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

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

**4.1 Presentations**

**4.1.1 COVID-19 Pandemic Update - CEMC**

Fire Chief and Community Emergency Management Co-Ordinator presented updated information as it relates to the ongoing worldwide pandemic, COVID-19.

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

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

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

**Carried (7 to 0)**



4.1.2 COVID-19 Pandemic Update - CAO

Mr. David Cribbs, CAO, commented the Town of Pelham trail systems are being well used by residents. He further advised staff are cleaning and maintaining the trails daily. In addition, Mr. Cribbs stated staff are experiencing difficulties with enforcement at the skateboard park. He stated this has been a common issue among municipalities.

**Moved By** Lisa Haun

**Seconded By** Marianne Stewart

**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 Steven Soos - Petition to the House of Commons re Declaration of National Emergency on Mental Health

Mr. Steven Soos stated he was before Council seeking their support and endorsement for a petition to seek a study on the merits of declaring a national emergency for mental health.

**Moved By** Marianne Stewart

**Seconded By** Wayne Olson

BE IT RESOLVED THAT Council receive the delegation from Steven Soos regarding petition E-3351 calling upon the House of Commons to launch a study into the merits of declaring a national emergency on mental health, for information.

**Amendment:**

**Moved By** Wayne Olson

**Seconded By** John Wink

**THAT the motion be amended to include:**

**AND THAT Council support and endorse petition E-3351;**

**AND THAT Council for the Town of Pelham direct the Town Clerk to circulate the endorsement to Prime Minister Justin Trudeau, Members of the Standing Committee on Health, Premier Doug Ford, Minister of Health Patty Hajdu, MP Dean Allison, MPP Sam Oosterhoff, the Niagara Region and Local Area Municipalities.**

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

**Main Motion as Amended:**

**Moved By** Wayne Olson

**Seconded By** John Wink

**BE IT RESOLVED THAT Council receive the delegation from Steven Soos regarding petition E-3351 calling upon the House of Commons to launch a study into the merits of declaring a national emergency on mental health, for information;**

**AND THAT Council support and endorse petition E-3351;**

**AND THAT Council for the Town of Pelham direct the Town Clerk to circulate the endorsement to Prime Minister Justin Trudeau, Members of the Standing Committee on Health, Premier Doug Ford, Minister of Health Patty Hajdu, MP Dean Allison, MPP Sam Oosterhoff, the Niagara Region and Local Area Municipalities.**

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

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

Carried (7 to 0)

4.3 Report of Regional Councillor

5. Adoption of Minutes

Moved By Ron Kore  
Seconded By John Wink

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

1. C-08-2021 - Regular Council Minutes - May 3, 2021

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

Carried (7 to 0)

6. Business Arising from Council Minutes

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

Councillor Hildebrandt requested item 8.5.6 be lifted for discussion.

8. Consent Agenda Items to be Considered in Block

Moved By Lisa Haun  
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT the Consent Agenda items as listed on the May 17th, 2021 Council Agenda be received and the recommendations contained therein be approved, save and except item 8.5.6, as applicable:

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- 8.4. Action Correspondence of a Routine Nature
  - 8.4.1. Niagara Health System - World Hepatitis Day

BE IT RESOLED THAT the Corporation of the Town of Pelham hereby proclaim July 28, 2021 as World Hepatitis Day.

8.4.2. Pelham Audit and Finance Committee - Recommendation Letter

BE IT RESOLVED that Council receive the Recommendation Letter from the Pelham Audit and Finance Committee dated May 6 2021;

AND THAT Council approve and endorses the recommendations therein, and that:

Council approve the 2020 Town of Pelham Consolidated Financial Statements.

8.5. Information Correspondence Items

8.5.1. Niagara Region Report CSD 23-2021 - 2021 Property Tax Policy, Ratios and Rates

BE IT RESOLVED THAT Council receive the Niagara Region report CSD 23-2021 2021 Property Tax Policy, Ratios and Rates, for information.

8.5.2. City of Welland Resolution - Rescind Approval of the Uptake of Governance for the Transfer of the NCDRA and NDA to the Niagara Region

BE IT RESOLVED THAT Council receive correspondence from the City of Welland dated April 26, 2021, rescinding approval regarding the uptake of governance for the transfer and operating authority of the NCDRA and NDA, for information.

8.5.3. NPCA Board Meeting Highlights

BE IT RESOLVED THAT Council receive the NPCA Board Meeting highlights dated March 19, 2021 and April 16, 2021, for information.

8.5.4. Department of Canadian Heritage - Funding for Canada Day Community Celebrations

BE IT RESOLVED THAT Council receive correspondence from the Department of Canadian Heritage regarding approval of funding in the amount of \$14,650 for Canada Day Community Celebrations in the Town of Pelham, for information.

8.5.5. Save Your Skin Foundation - Thank You Letter

BE IT RESOLVED THAT Council receive a thank you letter from the Save Your Skin Foundation with regard to proclaiming May 2021 as Melanoma Awareness Month in the Town of Pelham, for information.

~~8.5.6. Integrity Commissioner Review Report – IC-12628-0221~~

~~BE IT RESOLVED THAT Council receive for information the Integrity Commissioner correspondence, File IC-12628-0221. (lifted)~~

8.7. Committee Minutes for Information

8.7.1. Pelham Active Transportation Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Active Transportation Committee minutes dated: January 21, 2020, June 16, 2020 and May 12, 2020, for information.

8.7.2. Pelham Seniors Advisory Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Seniors Advisory Committee minutes dated February 18, 2021, for information.

8.7.3. Pelham Art Advisory Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Art Advisory Committee minutes dated December 16, 2020, for information.

8.7.4. MCC User Group RoundTable Minutes

BE IT RESOLVED THAT Council receive the MCC User Group RoundTable minutes dated November 19, 2020, for information.

8.7.5. Pelham Finance and Audit Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Finance and Audit Committee minutes dated February 10, 2021, for information.

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

**Carried (7 to 0)**

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

**9.1 Integrity Commissioner Review Report - IC-12628-0221**

**Moved By** Lisa Haun

**Seconded By** Bob Hildebrandt

BE IT RESOLVED THAT Council receive for information the Integrity Commissioner correspondence, File IC-12628-0221.

**Amendment:**

**Moved By** Bob Hildebrandt

**Seconded By** Ron Kore

**THAT the motion be amended to include:**

**AND THAT Council direct staff to prepare a report recommending options to ensure the municipality is provided a copy of any documents or report provided from the Integrity Commissioner to the complainant or elected official requesting advice;**

**AND THAT staff report back to Council by August 23, 2021.**

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

**Carried (7 to 0)**

**Main Motion as Amended:**

**Moved By** Bob Hildebrandt

**Seconded By** Ron Kore

**BE IT RESOLVED THAT Council receive for information the Integrity Commissioner correspondence, File IC-12628-0221;**

**AND THAT Council direct staff to prepare a report recommending options to ensure the municipality is provided a copy of any documents or report provided from the Integrity Commissioner to the complainant or elected official requesting advice;**

**AND THAT staff report back to Council by August 23, 2021.**

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

**Results** **7** **0**

**Carried (7 to 0)**

**10. Presentation & Consideration of Reports**

**10.1 Reports from Members of Council:**

**10.1.1 Councillor Olson**

Councillor Olson briefly discussed a Climate Change and Asset Management program he attended from AMO.

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

**BE IT RESOLVED THAT Councillor Olson's Report regarding Climate Change and Asset Management be received for information.**

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

**Carried (7 to 0)**

**10.1.2 Councillor Haun**

Councillor Haun indicated attending the Niagara Region Transportation Steering Committee meeting are difficult for her schedule and that Councillor Stewart has agreed to be a replacement. Councillor Stewart stated this was correct.

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

**BE IT RESOLVED THAT Councillor Stewart be and is hereby appointed to the Transportation Steering Committee in replacement of Councillor Haun, effective immediately.**

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

**Carried (7 to 0)**

## **10.2 Staff Reports Requiring Action**

### **10.2.1 2020 Year-end Building Department Report, 2021-0084-Corporate Services**

**Moved By** Marianne Stewart

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT Council receive Report #2021-0084 – 2020 Year-end Building Department Report, for information.**

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

**Carried (7 to 0)**

### **10.2.2 2020 Reserve and Reserve Fund Report, 2021-0087-Corporate Services**

**Moved By** Wayne Olson

**Seconded By** Bob Hildebrandt



**BE IT RESOLVED THAT Council receive Report #2021-0087-2020 Reserve and Reserve Fund Report, for information;**

**AND THAT Council direct the 2020 Annual Treasurer’s Statement of Reserve Funds for Development Charges and 2020 Annual Treasurer’s Parkland Dedication Reserve Fund Statement be made available to the public upon request.**

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

**10.2.3 December 2020 Financial Report, 2021-0080-Corporate Services**

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

**BE IT RESOLVED THAT Council receive Report #2021-0080-Corporate Services, December 2020 Financial Report, for information.**

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

**10.2.4 March 2021 Financial Reports, 2021-0082-Corporate Services**

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

**BE IT RESOLVED THAT Council receive Report #2021-0082-Corporate Services, March 2021 Financial Reports, for information.**

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

**Carried (7 to 0)**

**10.2.5 Meridian Community Centre Spectator Video Streaming, Gymnasiums and Rinks, 2021-0091-Recreation**

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

**BE IT RESOLVED THAT Council receive Report #2021-0091 Meridian Community Centre Spectator Video Streaming, Arena and Gymnasiums Report, for information.**

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

**Carried (7 to 0)**

**10.2.6 Traffic Signal Maintenance Agreement with Niagara Region, 2021-0056-Public Works**

**Moved By** Wayne Olson  
**Seconded By** Ron Kore

**BE IT RESOLVED THAT Council receive Report #2021-0056 Traffic Signal Maintenance Agreement with the Niagara Region, for information;**

**AND THAT Council APPROVE the Traffic Signal Maintenance Agreement with the Regional Municipality of Niagara;**

**AND THAT Council AUTHORIZE the renewal of the Traffic Signal Maintenance Agreement with the Regional Municipality of Niagara through the Town of Pelham’s Director of Public Works on an annual basis.**

**AND THAT the Town Clerk be directed to prepare the necessary by-law in accordance with this agreement.**

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

**Carried (7 to 0)**

**10.2.7 St. Catharines Fish Habitat Compensation Project, 2021-0099-Town Solicitor**

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

**BE IT RESOLVED THAT Council receive Report # 2021-0099 – Request from City of St. Catharines for Town of Pelham Consent to Proceed with Fish Habitat Compensation Project in Twelve Mile Creek, for information;**

**AND THAT Council consent to the request from the City of St. Catharines to proceed with a fish habitat compensation project in Twelve Mile Creek in the Town of Pelham.**

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

**BE IT RESOLVED THAT Council refer the report back to staff for further information with respect to necessary steps for approvals and public consultation;**  
**AND THAT Staff report back to Council by June 7th, 2021.**

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

**Carried (5 to 2)**

**10.2.8 Information Report - Second Dwelling Units - What We Heard, 2021-0096-Planning**

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

**BE IT RESOLVED THAT Council receive Report #2021-0096 – Second Dwelling Units: What We Heard, for information.**

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

**Carried (7 to 0)**

**10.2.9 Park Place South Draft Plan of Subdivision and Zoning By-law Amendment May 17 2021, 2021-0098-Planning**

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

BE IT RESOLVED THAT Council receive Report #2021-0098 Park Place South Draft Plan of Subdivision and Zoning By-law Amendment Supplementary Report, for information as it pertains to File Nos. 26T9-02-20 and AM-08-20;

AND THAT Council ratify the motion approved on March 22<sup>nd</sup>, 2021 to reconfigure Blocks 35-39 to allow 4 units vs. 8 units with a minimum 3m side yard for the Park Place South Subdivision;

AND THAT Council directs Planning staff to prepare the by-law for approval of the Zoning By-law amendment for Council’s consideration at the next Council meeting;

AND THAT Council approve the Draft Plan of Subdivision and conditions of draft plan approval as contained in Appendix A and B in this report.

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

**THAT the motion be amended to strike the last 3 paragraphs of the motion and replace with:**

**AND THAT Council rescind the motion to reconfigure Blocks 35-39 to allow 4 units vs. 8 units with a minimum 3m side yard as approved on March 22, 2021;**

**AND THAT Council approve a minimum setback of 7.5m for the back to back townhouses;**

**AND THAT Council directs Planning staff to prepare the by-law for approval of the Zoning By-law amendment as proposed in Report #2021-0052 presented to Council on March 22, 2021 for Council’s consideration at the next meeting;**

**AND THAT Council approve the Draft Plan of Subdivision and conditions draft plan approval as contained Appendix A and B in Report #2021-0052 presented to Council on March 22, 2021.**

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

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

Carried (7 to 0)

**Main Motion as Amended:**

**Moved By** Bob Hildebrandt

**Seconded By** John Wink

**BE IT RESOLVED THAT Council receive Report #2021-0098 Park Place South Draft Plan of Subdivision and Zoning By-law Amendment Supplementary Report, for information as it pertains to File Nos. 26T9-02-20 and AM-08-20;**

**AND THAT Council rescind the motion to reconfigure Blocks 35-39 to allow 4 units vs. 8 units with a minimum 3m side yard as approved on March 22, 2021;**

**AND THAT Council approve a minimum setback of 7.5m for the back to back townhouses;**

**AND THAT Council directs Planning staff to prepare the by-law for approval of the Zoning By-law amendment as proposed in Report #2021-0052 presented to Council on March 22, 2021 for Council’s consideration at the next meeting;**

**AND THAT Council approve the Draft Plan of Subdivision and conditions draft plan approval as contained Appendix A and B in Report #2021-0052 presented to Council on March 22, 2021.**

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

Carried (7 to 0)

**11. Unfinished Business**

12. New Business

Councillor Haun stated Zimmer Air will be using the Niagara Central Dorothy Rungeling Airport for staging in anticipation of the gypsy moth spraying.

13. Presentation and Consideration of By-Laws

Moved By Ron Kore  
Seconded By Bob Hildebrandt

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

- 1. By-law 4348(2021) - Being a by-law to appoint a Town Clerk for the Corporation of the Town of Pelham.**
- 2. By-law 4349(2021) - Being a by-law to appoint Sarah Leach as Deputy Clerk for the Corporation of the Town of 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)		

14. Motions and Notices of Motion

Moved By Marianne Stewart  
Seconded By Bob Hildebrandt

**WHEREAS the Town of Pelham’s Senior Advisory Committee regularly meets to discuss ongoing issues affecting seniors;**  
**AND WHEREAS the Senior Advisory Committee has identified access to essential services, through electronic means only, as an accessibility issue for seniors and vulnerable populations;**  
**AND WHEREAS the Town of Pelham is committed to working with its Seniors Advisory Committee to ensure all seniors and**

**vulnerable populations have access to all essential services by means other than digital, as a duty to accommodate accessibility;**

**NOW THEREFORE BE IT RESOLVED THAT Council for the Town of Pelham requests the Niagara Region and its lower tier municipalities, Niagara Age Friendly Network, Joint Accessibility Advisory Committee, MP Dean Allison and MPP Sam Oosterhoff support requesting the Honourable Raymond Cho, Minister of Seniors and Accessibility of Ontario to review, and take action if necessary, whether the changes of digitizing essential services are barring seniors and vulnerable populations from accessing essential services, and to advocate for seniors and vulnerable populations and their rights to access essential services;**

**AND THAT Council for the Town of Pelham direct the Town Clerk to circulate and request the Niagara Region and its lower tier municipalities, Niagara Age Friendly Network, Joint Accessibility Advisory Committee, MP Dean Allison and MPP Sam Oosterhoff endorse and support this resolution;**

**AND THAT Council for the Town of Pelham direct the Town Clerk to forward any and all received resolutions supporting this endeavour to the Honourable Raymond Cho, Minister of Seniors and Accessibility of Ontario for his information.**

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

- 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 Lisa Haun  
Seconded By John Wink

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

Being a By-law No. 4350(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 17th day of May, 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 Marianne Stewart  
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for June 7, 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

---

Acting Town Clerk: Holly Willford

## SPECIAL COUNCIL MINUTES

**Meeting #:** SC-08-2021  
**Date:** Monday, May 31, 2021, 5:30 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** Lisa Haun  
Bob Hildebrandt  
Ron Kore  
Wayne Olson  
Marianne Stewart

**Regrets** Marvin Junkin  
John Wink

**Staff Present** David Cribbs  
Holly Willford  
Jennifer Stirton

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

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

**2. Approval of the Agenda**

**Moved By** Bob Hildebrandt

**Seconded By** Wayne Olson

**BE IT RESOLVED THAT the agenda for the May 31st, 2021 Special Meeting of Council be adopted as circulated.**

	<b>For</b>	<b>Against</b>
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
<b>Results</b>	<b>5</b>	<b>0</b>

**Carried (5 to 0)**

3. Disclosure of Pecuniary Interest and General Nature Thereof

Ms. Willford, Town Clerk advised Mayor Junkin has declared a pecuniary interest with respect to the first closed session agenda item.

4. Resolution to Move in Camera

Moved By Ron Kore  
Seconded By Lisa Haun

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

- (b) - personal matters about an identifiable individual, including municipal employees;
- (e) - litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
- (f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(1 Item, File L02-02-2021L)

	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
Results	5	0
Carried (5 to 0)		

5. Rise From In Camera

Moved By Lisa Haun  
Seconded By Bob Hildebrandt

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

	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	

Marianne Stewart	X	
<b>Results</b>	<b>5</b>	<b>0</b>

Carried (5 to 0)

6. Confirming By-law

**Moved By** Wayne Olson  
**Seconded By** Lisa Haun  
**BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:**  
  
**Being a By-law No. 4351(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 31st day of May, 2021.**

	<b>For</b>	<b>Against</b>
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
<b>Results</b>	<b>5</b>	<b>0</b>

Carried (5 to 0)

7. Adjournment

**Moved By** Ron Kore  
**Seconded By** Bob Hildebrandt  
**BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next regular meeting scheduled for June 7th, 2021 at 5:30 pm.**

	<b>For</b>	<b>Against</b>
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	

Wayne Olson	X	
Marianne Stewart	X	
<b>Results</b>	<b>5</b>	<b>0</b>
		<b>Carried (5 to 0)</b>

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Deputy Mayor Stewart

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Town Clerk, Holly Willford

Taxes Written-off Under Section 357/358 of the Municipal Act, 2016  
2021

Roll #	Address	Reason	From	To	# of Days Effective	Property Class	Original Assessment	New Assessment	Increase/ Decrease	Rate	Subtotal	Property Total	Total Adjustment
2732 010 016 12510	10 Foss Rd	Vested to Town in 2019, to correct value on roll	2020-10-08	2020-12-31	365	RT	109,000	-	(109,000)	0.01325985	(1,445.32)	(1,445.32)	(1,445.32)
2732 030 019 02300	62 Bacon Lane	Total structure loss due fire	2021-01-01	2021-12-31	365	RT	457,000	120,000	(337,000)	0.01325985	(4,468.57)	(4,468.57)	(4,468.57)
2732 030 019 10000	695 Quaker Rd	Demolished garage	2021-02-18	2021-12-31	317	RT	258,000	229,000	(29,000)	0.01325985	(333.97)	(333.97)	(333.97)
2732 010 016 14300	813 Foss Rd	Demolished shed	2021-01-13	2021-12-31	353	RT	228,000	227,000	(1,000)	0.01325985	(12.82)	(12.82)	(12.82)
2732 010 008 00302	2738 Moyer St	No longer operating a business	2021-01-01	2021-12-31	365	CT	108,000	-	(108,000)	0.02915011	(3,148.21)	(3,148.21)	
2732 010 008 00302	2738 Moyer St	No longer operating a business	2021-01-01	2021-12-31	365	RT	558,000	635,000	77,000	0.01325985	1,021.01	1,021.01	
													(2,127.20)
Total Taxes Written Off Under Section 357/358												(8,387.89)	(8,387.89)

**From:** Making Our Mark <[makingourmark@niagararegion.ca](mailto:makingourmark@niagararegion.ca)>  
**Sent:** Thursday, May 13, 2021 8:55 AM  
**To:** Making Our Mark <[makingourmark@niagararegion.ca](mailto:makingourmark@niagararegion.ca)>  
**Subject:** Draft Niagara Official Plan Policies For Review and Comment

Good Day:

The Niagara Region is developing a new Official Plan (Niagara Official Plan) to guide how Niagara will grow and develop over the next 30 years. Report PDS 17-2021 has been prepared as part of the ongoing work for the Niagara Official Plan (NOP).

The link below will take you to Report PDS 17-2021 and several appendices, which contain Executive Overviews and draft policies for several Sections of the NOP, as well as status updates for Sections for which draft policies have not been developed yet. Many of the policies drafted relate to growth management, servicing, agriculture and aggregates.

Draft policies have not yet been developed for a Natural Environment System, Watershed Planning, Climate Change and Archaeology. Updates are provided on each of these topics. Further, the NOP Introduction and Implementation Sections, including consultation policies, will be developed at a later date.

Additionally, there is significant background to inform the selection of a Natural Environment System option.

Link: <https://www.niagararegion.ca/official-plan/consolidated-policy-report.aspx>

Please also note, Regional staff will be holding a series of Public Information Sessions (PICS) in June 2021 to present important draft policy content/ directions and answer questions. Please check out the website after May 20, 2021 for information pertaining to the PICs should you wish to attend.

The Region seeks comments by **July 2, 2021**. This will allow Staff to consider those comments and report on them in the summer and fall. Additional draft policy will be provided for consultation and opportunity for input.

Best Regards,

**Dave Heyworth, MCIP, RPP**  
Official Plan-Policy Consultant  
Planning and Development Services  
Niagara Region  
Phone: 905-980-6000 ext. 3476 Toll-free: 1-800-263-7215  
[www.niagararegion.ca](http://www.niagararegion.ca)

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## Community Services

### Legislative Services

April 27, 2021

File #120203

Sent via email: [caroline.mulroney@pc.ola.org](mailto:caroline.mulroney@pc.ola.org)

The Honourable Caroline Mulroney, Minister of Transportation  
5th Floor, 777 Bay Street  
Toronto, ON M7A 1Z8

Honourable and Dear Madam:

**Re: Township of The Archipelago - Road Management Action on Invasive Phragmites**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of April 26, 2021 received and supported correspondence from the Township of The Archipelago dated April 9, 2021 requesting the Ontario Ministry of Transportation (MTO) to communicate the strategy on mapping (detecting sites) and controlling invasive Phragmites on provincial highways, the specific highway management plans and results by each MTO region and each highway in the region and work in coordination with the Township of The Archipelago and requests all levels of government to consider funding support to aid the Township of The Archipelago in managing invasive phragmites.

Attached please find a copy of the Township of The Archipelago's correspondence dated April 9, 2021.

Thank you for your attention to this matter.

Yours very truly,

Carol Schofield, Dipl.M.A.  
Manager, Legislative Services/Clerk

[cschofield@forterie.ca](mailto:cschofield@forterie.ca)

CS:dlk

Attach

C.C.

The Honourable Jeff Yurek, Minister of Environment, Conservation and Parks [jeff.yurekco@pc.ola.org](mailto:jeff.yurekco@pc.ola.org)

The Honourable Jonathan Wilkinson, Minister of Environment and Climate Change Canada [ec.ministre-minister.ec@canada.ca](mailto:ec.ministre-minister.ec@canada.ca)

Christopher Balasa, Manager, Maintenance Management Office [Christopher.balasa@ontario.ca](mailto:Christopher.balasa@ontario.ca)

Wayne Gates, MPP, Niagara Falls [wqates-co@ndp.on.ca](mailto:wqates-co@ndp.on.ca)

MPP Norman Miller. [Norm.miller@pc.olg.org](mailto:Norm.miller@pc.olg.org)

Maryann Weaver, Municipal Clerk, Township of The Archipelago [mweaver@thearchipelago.on.ca](mailto:mweaver@thearchipelago.on.ca)

Ontario Municipalities

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Mailing Address:

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

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

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



## Township of The Archipelago

9 James Street, Parry Sound ON P2A 1T4

Tel: 705-746-4243/Fax: 705-746-7301

[www.thearchipelago.on.ca](http://www.thearchipelago.on.ca)

April 9, 2021

21-073

**Moved by Councillor Barton  
Seconded by Councillor Manner**

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**RE: Road Management Action On Invasive Phragmites**

**WHEREAS** *Phragmites australis* (*Phragmites*) is an invasive perennial grass that continues to cause severe damage to wetlands and beaches in areas around the Great Lakes including Georgian Bay; and

**WHEREAS** *Phragmites australis* grows and spreads rapidly, allowing the plant to invade new areas and grow into large monoculture stands in a short amount of time, and is an allelopathic plant that secretes toxins from its roots into the soil which impede the growth of neighboring plant species; and

**WHEREAS** *Phragmites australis* results in loss of biodiversity and species richness, loss of habitat, changes in hydrology due to its high metabolic rate, changes in nutrient cycling as it is slow to decompose, an increased fire hazard due to the combustibility of its dead stalks, and can have an adverse impact on agriculture, particularly in drainage ditches; and

**WHEREAS** invasive *Phragmites* has been identified as Canada's worst invasive plant species by Agriculture and AgriFood Canada; and

**WHEREAS** the Ontario government has made it illegal to import, deposit, release, breed/grow, buy, sell, lease or trade invasive *Phragmites* under the Invasive Species Act; and

**WHEREAS** *Phragmites* occupy over 4,800 hectares of land around Lake St. Clair alone, while 212 hectares of *Phragmites* occupy land along the St. Lawrence River. The Georgian Bay Area is particularly affected by *Phragmites australis*, with more than 700 stands along the shorelines and multiple visible stands on the highways and roads that threaten valuable infrastructure and wetland areas; and

**WHEREAS** volunteers, non-governmental organizations, and various municipalities have invested tens of thousands of dollars in investments and labour annually for more than eight years in executing managements plans to control invasive *Phragmites* on roads, coasts, shorelines and in wetlands; and

**WHEREAS** roads and highways where *Phragmites* that are left untreated become spread vectors that continually risk new and treated wetlands and coastal shoreline areas; and

**WHEREAS** according to “Smart Practices for the Control of Invasive Phragmites along Ontario’s Roads” by the Ontario Phragmites Working Group, best road management practices for Phragmites australis include early detection, herbicide application, and cutting; and

**WHEREAS** these best management practices are most effective when used in a multi-pronged approach as opposed to when used as stand-alone control measures; and

**WHEREAS** mother nature does not recognize political boundaries. Therefore, it is imperative that Municipalities, Districts, the Province, and the Federal government work together in collaboration to eradicate Canada’s worst invasive plant species Phragmites australis;

**NOW THEREFORE BE IT RESOLVED** that Council for the Corporation of the Township of The Archipelago directs its staff to implement best management practices to promote early detection of invasive Phragmites, and to implement best management practices for invasive Phragmites, and to join the Ontario Phragmites Working Group to collaborate on the eradication of Phragmites in Ontario.

**BE IT FURTHER RESOLVED** that Council for the Corporation of the Township of The Archipelago directs staff to insert clean equipment protocols into tenders and that there is oversight that the protocols are followed; and

**BE IT FURTHER RESOLVED** that Council for the Corporation of the Township of The Archipelago requests the Ontario Ministry of Transportation to map and treat invasive Phragmites annually on all its highways; and

**BE IT FURTHER RESOLVED** that the Ontario Ministry of Transportation (MTO) communicates the strategy on mapping (detecting sites) and controlling invasive Phragmites on provincial highways, the specific highway management plans and results by each MTO region and each highway in the region and work in coordination with the Township of The Archipelago; and

**BE IT FURTHER RESOLVED** that Council for the Corporation of the Township of The Archipelago directs its staff to send this resolution to all municipalities that are part of the Georgian Bay watershed, to all municipalities in the Great Lakes watershed, to the Minister of Transportation, Christopher Balasa the Manager, Maintenance Management Office, and MPP Norman Miller.

**BE IT FINALLY RESOLVED** that Council for the Corporation of the Township of The Archipelago requests all levels of government to consider funding support to aid the Township of The Archipelago in managing invasive phragmites; and directs staff to send a copy of this resolution to the Ontario Minister of Environment, Conservation and Parks and the Minister of Environment and Climate Change Canada.

**Carried.**

**THE TOWNSHIP OF GEORGIAN BAY**  
**Council**

DATE: 10 May 2021

	YEA	NAY	
Councillor Bochek	_____	_____	MOVED BY: <u>Jarvis</u>
Councillor Cooper	_____	_____	
Councillor Douglas	_____	_____	SECONDED BY: <u>Cooper</u>
Councillor Hazelton	_____	_____	
Councillor Jarvis	_____	_____	
Councillor Wiancko	_____	_____	
Mayor Koetsier	_____	_____	

**DEFERRED** \_\_\_\_\_ **CARRIED**   X   **DEFEATED** \_\_\_\_\_ **REFERRED** \_\_\_\_\_

BE IT RESOLVED THAT Council endorse the Township of The Archipelago Resolutions 21-073 regarding road management action on invasive phragmites.

**Peter Koetsier**  
Mayor

## **Board of Directors Meeting Highlights – May 21<sup>st</sup>, 2021**

On Friday May 21st, 2021, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) held its regular monthly meeting electronically. Highlights from the meeting included:

### **2020 Audited Financial Statements & Audit Findings**

The Board received a presentation from the NPCA's Auditor, Scott Plugers of KPMG LLP and approved the 2020 Audited Financial Statements and the 2020 Audit Findings Report.

### **Vacant and Surplus Lands in Niagara-on-the-Lake – Letter from Regional Chair Jim Bradley**

The Board of Directors endorsed correspondence received from the Niagara Regional Chair Jim Bradley, addressed to the Minister of Transportation of Ontario, the Honourable Caroline Mulroney, and the federal Minister of Transport, the Honourable Omar Alghabra, regarding the creation of an Eco Park in the Glendale District of Niagara-on-the-Lake. The Board requested that the NPCA's letter of endorsement be sent to the federal Minister of Transport, provincial Minister of Transportation as well as copied to all parties noted in Chair Bradley's correspondence. The Board also directed that separate correspondence from the NPCA Chair and CAO be sent to the four Members of Parliament within the watershed encouraging them to actively pursue this transaction.

### **Binbrook Conservation Area Capital Funding Plan Update**

The Board received an update on the Binbrook Capital Projects funded by the City of Hamilton. A budget of \$1.210M was put in place to support capital projects at the Binbrook Conservation Area. Total expenditures incurred by the end of the 2020 fiscal year totaled \$138,873.72 with present and future projects to be funded by the City of Hamilton over a 15-year repayment period.

### **NPCA Officer Appointments**

The Board approved the appointment of three NPCA officers under the Conservation Authorities Act to better enable enforcement of Section 29 of the Act, for the protection and preservation of NPCA land holdings. Their roles are an essential addition at this time due to a marked increase of visitors to NPCA conservation areas over the past three years. Due to these staff appointments, the NPCA will be better equipped to address, respond to, and manage the increase in visitation to NPCA conservation areas, while ensuring the health and safety of visitors and staff through effective enforcement of NPCA rules and regulations.

### **Natural Resources Canada - 2 Billion Trees Request for Information (RFI)**

The Board approved the NPCA's proposal as part of the Natural Resources Canada's 'Growing Canada's Forests' 2 Billion Trees initiative Request for Information (RFI). The NPCA engaged with local and regional stakeholders for support in this endeavor. The main strategy of the RFI response is to communicate to the federal government a strong local partnership aspiring to collaborate towards a large-scale tree planting program that is supported by science.

## **2021 Operating and Capital Budgets**

The Board approved the Final 2021 Operating and Capital Budgets for the NPCA. Additionally, the funding of 6 projects in the amount of \$1,757,204 were approved to be funded from reserves, following the Board-approved Reserve Policy. Further, Staff requested authorization to address critical pressures as funding becomes available.

### **Links to Agendas, Minutes and Video:**

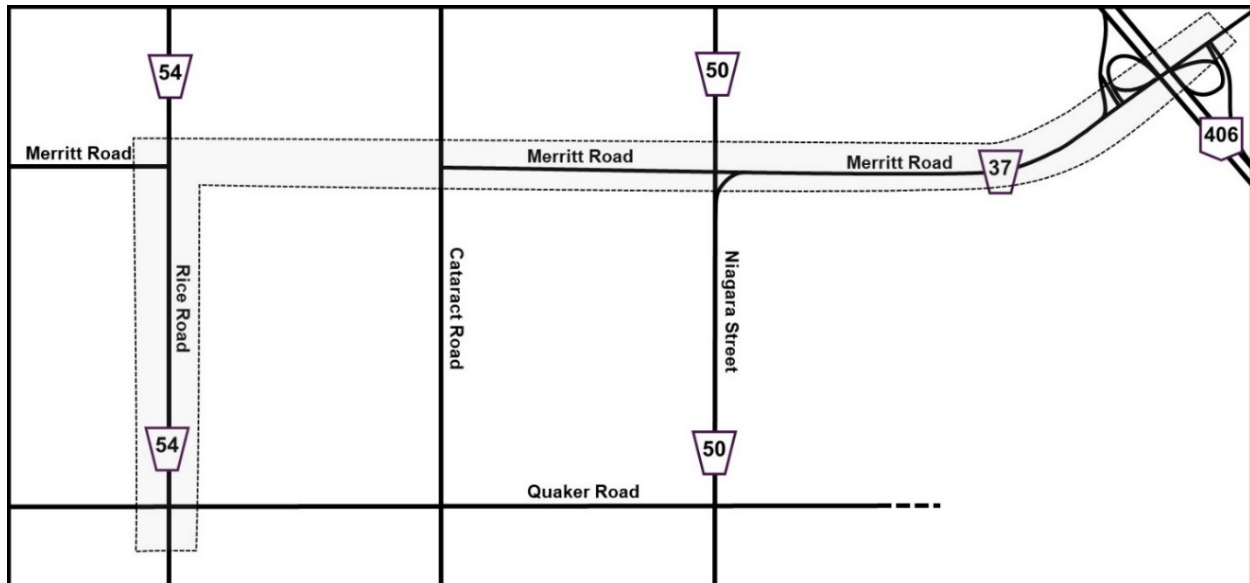
<https://npca.ca/administration/board-meetings>

## Notice of Online Public Information Centre #2

### Municipal Class Environmental Assessment for Merritt Rd. (RR 37) and Rice Rd. (RR 54) in Pelham, Thorold and Welland

#### The Study

The Regional Municipality of Niagara (Niagara Region) is undertaking an Environmental Assessment (EA) Study for improvements to Merritt Road and Rice Road as a result of proposed developments in the Town of Pelham, the City of Thorold and the City of Welland.



This study will build on the recommendations of the Niagara Region's Transportation Master Plan (TMP), which included the following:

- Extension of Merritt Road between Regional Road 54 (Rice Road) and Cataract Road;
- Capacity improvements of Merritt Road from Cataract Road to Highway 406; and,
- Capacity improvements to Regional Road 54 (Rice Road) from 200 meters north of Merritt Road to Quaker Road.

The Study will aim to identify improvements to the two roadways to meet the future needs of the surrounding community for all road users. The study will address active transportation needs by providing dedicated pedestrian and cyclist infrastructure that is safe, attractive, conform to a complete streets approach, and compatible with the changing land use in the three local municipalities.

## The Process

The study is being carried out as a Schedule 'C' project in accordance with the requirements of the Municipal Class EA process, which is an approved process under the Ontario Environmental Assessment Act. This study will address the requirements of Phases 1 to 4 of the Municipal Class EA process. Once the study is complete, an Environmental Study Report will be prepared and available for public review and comment. A Notice of Completion will be issued at that stage.

## You are invited to participate!

Consultation with the public, Indigenous Nations, regulatory agencies and stakeholders is a key element of the Class EA process. The Public Information Centre (PIC) #1 was held from March 24, 2021 to April 7, 2021 to introduce the Study. A Summary Report documenting the comments received from PIC #1 and Study Team's responses is provided on the [project webpage](#).

The Niagara Region is now planning to host the **PIC #2** for this study. The purpose of this PIC is to share information about the study, the evaluation of alternative solutions, the preferred solution and obtain input for consideration into the Study. The PIC #2 will be held in an **online format** via project webpage.

You are invited to **attend the Online Presentation on Wednesday, June 9, 2021**, starting at **6:00 pm**. There will be an opportunity at the end of the presentation to ask any questions or submit comments. To join the online presentation, please visit the [project webpage](#) on the day of presentation and click on the presentation link. In addition, the information materials related to the PIC #2 will be available on the project webpage starting June 9, 2021, and comments will be received until **June 30, 2021**.

## Stay Connected!

If you would like to receive future notices via email, or if you have any questions or comments, please contact one of the Study Team Members identified below:

**Maged Elmadhoon, M.Eng., P.Eng.**

Manager, Transportation Planning

Niagara Region

905-980-6000 ext. 3583

[Maged.Elmadhoon@niagararegion.ca](mailto:Maged.Elmadhoon@niagararegion.ca)

**Jeff Suggett, M. Sc.**

Consultant Project Manager

Wood Environment & Infrastructure Solutions

905-380-3601

[Jeff.Suggett@woodplc.com](mailto:Jeff.Suggett@woodplc.com)

Information will be collected in accordance with the Freedom of Information and Protection of Privacy Act. With the exception of personal information, all comments will become part of the public record.





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**Street Address:**  
Campbell East  
1815 Sir Isaac Brock Way  
Thorold ON

Phone: 905-682-9201  
Toll Free: 1-800-232-3292  
(from Grimsby and beyond Niagara region only)

Main Fax: 905-687-4844  
Fax – Applications: 905-935-0476  
Fax – Contractors: 905-682-8301  
Web site: [www.nrh.ca](http://www.nrh.ca)

May 28, 2021

Ann-Marie Norio, Regional Clerk  
Niagara Region  
1815 Sir Isaac Brock Way  
Thorold, ON L2V 4T7

Dear Ms. Norio,

At their May 26, 2021 meeting, the Niagara Regional Housing Board of Directors passed the following motion as recommended in attached report NRH 8-2021:

***That Niagara Regional Housing Quarterly Report January 1 to March 31, 2021 be APPROVED and FORWARDED to the Public Health and Social Services Committee and subsequently to Regional and Municipal Councils for information.***

Your assistance is requested in moving report NRH 8-2021 through proper channels to Regional Council.

Sincerely,

Councillor Walter Sendzik  
Chair



## Q1 (January 1 to March 31, 2021) to Board of Directors

### Recommendation:

**That Niagara Regional Housing Quarterly Report January 1 to March 31, 2021 be APPROVED and FORWARDED to the Public Health and Social Services Committee and subsequently to Regional and Municipal Councils for information.**

Submitted by:

A handwritten signature in black ink, appearing to read 'Donna Woiceshyn', written over a horizontal line.

Donna Woiceshyn  
Chief Executive Officer

Approved by:

A handwritten signature in black ink, appearing to read 'Walter Sendzik', written over a horizontal line.

Walter Sendzik  
Chair

### Directors:

**Walter Sendzik, Chair**  
Regional Councillor  
St. Catharines

**Gary Zalepa, Treasurer**  
Regional Councillor  
Niagara-on-the-Lake

**Tom Insinna**  
Regional Councillor  
Fort Erie

**James Hyatt, Vice-Chair**  
Community Director  
St. Catharines

**Betty Ann Baker**  
Community Director  
St. Catharines

**Betty Lou Souter**  
Community Director  
St. Catharines

**Karen Blackley, Secretary**  
Community Director  
Thorold

**Barbara Butters**  
Regional Councillor  
Port Colborne

**Leanne Villella**  
Regional Councillor  
Welland

**HIGHLIGHTS:**

**Application Activity**

**610** received & processed



**Work Orders**

**2,532** issued



**Capital Program**

26 purchase orders issued  
11 service contract tenders closed  
19 projects ongoing



**Rent Arrears**

**= \$113,634.13**  
or **8.79%** of the monthly rent charges



**Community Resources & Partnerships**

offered supports to  
**398**  
new referrals



**13**  
partners

**Non-Profit Housing Programs**

**61%** deemed HEALTHY



**Rent Supplement / Housing Allowance**

**1,702** units  
**29** new landlords



**Niagara Renovates**

- 2021-2022 inspections commenced
- 14 homeowners are approved for funding



**Welcome Home Niagara**

**4**  
homeowners received assistance



**Housing First Project**

**6**  
Individuals / families housed



**Appeals**

**= 8** 7 upheld  
1 overturned



**New Development**

Hawkins/Dell

- approximately 53% complete



## VISION

That the Niagara community will provide affordable, accessible and quality housing for all residents

## MISSION

To expand opportunities that make affordable housing an integral part of building healthy and sustainable communities in Niagara

As the administrator of social housing for Niagara Region, Niagara Regional Housing (NRH) works to fulfill our vision and mission through six main areas of responsibility:

1. [Public Housing \(NRH Owned Units\)](#)
2. [Non-Profit Housing Programs](#)
3. [Rent Supplement Program](#)
4. [Affordable Housing Program](#)
5. [Service Manager Responsibilities](#)
6. [Housing Access Centre and Centralized Waiting List](#)



**Definitions** can be found in the attached Reference Sheet.

## 1. Public Housing (NRH Owned Units)

### DAY-TO-DAY MAINTENANCE:

In Q1, **2,532 work orders** were issued, representing \$383,278.90. \$16,688 of this amount was charged back to tenants who were held responsible for damages.

	2020-Q1	2020-Q2	2020-Q3	2020-Q4	2021-Q1
<b># of work orders issued</b>	2,575	2,302	2,656	2,500	2,532

Work orders continued to be lower due to COVID-19 with a slight increase in Q1; emergency maintenance continued within COVID guidelines.

## **CAPITAL PROGRAM:**

The Capital Program is responsible for maintaining the Public Housing (NRH Owned Units) asset and planning for future sustainability.

In Q1, 26 purchase orders were issued and 11 service contract tenders closed.

The Capital Program was responsible for 19 capital projects and 28 purchase orders valued at \$3,214,884:

- Projects
  - 479 Carlton Street – window replacements and wall system repairs
  - Scott Street – window replacements
  - 45 Ormond Street – window replacements
  - 15 Gale Crescent – parking lot replacement
  - 30 Robinson Street – exterior insulation and finish system
  - 4278 Huron Street – exterior insulation and finish system
  - 52 Ormond Street North – building renovations
  - 10 Old Pine Trail – bathroom replacements
  - Powerview Avenue/Galbraith Street/Wallace Street – bathrooms
  - 300 Davy Street – parking lot replacement
  - 3874 Portage Road – parking lot replacement
  - 124 Elmview Street – elevator modifications
  - 211 King Street – elevator modifications
  - Various locations - upgrading heating systems
- 27 RFPs and RFQs – various consulting services, elevator investigations, health and safety repairs, structural repairs, roof replacement and pavement retrofits

As of March 31, 2021, \$8,275,274 of the 2020 & 2021 budgets (\$15,534,858), excluding emergency, has been committed and or actually spent (53%).

## **TENANT MOVE OUTS:**

### **Move Outs By Reason**

Health	6
Long Term Care Facility	5
Deceased	18
Private Rental	3
Voluntarily Left Under Notice	2
Eviction – Tribunal	3

NRH Transfer	5
Moved to Coop or Non-Profit	0
Bought a House	0
Left Without Notice	0
Other/None Given	7
Cease to Qualify	0
<b>TOTAL</b>	<b>49</b>

## Q1 (January 1 to March 31, 2021)

In Q1, there were **49 move outs**. Two involved eviction orders granted under the Ontario Landlord Tenant Board (LTB) for Arrears and were enforced by the Sherriff.

	2020-Q1	2020-Q2	2020-Q3	2020-Q4	2021-Q1
# of move outs	62	57	90	68	49

### ARREARS:

NRH Housing Operations actively works to reduce rent arrears but saw a continued increase in 2020-Q4 due to COVID-19 and tenants not paying rent due to the provincial no eviction order.

	Mar 31, 2020	Jun 30, 2020	Sept 30, 2020	Dec 31, 2020	Mar 31, 2021
Rent charges for the month	\$1,302,721.00	\$1,289,907.00	\$1,295,815.00	\$1,309,353.00	\$1,292,287.00
Accumulated rent arrears	\$71,135.25	\$110,958.69	\$113,204.57	\$115,555.92	\$113,634.13
Arrears %	5.46%	8.60%	8.74%	8.80%	8.79%

### INSURANCE:

In Q1, there was one property damage claim expected to exceed the \$25,000 deductible and three notice of claims delivered.

### COMMUNITY RESOURCES AND PARTNERSHIPS:

Due to COVID-19, in Q1, we had partnerships with **13 community agencies** across Niagara. As a result of these partnerships, **199 units<sup>1</sup> of support and enrichment activities** were offered to tenants at NRH sites. Each partnership contributes to tenant lives and, in turn, the success of the Public Housing community as a whole.

In order to comply with COVID restrictions, partners continued to focus on virtual programming and care package deliveries to support tenants in Public Housing units, including fruit baskets, hygiene kits, grocery deliveries and activity kits. In January, NRH partnered with Niagara Emergency Medical Services to bring flu vaccines to seniors in Centre Street (St. Catharines) and Portage Road, Huron Street and Ailanthus Avenue (Niagara Falls). In March, the Community Resource Unit partnered with Niagara Region Community Services Seniors Programs and Social Assistance and Employment Opportunities (SAEO) to assist seniors over 80 years old to book COVID vaccines and arrange transportation to the clinics.

Also during Q1, CPCs offered supports to **398 new referrals of tenants in need of assistance**. Of those new referrals, **45% were considered medium-high need**, (e.g. child safety concerns, eviction, social issues, cognitive concerns). In particular, social issues

<sup>1</sup> Tracking for support and enrichment activities has changed – we are now tracking this by units. Each time a partner is in a community providing a support and enrichment program or activity, it is counted as one unit.

continued to increase in NRH and Housing Provider communities, many of which stemmed from issues regarding noise. With stay-at-home orders, tenants and members are now home and more aware of, and sensitive to, the sounds of living in close quarters. NRH Community Programs Coordinators (CPCs) attempt to mediate as much as possible to prevent these issues from escalating.

Eviction Prevention and supports have been extended to Housing Providers and the Rent Supplement program on a pilot basis through Ontario Priorities Housing Initiative (OPHI) funding. There is one full-time Community Program Coordinator (CPC) for Non-Profits/Co-operatives and one dedicated half to Rent Supplement and half to assisting with NRH-Owned units.

## 2. Non-Profit Housing Programs

As administrator of social housing for Niagara Region, NRH provides legislative oversight for **57 Non-Profit Housing Programs (non-profit and co-operative)**. Operational Reviews are conducted to determine the overall health of each.

	2020-Q1	2020-Q2	2020-Q3	2020-Q4	2021-Q1
<b>Healthy</b>	37	37	38	36	35
<b>Routine Monitoring</b>	21	21	18	18	17
<b>Intensive Monitoring</b>	0	0	2	3	2
<b>Pre-PID (Project in Difficulty)</b>	1	1	1	1	2
<b>PID (Project in Difficulty)</b>	1	1	1	1	1
<b>TOTAL</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>59</b>	<b>57</b>

NRH Programs continue to support Providers to keep operations going during COVID. Working toward End of Mortgage (EOM)/End of Operating Agreements (EOA) for Providers, the Loan and Grant Program was rolled out; any recipients will remain a part of Housing Services for an additional 15 years. This preservation of units is essential. January 1, 2021 marked the end of agreement with Joi de Vivre, a Federal provider. Despite the end of agreement, they will continue to maintain their rent supplement units resulting in a net loss of only five units.

## 3. Rent Supplement Program

### Rent Supplement/Housing Allowance

In the Rent Supplement program, tenants pay 30% of their gross monthly income directly to the private landlord and NRH subsidizes the difference up to the market rent for the unit. The Housing Allowance program is a short-term program that provides a set allowance to help applicants on the wait list. In Q1, there were **1,702 Rent Supplement/Housing Allowance units** across Niagara.

### Canada-Ontario Housing Benefit (COHB)

The COHB is a portable rent benefit that helps applicants on the Centralized Waiting List pay their rent to their current landlord in the private market. NRH sends applications to the Ministry of Municipal Affairs and Housing on behalf of Niagara residents in need of housing. At the end of 2021-Q1, **268 of these applications had been accepted.**

### In-Situ Rent Supplement

An In-Situ Rent Supplement program has been developed to engage new landlords and offer applicants on the Centralized Waiting List an opportunity to receive Rent-Geared-to-Income assistance where they currently live. This removes the need for moving related expenses and broadens the network of landlords in business with NRH. In Q1, NRH initiated new agreements with **29 new landlords.**

	2020-Q1	2020-Q2	2020-Q3	2020-Q4	2021-Q1
<b>Fort Erie</b>	32	31	31	30	27
<b>Grimsby</b>	18	22	21	21	23
<b>Lincoln (Beamsville)</b>	14	14	12	12	12
<b>Niagara Falls</b>	237	226	220	213	218
<b>Niagara-on-the-Lake</b>	5	4	4	.8	10
<b>Pelham</b>	17	17	17	17	17
<b>Port Colborne</b>	67	64	61	60	60
<b>St. Catharines</b>	798	751	712	701	715
<b>Thorold</b>	61	61	61	61	66
<b>Welland</b>	192	259	302	284	270
<b>West Lincoln</b>	16	16	16	16	16
<b>COHB Region-wide</b>			206	245	268
<b>TOTAL</b>	<b>1,457</b>	<b>1,465</b>	<b>1,663</b>	<b>1,668</b>	<b>1,702</b>

Variance in the Rent Supplement program are a reflection of fluctuation between agreements ending and new agreements taken up with landlords.

## 4. Affordable Housing Program

### NIAGARA RENOVATES PROGRAM:

The Niagara Renovates program provides assistance to low-to-moderate income homeowners for home repairs, accessibility modifications and the creation of secondary suites in single family homes. NRH received \$651,871 through the Ontario Priorities Housing Initiative (OPHI) for all three streams of the program.

Inspections for new applicants for the 2021-2022 funding cycle have commenced. Inspections of completed work are being verified by homeowner photographs. Formal inspections will take place as soon as possible and will include all areas inside and outside of the home to ensure



compliance with program guidelines. Issues will be identified and a detailed Inspection Report provided to the homeowner.

As of the New Year, new applications are beginning to be processed in order to begin work as quickly as possible in the spring.

**14 homeowners** are currently approved for funding and NRH is working toward streamlining the program as we become more proficient at working under the COVID rules.

## HOMEOWNERSHIP PROGRAM – “WELCOME HOME NIAGARA”:

The Homeownership program assists low-to-moderate income rental households to purchase their first home by providing a down payment loan.

In April 2020, NRH received \$100,000 through the Ontario Priorities Housing Initiative (OPHI) program.

In Q1, **four homeowners** received assistance through Welcome Home Niagara.

	2020-Q1	2020-Q2	2020-Q3	2020-Q4	2021-Q1
# of homeowners assisted	4	5	7	7	4

## HOUSING FIRST PROGRAM:

The Housing First program helps people move quickly from homelessness to their own home by providing supports to help difficult to house individuals find and keep housing.

In Q1, **six individuals/families** were housed through the Housing First program. Since 2012, Housing First has helped 486 individuals/families.

	2020-Q1	2020-Q2	2020-Q3	2020-Q4	2021-Q1
# of individuals/families housed	13	9	7	13	6
# of Housing First units (at quarter end)	199	201	195	187	97 <sup>2</sup>

17 of these Housing First units were created with NRH’s new development at 527 Carlton Street in St. Catharines.

<sup>2</sup> Previous stats for Housing First (2012 to the end of 2020) included the original pilot agency numbers. With the New Housing First Agreement, pilot agencies continue to support their clients but are no longer considered Housing First – as a result, those stats have been removed from the numbers reported.

**RENTAL HOUSING (NEW DEVELOPMENTS & OTHER ACQUISITIONS):**

<b>Project</b>	<b>Description</b>	<b>Current Phase</b>	<b>Timeline</b>	<b>Development Cost</b>
<b>1. Niagara Falls – NRH – Hawkins Avenue</b>	Two 3-storey apartments with 73 units (building A = 55 units; building B = 18 units)	Construction – buildings weather-tight	Occupancy January	\$21 million
<b>2. Welland – NRH – York Street &amp; Duncan Street (POA land)</b>	4-storey apartment – Modular construction with 32 units, as per current Schematic Design	Rapid Housing Initiative (RHI) funding application submitted Dec. 2020; unsuccessful at this time	Project is currently delayed until future RHI funding round(s) or alternate funding sources confirmed; anticipated 10-month construction schedule	\$10.4 million
<b>3. Niagara Falls – NRH / Community Services</b>	Retrofit / Conversion of 2-storey historic building to 20 transitional housing units with on-site medical services and support programs	Design complete; tender issued for Design-Build contractor	Occupancy required December 2021	\$2.9 million
<b>4. Niagara Falls – NRH / Community Services</b>	Retrofit / Conversion of 2-storey motel to 25 shelter units	Property acquired by NRH; tenders for Design & Construction to be issued by June 2021	Occupancy required December 2021	\$3.94 million
<b>5. Thorold Municipal Non-Profit</b>	5-storey apartment with 60 units	Full Design Phase & Site Plan Agreement	Break ground May 2021; occupancy December 2022	\$18 million; this project has been approved for \$4.6 million in funding for brownfield remediation through the PTIF-SCF Small Communities Fund.

## Q1 (January 1 to March 31, 2021)

Project	Description	Current Phase	Timeline	Development Cost
<b>6. Fort Erie (NRH currently retained as Project Manager)</b>	10-storey apartment with 62 units	Schematic design complete; Official Plan & Zoning Amendment applications to be submitted Dec. 2020; Federal Co-Investment funding application in progress	Break ground November 2021; occupancy March 2023	\$18.6 million
<b>7. Port Colborne (NRH currently retained as Project Manager)</b>	Multi-unit apartment with 40 units	Initiation – land acquisition / rezoning & Seed funding application	Break ground April 2022; building completion July 2023	\$13 million
<b>8. Smithville (NRH currently retained as Project Manager)</b>	Multi-unit apartment with 60 units	Initiation – business case & Seed Funding application	Break ground April 2022; building completion August 2023	\$19.5 million
<b>9. Welland – CCHN (Charitable Cultural Holdings Niagara) &amp; Rankin</b>	Affordable housing apartment building (CCHN) with 90 units; Market condo building (Rankin) with 30 units	City of Niagara Falls currently developing RFP	Break ground May 2021; occupancy June 2022	Unknown
<b>10. Regional negotiated RFP – various owners</b>	Niagara Region negotiated RFP for housing development – three projects have been selected, representing 175 units total; 37%, or 65 units, to be affordable	Design phase	TBD	\$1.7 million to be divided between three proposed projects

## Q1 (January 1 to March 31, 2021)

Project	Description	Current Phase	Timeline	Development Cost
<b>11. City of Niagara Falls RFP</b>	Affordable housing apartment with 200 units – NRH to provide 50 subsidized RGI units	City of Niagara Falls currently developing RFP	TBD	\$60 million
<b>12. St. Catharines &amp; Thorold – Oonuhseh Niagara Native Homes</b>	Affordable 4-plex in St. Catharines; Duplex in Thorold with 6 units total	Construction	Occupancy April 2021	Unknown
<b>13. Welland – Southridge Community Church</b>	3 acres of 5-acre owned land available for “Pocket Neighbourhood”; small, detached (tiny homes?) – 24 units	Planning & Funding	TBD	Unknown
<b>14. St. Catharines – Local 175</b>	Family townhomes; 70 units	Ownership April 30 2021	TBD	Unknown

## Q1 (January 1 to March 31, 2021)

### AFFORDABLE HOUSING UNIT #'S BY MUNICIPALITY:

Fort Erie		Grimsby		Lincoln (Beamsville)		Niagara Falls	
NRH Owned	116	NRH Owned	55	NRH Owned	61	NRH Owned	884
Housing Providers	354	Housing Providers	0	Housing Providers	41	Housing Providers	828
Rent Supplement	44	Rent Supplement	23	Rent Supplement	14	Rent Supplement	274
New Development	0	New Development	0	New Development	0	New Development	140
NOTL		Pelham		Port Colborne		St. Catharines	
NRH Owned	40	NRH Owned	0	NRH Owned	88	NRH Owned	1,017
Housing Providers	0	Housing Providers	0	Housing Providers	139	Housing Providers	1,606
Rent Supplement	8	Rent Supplement	20	Rent Supplement	71	Rent Supplement	796
New Development	0	New Development	0	New Development	35	New Development	346
Thorold		Welland		West Lincoln (Smithville)		Region-wide	
NRH Owned	29	NRH Owned	394	NRH Owned	0	NRH Owned	2,684
Housing Providers	85	Housing Providers	425	Housing Providers	86	Housing Providers	3,564
Rent Supplement	70	Rent Supplement	341	Rent Supplement	16	Rent Supplement	1,677
New Development	46	New Development	167	New Development	0	New Development	734*

Note: there are no affordable housing units in Wainfleet

\*166 New Development units are NRH Owned

as at December 31, 2020

## 5. Service Manager Responsibilities

### APPEALS:

In Q1, NRH continued to hear appeals virtually. This process has been going well and **eight appeals** were heard (seven upheld, one overturned).

	2020-Q1	2020-Q2	2020-Q3	2020-Q4	2021-Q1
# of appeals	11	0	15	15	8

### INVESTMENTS:

See Addendum #1.

## 6. Housing Access Centre & Centralized Waiting List

### APPLICATION ACTIVITY:

# of Applications Received & Processed	610	# of Eligible Applications	589
# of Special Provincial Priority Status Applications	65	# of Ineligible Applications	21
# of Urgent Status Applications	99	# of Cancelled Applications	236
# of Homeless Status Applications	104	# of Applicants Housed	168

In Q1, **236 households were removed** from the Centralized Waiting List because they were no longer eligible, they found alternate housing or we were unable to make contact.

## Q1 (January 1 to March 31, 2021)

NRH 8-2021

21-199-3.4.

May 26, 2021

Page 13 of 14

### CENTRALIZED WAITING LIST:

CENTRALIZED WAITING LIST:		2020- Q1	2020- Q2	2020- Q3	2020- Q4	2021- Q1
		# of households				
A	Rent-Geared-to-Income (RGI) waiting list:					
	Niagara resident RGI waiting list	5,322	5,264	5,296	5,425	5,507
	Applicants from outside of Niagara	1,045	1,078	1,129	1,173	1,204
TOTAL RGI waiting list:		6,367	6,342	6,425	6,598	6,711
	Housing Allowance: a set allowance to help applicants on the waiting list with affordability in the private market until housed in an RGI unit	739	723	702	669	648
A1	RGI waiting list demographics:					
	Seniors	2,514	2,487	2,506	2,557	2,564
	Adults no dependents	2,041	2,026	2,049	2,137	2,172
	Adults with dependents	1,812	1,829	1,870	1,904	1,975
A2	RGI list further segmented (#’s included in A & A1):					
	SPP – Special Provincial Priority (Ministry Priority): helps victims of violence separate permanently from their abuser	146	142	128	132	116
	URG – Urgent (Local Priority): for applicants with mobility barriers and/or extreme hardship where their current accommodation puts them at extreme risk and/or causes hardship	152	144	135	153	152
	HML – Homeless (Local Priority): provides increased opportunity for placement to homeless households	1,145	1,119	1,134	1,146	1,132
	SUP – Supportive/Transitional: provides targeted, provisional services to assist individuals to transition beyond basic needs to more permanent housing	23	10	11	11	10
B	In addition, NRH manages:					
	Overhoused: households who are living in subsidized accommodation with more bedrooms than they are eligible for	176	173	157	145	145
	Transfer: households who are currently living in subsidized accommodation and have requested a transfer to another provider	635	637	660	656	675
TOTAL RGI households on waiting list managed by NRH:		7,178	7,152	7,242	7,399	7,531
C	NRH maintains a waiting list for market rent units (62 Non-Profit Housing Programs):					
	Market: applicants who have applied for a market rent unit in the Non-Profit Housing Programs portfolio	810	805	808	829	861
TOTAL households on waiting list managed by NRH:		7,988	7,157	8,050	8,228	8,392
TOTAL individuals on waiting list managed by NRH:		14,197	14,180	14,429	14,737	15,125

**Note:** the above chart includes only those who apply to the Centralized Waiting List and does not capture the full number of those in need of affordable housing in Niagara.

**ESTIMATED WAIT TIMES:**

CITY	SENIORS Age 55 and older		SINGLES Age 16-54		HOUSEHOLDS WITH DEPENDENTS			
	Bachelor	1 Bed	Bachelor	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed
	Y E A R S							
Fort Erie	-	11	3	7	2	2	6	-
Grimsby	-	5	-	-	-	-	-	-
Lincoln	-	6	-	10	6	10	-	-
Niagara Falls	5	7	-	18	5	5	12	16
Niagara-on-the-Lake	-	6	-	-	-	-	-	-
Port Colborne	-	8	-	12	5	3	4	-
St. Catharines	-	5	9	16	3	3	3	11
Thorold	-	7	-	13	3	11	-	-
Welland	-	6	7	16	7	3	8	7
West Lincoln	-	5	-	-	10	6	-	-

- no units of this size available in this community

January 2020

Please note:

- wait time information can fluctuate and is an approximation only
- wait times may not reflect the actual time one may wait for affordable housing



## Quarterly Report on Cash / Investments for Period Ending March 31, 2021

	This Quarter Balance	Last Quarter Balance	Variance \$	Variance %	Comments
<b>CURRENT BANK ACCOUNT</b>					
Royal Bank account used for day-to-day operations for the owned units. Also to cash flow various short terms programs funded by Prov and Fed gov't usch as development, homeownership and capital repair programs.	6,028,120	12,898,157	(6,870,037)	-53.26%	Since the February 2016 transition to PeopleSoft, day-to-day accounts payable transactions are paid by the Region through PeopleSoft. Reconciliation of the due to the Region account will be performed on a quarterly basis to transfer amounts due to the Region.

<b>INVESTMENTS</b>					
Various investment vehicles are used to protect and optimize the cash that is held for specified purposes. Investments are both short-term and long-term in nature. These funds are intended to ensure continued growth without capital erosion by inflation.					
<b>Current Investments:</b>					
RBC High Interest Savings Account	2,921,885	2,920,510	1,374	0.05%	
1 Year GIC, \$1,530,000; due date is 10/21/2021; interest rate of 0.5% to 0.75%	1,534,367	1,531,926	2,441	0.16%	
2 Year GIC, \$1,530,000; due date is 10/21/2022; interest rate of 0.7% to 0.75%	1,534,923	1,532,171	2,751	0.18%	
Bond, \$499,887, maturity date is 10/16/2022; Yield to maturity of 0.47%	500,492	500,047	444	0.09%	
<b>Total</b>	<b>6,491,666</b>	<b>6,484,655</b>	<b>7,011</b>	<b>0.11%</b>	

# Q1 Report on Reserves as at March 31, 2021

Description	Balances at December 31, 2020	Year-to-date Net Transfers from (to) Operating	Year-to-date Capital Transfers	Balance at March 31, 2021	Forecasted Net Transfers Forecast from (to) Operating	Forecasted Capital Transfers	Forecasted Balance at December 31, 2021
<b>NRH Owned Units Public/Local Housing Corp:</b>							
Jubilee/Broad oak	359,569	18,000	-	377,569	54,000	-	431,569
Fitch Street	439,040	22,250	-	461,290	66,750	-	528,040
Carlton	291,000	20,250	-	311,250	60,750	-	372,000
Roach	-	4,208	-	4,208	12,623	-	16,830
Welland Ave	-	-	-	-	93,750	-	93,750
Other Owned Units	4,181,976	618,639	(962,072)	3,838,543	1,855,916	116,821	5,811,281
<b>NRH Owned Units Public/Local Housing Corp TOTAL</b>	<b>5,271,585</b>	<b>683,346</b>	<b>(962,072)</b>	<b>4,992,860</b>	<b>2,143,789</b>	<b>116,821</b>	<b>7,253,470</b>
<b>Niagara Regional Housing:</b>							
Emergency Capital Funding for Housing Providers	4,740,195	291,482	-	5,031,677	874,445	-	5,906,122
Title Normalization for NRH Owned Units	712,381	-	-	712,381	-	-	712,381
New Initiatives, other social housing purposes and any new deposits are added to this category	1,252,310	-	-	1,252,310	-	-	1,252,310
<b>Niagara Regional Housing TOTAL</b>	<b>6,704,886</b>	<b>291,482</b>	<b>-</b>	<b>6,996,368</b>	<b>874,445</b>	<b>-</b>	<b>7,870,813</b>
<b>Total NRH Capital Reserves</b>	<b>\$ 11,976,471</b>	<b>\$ 974,828</b>	<b>\$ (962,072)</b>	<b>\$ 11,989,228</b>	<b>\$ 3,018,234</b>	<b>\$ 116,821</b>	<b>\$ 15,124,283</b>
<b>NRH Rent Supplement:</b>	249,301	(4,750)	-	244,551	(14,250)	-	230,301
<b>NRH Stabilization Reserves TOTAL</b>	<b>\$ 249,301</b>	<b>\$ (4,750)</b>	<b>\$ -</b>	<b>\$ 244,551</b>	<b>\$ (14,250)</b>	<b>\$ -</b>	<b>\$ 230,301</b>
<b>NRH Employee Future Benefits:</b>	792,733	-	-	792,733	-	-	792,733
<b>NRH Future Liability Reserves TOTAL</b>	<b>\$ 792,733</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 792,733</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 792,733</b>
<b>Total</b>	<b>\$ 13,018,505</b>	<b>\$ 970,078</b>	<b>\$ (962,072)</b>	<b>\$ 13,026,512</b>	<b>\$ 3,003,984</b>	<b>\$ 116,821</b>	<b>\$ 16,147,317</b>

503 NRH Owned Units  
This reserve was set-up by the Board of Directors as a Reserve Fund in September 2004 for capital expenses related to the NRH owned units.

502 Niagara Regional Housing  
This reserve includes three major elements: (1) Emergency Capital Funding for Housing Providers - intent to support capital repair program for housing providers; surplus from housing programs should be directed to this component of the reserve (2) Title Normalization for NRH Owned Units (3) New Initiatives / New Development

NRH Rent Supplement: This fund was set-up by the Board of Directors in December 2008 (year end) for a new Rent Supplement program. This Rent Supplement program is budgeted annually and withdrawal from the Reserve matches that year's expenditures.

NRH Employee Future Benefits: This fund was set-up by the Board of Directors in 2011 to fund Employee Future Benefits. (retiree benefits, sick leave, vacation. etc.).

<b>A</b>	<p><b>AFFORDABLE HOUSING RENTS:</b> Rents are established at 80% market of Canada Mortgage and Housing Corporation (CMHC) Average Market Rent, with no ongoing rental subsidy.</p>
	<p><b>APPEALS:</b> Social Housing tenants/members can request reviews of decisions related to applicant eligibility, priority status, transfer requests, overhoused status, ongoing Rent-Geared-to-Income (RGI) eligibility and rent calculation issues. The NRH Appeal Committee makes decisions on appeals from applicants and tenants in Public Housing, Social Housing (where they have not established an Appeal Committee) and Rent Supplement units. All appeal decisions are final, per legislation.</p>
	<p><b>ARREARS:</b> To assist with arrears collection, tenants/members are provided the option of entering into a repayment agreement but are still expected to pay full rent on time.</p>
<b>B</b>	
<b>C</b>	<p><b>CANADA-ONTARIO COMMUNITY HOUSING INITIATIVE (COCHI):</b> A program that provides funding to protect affordability for households in social housing, support the repair and renewal of existing social housing supply and expand the supply of community housing over time.</p>
	<p><b>CANADA-ONTARIO HOUSING BENEFIT (COHB):</b> A program that provides a monthly benefit payment to households that are on, or are eligible to be on, the Centralized Waiting List (CWL) to help them pay their rent. The COHB payments are portable (i.e. the benefit follows the household if they move to another address) and based on the household income and local market rent. In order to receive the COHB, applicants must agree to have their application removed from the CWL.</p>
	<p><b>CAPITAL PROGRAM:</b> Responsible for maintaining the Public Housing (NRH-owned) asset and planning for future sustainability, as well as issuing tenders for service contracts.</p>
	<p><b>CENTRALIZED WAITING LIST (CWL):</b> Is comprised of almost 200 subsidiary lists of Public Housing, Social Housing and private units through the Rent Supplement program. It is maintained on a modified chronological basis (i.e. in order to ensure that applicants are treated fairly, units are offered based on the date of application). The needs of particularly at-risk populations are addressed through Priority Status groups that are offered units before other applicants on the Centralized Waiting List:</p> <ul style="list-style-type: none"> <li>• Special Provincial Priority (SPP) Status</li> <li>• Urgent Status</li> <li>• Homeless Status</li> </ul>
	<p>The <i>Housing Services Act, 2011</i> (HSA) requires that the Centralized Waiting List is reviewed on a regular basis. Applicants are asked to confirm their continued interest and to update information annually (# of household members, total household income) so that NRH can verify ongoing eligibility for housing subsidy. If a household is no longer interested or is deemed ineligible the application is cancelled and removed from the list.</p> <p>The Centralized Waiting List includes various types of households (i.e. families, seniors and singles/adults without dependents) from both within and outside Niagara, the</p>

## Quarterly Report Reference Sheet

	<p>priority groups mentioned above, RGI and Market applicants and existing tenants who are overhoused (have more bedrooms than they need).</p> <p><b>COMMUNITY HOUSING:</b> Housing owned and operated by non-profit, co-operatives and municipal governments or district social services administration boards including subsidized or low-end-of market rents.</p> <p><b>COMMUNITY PROGRAMS:</b> NRH's community partners offer events, presentations, activities and programs to help mitigate the effects of poverty by building community pride, offering life skills training and enhancing the lives of the tenants. While NRH does not deliver these services directly to tenants, NRH's Community Resource Unit facilitates partnerships by identifying evolving community and tenant needs, connecting with appropriate programs and supporting their ongoing success.</p>
<b>D</b>	
<b>E</b>	<p><b>END OF OPERATING AGREEMENTS (EOA):</b> EOA refers to the expiry of federally signed operating agreements. NRH is working with these providers to find innovative solutions to maintain the existing number of social housing units in Niagara and protect existing tenants/members from losing subsidy.</p> <p><b>END OF MORTGAGE (EOM):</b> Federal/provincial and provincial housing providers (non-profits and co-ops) legislated under the Housing Services Act (HSA) do not have operating agreements that expire when the mortgage matures. The relationship between service manager and housing provider continues with the housing provider still obliged to follow the HSA. The obligation of service manager to pay a mortgage subsidy ends.</p> <p><b>EVICTIION PREVENTION/SUPPORT:</b> Supports to help NRH tenants stay in their homes through identification of tenant needs and connection with supports and services (e.g. Mental health issues, cognitive decline, addiction, family breakdown etc.)</p>
<b>F</b>	
<b>G</b>	
	<p><b>HOMEOWNERSHIP PROGRAM – "WELCOME HOME NIAGARA":</b> The Homeownership program assists low-to-moderate income rental households to purchase their first home by providing a down payment loan. The loan is forgivable after 20 years if the household remains in the home.</p> <p><b>HOUSING AND HOMELESSNESS ACTION PLAN (HHAP):</b> Niagara's 10-year Community Action Plan to help everyone in Niagara have a home.</p> <p><b>HOUSING ACCESS CENTRE:</b> Housing Access is the gateway to affordable housing in Niagara. All applications for housing are processed through the Housing Access Centre including initial and ongoing eligibility assessment as well as management of the Centralized Waiting List. Options include accommodation with Non-profit and Co-operative housing providers (Social Housing), NRH owned units (Public Housing and two mixed income communities), or for-profit/private landlord owned buildings (Rent Supplement/Housing Allowance).</p> <p><b>HOUSING ALLOWANCE PROGRAM:</b> A variation of the Rent Supplement program that provides a set allowance of up to \$300 per month to private landlords to assist applicants who are on the Centralized Waiting List.</p> <p><b>HOUSING FIRST:</b> Helps people move quickly from homelessness to their own home by providing supports to help difficult to house individuals find and keep housing. NRH</p>

## Quarterly Report Reference Sheet

	partners with Niagara Region Community Services and community agencies to provide rent supplement to landlords while agency staff provide a range of personalized supports to encourage successful tenancies and, if the tenant chooses, address personal challenges.
<b>I</b>	<p><b>IN-SITU RENT SUPPLEMENT PROGRAM:</b> A program developed to engage new landlords and offer applicants on the Centralized Waiting List an opportunity to receive Rent-Geared-to-Income assistance where they currently live. This removes the need for moving related expenses and broadens the network of landlords in business with NRH.</p> <p><b>INVESTMENT IN AFFORDABLE HOUSING PROGRAM – EXTENSION (IAH-E):</b> Provincial and federally funded program designed to improve access to affordable housing that is safe and suitable, while assisting local economies through job creation generated by new development and home repairs/modifications, including:</p> <ul style="list-style-type: none"> <li>• Niagara Renovates</li> <li>• Homeownership (Welcome Home Niagara)</li> <li>• Rent Supplement/Housing Allowance</li> <li>• Rental Housing (New Development)</li> </ul>
<b>J</b>	
<b>K</b>	
<b>L</b>	<b>LOCAL HOUSING CORPORATION (LHC):</b> Also called “Public Housing”, LHC refers to the communities that Niagara Regional Housing owns and manages.
<b>M</b>	
<b>N</b>	<p><b>NIAGARA RENOVATES PROGRAM:</b> Provides assistance to low-to-moderate income homeowners for home repairs, accessibility modifications and the creation of secondary suites in single family homes. Assistance is provided in the form of a forgivable loan, written off over a 10-year period, as long as the homeowner continues to live in the home.</p> <p><b>NON PROFIT HOUSING PROGRAMS (FORMERLY “SOCIAL HOUSING”):</b> Includes Non-Profit and Cooperative Housing Providers, who own and manage their own housing communities and have their own independent Boards. NRH provides legislative oversight to ensure they are in compliance with the <i>Housing Services Act (HSA)</i>. Generally, 25% of these units are designated as market rent units. The remaining 75% of units are offered to households on the Centralized Waiting List that pay RGI.</p>
<b>O</b>	<p><b>ONTARIO PRIORITIES HOUSING INITIATIVE (OPHI):</b> A program to address local housing priorities, including affordability, repair and new construction.</p> <p><b>OPERATIONAL REVIEWS:</b> In order to ensure that Non-Profit Housing Programs comply with legislation and local policies, NRH investigates their overall health by analyzing many factors including finances, vacancy losses, governance issues, condition of buildings etc. NRH then works with them to bring them into compliance and provide recommendations on best business practices.</p>
<b>P</b>	<b>PORTABLE HOUSING ALLOWANCE:</b> Direct financial assistance given to the household (tenant) on the Centralized Waiting List; not tied to a housing unit.
	<b>PRIORITY STATUS GROUPS:</b> Priority Status groups are offered units before other applicants on the Centralized Waiting List:

## Quarterly Report Reference Sheet

	<ul style="list-style-type: none"> <li>• <b>Special Provincial Priority (SPP) Status</b> is the only legislated priority and is intended to help victims of violence separate permanently from their abuser</li> <li>• <b>Urgent Status</b> is intended for applicants with (1) Mobility Barriers (i.e. physical limitations that require barrier-free units) and/or (2) Extreme Hardship (i.e. where the applicants' current accommodations puts them at extreme risk and/or causes hardship and relocation would reduce the risks and/or alleviate the hardship)</li> <li>• <b>Homeless Status</b> provides an increased opportunity for placement to households that are homeless (1 in every 10 households offered housing)</li> </ul>
	<p><b>PUBLIC HOUSING (ALSO CALLED "LOCAL HOUSING CORPORATION"):</b> NRH owns and manages 2,660 units of Public Housing stock in 9 of the 12 Niagara municipalities. Tenants pay 30% of their income for rent. <i>*Note: NRH owns and manages an additional 91 units that have affordable (80% market) and market rents.</i></p>
<b>Q</b>	
<b>R</b>	<p><b>RENT SUPPLEMENT PROGRAM:</b> Tenants pay 30% of their gross monthly income directly to the private landlord and NRH subsidizes the difference up to the agreed market rent for the unit. <i>*See also Housing Allowance Program and Housing First Project.</i></p>
<b>S</b>	<p><b>SERVICE LEVEL STANDARDS (SLS):</b> Establishes minimum number of RGI and special needs units to be maintained by each service manager</p> <p><b>SERVICE MANAGER:</b> As administrator for affordable housing on behalf of Niagara Region, NRH's main responsibilities include: administering Rent Supplement Programs, oversight of Non-Profit and Cooperative Housing Providers, determining RGI eligibility, maintaining Centralized Waiting List, establishing Local Policies etc.</p> <p><b>SOCIAL HOUSING (FORMERLY "AFFORDABLE HOUSING"):</b> All NRH programs and services, including Public Housing (NRH-owned), Non-Profit Housing Programs, the Rent Supplement Program and the Affordable Housing Program</p>
<b>T</b>	
<b>U</b>	
<b>V</b>	
<b>W</b>	<p><b>WELCOME HOME NIAGARA:</b> Assists low-to-moderate income rental households to purchase their first home by providing a down payment loan. The loan is forgivable after 20 years if the household remains in the home.</p>
<b>X</b>	
<b>Y</b>	
<b>Z</b>	

**Cannabis Control Committee  
Town of Pelham**

**Minutes of Meeting  
Wednesday, March 24 – 5:00 p.m.  
Zoom Video Conference**

**Present:** Tim Nohara (Chair)  
Carla Baxter  
Louis Damm  
Bill Heska  
Jim Jeffs  
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)

**Regrets:** John Langendoen

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**1. Declaration of Quorum**

Chair declared quorum at 5:03 p.m.

**2. Approve Agenda**

Moved by B. Heska, seconded by J. Jeffs that the agenda of March 24, 2021 be approved.

CARRIED

**3. Approve Minutes of January 20, 2021 and February 17, 2021**

Moved by J. Steele, seconded by L. Damm that the minutes of January 20, 2021 be approved, as amended.

CARRIED

Moved by C. Baxter, seconded by J. Steele that the minutes of February 17, 2021 be deferred to the next meeting date.

CARRIED

#### **4. Implementation of Odorous Industries Nuisance By-law (4202-2020)**

##### **a. Discuss and approve revised proposed amendments to the OINBL in light of Phil Girard's comments of February 24, 2021**

It was noted there was extensive discussion during the meeting on February 17, 2021 with respect to the circulated amendments relating largely to the lowering of odour thresholds. T. Nohara was to have a further discussion with P. Girard to obtain clarification on certain matters. He did so and circulated to committee members comments from P. Girard dated 24 February 2021 on the proposed amendments.

T. Nohara reviewed the revised proposed amendments to the Odorous Industries Nuisance By-law based on P. Girard's notes and comments. One additional revision was requested to improve the definition of odour unit.

Moved by B. Heska, seconded by J. Steele to approve the proposed revisions to the Odorous Industries Nuisance By-law subject to review by legal counsel, Aird & Berlis.

CARRIED

##### **b. Discuss licencing provisions to be added to OINBL**

B. Wiens circulated draft licencing provisions incorporated into the OINBL for discussion at a later date. Licencing requirements have been added to OINBL in addition to recitals in order to capture the licencing piece. Legal counsel also made edits to section 32.

J. Stirton, Town Solicitor will attend a future meeting to review the licencing provisions with the committee.

T. Nohara highlighted the amendments for review by the committee.

##### **c. Establish schedule to bring amendments to the OINBL to Council including full completion of implementation of OINBL**

T. Nohara reviewed the edits to the Schedule for Completing Implementation of OINBL.

P. Girard will be completing the odour monitoring design RFP (estimated for the end of April). T. Nohara to provide a summary of resident addresses that have indicated to committee members that they are willing to have odour monitoring conducted on their properties to town staff. Town staff will provide



authorizations/liability waivers to private property owners for land access to take odour readings from individual private properties.

The committee will obtain advice from legal counsel relating to proposed amendments to the OINBL. The Chair recommended an additional meeting on April 7<sup>th</sup> and May 5<sup>th</sup> to keep discussion on issues moving forward.

Committee and town staff discussed timelines for the OIBNL implementation. D. Cribbs noted licencing fees cannot be created until the municipality can determine what the cost would be.

T. Nohara inquired about how the AOMP (Ambient Odour Monitoring Program) fees would be specified. D. Cribbs noted the fees would be specified in the Fees and Services By-law which is amended each year to set various fees. We would first need to determine what the AOMP costs are by selecting the AOMP contractor, and then amend the Fees and Services Bylaw accordingly after making a submission to Council.

Committee requested that the Town communicate to cannabis producers the request to produce their respective odour mitigation plan in accordance with the OINBL.

The Committee would like to communicate an update to council, cannabis producers and residents. D. Cribbs advised Marc Macdonald, Town of Pelham Communications and Public Relations Specialist, can attend a meeting in order to take some points to publish an update to town residents and producers.

## **5. Update on Legal Actions**

The Town does not have any updates on any legal actions at this time.

## **6. Updates concerning Draft Light By-law with provisions to include skyglow**

No updates at this time.

## **7. Collaboration with Provincial Joint Forces Cannabis Enforcement Team (PJFCET)**

T. Nohara noted that one of the committee's priorities this year is to take a closer look at the issues around designated growers as they are popping up in the Town.

It was noted that Health Canada has published a draft guidance with respect to challenges concerning designated growers and they are looking for stakeholder feedback. D. Cribbs asked the committee to provide a submission. T. Nohara agreed to take the lead on this.

T. Nohara noted that law enforcement teams recognize there are legal and jurisdictional gaps and they have challenges with enforcement of criminal element as it relates to designated growers. T. Nohara has had discussions with Insp. Jim Walker of the OPP who heads PJFCET and there is interest to meet to share learned experiences with designated growers and for Pelham to share our cannabis regulatory framework with them. D. Cribbs noted that the Town has no jurisdiction with respect to the criminal enforcement. The committee indicated support for a meeting with the PJFCET for educational purposes prior to the end of April. This would provide information that could inform our submission to Health Canada which is due May 7, 2021.

L. Damm explained that designated growers are financially hurting licenced growers because the designated growers are not regulated and are not following the standards that licenced growers are following.

**8. Next Meeting:** April 7, 2021 at 5:00 pm via Zoom

## **9. Adjournment**

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

The meeting adjourned at approximately 6:53 p.m.

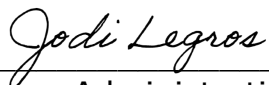
CARRIED

Edited and Signed by:



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Tim Nohara (Chair)



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

**Cannabis Control Committee  
Town of Pelham**

**Minutes of Meeting  
Wednesday, April 7 – 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)

**Other:** Jennifer Stirton, Town Solicitor, Town of Pelham

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**1. Declaration of Quorum**

Chair declared quorum at 5:02 p.m.

**2. Introduction of Town Solicitor**

D. Cribbs introduced Town Solicitor, J. Stirton to the committee members.

**3. Approve Agenda**

Moved by C. Baxter, seconded by J. Jeffs that the agenda of April 7, 2021 be approved.

CARRIED

**4. Review the proposed licencing provisions for the Odorous Industry Nuisance By-law (OINBL)**

At the last meeting of March 24, 2021 amendments to the OINBL to include licencing provisions were provided to the committee.

Committee members and town staff discussed amendments, and J. Stirton provided a review of the licencing provisions and answered inquiries by committee members.

Aird & Berlis are reviewing the amendments that were approved by the committee at the March 24, 2021 meeting. They were also sent the proposed licencing provisions for review.

## **5. Review the detailed and revised OINBL Implementation Schedule**

The discussion focused on completion of the RFP for the third party odour monitoring program. B. Wiens indicated that if the scope of work is received by P. Girard by April 15<sup>th</sup>, the RFP should be able to go out at the end of April. It would remain open for 3 weeks and based on review could be awarded the end of May 2021.

Town staff have prepared a list of property owners names/addressed that had indicated their willingness to have third party odour monitoring conducted on their private properties to committee members. There are 13 property addresses, 8 in proximity to Redecan Pharm and 5 in proximity to CannTrust. J.Stirton is drafting the agreement/authorization.

## **6. Other**

D. Cribbs confirmed the Town does not have any new updates on legal actions.

J. Stirton noted in person trials are not being set at this time due to the current Covid-19 pandemic and at this time, Zoom trials are not being offered for Part 3 offences. Next pre-trial date is June 9<sup>th</sup> for the Woodstock Biomed matter.

## **6. Next Meeting:** April 21, 2021 at 5:00 pm via Zoom

## **7. Adjournment**

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

The meeting adjourned at approximately 5:58 p.m.

CARRIED

Edited and Signed by:

*Tim J. Nohara*

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Tim Nohara (Chair)

*Jodi Legros*

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

**Pelham Active Transportation Committee  
Minutes**

Wednesday, Sep 16, 2020, 6:00 p.m.

Location: via teleconference

**Attendance:** Bea Clark (Chair), Brian Baty (Vice Chair), Lisa Gallant (recorder), Rhys Evans, Bob Fish, Dave Nicholson, Barbara Rybiak, Councillor John Wink, Regional Councillor Diana Huson. Staff: Jason Marr, Tolga Aydin  
**Regrets:** N/A

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

Declaring that a quorum was present, Chair Clark called the meeting to order.

**2. Adoption of Agenda**

Two additional items were added: Letter to the Editor, September 16, 2020 and Globe and Mail article, September 16, 2020

**Moved by: B. Baty**

**Seconded by: B. Fish**

**THAT the agenda for the Sep 15, 2020 meeting be adopted as amended.**

**Carried**

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

Bea declared that she will be assisting Town staff as they prepare proposals for the ICIP-COVID 19 stream.

**4. Approval of the Minutes**

**Moved by: B. Fish**

**Seconded by: B. Rybiak**

**THAT the minutes from June 16, 2020 meeting be approved.**

**Carried**

**6. Business Arising from Minutes – June 16, 2020**

**6.1 Review of AT Master Plan and presentation to Council**

Members reviewed the final ATMP review document and the presentation to Council. Bea will now submit the delegation request to the Clerk.

**6.2 PATC 2020 budget update**

Members discussed the 2020 budget allocation which included funds for events and the reprinting of the cycling map. Members agreed that the map should be

reprinted with some modifications, if possible. The funds for the conference and for events will not be required this year due to the pandemic restrictions.

### **6.3 Additional questions for C. Ryall**

Update provided by email. Bob provided additional information regarding the timing of signals, including a reference to FHWA safety recommendations and a short video of pedestrian signal at Highway 20 and Station Street. This information will be forwarded to Carolyn Ryall.

### **6.4 Ideas to sustain community and Council interest in AT – Trails and Trail Development**

Dave proposed advocacy to extend the trail network with more connected trails to destinations such as the MCC i.e., to identify our objectives (destinations to connect to) and routes with loops to meet those objectives including signage, complete mapping, access to facilities such as washrooms and maintenance. This could include paved trails and unpaved trails that could be better connected.

Action:

- Small group to form to come up with some recommendations (Members to include Dave and Brian)
- If successful in obtaining a GIS position, the Town's new GIS person could work with this information to map existing trail assets
- Trail improvements could be referenced in the new grant opportunity

### **6.5 Rescheduled presentations**

- Update re NR Niagara Cycling Clubs Alliance review of Share the Road Feedback – October 20, 2020
- 2021 Canada Games have been postponed until 2022. Will delay presentation
- Joint meeting with Thorold and Welland AT Committees – November 17, 2020

### **6.6 Pelham Street Reconstruction project**

Jason reported on the progress of this reconstruction project. Phase 1 from College Street S. to Port Robinson is out for tender with a hope to start before year end and end by Spring 2021. The engineering drawings will be available to the public on the Town's website. Phase 2 past John Street is part of 2021 capital budget ask and will include new cycling lanes. Phase 2 will include improvements to the intersection in front of the school and the crossing at John Street. This design should be complete this calendar year with tendering in Spring 2021. These Phase 2 plans will go to PATC and Glynn A Green's Active School Travel committee for input in November/December 2020. With Council's approval, Phase 3 and 4 design work will move forward next year.

### **6.7 Steve Bauer Trail Paving Update**

Work is underway and paving should occur next week followed by landscaping. PATC would like to see a celebration of the trail reopening. Jason will work with communications to make this happen, ensuring physical distancing requirements.

### **6.8 Kunda Park development plans and site visit**

Site visit completed with PATC members and consultants to discuss concerns that were put forward. Namely:

- There is a concern about a plan to reduce the thickness of the vegetative wall along the trail to allow for more development. The tree preservation plan will be a component of the draft plan approval process.
- There is an additional concern about plans for two roads that will cross the Steve Bauer Trail. The crossings are required by Planning to increase connectivity within the divisions and reduce congestion.

A public meeting is scheduled for October 13 where further input can be provided as individual citizens.

## **7 Committee Events and Reports**

### **7.1 Summerfest**

No update

### **7.2 Senior's Advisory Committee**

8 No update

### **8.1 Active School Travel**

Lisa to provide PATC with table showing infrastructure items raised at school walkabouts. Jason and Lisa to discuss updates to infrastructure items.

Jason noted delays in repainting of line markings due to redeployment of Niagara Regional staff who are responsible for painting the markings for the Town. The Town is looking at contracting with a different source to complete those paintings.

**Action: Bea to include a program highlight report with the minutes.**

## **9 New Business**

### **8.1. PATC Budget Request 2021**

Members agree that projects that did not move forward due to funding limitations should be requested again:

- Wayfinding Signage
- Fonthill /Thorold Spur
- Canboro Road reconstruction and removal of rumble strips



In addition, the members discussed the need for operating funds to cover costs of community events, some modest printing and the development of an app for Pelham's trails and routes.

**Moved by: B. Fish**

**Seconded by: R. Evans**

**THAT the PATC make a 2021 budget request for items noted above.**

**Carried**

## **8.2. Funding opportunities**

- **Healthy Communities Fund** – Federal funds available to non-profit groups. This may be of interest to groups in our community, such as the Rotary Club, who want to further the Fonthill/Thorold Spur or other trail developments. They would be looking for our support and the support of the Town to proceed with this proposal. Details of this fund have not been released by the Federal Government yet. Bea will suggest that Rotary reach out to the Thorold and Welland clubs as well.
- **ICIP- COVID-19 Stream.** – This new funding stream was announced with details to follow. Eligible projects must be completed by Dec 2021. The intent is to make communities more COVID resilient e.g. retrofits in buildings, distancing barriers, AT infrastructure, tree planting. Town staff are discussing potential projects. PATC asked to consider what we would like to see put forward. Any plans will need to be part of the 2021 capital budget which is being approved in October.

We could put forward past projects that did not move forward due to funding limitations:

- Signage
- Rumble Strips
- Fonthill Thorold Spur

Action: Bea will send PATC members an email requesting everyone's top three ideas, which she will pass on to Jason

- **MTO – Road Safety Community Partnership program.** Due October 9. In the past we have accessed this fund to promote road safety. Members agreed that we should apply. Bea and Lisa will work on an application with input from Rhys and Barb.

## **8.4 Trout Unlimited Presentation re Sulphur Springs Road**

This group has asked to attend the October PATC meeting to discuss trail development and protection for this wetland area. Given the state of planned work on this roadway, the PATC recommends they first speak directly with Jason Marr, Director, Public Works.

**Action: Bea will contact Trout Unlimited to communicate the committee's recommendation.**

#### **8.5 Timing of pedestrian signals**

Bob showed a video showing timing of the pedestrian signal on HWY 20 and Station St (adjacent to St. Alexander). The timing of these lights is controlled by the Region. If a pedestrian pushes the button after the light turns green, the pedestrian needs to wait a full cycle i.e. until the next green light for traffic before they are given a green pedestrian signal.

Action: Bea will forward a copy of the video to Carolyn Ryall via email and cc Councillor Huson. She will include reference to previous discussions about this intersection from St Alexander school's walkabout.

#### **8.6 Open Letter in the Voice of Pelham**

Members noted the letter (attached) to the PATC in the September 16, 2020 edition of the Voice of Pelham. Committee members would like to invite the author, Craig Edwards, to attend the PATC meeting to further discuss items noted in his submission to the Voice.

**Action: Bea to contact C. Edwards to extend the invitation.**

#### **8.7 Globe and Mail article – Barb -deferred**

#### **9.0 Adjournment**

**Moved by: R. Evans**

**Seconded by: B. Rybiak**

**THAT the meeting of PATC Committee be adjourned until the next meeting.  
Carried**

The meeting was adjourned at 8:30 p.m.

#### **Upcoming meetings 2020**

November 17, 2020

December 15, 2020

#### **Upcoming Meetings, 2021**

January 19

February 16 (check for conflict)

March 16

April 20

May 18

June 15

**Pelham Active Transportation Committee  
Minutes**

Tuesday, Nov 17, 2020, 6:00 p.m.

Location: via teleconference

1. **Attendance:** Bea Clark (Chair), Brian Baty (Vice Chair), Lisa Gallant (recorder), Rhys Evans, Bob Fish, Dave Nicholson, Barbara Rybiak, Councillor John Wink, Regional Councillor Diana Huson. Staff: Jason Marr, Tolga Aydin  
Regrets: Aalijah Khan (MYAC)

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

Declaring that a quorum was present, Chair Clark called the meeting to order.

3. **Adoption of Agenda**

Items added:

8.4 – Paved Steve Bauer Trail

8.5 – Bike lanes

8.6 – Share the Road Cycling Coalition

**Moved by: B. Fish**

**Seconded by: B. Baty**

**THAT the agenda for the Nov 17, 2020 meeting be adopted as amended.**

**Carried**

4. **Disclosure of Pecuniary Interest and General Nature Thereof**

Bea noted that she is assisting the Town of Pelham with grant proposals, including one of the funding proposals being discussed today.

5. **Approval of the Minutes**

A few typos including the date were noted for change.

**Moved by: B. Fish**

**Seconded by: D. Huson**

**THAT the minutes from Oct 20, 2020 meeting be approved.**

**Carried**

6. **Business Arising from Minutes – Oct 20, 2020**

- 6.1 **PATC 2020 budget update - printing of cycling map**

Jason to contact Marc McDonald to determine how many copies can be made within the existing budget and to proceed with printing the map in its current form.

## 6.2 Review of Trails and Trail Development Document

Members reviewed and discussed a report provided by Dave and Brian, prior to the meeting, to clarify items listed in the report. Members will revisit this list and identify priorities to put forward to staff for consideration. Signage requests will be consolidated.

Action:

- Members to consider additional trails or sidewalks for discussion at next meeting
- Bea to review feedback and suggestions previously submitted by residents
- Jason and Tolga to review identified items further

## 6.3 Discussion of Trail apps

Members noted the following apps as considerations:

- Google earth – to review trails in an area e.g. some sections of Bruce Trail and Short Hills (not sure how to update these)
- Google maps – some of these trails are not up to date. There is a description of how to submit updates
- Maps Me – shows rail portion of Steve Bauer, Shorthills but not up to date with East Fonthill and no details on how to submit updates
- Strava – good for cycling and walking
- Map my Ride – for cycling
- Map my Run – could be used for walking or running
- Ontario Trails.on.ca – an official group i.e. the Town must request trails to be added
- Trailforks.com
- Bruce Trail – under construction and requires a purchase
- Niagara Navigator – operates like Google maps with local features more easily added
- **All Trails** – individual trails can be mapped and submitted for approval. Does show trails in Lathrop. This app was mentioned by a few members as a good option.

Action:

- Members to explore the apps and determine usefulness before we make a request to the Town to add local trails to selected apps.

## 6.4. Niagara Cycling Clubs Alliance review of Share the Road Feedback – next steps

Dave continues to work on recommendations with the NCCA. Dave asked questions about adoption of complete streets policy (Town confirmed this is in

place) and status of Niagara Region's Vision Zero work (Diana noted that the program is active). Dave also asked if segregated bike lanes might be a reality in Pelham.

Jason noted that segregated bike lanes could be considered pending available real estate along reconstructed roads. They may also be a consideration in new developments, e.g. Saffron Meadows.

Action: Pending direction from Dave Hunt re next steps on his report

#### **6.5. Joint meeting with Thorold and Welland AT Committees**

Given change in funding opportunity that makes the spur ineligible at this point, we will decline this joint meeting at this time.

Action:

- Diane will reach out to Welland's Councilors to learn about status of their AT Committee.
- Bea will contact Thorold AT committee Chair

#### **6.6 Pelham Street Reconstruction update**

- Phase 1 is ongoing and ahead of schedule. The plan on the website shows a dedicated bike lane. Jason noted that there are some challenges in creating a continuous bike lane vs a shared use lane due to parking permissions being challenged by a resident who wishes to retain on-road parking.
- Phase 2 design meeting occurred with staff and consultants. Design will be presented to PATC in Nov/Dec. Tolga will see if the consultants are available to join us at next PATC meeting on Dec 15.

**Moved by: L. Gallant**

**Seconded by: R. Evans**

**THAT the Town of Pelham consider revoking parking in the identified area to allow for a cycling lane that would better serve the community in providing safer cycling infrastructure for residents to access the downtown.**

**Carried**

#### **6.7 PATC Budget Request 2021**

Awaiting Council approval in November.

#### **6.8 Funding Opportunities Update**

- **Healthy Communities Fund** – no new details available
- **ICIP- COVID-19 Stream.** – This federal fund is offered in collaboration with the province. It was anticipated that this funding would be determined based on a competitive application process. Instead, the province has designated the majority of the funds for the health and education sectors, with each municipality receiving

an allocation based on population and median income. Pelham was allocated about \$112K. An update on the Town's plan will be provided next month.

- **MTO – Road Safety Community Partnership program.** No update.

#### **6.9 Timing of pedestrian signals**

No update from Carolyn.

#### **6.10 Presentation by C Edwards**

No further action at this point. We will see how the process unfolds for Craig.

Bob asked if temporary line markings could be added to identify bike lanes on this section of Port Robinson Road.

Action: Jason will explore some temporary measures that could calm traffic.

### **7 Committee Events and Reports**

#### **7.1 Summerfest**

No update. Not likely to occur in 2021 due to the pandemic.

#### **7.2 Senior's Advisory Committee**

Exploring what other municipalities are doing to attract seniors online as this has not been successful in Pelham. Senior's Room is to be relocated t from the second floor to the ground level at MCC.

#### **7.3 Active School Travel**

No update

#### **7.4 Active School Travel walkabouts**

Jason planning to present Pelham Street reconstruction Phase 2 plan to Glynn A. Green. He will reach out to the principal to see if a group from his school would be available from 5-6 on Dec 15 (prior to the PATC meeting) to hear from the consultants

### **8 New Business**

#### **8.1. Venture Niagara Bicycle map**

Susan Morin, Venture Niagara, is proceeding with the reprinting of this regional cycling map which is designed with cycling tourists in mind. She has requested an update from the Town of Pelham for inclusion in the next edition of the map.

Action: Tolga to provide updates to S. Morin.

## **8.2. Bicycle Friendly Community renewal application**

Pelham is required to submit a renewal by the end of 2021.

Action: Bea will review the application requirements and bring this item to the next meeting for discussion.

## **8.3. Doing more with Bike Data webinar**

Bea reported on ideas shared for data collection and will share the information with interested members.

## **8.4. Paved Steve Bauer Trail**

Dave expressed concern about the proposed loss of greenery and the proposed street crossings along the trail between Merritt and Port Robinson. Dave's concerns were shared with Planning staff during a previous PATC meeting and during the on-site visit with Planning staff and the consultants. The Town held a public meeting about these proposed developments and the proceedings can be viewed at:

<https://www.youtube.com/watch?v=hMkv6h5cXFE>

Action: Members are encouraged to view the proceedings prior to next month's discussion.

## **8.5. Bikes lanes on Port Robinson**

Bob's suggestions and Jason's comments are reflected in agenda item 6.3.

## **8.6. Share the Road Cycling Coalition**

The online conference will happen Dec 1-3. PATC has budget for this. Any members interest in attending can let Bea know.

<https://www.sharetheroad.ca/ontario-bike-summit-p157286>

## **9.0 Adjournment**

**Moved by: R. Evans**

**Seconded by: B. Rybiak**

**THAT the meeting of PATC Committee be adjourned until the next meeting.  
Carried**

The meeting was adjourned at 8:10 p.m.

## **Upcoming meetings 2020**

December 15, 2020

## **Upcoming Meetings, 2021**

January 19

February 16 (check for conflict)

March 16

April 20

May 18

June 15



**Pelham Active Transportation Committee  
Minutes**

Tuesday, Jan 19, 2021, 6:00 p.m.

Location: via teleconference

1. **Attendance:** Bea Clark (Chair), Brian Baty (Vice Chair), Lisa Gallant (recorder), Rhys Evans, Bob Fish, Dave Nicholson, Barbara Rybiak, Councillor John Wink, Regional Councillor Diana Huson. Staff: Jason Marr, Tolga Aydin, Curtis Thompson. Guests: Bill Heska (delegation)  
Regrets: Aalijah Khan (MYAC),

**Call to Order and Declaration of Quorum**

Declaring that a quorum was present, Chair Clark called the meeting to order.

**2. Adoption of Agenda**

Item 8.2 – moved to accommodate delegation  
6.2 to be deferred  
Addition – Signed bicycle route (8.5)

**Moved by: D. Nicholson**

**Seconded by: B. Rybiak**

**THAT the agenda for the Jan 19, 2021 meeting be adopted as amended.**

**Carried**

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

Bea is doing research for the Town on available grants.

**4. Approval of the Minutes**

**Moved by: B. Fish**

**Seconded by: D. Huson**

**THAT the minutes from Dec 15, 2020 meeting be approved.**

**Carried**

**6. Business Arising from Minutes – Dec 15, 2020**

**6.1 PATC 2020 budget update - printing of cycling map**

The maps have been printed. They will be distributed to Meridian Community Centre, Town Hall and the library, when it is safe to do so. The PATC also has a supply of the maps.

**6.2 Review of Trails and Trail Development Document**  
Deferred.

**6.3 Discussion of Trail apps**

Town staff asked to add details regarding the Steve Bauer Trail and Gerry Berkhout Trail to All Trails, a widely used trail app. ([www.alltrails.com](http://www.alltrails.com)) The information about the SBT is incorrect on All Trails and the full trail is not shown. The Gerry Berkhout Trail is not shown.

**Moved by: R Evans**

**Seconded by: B. Rybiak**

**THAT** Town staff add accurate information for the Steve Bauer Trail and Gerry Berkout Trail to the All Trails website and app.

**Carried**

A further request was made that the John Nemy Trail be signed to help people navigate the trail.

**Action:** Jason to follow-up with Dave Nichols on this.

The description of the Steve Bauer Trail on the regional map and website also needs editing as it suggests the trail ends at the Welland canal. Staff will be asked to update this information on the Region's website.

Dave suggested that more permanent signs be added to the Steve Bauer Trail which recognize Steve Bauer and provide a brief history of the trail and area. The OMCC grant stipulates that signage must identify the funding sources.

It was suggested that QR codes on signs could provide access to more information such as the history of the trails.

**Action: Bea will explore with Marc MacDonald how much the existing QR codes on the "It's a 5 minute walk to xxx" are being used.**

**6.4 Pelham Street Reconstruction, Phase 2 design**

Town staff took feedback from PATC and Glynn A. Green's Active School Travel committee to address design issues that could increase pedestrian and cyclist safety. An arborist examined the health of the trees and the design was modified to retain the healthy trees. The Town will hold a Public Information Centre on this plan to get further input.

**Moved by: B. Rybiak**

**Seconded by: R. Evans**

**THAT PATC supports the Pelham Street reconstruction plan in front of Glynn A. Green school with the addition of the bike lane, multi-use trail for students, retention of healthy trees and the raised intersection as a traffic calming measure.**

**Carried**

**6.5 PATC Budget Request 2021**

Council approved the Town's operating budget, including the PATC's budget request.

**Action: Staff to confirm the PATC's 2021 budget allocation.**

**6.6 Funding Opportunities Update**

- **Healthy Communities Fund** – no new details available
- **MTO – Road Safety Community Partnership program.** Our grant was approved at \$5400. This will cover a road safety campaign this spring via social media and advertising aimed at high-risk groups. It will also promote traffic calming. The project will be discussed in more detail at the next meeting. Lisa and Barb agreed to work with Bea on this campaign.

**6.7 Timing of pedestrian signals update**

Carolyn provided an email response. Bea will share this email with the group to review.

**6.8 Venture Niagara Cycling Map update**

Tolga will follow-up on this action to provide this to Venture Niagara.

**6.9 Bicycle Friendly Community Renewal application**

Awaiting news on the updated application process.

**6.10 Paved Steve Bauer Trail**

Rhys congratulated and thanked Councilor Wink for his efforts to preserve the Steve Bauer Trail and Gerry Berkhout Trail. Comments received from the public regarding the developments and site plans that will impact the Steve Bauer Trail indicate a need for PATC to be clear on comments and feedback provided to staff and to Council. It was recommended that the PATC formally document its feedback via motions in the minutes. Councillor Wink will use the PATC minutes to make comments at future Town meetings. PATC requested that it be involved in the review of site plans at an earlier stage to be able to better influence these plans.

**6.11 Concerns re Steve Bauer Trail nomenclature**

Poles may be one option to provide markers to help people identify their location on the trail.

**Action:** Jason will discuss this with Dave Nichols and consider the options to address this need.

## **7 Committee Events and Reports**

### **7.1 Summerfest**

No update.

### **7.2 Senior's Advisory Committee**

No update.

### **7.3 Active School Travel**

### **7.4 Active School Travel walkabouts**

No update

## **8 New Business**

### **8.1. Notice re Environmental and Detailed Transportation Assessment for Reg. Road 37 (Merritt Rd.) and Reg. Road 54 (Rice Rd.)**

Received request for input from PATC regarding plans for this location. There will be stakeholder meetings and representation from the PATC will be invited. Bea will send the PATC the emails she received for future PATC discussion on how to best provide input. Councilor Huson, Brian Baty and Dave Nicholson expressed interest in attending that meeting on behalf of the PATC.

Jason indicated that he did attend the kick-off meeting for this stakeholder group. The study limits do not include the roadways in Pelham, but the affected roadways do connect to and continue into Pelham.

**Action: Bea will share related emails. Further discussion at next PATC meeting.**

### **8.2. Delegation: B. Heska**

Document showing content from emails between Bea and Bill provided. Bill presented his concerns using a map showing planned developments in the Port Robinson Road and Kunda Park areas. He expressed concerns about the volume of pedestrian and vehicle traffic that will increase along Port Robinson Road as a result of the development including the addition of a potentially 10 story dwelling. He expressed further concern regarding the proposed storm water management system including a pond. With the developments and changes being proposed, Bill urged the PATC to review the active transportation safety issues related to increased traffic and changing traffic patterns.

Members discussed these concerns further, with input from staff, with the intent of understanding how best to increase safety for pedestrians and cyclists. Bea noted that when these plans were originally presented by staff, the PATC did discuss safety issues and provide input at that time, as it has with other development issues. Formal objections or endorsements were not made. We will continue to discuss options with staff and provide input to these plans.

### **8.3. PATC debrief regarding Steve Bauer Trail**

Members discussed thoughts for future practice based on our experience with how decisions related to the Steve Bauer Trail unfolded, recognizing that our position on this issue was not clear. Ideas included:

- Need to be clear on nature of presentations from staff. Is the presentation for information only vs. is a formal position expected or required?
- Treat these meetings more formally by labelling our input in a way that would be more useful to staff and to Council
- The experience highlights the need to formalize and vocalize our comments more intentionally e.g., via a motion to provide better input to staff
- Would help to clarify what the next step is e.g., is there further opportunity to provide comments or consultation
- Recognize that the virtual meetings present challenges in viewing documents to inform discussions
- Could consider providing comments on policy documents such as secondary plans

**Next steps:** if the plan is changed and there is opportunity for further comment, PATC would like the opportunity to do this.

### **8.4 Requirement for AT database**

Deferred.

### **8.5 Signed Bicycle Routes – Brian**

Deferred.

## **9.0 Adjournment**

**Moved by: B. Fish**

**Seconded by: B. Baty**

**THAT the meeting of PATC Committee be adjourned until the next meeting.  
Carried**

The meeting was adjourned at 8:40 p.m.

**Upcoming Meetings, 2021**

February 16 (check for conflict)

March 16

April 20

May 18

June 15

**Pelham Active Transportation Committee  
Minutes**

Tuesday, Mar 16, 2021, 6:00 p.m.

Location: via teleconference

1. **Attendance:** Bea Clark (Chair), Brian Baty (Vice Chair), Lisa Gallant (recorder), Rhys Evans, Bob Fish, Dave Nicholson, Barbara Rybiak, Councillor John Wink, Regional Councillor Diana Huson. Staff: Jason Marr, Tolga Aydin  
Regrets: Aalijah Khan (MYAC)

**Call to Order and Declaration of Quorum**

Declaring that a quorum was present, Chair Clark called the meeting to order.

**2. Adoption of Agenda**

Additions:

8.1 Snow removal on paved pathways and trails

8.2 Welland Trail Study

8.3 Federal Active Transportation Fund Announcement

**Moved by: B. Fish**

**Seconded by: B. Baty**

**THAT the agenda for the Mar 16, 2021 meeting be adopted.**

**Carried**

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

Bea is assisting the Town with a proposal.

**4. Approval of the Minutes**

**Moved by: R. Evans**

**Seconded by: B. Baty**

**THAT the minutes from Feb 23, 2021 meeting be approved.**

**Carried**

**6. Business Arising from Minutes – Feb 23, 2021**

**6.1 Review of Trails and Trail Development Document**

Members suggested a separate meeting to discuss this topic in detail. There are several documents that can support the discussion including the ATMP, the working group's report, comments from residents and ongoing discussions with Thorold and Welland AT committees.

**Action:** Bea will schedule a meeting within 2 weeks for interested members

**6.2 Update addition of trails to All Trails**

No update.

**6.3 Approved PATC Budget 2021**

\$2500 was approved.

**6.4 Funding Opportunities Update**

**ParticiPaction Grant** – Town Recreation, Culture and Wellness staff applied for a small grant to promote community walking and cycling challenges in June.

**6.5 MTO – Road Safety Community Partnership program working group update**

Campaign development is well underway. Ads and social media will be utilized during April and May. Members were thanked for participating in the photo shoot. Some concerns were raised with driver behavior at crossings, as witnessed at the photo shoots. This issue will be discussed further at an upcoming meeting. Solutions might include changes to road paint treatments, better signage, use of raised crossings, removal of parking for future projects – a staff report outlining these options was noted.

**6.6 Timing of pedestrian signals update**

A response from Carolyn Ryan was received explaining the 10 second lag. Jason noted that the Region is looking at reducing this to 5 seconds.

**Action:** Bob has been invited to contact Carolyn to discuss this further.

**6.7 Venture Niagara Cycling Map update**

Material is being compiled by staff.

**6.8 Bicycle Friendly Community Renewal application**

Share the Road received our comments for streamlining the application process and will explore these options. They are also looking at the potential for municipalities to defer their application due to the pandemic.

**6.9 Concerns re Steve Bauer Trail nomenclature**

Given the trail name is used for all sections of the trail, it is important that identifiers such as markers be placed in strategic locations along the trail to allow users who need to contact EMS to identify where they are on the trail. Jason will discuss with staff.

**6.10 Response to Notice re Environmental and Detailed Transportation Assessment for Reg. Road 37 (Merritt Rd.) and Reg. Road 54 (Rice Rd.)**

Consultant acknowledged receipt of PATC's comments. Public session is scheduled. D. Huson to send invitation to members via Bea.



#### **6.11 PATC Comments re Park Place North and South**

Comments were submitted to planning staff. PATC members acknowledged that the process undertaken for providing comments was a better way to formally express our thoughts as a committee to Town staff. Town staff acknowledged that the format and depth of comments was helpful.

#### **6.12 Requirement for AT Database**

Town staff will consider the GIS staff resources needed to create a mapped database showing infrastructure assets that support active transportation and where there are infrastructure needs to inform PATC discussions. This may need to be part of a future budget request. PATC will revisit this in September. D. Huson to explore what the role of the Region may have with respect to trails.

#### **6.13 Kunda Park access to Steve Bauer Trail**

Questions were raised regarding the plan for Kunda Park dated 2019. The Town is waiting for a resubmission of this plan. No engineering plan exists at this point. PATC requested to see the design when it is available so we can comment on a preference to maintain trail vegetation where it meets planned storm water pond.

**Reference was made to the PATC's approved motion, December 15 meeting -- THAT the Committee SUPPORT the preservation of trees along the Steve Bauer trail and that the Town consider the replanting of trees that must be removed in order to preserve the tree canopy.**

### **7 Committee Events and Reports**

#### **7.1 Summerfest**

No update.

#### **7.2 Senior's Advisory Committee**

No Update.

#### **7.3 Active School Travel**

St. Ann School – A family participated in our photo shoot at the PXO in front of the school for the road safety campaign. The principal has reissued a family survey about the journey to school.

#### **7.4 Active School Travel walkabouts**

No update

### **8 New Business**

#### **8.1 Snow removal on pathways and trails**

Paved trails and multi-use pathways are actively being used and pedestrians are requesting winter maintenance of them. PATC recommends that all paved trails and pathways be cleared of snow. This will be included in the PATC's 2022 budget request to Council.

This led to a related discussion re maintenance of roads for cyclists. Removal of debris such as sand, salt and gravel will increase safety for cyclists earlier in the season. This would require an increased capital cost to allow for additional street sweeping. Staff will consider this moving forward.

## **8.2 Welland Trail Study**

The link to the survey was shared with PATC. Members are encouraged to complete the survey. Bea reached out to consultants, WSP, to indicate a willingness to share additional comments with about trail linkages between Welland and Pelham.

## **8.3 Federal Active Transportation Fund Announcement**

Though announced by the federal government, the details about the grant have not been released yet. Once details are available, the PATC will discuss the opportunities and make recommendations to staff and Council.

## **8.4 Canada Day in Pelham**

TOP staff inquired about a prize for the children's bike decorating contest. PATC provided a prize which included various cycling safety items. Bea will use existing PATC promotional items.

## **9.0 Adjournment**

**Moved by: B. Rybiak**

**Seconded by: B. Baty**

**THAT the meeting of PATC Committee be adjourned until the next meeting.**

**Carried**

The meeting was adjourned at 7:38 p.m.

## **Upcoming Meetings, 2021**

April 20

May 18

June 15

**Pelham Active Transportation Committee  
Minutes**

Tuesday, Feb 23, 2021, 6:00 p.m.

Location: via teleconference

1. **Attendance:** Bea Clark (Chair), Brian Baty (Vice Chair), Lisa Gallant (recorder), Rhys Evans, Bob Fish, Dave Nicholson, Barbara Rybiak, Councillor John Wink, Aalijah Khan (MYAC). Staff: Jason Marr, Tolga Aydin  
**Guest:** Shannon Larocque, Town of Pelham Planning Department  
**Regrets:** Regional Councillor Diana Huson

**Call to Order and Declaration of Quorum**

Declaring that a quorum was present, Chair Clark called the meeting to order.

**2. Adoption of Agenda**

**Moved by: B. Fish**

**Seconded by: B. Baty**

**THAT the agenda for the Feb 23, 2021 meeting be adopted.**

**Carried**

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

Bea is assisting the Town with a number of proposals.

**4. Approval of the Minutes**

The draft minutes were amended to note agenda item 2.0 was moved by D. Nicholson rather than D. Huson as she is an ex-officio member, and the word "utility" was removed from item 6.11.

**Moved by: R. Evans**

**Seconded by: B. Rybiak**

**THAT the minutes from Jan 19, 2021 meeting be approved as amended.**

**Carried**

**6. Business Arising from Minutes – Jan 19, 2021**

**6.1 Review of Trails and Trail Development Document**

Deferred.

**6.2 Update addition of trails to All Trails**

Staff are working on this item.

**6.3 Approved PATC Budget 2021**

Total amount to be confirmed by staff.

**6.4 Funding Opportunities Update**

**Healthy Communities Fund** – Town is working on a proposal to fully fence and to make accessibility upgrades to Peace Park

**6.5 MTO – Road Safety Community Partnership program working group update**

Working group met twice to commence the Pelham Road Safety and Education Campaign project. A request for quotes for graphic design work was issued to four vendors, two quotes were received and Natalie Stickles, 5x5 Design Studio, was selected to design print and social media graphics as part of this campaign. Marc MacDonald, the Town of Pelham's Communication and Public Relations Specialist, will handle the social media in April and May. Print ads will appear in the Voice of Pelham each week during April and May. Members are asked to consider four areas in Town that they would like to have photographed to illustrate positive road safety messages as part of the campaign.

**6.6 Timing of pedestrian signals update**

There is still concern regarding the lengthy delay between when a pedestrian pushes the button to when drivers receive an amber signal at the Church Hill Street and Pelham Street intersection. It would be helpful to know what technical document or standard is informing the decision regarding the timing of this signal.

**Action:** Bea will email Carolyn and copy Councillor Huson

**6.7 Venture Niagara Cycling Map update**

Staff is meeting with Venture Niagara this week.

**6.8 Bicycle Friendly Community Renewal application**

Share the Road staff expressed an interest in streamlining the application process for BFC designation renewals. Bea, Lisa and several others from BFC communities were invited to a meeting with Share the Road to discuss this.

**6.9 Concerns re Steve Bauer Trail nomenclature**

J. Marr will be meeting with staff to discuss these issues.

**6.10 Response to Notice re Environmental and Detailed Transportation Assessment for Reg. Road 37 (Merritt Rd.) and Reg. Road 54 (Rice Rd.)**

No additional information has been received about proposed public consultations. The PATC was invited to provide written comments. The scope of the assessment does not include Pelham, but rather stops at the boundary.

Committee comments include a recommendation that the potential impact of the proposed route into Pelham be considered. The route should facilitate active

transportation to existing routes in Pelham such as to the Steve Bauer Trail and address projected growth in Pelham developments (East/West corridor). Pedestrian and cycling infrastructure should be included in the planned route. A traffic light may be warranted at Rice Road and Merritt Road. This would benefit connectivity. All of these considerations will support health and health equity of Pelham residents.

**Action:** Bea will submit these comments to the Region's consultant on behalf of PATC and copy Jason Marr.

#### **6.11 PATC Debrief regarding Steve Bauer Trail**

The discussion from the last meeting was continued. The PATC is pleased that its opinion is being sought, as it was by Planning Department at this meeting. It is suggested that maps or drawings be sent with the agenda, in advance of the PATC meeting as was done today. This practice should be continued. The PATC will ask presenters to identify the nature of the feedback requested from the PATC. Following presentations of this nature, the PATC will summarize its feedback and share it with the presenter and include the feedback in the minutes. The PATC may consider adding additional meetings or longer meetings to accommodate these important presentations while being mindful of staff time. It is recommended that staff share the Pelham Active Transportation Master Plan with developers as a good first step for communicating the Town's and the PATC's focus on active transportation.

The Town may wish to host meetings with the developers and the PATC to build relationships and to emphasize the benefits of including active transportation features in development plans.

### **7 Committee Events and Reports**

#### **7.1 Summerfest**

No update.

#### **7.2 Senior's Advisory Committee**

Idea for a "buddy bench" that would feature a sign that committees are available to discuss issues of interest e.g., PATC could have a designated time to host a "buddy bench".

#### **7.3 Active School Travel**

St. Ann School – The Parent Council is considering submitting a letter to Public Works requesting a speed study, improvements to school crossing and traffic calming in follow-up to needs identified during walkabout.

#### **7.4 Active School Travel walkabouts**

No update

## **8 New Business**

### **8.1. Presentation re Park Place North and Park Place South – Planning Department (drawings attached)**

The Senior Planner, Shannon Larocque, provided a review of the draft plan drawings and sought input on the active transportation aspects of the proposed developments. Comments from committee members are noted below:

The PATC indicated support for:

- Pedestrian bridge
- Pathway to park
- Pathway connection to Sobey's, next to planned retirement building
- Secure inside bike parking in multi-residence buildings, as supported by the official plan and secondary plan
- Cycling infrastructure on Klager and McCaw

The PATC requests that the Town:

- Ensure active transportation facilities move forward as identified in the Active Transportation Master Plan, particularly map 10, and that the ATMP be shared with the developers
- Ensure safe crossing at the roundabout at Klager, particularly as traffic increases
- If fencing along lane / pathway, consider visibility
- Ensure lighting that meets accessibility needs (across bridge, on pathways)

Ideally, the PATC would like to see:

- Winter snow removal (heated trails/sidewalks)
- A trail on both sides of the waterway

**Action: After this list is refined by PATC, Bea will send the comments directly to Planning department staff for their reference.**

### **8.2. Requirement for AT Database**

Dave emailed a document to Jason which includes a list of suggestions related to use of GIS to facilitate active transportation recommendations e.g., Bluesky.net, that features a short video about GIS.

### **8.3. Signed Bicycle Routes**

Brian indicated an interest to begin planning for a future budget request to support this work which would include three signed cycling routes (River route, Villages route and Rural route) including software that would facilitate this e.g., how many signs.

### **8.4 Input for AT 5 year Strategic Plan**

Barb and Bea provided responses to Niagara Region Public Health. Brian added his thoughts about a Trails Master Plan across the region. Bea will raise that suggestions with Niagara Region's Active Transportation Sub Committee.

**8.5 Kunda Park access to Steve Bauer Trail – Dave (drawing attached)**

The request for access to the Steve Bauer Trail from John Street seems to be provided by a walkway identified in the drawing that was provided dated January 29, 2019.

**9.0 Adjournment**

**Moved by: R. Evans**

**Seconded by: D. Nicholson**

**THAT the meeting of PATC Committee be adjourned until the next meeting.**

**Carried**

The meeting was adjourned at 8:00 p.m.

**Upcoming Meetings, 2021**

March 16

April 20

May 18

June 15

**Committee of Adjustment****Minutes**

**Meeting #:** CofA 9b/2020  
**Date:** Tuesday, September 29, 2020  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** John Klassen  
Sandra Marsh  
Bernie Law

**Members Absent** Donald Cook

**Staff Present** Nancy Bozzato  
Holly Willford  
Sarah Leach  
Barb Wiens  
Jason Marr  
Curtis Thompson

**1. Attendance**

Applicant, Agents and viewing members of the public via Town of Pelham YouTube Channel by Live-streaming.

**2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff**

Noting that a quorum was present, Chair Klassen called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

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

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



#### **4. Requests for Withdrawal or Adjournment**

Ms. Holly Willford, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

#### **5. Applications for Minor Variance**

##### **5.1 A20/2020P - 1010 Canboro Road**

###### **Purpose of Application**

Application for relief of Section 7.3 (e) "Minimum Side Yard" to permit a minimum side yard of 7.3m whereas the by-law requires 15m.

###### **Representation**

The Owner was electronically present.

###### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning & Development Services

###### **Applicant's Comments**

The Owner indicated he had no comments.

###### **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer indicated no members of the public had pre-register to speak. Ms. Willford indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:15 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

###### **Members Comments**

A Member stated he agreed with the application.

A Member asked if the unopened road allowance is owned by the Town and asked if the Owner considered purchasing the lands. In response, the Owner indicated his deed states unopened road allowance.

**Moved By** Sandra Marsh  
**Seconded By** Bernie Law

**Application for relief of Section 7.3 (e) “Minimum Side Yard” to permit a minimum side yard of 7.3m whereas the by-law requires 15m, is hereby: GRANTED**

**The above decisions are based on the following reasons:**

- 1. The variance is minor in nature as no sensitive land uses are proximate and what appears to be an unopened road allowance continues to provide an additional 20 m of separation between the adjacent property to the east.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as it will allow for improved usage of the existing and recently approved greenhouse expansion.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. That the applicant is aware a new septic system permit is required.**
- 8. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

- 1. That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official.**

**Prior to the issuance of the Building Permit:**

- 2. To the satisfaction of the Director of Community Development and Planning that:**

1. **Obtain building permit approval ensuring that a floating slab and anchor post layout foundation are used similar to that approved on the existing Site Plan Agreement.**

**Carried**

## **5.2 A21/2020P - 590 Canboro Road**

### **Purpose of Application**

Application for relief of Section 7.4 (e) "Minimum Exterior Side Yard" seeking 2.43 m, whereas 8 m is required, to recognize the existing legal non-complying dwelling and Section 7.4 (e) "Minimum Exterior Side Yard" seeking 3.85 m, whereas 8 m is required, to construct a  $\pm 56.4 \text{ m}^2$ , 2-storey residential addition to the north.

### **Representation**

The Owner and Agent, Mr. Ian Whitehall was electronically present.

### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning & Development Services
5. NPCA

### **Applicant's Comments**

The Agent stated the owner is requesting the minor variance to facilitate an addition.

### **Public Comments**

No members of the public had pre-register to speak.

### **Members Comments**

A Member asked how large the subject lands are. In response, the Owner stated the lands are approximately 1.3 acres. The Member stated he is unsure why it is said the land is undersized.

**Moved By Sandra Marsh**

**Seconded By Bernie Law**

**Application for relief of Section 7.4 (e) “Minimum Exterior Side Yard” seeking 2.43 m, whereas 8 m is required, to recognize the existing legal non-complying dwelling and Section 7.4 (e) “Minimum Exterior Side Yard” seeking 3.85 m, whereas 8 m is required, to construct a ± 56.4 m<sup>2</sup>, 2-storey residential addition to the north, is hereby:  
GRANTED**

**The above decisions are based on the following reasons:**

- 1. The variance is minor in nature overall because it will help to improve the historic streetscape and the existing legal non-complying front yard setback has not posed any adverse impacts to date.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land as it will allow for improved living arrangements and usage of the existing legal non-complying dwelling.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. That the applicant is aware a new septic system permit is required.**
- 8. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

1. That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official.

**Prior to the issuance of the Building Permit:**

2. To the satisfaction of the Director of Public Works that:
  1. Should a new driveway be needed, or the existing driveway widened, then a Driveway Entrance & Culvert Permit will be required, at the owner's expense.
3. To the satisfaction of the Director of Community Development and Planning that:
  1. Provide a west (Cream Street) Elevation Plan that positively contributes to the public street through the use of a more practical front porch, and ground floor windows symmetrically proportionate to the building's mass;
  2. Cease excavation activities immediately upon discovery of deeply buried archaeological resources. The Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) shall be notified and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists. In the event that human remains are encountered during construction, all activities must cease immediately and the local Police as well as the Cemeteries Regulation Unit of the Ministry of Government & Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MTCS should also be notified to ensure that the site is not subject to unlicensed alterations which would be in contravention of the Ontario Heritage Act.

## **6. Applications for Consent**

### **6.1 B2/2019P - 204 Canboro Road**

#### **Purpose of Application**

Application for consent to convey an easement in perpetuity over Part 2, to the benefit of Part 3 for the use of discharging storm water. Parts 1 and

2 are to be retained for continued use of residential property known municipally as 204 Canboro Road.

### **Representation**

The Agents, Mr. Craig Rohe from Upper Canada Consultants and Mr. Tom Richardson, lawyer for the applicant were both electronically present.

### **Correspondence Received**

1. Town of Pelham Planning Department (March 12, 2019 and August 11, 2020)
2. Town of Pelham Public Works (February 21, 2019)
3. Niagara Region Planning & Development Services (February 27, 2019)
4. Niagara Peninsula Conservation Authority (2019 Comments and Updated 2020 Comments)
5. Bell Canada
6. Hydro One
7. Ben Obdeyn, et al.
8. Ben Obdeyn (July 29, 2020 Comments)
9. Angela and Brian Young (August 5, 2020)

### **Applicant's Comments**

Mr. Rohe stated the development of this property has been ongoing on for a long time and that this is the last step in required development approvals. He stated there has been a draft plan of condominium and zoning by-law amendment approved. Mr. Rohe indicated the site plan agreement is ready to be executed and the applicant has an NPCA permit for the proposed storm water outlet. Mr. Rohe briefly described location and purpose of the requested easement and provided a brief history of this application.

A Member stated professional engineers did the design work for the proposal and that ultimately, those professional engineers will be responsible for the design and should issues arise, the engineers will be required to rectify any issues. In response, Mr. Rohe stated that is correct and that many professionals have reviewed the proposal and provided

their stamps of approvals. He stated should issues arise the applicant and his team will resolve the issues to the satisfaction to the Town.

A Member asked if there are issues and the neighbours are concerned who should they call. In response, Mr. Rohe stated the NPCA is the regulatory authority and any neighbours could call the NPCA or the Town to request a site inspection. Mr. Rohe stated he and his applicant are confident in their design.

Mr. Richardson, the applicant's lawyer stated the easement at the bottom of the slope already exists and is the Town of Pelham's easement. He stated, therefore if issues arose the Town of Pelham would become aware of any complaint. Mr. Richardson stated the easement which is being requested tonight would be the responsibility of the condominium corporation.

A Member asked if there is an issue or maintenance need identified with the easement how long would it typically take the condominium corporation to make the repair. In response, Mr. Richardson stated they should be able to respond in good time. Furthermore, he stated typically a condominium corporation has a property management company and that company would deal with the complaint.

A Member stated it is important the neighbours can be assured there will not be any issues and if there are issues, there will be speedy resolution. The Agents made assurances there are engineering controls to ensure there will be no negative impacts. Mr. Jason Schooley, the applicants engineer discussed controls in place to ensure the engineering systems will work and stated they are designed for significant storm events.

### **Public Comments**

Angela and Brian Young stated they live west of the proposed development. The Young's stated their concern is water and they do not want to have any additional water or silts coming onto their property.

Mr. Young stated he believes there are misunderstandings with respect to this development and stated there is currently no creek, rather he stated it is a dry valley. Mr. Young stated he is concerned about the existing easement and stated the easement ends at his property line. He indicated the easement was not designed to have additional water.

Mr. Young raised concerns with regards to the water flow rate numbers stated within Upper Canada Consultants in their report and the models

they used to create the flows. The Young's stated they believe the pre-flow rate is incorrect.

The Chair asked Mr. Jason Marr, Director of Public Works if he is in support of this application. In response, Mr. Marr, firstly stated the Town does have the responsibility of the existing easement. He stated he is not aware of any deficiencies with the easement and stated this would be the Town's responsibility. Mr. Marr stated with respect to the applicants design, he stated he has reviewed the documents and studies and stated he believes good engineering principles were used in the design. Mr. Marr stated he has read the comments received from the NPCA and the Niagara Region and he stated both are in favour of this application and the design. Mr. Marr stated he is in support of the engineering work which was submitted for this development.

Ben Obdeyn stated he is concern with respect to excessive water and stated he would suggest the engineers consider using of french drains. Mr. Obdeyn asked if the storage tank will have a solid bottom or if it will be perforated. Mr. Obdeyn also asked if small equipment rather than big equipment can be used to minimize tree destruction. In response, Mr. Schooley stated the design was created to minimize ground water for slope stability. He stated all water is projected to landscaped areas. He stated he did not use a perforated pipe system for a variety of reasons.

Norah Peat stated her concerns are similar to the Young's. Ms. Peat stated she is concerned the UCC report states there is a tributary coil creek along the existing easement to the Town of Pelham. She stated that was never a tributary coil creek. She stated she believes this is significant as it is not a running waterway. In response, Mr. Rohe stated this term was provided by the applicant's ecologist.

Ms. Peat stated she understands the water flow rates, which the design is based, is derived from rainfall and stormwater figures from years that are no longer relevant and that the data is outdated. Ms. Peat referenced changing weather / climate patterns and therefore is concerned with the flow rates presented within the report.

In addition, Ms. Peat stated she is concerned with the amount of water that would go into the Town's easement. She stated she believes the Town may have some financial liability if property damage arises from excess water. She stated she believes the committee should commission their own reports to review the proposal.



In response to Ms. Peats concerns, Mr. Schooley stated he has used the St. Catharines rainfall data and further explained how the data was used for his modeling systems. He stated he is confident with the rainfall data used. Mr. Schooley stated the rainfall data is always up-dated.

Ms. Willford indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 6:06 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Members Comments**

The Committee Members made no further comments.

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**Application is made for consent to convey an easement in perpetuity over Part 2, to the benefit of Part 3 for the use of discharging storm water. Parts 1 and 2 are to be retained for continued use of residential property known municipally as 204 Canboro Road, is hereby GRANTED.**

**The above decision is subject to the following conditions:**

- 1. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**
- 2. That the final certification fee of \$395, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

**This decision is based on the following reasons:**

- 3. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 4. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**

5. **The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**Carried**

**7. Minutes for Approval**

None.


**8. Adjournment**

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**THAT the Committee of Adjustment hearing be adjourned.**

**Carried**

  
\_\_\_\_\_  
John Klassen, Chair  
\_\_\_\_\_

For: Secretary-Treasurer, Nancy J. Bozzato

**Committee of Adjustment  
Minutes**

**Meeting #:** CofA 10/2020  
**Date:** Tuesday, October 6, 2020  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

Members Present     John Klassen  
                             Sandra Marsh  
                             Bernie Law

Staff Present         Nancy Bozzato  
                             Holly Willford  
                             Sarah Leach  
                             Curtis Thomspon  
                             Tolga Aydin  
                             Jason Marr (part-time)

**1. Attendance**

Applicant, Agents and viewing members of the public via Town of Pelham YouTube Channel by Live-streaming.

**2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff**

Noting that a quorum was present, Chair Klassen called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

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

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

#### **4. Requests for Withdrawal or Adjournment**

Ms. Holly Willford, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

#### **5. Applications for Consent**

##### **5.1 B7/2020P - 1150 Line Avenue (Part 1)**

###### **Purpose of Application**

Applications B7/2020P and B8/2020P were heard concurrently.

Application B7/2020P for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling.

Application B8/2020P for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling.

###### **Representation**

The applicants Agents, Mr. Matt Kernahan from Upper Canada Consultants and Mr. Patrick Maloney from Sullivan Mahoney LLP were electronically present.

###### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works Department
3. Town of Pelham Building Department
4. Hydro One
5. Bell Canada

###### **Public Comments:**

1. Jason Lovejoy
2. Ann Harrison & Michael Hrycusko
3. William McRae
4. Petition
5. Allan and Edward Steers
6. Gordon Hetherington
7. Steve Talosi

8. Susan Smyth
9. Beverly Lovejoy & William King
10. Peter Scott & Nicola Jones
11. Alice & Ron Hrcak
12. Andrea and Francois Lacasse
13. Teresa Boucher
14. Keith Robins

### **Applicant's Comments**

Mr. Maloney stated he would speak to both the consent and minor variance applications. Mr. Maloney provided the Committee with an overview of the applications before the Committee for consideration, being the creation of two lots on Parts 1 and 2 and associated minor variances. Mr. Maloney stressed there are no applications before the Committee with respect to Part 3 on the sketch, being the remnant lands. He stated those lands are for future development and there presently are no applications before the Committee with respect to Part 3 on the sketch. Mr. Maloney stated the majority of public comments received are primarily in opposition of the development of Part 3.

Mr. Kernahan provided the Committee with a presentation providing an overview of the application. A copy of said presentation is available through the Clerk.

Mr. Maloney stated expert evidence presented by the Town's Planning Department and Mr. Kernahan support the consent applications. Mr. Maloney stated the suggested conditions from the Town's Planning Department are intended to address any potential impact upon the properties abutting Part 1 on the sketch. Mr. Maloney reviewed the suggested conditions and stated how the conditions would address the public's concerns. Mr. Maloney respectfully requested the Committee grant the applications, subject to conditions, as presented.

A Member asked the Agents if they have considered flooding as a potential consequence to the development of the lots. Mr. Maloney stated a proposed condition to the consent applications is the requirement for an overall lot grading and drainage plan. He further stated the future development on Part 3 will require a lot grading and drainage plan. Mr. Maloney stated this would address any drainage issues.

A Member asked if the condition relating to the 6 foot fence would be constructed prior to or after construction. The Member also asked if the three large trees to be planted would all be planted on Part 1 or will there be a tree planted on each Part of the sketch. In response, Mr. Maloney stated the fence would be installed before the lot is created. He stated the trees are to be planted on the Towns boulevard between Parts 1, 2 and 3.

A Member asked if the trees along Steflar Street will be removed and what type of fence will be installed. In response, Mr. Maloney stated the fence would be a solid wood board fence. He further stated there is a condition for a tree savings plan and therefore, there will be an effort to preserve as many trees as possible. Mr. Maloney stated it is his clients intention to preserve as many trees as possible.

A Member stated he is concerned with drainage. In response, Mr. Maloney stated a lot grading and drainage plan will be required as a condition of the consent, and therefore water will flow to the street. The Member stated this street does not have storm water sewers and stated he is concerned with flooding on the streets. In response, Mr. Jason Marr, Director of Public Works stated engineering staff will be reviewing a lot grading and drainage plan to ensure the drainage from this property will not negatively affect other properties.

A Member asked Mr. Curtis Thompson for the definition of 'land locked'. In response, Mr. Thompson, Town Planner, stated a parcel is land locked when it does not have frontage onto a public street. He stated any amount of frontage means the lands are not land locked.

A Member asked if the two consent applications are granted will the Committee be creating a third parcel (Part 3) with zoning deficiencies with respect to frontage. In response, Mr. Thompson stated the Committee would be conditionally approving three parcels, however he stated one of the proposed conditions is that the frontage of Part 3 is rectified.

The Member asked Mr. Thompson to explain how future development would be dealt with in the future with respect to Part 3. In response, Mr. Thompson explained the public process for a zoning by-law amendment if the applicant should submit such application. In addition, Mr. Thompson discussed when a subdivision plan is required in comparison to consent applications.

## **Public Comments**

Mr. Peter Scott thanked staff for the detailed report and for keeping lines of communication opened. He further thanked the Committee for asking detailed questions of the applicant. Mr. Scott stated his house will likely be most impacted by this proposed development and thanked the neighbours for their support.

Mr. Scott stated he is in opposition of the four applications before the Committee as he believes they are not minor, does not fit in with the character of the neighbourhood and are incomplete. Mr. Scott stated he is concerned with privacy and is worried the applicant may build a two-story home which would look into his yard. He requested a condition be placed on the application to ensure only a one-story home could be built. In response, Mr. Maloney stated it is the applicant's intention to build an attractive bungalow. In addition, Mr. Maloney stated there are conditions upload the applications with respect to windows being installed to ensure privacy.

Mr. Scott stated he would like to ensure all conditions are in writing. Chair Klassen confirmed all conditions upon the application would be in writing.

Ms. Ann Harrison and Mr. Michael Hrycusko stated they own a property west of the subject lands. Ms. Harrison stated she and Mr. Hrycusko respectfully disagree with planning staff and stated she does not believe the application aligns with the Town's Official Plan. Ms. Harrison stated she would specifically speak to the special policy, which speaks to Lot 177 in Fonthill. She stated she understands change is inevitable and have seen thoughtful and intentional development throughout Niagara, which adheres to the character of the community and is compatible with the existing neighbourhood. Ms. Harrison stated she is concerned that within Fonthill there have been several instances in which large properties are being severed in established neighborhoods into small lots, which are incompatible and inconsistent with the area. Chair Klassen advised Ms. Harrison this type of development is common as there are provincial requirements for infill development.

Ms. Harrison agreed this type of application is being seen more frequently, however stated the Committee of Adjustment has denied some of these requests. She stated she is concerned this application is an attempt to 'shoe horn' in some homes in a piecemeal fashion. Ms. Harrison stated this area is not an area identified for intensification. She further stated she believes a plan of subdivision should be required and should go before

Council. Ms. Harrison referenced the language within the Town's Official Plan and indicated she believes if the consents are approved, there will be awkward shaped lots and there would be a property with deficient lot frontages. Ms. Harrison stated it is her opinion the proposed lots are not coherent, compatible, orderly or complimentary and therefore do not align with the Town's Official Plan or Special Policy 177.

The Chair asked Mr. Thompson to confirm a minor variance would be required to rectify the deficient lot frontage for Part 3. In response, Mr. Thompson indicated there is a condition associated with the applications to receive zoning relief with respect to the frontage on Part 3.

Mr. Steve Talosi thanked the Committee Members for having previously summarized the concerns of the residence. He stated the proposed lots are smaller than other lots within the area and stated he did not think they are similar to other lots within the area. Mr. Talosi indicated he did not think the applications would support a positive streetscape.

Mr. Talosi stated his biggest concern is that Part 3 of the submitted sketch is not to be discussed. He stated he would like to see the full plans and started it would provide for smarter planning.

Mr. Talosi stated he did not think the established subdivision should have multi-family dwelling stuck in the middle of it. He further stated the subject area has not been identified as an area for high intensification. In addition, he stated he was concerned about drainage.

Ms. Susan Smyth stated she lives around the corner from the subject lands. Ms. Smyth requested information with respect to the technical analysis that was completed to demonstrate the proposed lots meet the intent of the Official Plan particularly with respect to the character of the existing development, and the compatibility of the proposed development in terms of scale and density. In response, Mr. Thompson referenced his Planning Recommendation Report, which outlined his analysis with respect to the application. Further discussion ensued with respect to current planning policies and standards as compared to when the existing development was created. Ms. Smyth requested a complete plan for the entire development, including Part 3 of the sketch.

The Chair asked Mr. Maloney why the applicant has not come forth with an entire plan for the development, which includes Part 3. In response, Mr. Maloney stated there are different options to bring forth development. He stated the consent process is normally a quicker



process to allow for development of a site. Mr. Maloney stated it is within his clients rights to bring the consent applications forward and deal with the retained lands at a later date. Ms. Nancy Bozzato, Secretary Treasurer, provided an overview of some development application processes available to a developer.

Ms. Willford advised the Committee Mr. Gordon Hetherington had pre-registered to speak to the Committee, however has since indicated he no longer wished to do so. Ms. Willford further advised Mr. and Mrs. McRae who pre-registered to speak have left the meeting.

Ms. Melodee Foster stated she lives on the south side of the subject lands. Ms. Foster stated she would like to address issues pertaining to Part 3, rather than Part 1 and 2. In response, the Chair advised the Committee cannot discuss Part 3 on the sketch.

Ms. Foster indicated she is concerned with respect to the location of her home and driveway to any new development, particularly with respect to lighting, how lighting may affect her backyard, increased traffic, and stated there are a variety of unknowns, which concerns her. She stated she would feel better if the plans were placed delayed or placed on hold.

The Chair asked Mr. Thompson if he could address the residents' concerns. In response, Mr. Thompson stated from the perspective of the municipality we are unable to address concerns with respect to Part 3. He started an application for Part 3 is not before the Committee. Mr. Thompson stated if there is an application for Part 3 in future, there would be standards and conditions placed on the application, which could speak to lighting or traffic. He further stated there can only be one house on Part 3 until such time as the applicant receives zoning approvals at a future date. Mr. Kernahan further stated the reason why the applicant hasn't provided details with respect to lighting and design because development plans for this property have not been finalized. He stated once the plans have been finalized they will be submitted to the Planning Department along with appropriate planning applications. Mr. Kernahan stated there would be another public meeting process in front of Council.

Ms. Foster suggested the applications for Part 1 and Part 2 be placed on hold. She stated she is very concerned about the potential development and how it will affect her home and her privacy.

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 6:24 pm and confirmed no e-mails

has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Members Comments**

A Member thanked the town staff and the agents for the applicant for all of their comments and detailed reports. The Member stated she is prepared to make a motion for both B7/200P and B8/2020P to grant the consents. The Member stated her reasons and the proposed conditions.

A Member asked for clarification with respect to the vote regarding the consent applications and the minor variance applications. Ms. Bozzato advised the motion currently on the floor is with respect to the consent applications and that minor variance applications will be heard following the decision on the consent applications.

A Member stated he is not in favour of the consent applications.

A Member stated he believes the consent applications are premature. He stated the surrounding neighbourhood have a good argument. The Member stated it is not that he is against the consent, and would like to place the applications on hold. The Member stated he is not against the consent but is against voting for it now.

Ms. Bozzato stated there is a motion on the floor to approve the applications. Ms. Bozzato stated if the motion fails the Committee must provide reasons for refusal. She stated the only way to not vote on the matter is if the application requests an adjournment.

The Chair called the vote and all members voted to carry the motion for approval.

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**Application for B7/2020P is made for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling. 4,067 square metres of land; is hereby GRANTED**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**

- 1. Ensure all lots are serviced with, at a minimum, an individual 20 mm Ø water service and 125 mm Ø sanitary sewer lateral in accordance with Town standards. Installation of any service will require a Temporary Works Permit(s) to be obtained and approved by the Public Works Department. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine their condition is satisfactory prior to connection. The applicant shall bear all costs associated with these works.**
- 2. Submit a drawing indicating the location of the individual water services and sanitary laterals for all lots confirming no existing or proposed service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards are required after the installation of new services.**
- 3. Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The driveway entrance shall be located on the north side of the proposed lot. The applicant shall bear all costs associated with these works.**
- 4. Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.**

**To the Satisfaction of the Director of Community Planning and Development**

- 1. That final approval of all necessary zoning approvals be obtained for Part 1 (Minimum Lot Frontage and Minimum Lot Area)**
- 2. Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. At a minimum, the Assessment must cover the building envelope of the proposed lot eligible for disturbance, and be accepted by the Ministry prior to clearance of this condition. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken. No demolition, grading or other soil disturbances shall**

take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

3. **Provide front dwelling Elevation Plan(s) that positively contribute to the public street through the use of a front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc., to the satisfaction of the Director of Community Planning & Development. Said Elevation Plans shall be substantially unaltered from those at the time of building permit.**
4. **In consultation with the Town's By-law Officer, install a 1.8 m (6') tall solid wood board fence along the north side lot line, but not extending into the front yard of Part 1, in compliance with the Town's current Fence By-law, to the satisfaction of the Director of Community Planning & Development.**
5. **In consultation with the Town's Arborist, plant three (3) large caliper deciduous street trees spaced equally along the frontages of Parts 1 – 3, within the boulevard, and selected from the Town's approved Street Tree Planting Schedule, to the satisfaction of the Director of Community Planning & Development.**
6. **Submit a Tree Savings Plan for Part 1, illustrating the anticipated building envelope(s) with a concerted effort to preserve as many trees as practical along the north lot line, to the satisfaction of the Director of Community Planning & Development. Existing trees that would be situated in the front and rear yards of the future dwelling are expected to be preserved in a healthy state. This Plan may be integrated with the Lot Grading Plan.**
7. **Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.**

**To the Satisfaction of the Secretary-Treasurer**

1. **That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**

2. That the final certification fee of \$395, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

**This decision is based on the following reasons:**

1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.
2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.
3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

**Carried**

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**Application for B8/2020P is made for consent to convey and partial discharge of mortgage of 533.81 square metres of land for a single detached dwelling; is hereby GRANTED**

**The above decision is subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**

1. Ensure all lots are serviced with, at a minimum, an individual 20 mm Ø water service and 125 mm Ø sanitary sewer lateral in accordance with Town standards. Installation of any service will require a Temporary Works Permit(s) to be obtained and approved by the Public Works Department. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine their condition is

satisfactory prior to connection. The applicant shall bear all costs associated with these works.

2. **Submit a drawing indicating the location of the individual water services and sanitary laterals for all lots confirming no existing or proposed service branches from, or through any proposed lot lines to other lands, and from or through the remnant parcel to other lands. Locate cards are required after the installation of new services.**
3. **Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The driveway entrance shall be located on the north side of the proposed lot. The applicant shall bear all costs associated with these works.**
4. **Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.**

**To the Satisfaction of the Director of Community Planning and Development**

1. **That final approval of all necessary zoning approvals be obtained for Part 2 (Minimum Lot Frontage and Minimum Lot Area)**
2. **That final approval of all necessary zoning approvals be obtained for Part 3 (Minimum Lot Frontage)**
3. **Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. At a minimum, the Assessment must cover the building envelope of the proposed lot eligible for disturbance, and be accepted by the Ministry prior to clearance of this condition. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken. No demolition, grading or other soil disturbances shall take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.**

4. **Provide front dwelling Elevation Plan(s) that positively contribute to the public street through the use of a front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc., to the satisfaction of the Director of Community Planning & Development. Said Elevation Plans shall be substantially unaltered from those at the time of building permit.**
5. **In consultation with the Town's Arborist, plant three (3) large caliper deciduous street trees spaced equally along the frontages of Parts 1 – 3, within the boulevard, and selected from the Town's approved Street Tree Planting Schedule, to the satisfaction of the Director of Community Planning & Development.**
6. **Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.**

**To the Satisfaction of the Secretary-Treasurer**

1. **That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**
2. **That the final certification fee of \$395, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

**This decision is based on the following reasons:**

1. **The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
2. **This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
3. **The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies**

**with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**Carried**

**5.2 B8/2020P - 1150 Line Avenue (Part 2)**

Applications B7/2020P and B8/2020P were heard concurrently.

**6. Applications for Minor Variance**

**6.1 A25/2020P - 1150 Line Avenue (Part 1)**

**Purpose of Application**

Applications A25/2020P and A26/2020P were heard concurrently.

Application A25/2020P for relief of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) “Minimum Front Yard” – to permit a minimum front yard of 6 meters whereas the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters.

Application A26/2020P for relief of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, relief of Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) “Minimum Front Yard” – to permit a minimum front yard of 6 meters whereas the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters.

**Representation**

The applicants Agents, Mr. Matt Kernahan from Upper Canada Consultants and Mr. Patrick Maloney from Sullivan Mahoney LLP were electronically present.



### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works Department
3. Town of Pelham Building Department
4. Hydro One
5. Bell Canada

### **Public Comments:**

1. Jason Lovejoy
2. Ann Harrison & Michael Hrycusko
3. William McRae
4. Petition
5. Allan and Edward Steers
6. Gordon Hetherington
7. Steve Talosi
8. Susan Smyth
9. Beverly Lovejoy & William King
10. Peter Scott & Nicola Jones
11. Alice & Ron Hrcak
12. Andrea and Francois Lacasse
13. Teresa Boucher
14. Keith Robins

### **Applicant's Comments**

Mr. Matt Kernaham stated he appreciated the detailed report from Planning Staff. Mr. Kernaham stated the proposal balances the old zoning with current development standards. Mr. Kernaham stated all requested minor variances meet the four tests under the Planning Act.

Mr. Maloney stated this Committee has authority to make a decision pursuant to Section 45 of the Planning Act and that the focus is on those minor variances being requested. He stated the Committee has heard

evidence from both Mr. Kernahan and Mr. Thompson in support of the minor variances.

Mr. Maloney stated a concern raised by neighbours is questioning if the lot is too small for the area. He stated the lot size and frontage requested is a rather large lot. Mr. Maloney stated the lots are compatible and indicated that does not mean they have to be the same as, rather they are capable of living in harmony. He stressed these are large lots. Mr. Maloney stated the rest of the variances requested are being request for design preference. He stated the applicant's intention is to build a bungalow. Mr. Maloney stated the variances requested are to facilitate a bungalow style house.

Mr. Maloney provided an overview of the conditions which will be attached to the applications, should they be approved. He stated elevation drawings in particular are required and that this will contribute to satisfying the concern regarding the streetscape. He stated there is also a condition with respect to the windows to be installed to ensure privacy.

Mr. Maloney respectfully requested the applications be approved as presented.

The Chair requested clarification from staff as to how the Committee can proceed. In response, Ms. Willford indicated the applicant requested a 7m setback and a 55% lot coverage, whereas Planning staff recommend 50% lot coverage. She indicated it is to the Committee's discretion what to grant. The Chair indicated it is his preference to follow Planning staff's recommendation.

Ms. Bozzato further advised the Committee has the authority to approve a minor variance, which is closer to the Zoning By-Law than what was requested. Further discussion ensued regarding the requested minor variance and the recommendations from Planning staff.

A Member asked if the application would accept a reduced lot area of 50%. In response, Mr. Maloney stated the optimal design would be as applied for. He stated with respect to the lot coverage would be more easily to accommodate than the reduction of the garage setback. He stated it is the Committee's decision.

### **Public Comments**

Ms. Ann Harrison stated she is concerned the Town's Zoning By-laws have been referred to as antiquated and that other properties around

Ontario are smaller. She stated these are the by-laws and requested they be upheld. She indicated she did not think the requests are minor. Ms. Harrison asked if a condition can be added to ensure more space will be made between the houses.

Mr. Steve Talosi requested the definition for a major variance in planning terms. In response, Mr. Thompson stated there is not a definition for minor variance. He stated Committee of Adjustments have to make these tough decisions all the time. Further discussion ensued with respect to the need of a minor variance.

Mr. Talosi stated minor is a misnomer and that this is difficult for the public to understand. He stated he does not believe the requests are minor. Mr. Talosi stated he thinks the request is disrespectful of the current property owners. He stated he is frustrated by the process.

Mr. Peter Scott stated he was concerned that two members of the Committee stated they did not support the consents, however voted for them. In response, the Chair stated he said he believed the consents were slightly premature however he wants to respect the rules and regulations. The Chair indicated he understood he voted for the consents.

Mr. Scott requested confirmation a bungalow will be built and that the conditions attached to the applications will be fulfilled. Mr. Scott stated his preference for trees to be planted and their location, the type and timing of the fence to be installed and the windows to be used on the proposed home. He furthermore requested all conditions are written. The Chair indicated the conditions for the consents are written and are required to be fulfilled. Mr. Maloney stated confirmed the required conditions will be fulfilled and would have to be fulfilled prior to the lot being created.

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 7:40 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Willford indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Members Comments**

A Member stated he was concerned with the proposed minor variances.

Mr. Thompson stated for clarification each minor variance being requested. Mr. Thompson stated the lot frontage and lot area are required

to rectify the zoning deficiencies of the consents. He stated the other requested variances are for design preferences.

The Members voted on each minor variance requested individually and all members voted to carry the motions for approval.

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**Application A25/2020P for relief of Section 13.2 (a) “Minimum Lot Area” – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, Section 13.2 (c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) “Minimum Front Yard” – to permit a minimum front yard of 6 meters whereas the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters, is hereby: GRANTED**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature given the surrounding area and the reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage, smaller lot sizes are increasingly becoming common, given modern civil design and infrastructure standards, as it will provide an opportunity to enhance the public realm and streetscape and the reduced parcel size can still comfortably accommodate a new dwelling.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
  - 1. The intent of the Official Plan is maintained.**
  - 4. The proposal is desirable for the appropriate development and/or use of the land because it will allow for the creation of an additional residential building lot on a large, underutilized open space within the delineated built boundary of the Fonthill urban settlement area and land as it will help facilitate a wider range of 1-storey (bungalow) house designs and help facilitate a more comparable building alignment along Line Avenue .**

1. This application is granted without prejudice to any other application in the Town of Pelham.
2. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decision is subject to the following conditions:

1. That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official.
2. That the approval of the minor variance is subject to Consent Files B7/2020P and B8/2020P obtaining final approval.

Prior to the issuance of the Building Permit:

1. To the satisfaction of the Director of Community Development and Planning that:
  1. Provide dwelling Elevation Plans that positively contribute to the public street through the use of a front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc., and if windows are proposed on the north façade, they shall be of clerestory style or similar, as applicable, to the satisfaction of the Director of Community Planning & Development

Carried

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**Application for relief of Section 13.2 (a) "Minimum Lot Area" – to permit a minimum lot area of 533 square meters whereas the by-law requires 700 square meters, Section 13.2 (b) "Minimum Lot Frontage" – to permit a minimum lot frontage of 15.2 meters whereas the by-law requires 19 meters, relief of Section 13.2 (c) "Maximum Lot Coverage" – to permit a maximum lot coverage of 50% whereas the by-law allows 30%, Section 13.2 (d) "Minimum Front Yard" – to permit a minimum front yard of 6 meters whereas**

**the by-law requires 7.7 meters and Section 13.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 meters whereas the by-law requires 1.8 meters, is hereby: GRANTED**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature given the surrounding area and the reduced lot area can still comfortably accommodate the proposed dwelling, landscaped amenity area, parking and drainage, smaller lot sizes are increasingly becoming common, given modern civil design and infrastructure standards, as it will provide an opportunity to enhance the public realm and streetscape and the reduced parcel size can still comfortably accommodate a new dwelling.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
  - 1. The intent of the Official Plan is maintained.**
  - 4. The proposal is desirable for the appropriate development and/or use of the land because it will allow for the creation of an additional residential building lot on a large, underutilized open space within the delineated built boundary of the Fonthill urban settlement area and land as it will help facilitate a wider range of 1-storey (bungalow) house designs and help facilitate a more comparable building alignment along Line Avenue .**
- 1. This application is granted without prejudice to any other application in the Town of Pelham.**
- 2. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

- 1. That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official.**
- 2. That the approval of the minor variance is subject to Consent Files B7/2020P and B8/2020P obtaining final approval.**

**Prior to the issuance of the Building Permit:**

1. **To the satisfaction of the Director of Community Development and Planning that:**
  1. **Provide dwelling Elevation Plans that positively contribute to the public street through the use of a front porch, windows symmetrically proportionate to the building's mass, and a congruent use of exterior cladding etc., and if windows are proposed on the north façade, they shall be of clerestory style or similar, as applicable, to the satisfaction of the Director of Community Planning & Development**

**Carried**

**6.2 A26/2020P - 1150 Line Avenue (Part 2)**

Applications A25/2020P and A26/2020P were heard concurrently.

**7. Minutes for Approval**

**8. Adjournment**

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting.**

**Carried**

  
\_\_\_\_\_  
John Klassen, Chair  
\_\_\_\_\_

For : Secretary-Treasurer, Nancy J. Bozzato

**Subject:** Health and Safety Policy Updates**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0101;**

**AND THAT Council approve Policies S101-12 and S101-13 as amended;**

**AND THAT Council approve the following new policies: Employee Injury, Illness, and Incident Reporting and Employee Accommodation Policy.**

**Background:**

Pursuant to Council direction in August, 2020, the Town registered for the WSIB Health and Safety Excellence program. This program is designed to help build health and safety practices and systems that reach a standard of excellence. The five topics selected are Controlling the Hazard (COVID-19), Injury, Illness and Incident Reporting, First Aid, Emergency Prevention and Preparedness, and Return to Work Program Requirements. While the Town has programs in place for each of these topics, they each needed to be enhanced in order to meet the outlined criteria and standards of the WSIB. Evidence must be submitted to the WSIB that demonstrates each topic has been implemented.

For each completed and approved topic the Town earns a rebate in the amount of 2% of its WSIB premiums for the previous year. To date, the Town has submitted and been approved for the work completed to control the hazard of COVID-19 in the workplace. Human Resources, with the assistance of the Joint Health and Safety Committee members, have made a number of updates to existing policies and procedures and will submit the remaining four topics in the coming months. The Town will receive the rebate once all five topics are approved.

**Analysis:**

A number of policies, procedures, and tools needed to be either created or edited to meet the program's criteria for approval. The Transitional Return to Work Policy



S101-12 has been updated to include clearly established responsibilities of the involved parties, case management processes, and a procedure for evaluating the program on an annual basis. An Employee Accommodation Policy S101-21 has also been developed, outlining the steps required to create an accommodation plan for employees who are temporarily or permanently unable to return to their regular duties following an injury or illness.

The First Aid Policy S101-13 has been updated to identify responsibilities of the employer, management, human resources and the employee in instances of first aid injuries. The policy also references a newly established first aid procedure which includes guidelines to follow in the event of an injury.

The Employee Injury, Illness and Incident Reporting Policy S101-20 has been created to ensure that all work-related incidents are adequately reported, investigated and corrected to prevent reoccurrences. The policy establishes clear expectations for the involved parties and provides requirements for each classification of injury, including appropriate reporting methods, both internally and externally.

Human Resources and the Joint Health and Safety Committee are still in the process of completing the work associated with the Emergency Prevention and Preparedness topic. A policy will be presented to Council once complete.

### **Financial Considerations:**

The Town paid an initial sign-up fee of \$1,000 to the Public Services Health and Safety Association which is responsible for providing support through this process and the resources necessary to complete each topic successfully. Based on the 2020 WSIB premium amount of \$202,278, each completed topic will receive a rebate of \$4,046 for a total rebate of \$20,230. In addition to this direct monetary benefit, the Town has the potential to save additional dollars by creating a safer workplace and reducing the risk of WSIB claims. Improving the Town's claims experience has the potential to lower our premium rates in the future.

### **Alternatives Reviewed:**

Alternatives were not reviewed, as the Town has committed to completing this work by August 2021.

### **Strategic Plan Relationship: Risk Management**

Participation in the WSIB Health and Safety Excellence program demonstrates the Town of Pelham's commitment to the continual improvement of its health and safety culture and ensuring the wellbeing of staff.

**Consultation:**

The Payroll Clerk provided the total annual WSIB premium amount for 2020 needed to calculate the rebate to be received for each approved topic submission.

**Other Pertinent Reports/Attachments:**

- Transitional Return to Work Policy S101-12
- First Aid Policy S101-13
- Employee Injury, Illness and Incident Reporting Policy S101-20
- Employee Accommodation Policy S101-21

**Prepared and Submitted by:**

Brianna Langohr  
Human Resources/Health and Safety Coordinator



<b>Policy Name: Transitional Return to Work</b>	<b>Policy No: S101-12</b>
Committee approval date:	-
Council approval date:	June 4, 2018
Revision date(s):	
Department/Division:	Health and Safety

### 1. Purpose

The Transitional Return to Work (RTW) Policy is designed for ill or injured workers and aims to safely return them to employment at the earliest possible date following an injury or illness.

### 2. Policy Statement

The Town of Pelham is committed to facilitating the early and safe return to work for employees absent from work due to illness or injury, in collaboration with the employee, health care providers, as well as the union and the WSIB, if applicable.

The Town will make every reasonable effort to provide a meaningful, productive employment environment within which individuals will maintain their dignity and respect while rehabilitating from their illness, injury or disability.

### 3. Definitions

Accommodation: an adjustment to a job or work environment that makes it possible for an individual with a disability to perform their job duties. Accommodations may include specialized equipment, modifications to the work environment or adjustments to work schedules or responsibilities and may be temporary or permanent.

Disability: any condition of the body or mind that makes it more difficult for the person with the condition to do certain activities (activity limitation) and interact with the world around them (participation restrictions).

Productive: whether the work produces an objective benefit to the employer's business.

### 4. General Provisions

Employer Responsibilities:



- Accommodate the needs of employees with disabilities on an individual basis and in a manner that respects the employee's dignity, privacy, comfort, autonomy and self-esteem;
- Support the development of the RTW program, ensuring it is fair and consistently applied for all employees;
- Participate in the identification and implementation of meaningful accommodations, as required;
- Support the continuous improvement of the RTW program;
- Provide a safe work environment.

#### Manager/Supervisor Responsibilities:

- Contribute to the identification of suitable RTW assignments and accommodations;
- Analyze the demands of each job task;
- Ensure work practices are safe and that no tasks are being assigned other than those in accordance with the recommended restrictions on the functional abilities form or on other medical information provided;
- Monitor the effectiveness of accommodations;
- Resolve RTW disputes in a timely manner, in accordance with the Dispute Procedure S101-12-02 and provide appropriate solutions;
- Communicate accommodation needs to employees and promote a supportive RTW environment;
- Participate in RTW meetings and complete progress reports, in conjunction with Human Resources.

#### Human Resources Responsibilities:

- Ensure employees' rights and confidentiality are respected during the RTW process;
- Act as the disability, claims, and RTW liaison with the Workplace Safety and Insurance Board (WSIB) and Long-Term Disability (LTD) insurers, health care professional and service providers, and to collect and provide information as required;
- Develop return to work plans in collaboration with the employee, supervisor, health care professional, and union (where applicable);
- Initiate and maintain contact with employees on leaves (WSIB, STD, LTD) by telephone on a regular basis and when new information arises;
- Maintain records of all communication related to RTW, in accordance with the Town's record retention policy;
- Advise employees about benefits, services and entitlements available;
- Resolve RTW disputes in a timely manner, in accordance with the Dispute



Procedure S101-12-02;

- Request independent medical assessments or functional abilities evaluations, where appropriate;
- Evaluate the effectiveness of the return to work program and provide a report to the senior leadership team on an annual basis.

Employee Responsibilities:

- Cooperate and communicate with The Town. It is expected that employees take an active role in the development of their RTW plan and supplying of all follow up information;
- Comply with medical and rehabilitation treatment and arrange appointments during non-work hours wherever possible;
- Maintain regular contact with your supervisor and/or Human Resources during periods of absence and while participating in a RTW plan;
- Attend all scheduled RTW meetings;
- Immediately communicate any concerns with your RTW plan or advise of any changes in circumstances to your supervisor and/Human Resources;
- Work safely.

Requesting Independent Medical Assessments

Under certain circumstances, the employer may request an independent medical assessment or functional abilities evaluation. This may be beneficial:

- In order to provide detailed restrictions to facilitate an expedited return to work;
- Dealing with a GP/family doctor that unreasonably insists on a worker being totally disabled;
- There is no objective medical documentation to support continued total disability;
- The worker is not progressing or is progressing very slowly; or
- There are concerns over the work-relatedness of the injury.

The employee will be allotted time during their regular work day to attend the appointment. Any associated costs with the independent medical assessment will be at the employer's expense.

**5. Attachments**

Transitional Return to Work Operating Procedure S101-12-01

Return to Work Dispute Operating Procedure S101-12-02



<b>Policy Name: First Aid</b>	<b>Policy No: S101-13</b>
Committee approval date:	May 6, 2019
Council approval date:	May 6, 2019
Revision date(s):	-
Department/Division:	Health and Safety

### 1. Purpose

To ensure the Town of Pelham meets the requirements for First Aid in accordance with the Workplace Safety and Insurance Act (WSIA), Regulation 1101.

### 2. Policy Statement

Any employee who sustains a workplace injury or becomes ill due to workplace conditions shall report the injury or illness to their supervisor and get immediate first aid, as per Regulation 1101.

### 3. Definitions:

First Aid: emergency care given immediately to an injured person. This includes, but is not limited to cleaning minor cuts, scrapes or scratches, treating minor burn(s), applying bandages or dressings, cold compress, cold pack, ice, splint and changing a bandage or dressing.

### 4. General Provisions

#### Employer Responsibilities:

The Town of Pelham shall meet all legislative requirements regarding First Aid, ensuring that:

- at least one person with appropriate first aid training is scheduled and present on every shift;
- a minimum of one first aider is available to render assistance at all times during a shift;
- a copy of the WSIB First Aid Poster (Form 82) is posted on the health and safety board at each work location;
- first aid kit inspections are conducted monthly and records of these inspections will be maintained with the use of the First Aid Checklist.



- recording, reporting and investigating is completed for all injuries that occur in the workplace.
- first aid certifications of staff who are certified, emergency procedures, and emergency phone numbers are posted on the health and safety board at each work location.

#### Manager/Supervisor Responsibilities:

- Ensure first aid is given immediately, in accordance with the regulations;
- Notify Human Resources of any injury, or the possible onset of a work-related disease/condition;
- Return the completed Accident, Injury or Near Miss form to Human Resources;
- Make record of the first aid treatment or advice given to the employee in the first aid station logbook;
- Provide the employee with immediate transportation to a hospital, a doctor's office, or the worker's home, if necessary.

#### Human Resources Responsibilities:

- Provide the injured employee with proper documentation should they need medical attention from a health care provider. Complete and submit the WSIB Form 7 if required;
- Review incidents and assist with the investigation and correction of hazards;
- Pay full wages and benefits for the day or shift on which the injury occurred;
- Coordinate the worker's early and safe return to work, if applicable.

#### Employee Responsibilities:

- Get first aid right away;
- Notify the immediate supervisor of any injury or the possible onset of a work-related disease/condition;
- Complete the Accident, Injury or Near Miss reporting form and submit to supervisor;
- Cooperate in health care treatment and the safe return to work, if applicable;
- Complete and return all WSIB and Town forms promptly, if applicable.

#### First Aid Kits

First aid kits will be located within quick and easy access for all employees, including in each work vehicle. Each first aid kit will be adequately stocked with the following:

- a current edition of a standard St. John Ambulance First Aid Manual;
- 24 safety pins;
- 1 basin, preferably stainless steel; and



- dressings consisting of:
  - 48 adhesive dressings, individually wrapped
  - 2 rolls of adhesive tape, 1-inch wide
  - 12 rolls of 1-inch gauze bandage
  - 48 sterile gauze pads, 3-inches square
  - 8 rolls of 2-inch gauze bandage
  - 8 rolls of 4-inch gauze bandage
  - 6 sterile surgical pads suitable for pressure dressings, individually wrapped
  - 12 triangular bandages
  - splints of assorted sizes, and
  - 2 rolls of splint padding

First aid kits will be in the charge of an employee who is the holder of a valid St. John Ambulance Standard First Aid Certificate or its equivalent and who works in its immediate vicinity.

#### Training

The Town of Pelham will offer all employees the opportunity to receive first aid training twice a year.

### **5. Attachments**

First Aid Procedure S101-13-01

First Aid Checklist





<b>Policy Name: Employee Injury, Illness and Incident Reporting</b>	<b>Policy No: S101-20</b>
Committee approval date:	-
Council approval date:	-
Revision date(s):	-
Department/Division:	Health and Safety

### 1. Purpose

The purpose of this policy is to ensure that all work-related injuries, illnesses and incidents are adequately reported, investigated and corrected to prevent reoccurrences.

### 2. Policy Statement

Employees are to report all work-related injuries, illnesses and incidents to their supervisor immediately or as soon as reasonably possible following the event or knowledge of an occupational injury or illness.

### 3. Definitions

Critical Injury: a work related injury of a serious nature that places life in jeopardy, produces unconsciousness, results in substantial loss of blood, involves the fracture of a leg or arm but not a finger or toe, involves the amputation of a leg, arm, hand, or foot but not a finger or toe, consists of burns to a major portion of the body, or causes the loss of sight in an eye.

First Aid Injury: an injury that requires a single treatment that can be treated on the job without any days lost (e.g. minor scratches, burns, cuts, etc.)

Incident: an occurrence related to any factor that could cause an injury or illness to a worker, including those with known health and safety or psychological impacts.

Injury: any physical or functional abnormality or loss which results from a workplace event or occupational illness.

Near miss: an event that under different circumstances could have resulted in physical harm to an individual or serious damage to the environment, equipment, property or material.



Occupational Illness: a condition that results from exposure in a workplace to a physical, chemical or biological agent to the extent that the normal physiological mechanisms are affected and the health of the worker is impaired.

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

All injuries, incidents, and illnesses must be reported to the employee's supervisor. The Employee Accident, Injury or Near Miss form must be completed by the injured or ill employee and their supervisor and returned to Human Resources. Human Resources will inform the JHSC and the union, if applicable.

An injury must be reported to the Workplace Safety and Insurance Board (WSIB) when an employee:

- requires treatment from a health professional (beyond first aid);
- is unable to go to work due to the injury, incident and/or illness;
- is being paid less or receiving fewer hours of work as a result of the injury, incident, and/or illness.

An injury must be reported to the Ministry of Labour (MOL) when an employee:

- Has been critically injured or killed;
- Has an occupational illness with long latency periods; or
- Has been exposed to an infectious disease.

#### Manager/Supervisor Responsibilities:

- Determine the severity of the injury (first aid, medical aid, near miss or critical injury) and provide the necessary medical assistance to the injured employee;
- Secure the incident to prevent further injury;
- Complete all necessary and appropriate documentation (i.e. Employee Accident Injury or Near Miss Reporting form) and return to Human Resources;
- Monitor progress of corrective and/or preventative actions

#### Human Resources Responsibilities:

- Provide the injured employee with proper documentation;
- Maintain regular communication with the injured employee, if required;
- Complete all reporting to legal entities, management, the JHSC, and the union (if applicable);



- Review reported incidents and assist with the investigation and correction of hazards;
- Acquire, file and record all relevant documentation.

Joint Health and Safety Committee Member Responsibilities:

- Review all incidents and events, and make recommendations to management;
- Participate in the incident investigation or corrective actions, if necessary.

Employee Responsibilities:

- Report all hazards, near misses, incidents and injuries to their supervisor/manager immediately or as soon as reasonably possible;
- Seek medical attention immediately, if required;
- Complete the Employee Accident, Injury or Near Miss Reporting Form and the WSIB Form 6, if applicable
- Participate and cooperate in the incident investigation process if required.

## **5. Attachments**

Employee Injury, Illness and Incident Reporting Procedure S101-20-01



<b>Policy Name: Employee Accommodation</b>	<b>Policy No: S101-21</b>
Committee approval date:	-
Council approval date:	-
Revision date(s):	-
Department/Division:	Health and Safety

### 1. Purpose

Town of Pelham has adopted this policy to ensure that our employees are provided with meaningful employment that is ethical, fair, and compliant with all applicable employment and human rights legislation. This policy outlines the Town's commitments regarding workplace accommodation and the steps involved in creating an accommodation plan.

### 2. Policy Statement

The Town of Pelham will make every reasonable effort in cases of occupational or non-occupational injury or illness to return employees to their regular duties; and to provide suitable modified or alternate work to employees who are temporarily or permanently unable to return to their regular duties, when aware of such need, up to the point of undue hardship.

With respect to new hires, where requested by the new employee, the Town will make every reasonable effort to assist the new worker in fulfilling their regular job duties. New workers will receive training, upon commencement of employment, regarding policies related to disability and accommodation.

### 3. Definitions

Accommodation: an adjustment to a job or work environment that makes it possible for an individual with a disability to perform their job duties.

Accommodations may include specialized equipment, modifications to the work environment or adjustments to work schedules or responsibilities and may be temporary or permanent.

Disability: any condition of the body or mind that makes it more difficult for the person with the condition to do certain activities (activity limitation) and interact with the world around them (participation restrictions).



Permanent Impairment: an impairment that continues to exist after maximum medical rehabilitation of the worker has been achieved.

Undue hardship: may occur where the accommodation would cause an unbearable financial cost or a considerable disruption to business, an interference with the rights of others, or where the accommodation would create a health and safety hazard.

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

The Town of Pelham is committed to ensuring that employees can work comfortably and without discrimination. The Town's approach to providing reasonable accommodation will include:

- Personalized plans designed to meet the specific needs of individuals;
- Collaborative practices for creating and implementing accommodation plans through consultation with the person to be accommodated and medical professionals; and
- An approach that ensures confidentiality and dignity.

#### Duty to Accommodate

Town of Pelham will ensure that employees can work effectively by making adjustments or modifications to their work or work environment up to the point of undue hardship.

The Town encourages employees to make any needs for accommodation known to their immediate supervisor or Human Resources in order to begin the accommodation process. The Town will work with the individual who requests accommodation to ensure that the measures taken are both effective and mutually agreeable.

#### Accommodation

The Town of Pelham will provide accommodation as appropriate using a consultative approach that involves the employer, the individual, the union (if applicable) and healthcare professionals or other third parties where required. Both the employee requiring accommodation and the possible accommodation itself will be assessed individually.

#### Responsibility

The process of accommodating individuals is a shared obligation between the Town and staff. Each employee has a duty to assist in creating a barrier free



workplace. This requires any employee seeking an accommodation to cooperate with the Town's efforts to make required adjustments or modification to their work or work environment. The Town cannot accommodate needs that it is not aware of. Management should be the first point of contact for employees when requesting a form of accommodation. In consultation with Human Resources, they will determine the most appropriate forms of accommodation to meet the employee's needs.

#### Creating the Accommodation Plan

Once an employee has requested an accommodation, Human Resources, the employee's supervisor, the union (if applicable), and the employee will create the accommodation plan.

The Town may request an evaluation of the employee by a health professional or applicable practitioner to help determine an appropriate accommodation. Any cost of the examination will be at the Town's expense.

A written description of the plan will be provided to the employee. The accommodation process will generally involve the following steps:

- Identify the need for accommodation;
- Determine the objectives and potential barriers for employee performance in their current role;
- Create a plan for alternatively achieving the objectives;
- Document how and when the accommodation will be made;
- Document any accessible formats or communication supports required;
- Create and provide an individualized emergency response plan, where needed, that considers the employee's accommodation;
- Implement the accommodation plan;
- Provide training as appropriate; and
- Review and revise based on employee feedback.

The plan will be reviewed and revised every year, and as needed upon request by the employee, or where there is a change that results in a health or safety risk.

#### Appropriate Accommodations

The Town of Pelham will use all available resources to establish an appropriate accommodation when requested by an employee. Appropriate accommodations will be determined and depend on each individual accommodation plan, but may include:



- Workstation adjustments;
- Changes to organizational policies and practices;
- Job redesign or reassignment;
- Changes to performance standards; or
- Leaves of absence.

In circumstances where multiple accommodation strategies may be feasible, the Town may identify these strategies in response to an employee's request for accommodation. Both the employee and the employer understand that an employee's preferred accommodation strategy may not be the most reasonable accommodation strategy from the various options available. Employees understand and agree that "reasonable accommodation" does not equate to an employee's preferred accommodation.

#### Undue Hardship

There may be situations where the Town cannot provide an accommodation for an employee. In this case, the Town would provide the employee with written reasons as to why the request for accommodation was denied.

#### Confidentiality

Throughout all steps of the accommodation plan process, employee personal and health information will be kept confidential and protected at all times.

To protect this information, the Town will:

- Identify and label the information as confidential;
- Include confidentiality provisions in all supporting documents; and
- Store documents in a locked cabinet and limit access to the information on a need to know basis.

#### **5. Attachments**

None.

**Subject:** Accommodation Policy Update**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0105 Clerks Accommodation Policy Update Report for information;**

**AND THAT Policy S100-13 Accommodation Policy be submitted for Council approval at their next regular meeting;**

**AND THAT Council repeal Policy S201-02 Accessibility Policy to be replaced with Policy S100-13 Accommodation Policy upon approval.**

**Background:**

Under the *Accessibility for Ontarians with Disabilities Act, 2005* ("AODA") and the Integrated Accessibility Standards Regulation ("O. Reg. 191/11") service providers that operate premises open to the public must have a policy which addresses accessibility.

On October 3, 2016, Council for the Town of Pelham approved an Accessibility Policy (S201-02) for the Town in accordance with the AODA.

Earlier this year the Town of Pelham underwent a routine "AODA Desk Top Compliance Audit" conducted by the Ministry of Seniors and Accessibility Compliance and Enforcement Branch (the "Ministry"). The review concluded the Town of Pelham's Accessibility Policy required to be updated to comply with current legislative requirements.

**Analysis:**

The Town of Pelham is committed to developing an accessible community for all residents and visitors. In order to meet this goal, the Town of Pelham shall continually review and update its Accessibility Policy to meet or exceed AODA standards.



The Town's Accessibility Policy was originally approved as a Council policy, however the policy provides direction to the corporation as a whole, therefore it is recommended the policy be repealed and replaced as a corporate-wide policy to be known as the Town of Pelham's Accommodation Policy.

Through consultation with the Ministry and the Town's accessibility consultant, the Town's Accessibility Policy has been revised to include items such as: use of service animals and support persons, the format of documents to be provided and procurement of accessible self-service kiosks.

With respect to the use of service animals and support persons, the policy has been revised to comply with Section 80.47(3) of the AODA by including provisions that if a person with a disability is accompanied by a guide dog or other service animal, the Town of Pelham will ensure that the person is permitted to enter the premises with the animal, and keep the animal with him or her, unless the animal is excluded by law from the premises. In addition, if the service animal is excluded by law from the premises, the Town of Pelham will ensure that other measures are available to the person with the disability to obtain goods and services.

With respect to the format of documents to be provided, the policy has been revised to comply with Section 80.51 of the AODA by including provisions that the Town of Pelham will provide documents in an accessible format and with communication support. In addition, the Town of Pelham will ensure accessible documents will be provided in a timely manner that takes into account the person's accessibility needs and that the cost of the said documents are no more than the regular cost charged to other persons. The policy further requires the Town of Pelham to consult with the person making the document request in determining the suitability of the accessible format and communication support.

With respect to procurement of accessible self-service kiosks, the policy has been revised to comply with Sections 5 and 6 of the AODA by including provisions that the Town of Pelham will incorporate accessibility features when designing, procuring or acquiring self-service kiosk.

The above-noted revisions to the Town of Pelham Accessibility Policy have been made in consultations with the Ministry and the Town's accessibility consultant and meet the requirements of the AODA.

**Financial Considerations:**

None.

**Alternatives Reviewed:**

Alternatives were not reviewed, as the Town of Pelham is committed to ensuring compliance with the AODA.

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

Ensuring compliance of the AODA demonstrates the Town of Pelham's commitment to developing an accessible community for all residents and visitors and therefore builds a strong community.

**Consultation:**

Brianna Langohr, Human Resources and Health and Safety Coordinator and

Donna Herrington, Herrington Group, Town of Pelham AODA Consultant

**Other Pertinent Reports/Attachments:**

S100-13 – Accommodation Policy

**Prepared and Recommended by:**

Holly Willford, B.A.  
Town Clerk

**Prepared and Submitted by:**

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



<b>Policy Name: Accommodation Policy</b>	<b>Policy No: S100-13</b>
Committee approval date:	-
Council approval date:	-
Revision date(s):	-
Department/Division:	Corporate Wide

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## **1. Purpose**

This policy updates the Town's existing Accessible Customer Service Policy. This policy implements the requirements of the Accessible Customer Service Standard and the Integrated Accessibility Standards (Information and Communication, Employment, Transportation, Design of Public Spaces), Ontario Regulation 429/07 and Ontario Regulation 191/11 under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA).

## **2. Policy Statement**

The Town of Pelham is committed to providing excellent customer service to all its citizens. The municipality is committed to compliance with AODA and its accessibility standards. The municipality shall provide accessibility and accommodation for persons with disabilities through AODA's customer service standard, integrated accessibility standard and all other standards as they are developed, and in accordance with the requirements of the Ontario Human Rights Code.

The Accessibility Policy sets out the responsibilities of all persons in the employ of the municipality, its elected officials and those serving the municipality in an appointed capacity.

## **3. Definitions**

Accessible Communication Supports: captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications.

Accessible Formats: large print, clear text, recorded audio and electronic formats, Braille and other formats usable by persons with disabilities.

Disability:



- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical coordination, blindness, or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other service animal or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997;

The definition includes disabilities that are non-visible, are temporary, may be intermittent or have varying degrees of severity. Information about any person's disability is personal and private and must be treated confidentially.

Extranet website: a controlled extension of the intranet, or internal network of an organization to outside users over the Internet;

Internet website: a collection of related web pages, images, videos or other digital assets that are addressed relative to a common Uniform Resource Identifier (URI) and is accessible to the public;

Intranet website: an organization's internal website that is used to privately and securely share any part of the organization's information or operational systems within the organization and includes extranet websites;



New internet website: either a website with a new domain name or a website with an existing domain name undergoing a significant refresh;

New intranet website: either an intranet website with a new domain name or an intranet website with an existing domain name undergoing a significant refresh.

Guide Dog: a guide dog as defined in section 1 of the *Blind Persons Rights' Act*.

Medical aid: an assistive device including respirators and portable oxygen supplies.

Mobility assistive device: a cane, walker or similar aid.

Personal Assistive Devices: any aids including communication, cognition, and personal mobility, medical or technical aids that are used to increase, maintain, or improve the functional abilities of persons with disabilities. Assistive devices include, but are not limited to: wheelchairs, walkers, speech synthesizers, TTYs (Telephone Typewriters or Telephone Teletypes), computer technologies, canes and hearing devices.

Performance management: activities related to assessing and improving employee performance, productivity and effectiveness, with the goal of facilitating employee success.

Redeployment: the reassignment of employees to other departments or jobs within the organization as an alternative to layoff, when a particular job or department has been eliminated by the organization.

Service Animal: an animal that is of service to a person with a disability where it is readily apparent that the animal is used by the person for reasons relating to his or her disability. Verification of a service



animal's status can be provided by way of government certification or by a letter from a registered health professional confirming the animal is required for reasons relating to the person's disability. Regulated health professionals who are eligible to provide this documentation include: an audiologist, speech-language pathologist, chiropractor, nurse, occupational therapist, physiotherapist, psychologist, registered psychotherapist, registered mental health therapist, physician or surgeon.

Support Person: any one person who accompanies a person with a disability in order to help with communication, mobility, personal care or medical needs or with access to goods or services.

Volunteer: a person who freely chooses to provide services to municipality without being remunerated or paid for such service in any way. A volunteer is not required to give, or entitled to receive any notice to terminate the volunteer relationship.

#### **4.0. MULTI-YEAR ACCESSIBILITY PLAN AND ANNUAL PROGRESS REPORTS**

The municipality will draft and make public a Multi-Year Accessibility Plan to address compliance requirements of O. Reg. 191/11. The Multi-Year Plan will replace the municipality's Annual Accessibility Plan and will be made public by January 1, 2013. The municipality will also draft and make public annual progress reports outlining steps taken to meet the goals and objectives of the Multi-Year Plan. The Multi-Year Plan Progress Report will be made public by January 1 of each year.

#### **5.0 ACCESSIBLE CUSTOMER SERVICE POLICY**

##### **5.1 How the Municipality Provides Services**

- Municipal goods and services will be provided in a manner that respects the dignity and independence of persons with disabilities;
- The Municipality will listen to, be courteous, and treat all citizens with dignity and respect at all times;





- The Municipality will take the initiative to understand the needs of each individual in order to provide effective and efficient service every time;
- The provision of goods and services to persons with disabilities will be integrated within existing methods wherever possible unless an alternate measure is necessary, whether temporarily or permanently, to aid a person with disability to obtain, use or benefit from the goods and services;
- The Municipality will provide people with disabilities with equal service. If this is not possible or is cost prohibitive, the Municipality will provide choices and options regarding how the Municipality provides services and will work with customers to find acceptable and workable alternatives;
- The Municipality will take the initiative to identify and prevent problem situations up front and propose workable alternatives
- The Municipality shall take reasonable steps to communicate with persons with disabilities in ways that take into account their disability. The Municipality shall also ensure that all staff, volunteers and others dealing with the public on behalf of the Municipality are properly trained in how to communicate with guests with various types of disabilities.

## **5.2 Assistive Devices**

People with disabilities will be permitted to access, use and/or benefit from goods or services through the use of their own assistive devices.

In the event a person utilizing an assistive device cannot access municipal goods or services, the Municipality will accommodate the customer by using any other temporary measures available and deemed appropriate, such as but not limited to providing access to other facilities, devices or a Support Person.

## **5.3 Service Animals**

Certified service animals shall be permitted entry to all municipal facilities and meeting rooms which are open to the public, except where prohibited



by law (such as where food preparation is being undertaken). If a service animal is excluded entry by law, the municipality will consult with the person to determine how best to provide the needed goods or service.

The Municipality will display decals at the main entrances of all municipally managed facilities reading “Support Persons and Certified Service Animals Permitted”.

If you cannot easily identify that the animal is a service animal, you can ask the person to provide documentation from a regulated health professional. The documentation must confirm that the person needs the service animal for reasons relating to their disability. Regulated health professionals who are eligible to provide this documentation include:

- A member of the College of Audiologists and Speech-Language Pathologists of Ontario.
- A member of the College of Chiropractors of Ontario.
- A member of the College of Nurses of Ontario.
- A member of the College of Occupational Therapists of Ontario.
- A member of the College of Optometrists of Ontario.
- A member of the College of Physicians and Surgeons of Ontario.
- A member of the College of Physiotherapists of Ontario.
- A member of the College of Psychologists of Ontario.
- A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario. O. Reg. 165/16, s. 16.

## **5.4 Support Persons**

Support Persons shall be permitted entry to all municipal facilities and meeting rooms which are open to the public, except when there are fees applied against participants by a third party leasing or renting the facility.

The municipality may require that a person with a disability is accompanied by their support person at a specific location if a support person is necessary to protect the health and safety of the person with a disability or the health and safety of others. Before requiring a support person accompany a person with disability at any attraction, the municipality will



consult with the person with a disability to understand their needs, consider health or safety reasons based on available evidence and determine if there is no other reasonable way to protect the health or safety of the person or others on the premises. If after all factors have been considered, and a support person is deemed required the admission fee for the support person must be waived.

The Municipality shall provide notice of any fee(s) applicable to support persons accompanying a person with disability when accessing goods and services. Notice of such fee(s) shall be in accordance with The Town of Pelham's Notice Policy S201-14, as amended from time to time, and Fees and Charges By-law 4299(2020), as amended from time to time, if applicable, prepared in accordance with the provisions of the Municipal Act, 2001.

## 5.5 Notice of Temporary Disruptions

In the event that a temporary service disruption occurs which would limit a person with a disability from gaining access to the goods and service, the Municipality will post notice or otherwise make the disruption known to customers in the following methods/places:

- Web site; **and**
- Notice on all facility entrances where the disruption has occurred; **and**
- Reception and Information Counters; **and**
- Notification by Staff (where applicable); **and**
- Municipal Automated Answering Service – voice and TTY (where appropriate)

If an unexpected disruption occurs, persons with disabilities will be accommodated by the use of other means possible to deliver the goods and service, if available such as:

- the goods and service delivery agent may provide the goods or service directly to the person with a disability at an alternate place and time, as deemed appropriate; or



- If appropriate or required, deliver the goods and service to the person's place of residence; or
- Any other assistive measures available and deemed appropriate to deliver goods and services.

All notices of disruption shall include:

- The name of the event/service; and
- The normal service location being impacted; and
- Alternate service locations; and
- Alternate service methods; and
- Hours of service availability; and
- Contact information; and
- Any other information which impacts the delivery of goods and services.

## **6.0 INFORMATION AND COMMUNICATION POLICY**

### **6.1 Emergency Procedures, Plans and Public Safety Information**

Emergency procedures, plans and public safety information that are available to the public as well as any relevant updates to these procedures, plans and information, will be made available to the public and in an accessible format or via accessible communication support upon request. Timeframes for provision of this information will be dependent upon the format requested but will be provided as soon as is practicable.

Municipal staff will be trained in emergency response policies and procedures as they relate to people with disabilities, including how to communicate emergency information, and how to offer evacuation assistance to people with disabilities, identifying accessible and safe evacuation routes.

### **6.2 Availability of Information in Alternate Format**

Municipal information will be made available to the public and in an accessible format or via accessible communication support upon request. Timeframes for this information will be dependent upon the format



requested but will be provided as soon as is practicable and at a cost no greater than the regular cost.

### **6.3 Website Accessibility**

Beginning January 1, 2014, any new website design, new internet website or intranet website, or web-based applications that the municipality controls directly or through a contractual relationship that allows for modification of a product will also conform to W3C WCAG 2.0 Level A.

## **7.0 EMPLOYMENT POLICY**

### **7.1 Workplace Emergency Response Information**

Workplace Emergency procedures, plans and safety information will be made available to staff in an accessible format or via accessible communication support upon request. Timeframes for this information will be dependent upon the format requested but will be provided as soon as is practicable.

### **7.2 Individualized Emergency Response Plans for Municipal Staff**

Municipal staff with disabilities who may require assistance in an emergency situation are encouraged to identify their accessibility needs to their immediate supervisor so that individualized emergency accommodation plans can be created. Individualized plans will be created using the municipality's template. This information will be maintained confidentially.

### **7.3 Applicant Accommodation in Recruitment and Selection**

The municipality will make accommodation available in its recruitment process to applicants with disabilities upon request. Applicants will also be accommodated when they are individually selected to participate in an assessment or selection process.

The municipality will notify its employees and the public about the availability of accommodation for applicants with disabilities in its



recruitment and selection processes. If a selected applicant requests an accommodation, the municipality will consult with the applicant and provide or arrange for the provision of a suitable accommodation.

#### **7.4 Notice of Accommodation Availability to Employees**

The municipality will notify successful applicants of its policies for accommodating employees with disabilities when making offers of employment.

The municipality will also notify its employees of its policies for providing job accommodations. Employees will be provided updated information whenever there is a change to existing policies.

#### **7.5 Accessible Formats and Communication Supports for Employees**

The municipality will ensure all employees have information that is needed in order to perform the employee's job; and information that is generally available to employees in the workplace. When an employee with a disability requests accessible formats or communication supports, the municipality will consult with the employee and provide or arrange for the provision of a suitable accommodation.

#### **7.6 Individualized Accommodation Plans**

The municipality shall create and use a written process for the development of documented individual accommodation plans for employees with disabilities.

#### **7.7 Return-to-Work Accommodation Plans**

The municipality shall create and use a written process for the development of return-to-work individual accommodation plans for employees returning to work who have been absent due to a disability and who now require accommodation in order to resume work.



## **7.8 Accommodation in Performance Management, Career Development and Advancement and Re-deployment**

The municipality will ensure its performance management, career development and advancement opportunities and redeployment process is accessible to employees with disabilities. When an employee with a disability requests accessible formats or communication supports, the municipality will consult with the employee and provide or arrange for the provision of a suitable accommodation.

## **8.0 TRAINING**

All employees and agents of the municipality who are in direct contact with the public (e.g. face-to-face or telephone communication) shall be trained in the various aspects of accessible customer service delivery and integrated accessibility standards.

All training, regardless of format, shall have regard for:

- An overview of the purposes of the AODA;
- Overview of Accessible Customer Service and Integrated Accessibility Standard requirements;
- Instruction on how to interact and communicate with people with various types of disabilities, including provision of alternate formats;
- Instruction on interacting with people with disabilities who use assistive devices or require the assistance of a guide dog, other service animal or a support person;
- Overview of the municipality's obligation to provide information in alternate formats and alternate communication supports upon request including:
  - Review of different types of alternate formats
  - Review of alternate communication supports (sign language, gestures, boards with symbols, voice-synthesizers, etc.)
  - Review of municipality's alternate format service provider and process relating to securing information in alternate formats



- Review of tracking system used for alternate formats upon request (as required)
- Instruction on the use of equipment or devices available, such as wheelchairs and TTY;
- Overview of Ontario Building Code accessibility updates
- Overview of Design of Public Spaces Standard requirements
- Instruction on what to do if a person with a disability is having difficulty accessing municipal services.

In addition to the above customer service training, management and supervisory staff will be trained in the Employment Policy requirements and procedures (accessible recruitment and screening, employment policy and accommodation planning training) as well as our obligations under the Ontario Human Rights Code.

Training shall be mandatory for all employees upon their initial orientation and every 3 years thereafter and where there are policy changes. The municipality will create and update training records to track accessibility training.

## **9.0 TRANSPORTATION**

### **9.1 Transportation Policy**

The Municipality's transportation system will be in compliance with the Integrated Accessibility Standards as applicable.

The Municipality shall carry out its functions and responsibilities in the following areas in compliance with AODA's Integrated Accessibility Standards, as follows:

### **9.2 Fare Equity for People with Disabilities**

Transit shall not charge a higher fare to persons with disabilities using the transit system. Transit shall provide multiple options to persons with disabilities for fare payment on transit buses.

### **9.3 Fares for Support Persons**





Transit fees for support persons (when accompanying a person with a disability) who specifically identify themselves as support persons shall be waived. No identification will be required in order to waive the fee.

#### **9.4 Announcement Procedures**

All transit drivers will make pre-board announcements of the route.

By 2017, all transit vehicles will provide an audible and visual announcement of next stop (s) while vehicle is on route or in operation.

#### **9.5 Accessibility Features and Equipment**

Information regarding existing accessibility features of transit vehicles, routes and services such as Boarding Procedures, Route Stop Accommodations, Priority Seating, Mobility Assistive Device Storage and Support Person Fare Policy will be made available in accessible format or accessible communication support upon request. This information shall be made available on the transit website:

<https://www.niagararegion.ca/transit/nst/default.aspx> and  
<https://www.niagararegion.ca/transit/nst/application/default.aspx#part1>

For more information, please contact:

**Director of Recreation, Culture and Wellness, Vickie vanRavenswaay**  
**20 Pelham Town Square, PO Box 400**  
**Fonthill, Ontario L-S 1E0**

**Email:** [VvanRavenswaay@pelham.ca](mailto:VvanRavenswaay@pelham.ca)

**Phone:** 905-892-2607 ext 312

#### **9.6 Emergency Preparedness and Response Procedures**

Emergency Preparedness and Response Policies shall be made available to the public and provided in an accessible format upon request.

All transit drivers have been trained in emergency procedures in the event of a vehicle or accessibility equipment failure.

#### **9.7 Boarding Policy**



Drivers will ensure adequate time is provided to people with disabilities to safely board, be secured and de-board vehicles and will provide assistance for these activities upon request.

Drivers will ensure a person with a disability using a medical aid or service animal is allowed access to a transit vehicle.

### **9.8 Route Stop Accommodations**

Passengers with disabilities using transit will be allowed to board and de-board the vehicles at the closest available location that is not an official stop if the official stop is not accessible and the safe location is along the same transit route. Location of the non-official boarding and de-boarding point will be determined by the driver but consideration will be given to the preferences of the person with a disability.

Drivers will promptly report to the Town of Pelham's Director of Recreation, Culture and Wellness where a route stop is temporarily inaccessible or where a temporary barrier exists. The Director of Recreation, Culture and Wellness will ensure that passengers and appropriate staff are informed accordingly.

### **9.9 Priority Seating**

Transit will establish and clearly mark with signage, priority seating areas for people with disabilities on each vehicle.

Seating will be located as close as practicable to the entrance doors. Priority seating shall have signage to indicate passengers without disabilities must vacate courtesy seating when required by a person with a disability.

### **9.10 Bus Stops and Shelters**

As part of its Multi-Year Accessibility Plan, the municipality will work towards ensuring all transit stops and shelters (where they exist) will be accessible to people with disabilities.

## **10.0 FEEDBACK PROCESS**



Feedback may be provided by a person with a disability in the manner deemed most convenient to them, such as in person, by telephone, in writing, or by delivering an electronic text by email or otherwise. The municipality will provide or arrange for accessible formats and communication supports, on request when requesting or receiving feedback from people with disabilities.

Feedback may be provided directly to the service provider or:

**Town Clerk, Holly Willford**  
**20 Pelham Town Square, PO Box 400**  
**Fonthill, Ontario L-S 1E0**  
**Email: [hwillford@pelham.ca](mailto:hwillford@pelham.ca)**  
**Phone: 905-892-2607 ext 315**

All feedback will be kept in strict confidence and used to improve customer service.

The Responsible Officer for the Accessibility Policy will acknowledge concerns within five (5) business days and will respond in a timely manner with information regarding how the issue will be addressed.

The Municipality will make every effort to understand the problem, identify the appropriate contact and work towards a resolution.

In addition, the author of the feedback will be provided a response in a format identified as accessible to him or her.

## **11.0 AVAILABILITY OF DOCUMENTS**

This policy and any other document deemed to be key in the delivery of goods and services will be made available upon request in a format that takes into account the person's disability.

Notwithstanding the above, this policy will be made available on the municipality's website, and made available to any person to whom it provides goods or services using any other method or format as are reasonable in the circumstances.



## **12.0 PROCUREMENT OF ACCESSIBLE SELF-SERVICE KIOSKS**

When purchasing self-serve kiosks, the municipality will consider accessibility criteria that will include the following:

### **User controls**

- Controls are visible whether someone is standing or sitting.
- Controls are easy to use with one hand, without a lot of force, and without having to grasp tightly, pinch or twist.
- Controls are not be obstructed by steps, bins or signage that could block someone with a walker or wheelchair.

### **Display screens**

- Display uses high contrast colours.
- Display avoids flashing images.
- Screens are bright enough to be read under different types of lighting.
- Display material is not reflective.
- Screen is positioned to minimize reflections (from sunlight or overhead lights).
- Touch screens work with prosthetic limbs and pointing devices.

### **Pin pads**

- Kiosk uses a telephone style pin pad. The 1 is in the top left, and the 5 is in the centre and marked with a raised dot. The OK/Enter button is in the lower right corner.
- There is space between the keys
- Pad's edges are clearly defined.
- Pin pads are angled (not flat) to accommodate users whether they are standing or sitting.



- Keys have a low glare surface (sandblasted aluminum or stainless steel are good options).

### **Card readers**

- The card slot is easy to find by highlighting it with strong colours or an indicator light.
- If the card reader is a swipe reader, it is positioned vertically and lets users swipe up or down.
- A tactile illustration is used to show how to insert the card.
- The reader informs user their card was accepted (or rejected) with both audible and visible feedback.

### **Scanners**

- Users can identify the scan area by touch.
- Handheld scanners have a cradle that allows customers to move the product past the scanner without having to pinch, twist or grasp the scanner tightly.
- Light from the scanner does not shine in the user's eyes.
- Successful scans are confirmed with both audible and visible feedback.

### **Instructions**

- Instructions are available in both a visual and audio format.
- The kiosk allows to turn the audio off and/or includes an earphone jack if instructions reveal personal information.
- The audio uses mid-frequency tones
- Instructions are simple and easy for all users. They avoid acronyms, abbreviations and jargon.
- Sans serif/plain fonts are used.



- Instructions do not rely on colour to guide users (e.g. don't say 'touch the green square'). Descriptive text or icons are used as well.
- Time limits are avoided. Users are warned when a deadline approaches and they can extend it.

### **13.0 POLICY REVIEW PROCESS**

At minimum, this policy will be reviewed annually by appropriate municipal staff. However, the review process may be affected by AODA Regulations as they are announced. Therefore, this policy will also be reviewed upon announcement of any new Accessibility Standards of the AODA, 2005 to ensure integration and consistency with this policy. The policy may be modified to ensure full compliance with the AODA, 2005.

**Subject:** Review of the Proposed Tree Management Policy**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0097;**

**AND THAT Council approve the proposed revisions to Public Works Tree Maintenance Policy S802-01.**

**Background:**

In 2000, a local residents' group formed the Pelham Tree Conservation Society and compiled a series of procedures to follow with respect to the management of trees located on municipally owned properties such as road allowances, parks and cemeteries.

Through Municipal Operations Report MOR-33/00, the General Committee/Operations Division recommended a number of amendments to the proposed procedures and that Council adopt the revised Tree Planting, Maintenance and Replacement Guideline. The 2000 Tree Planting, Maintenance and Replacement Guideline is attached to this report as (Appendix A).

In 2015, Committee of the Whole requested that staff investigate the creation of a policy to explore the means to provide the community with safe and healthy municipal trees that are planted in newly developed areas, maintained and inspected regularly, and removed and replaced as required through Action #20150908005.

In 2016, through Action Report #20151013003 Public Works Policy S802-01 for Tree Management was presented to the Policy and Priorities Committee, and was later adopted by Council. The existing Policy S802-01 is attached to this report as (Appendix B).

As the result of a series of complaints regarding tree maintenance and tree removal in the urban portion of Fonthill during 2020, Council added "Tree Maintenance Policy" as a strategic action item in the Town's strategic plan. This report is written

in satisfaction of the directive to bring back options and potentially updated tree policy to Council. Staff look forward to receiving direction on next steps.

### **Analysis:**

The Town's urban tree canopy is a source of civic pride and a major component of Pelham's environmental health and future sustainability. Not surprisingly, the care and maintenance of municipal trees is a priority throughout the municipality.

The existing policy S802-01 states that the Town of Pelham provides the community with safe and healthy trees on municipal property that are maintained and inspected regularly, however it does not provide specific guidance for staff, or direction regarding its application previously found within the Tree Planting, Maintenance and Replacement Guideline approved in 2000.

The 2000 Tree Planting, Maintenance and Replacement Guideline provides a number of labour and financial challenges to the department. The prescribed inventory development has not been completed and the five year inspection cycle is not feasible with the current staff compliment.

The proposed revision of Policy S802-01 (Appendix C) is meant to provide an integrated set of objectives, and procedures to form a comprehensive guide, for the management of publically owned trees in a fiscally responsible manner. The proposed seven year inspection and pruning cycle will require one additional seasonal staff member.

### **Financial Considerations:**

The total approved Beautification Division Operating Budget for Tree Maintenance in the Town of Pelham is \$300,000. The two largest components include \$150,000 allocated to the Gypsy Moth Management Program, and \$125,000 allocated to Tree Maintenance which includes: planned pruning, tree removals, stump grinding, ISA tree inspection, emergency response, and equipment rental. The remaining \$25,000 is allocated to tree planting. The total Beautification budget for 2021 is \$937,707, of which 32% is directly related to tree maintenance.

The Town of Pelham employs one full time arborist and one full time seasonal employee for six months a year in the Beautification Department. An additional staff member to complete the tree inspection, assist with the pruning cycle and complete trail inspection is estimated at \$15,000 annually.



Depending upon Council's preferences, it is entirely possible to spend more money on the protection and maintenance of the municipal tree canopy. Any proposed increases to spending in this area should be referred to the 2022 budget.

### **Alternatives Reviewed:**

Other options and alternatives for Council's consideration to amending the Tree Management Policy are as follows:

- 1) Council may direct staff to do nothing and leave the existing Tree Management Policy S802-01 intact. With this approach staff would develop a set of internal procedures based on the existing policy. Internal procedures are not generally shared publicly and do not require Council approval. While this alternative is acceptable, it does not serve to inform the public of the prescribed level of service found within the proposed revision (Appendix C).
- 2) Council may direct staff to explore an option to apportion the care and maintenance of municipally owned boulevard trees to the abutting property owner. This alternative would act to reduce the tree maintenance budget. This alternative is not supported by staff as it would place the burden and cost of maintenance onto the abutting property owner. It would also lead to the reduction of control over an important community asset.
- 3) Council may direct staff to prepare a by-law governing the removal or destruction of trees on both municipal and private lands. Staff do not support this option. Costs incurred as a result of causing injury or removal of municipal trees are recovered as outlined in the Schedule of Fees and Charges under By-law 37-28 (2016). The policy before Council is related to the management of municipally owned trees and does not impact private property. Staff does not have the current capacity to enforce a By-Law regulating the removal or destruction of trees on private lands. This option would ultimately require further staff resources.
- 4) Council may direct staff to explore the option of delegating the authority to the Niagara Region to enforce the Regional Municipality of Niagara By-Law No. 2020-79 (Appendix D), to prohibit or regulate the destruction or injuring of trees in woodlands having less than one (1) hectare in the Town of Pelham. It is unknown if the Region would be willing to assume this delegation, and if so, for what price.

## **Strategic Plan Relationship: Grow Revenue - Promote Cultural Assets and Protect Environment**

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

### **Consultation:**

The Town's Arborist, the Supervisor of Beautification, the Climate Change Coordinator, the Planner and Senior Planner, the Manager of Public Works, the Director Corporate Services/Treasurer, and the CAO all contributed to the drafting of this report and/or the proposed updated Tree Management Policy.

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

Appendix A - 2000 Tree Planting, Maintenance and Repair Guideline

Appendix B - 2016 Policy for Tree Management S802-01

Appendix C - 2021 Proposed Tree Management Policy [replacing S802-01]

Appendix D – Regional Municipality of Niagara By-Law No. 2020-79

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

Ryan Cook, CRS, Dippl MM  
Manager of Public Works

Jason Marr, P. Eng.  
Director of Public Works

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

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

*Schedule “B”*  
*Proposed Tree Planting, Maintenance and Replacement Guidelines*  
*for the Town of Pelham*  
*Staff Recommendations*

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**OBJECTIVES**

- 1\_ There shall be no net loss of trees on public land (i.e. public trees) in the Town, and every effort shall be made to increase tree planting and greening of the Town.
- 2\_ Species native to the Niagara Peninsula area shall be planted wherever possible on public land.
- 3\_ Every effort shall be made to increase the species diversity of trees lining any given street, or in any public park or woodlot within the Town.
- 4\_ The health and vigor of public trees shall be ensured through a regular inspection and maintenance regime.
- 5\_ Opportunities shall be provided to educate the citizens of the Town on the ecological, aesthetic, economical, and social benefits of trees.
- 6\_ Citizen participation and cooperation in the nurturing and protection of public trees shall be encouraged.

**TREE INVENTORIES AND INSPECTIONS**

*Inventories*

1. *Inventory of all trees within the urban service area must be taken and it will take into account:*
  - (a) *location of each existing tree*
  - (b) *size (dbh – diameter at breast height)*
  - (c) *species*
  - (d) *available planting spaces*

2. This inventory will be compiled in a computer database along with inspection

information. Records of all trees removed, planted or pruned will be recorded. The work necessary to complete this inventory may be carried out in the summer with the help from students at the School of Horticulture at Niagara College.

### Inspections

1. Public trees should be inspected at least once every 5 years by a qualified

arborist to determine their state of health. Any work that must be done will be recorded on a tree inspection form.

2. All requests for tree work received from the public, elected officials, or Town

staff, must be filled out on a tree inspection form. This form will detail the results of the inspection and work required to be done by forestry personnel.

3. When a tree inspection form is completed for a public tree adjacent to a private

property, a copy of the form will be given to the adjacent property owner either in person or by mail.

## TREE PRUNING

### Objective

Trees are pruned primarily to prevent damage to human lives and property, and to preserve healthy trees.

### Pruning for safety

Pruning for safety should be done:

1. to remove dead, split, dangerous and broken branches. Branches are considered to be dangerous when they are decayed, hollow or split to the point of being structurally unsound;
2. to lighten crown loads when a structural defect is present;
3. to remove low hanging live branches to a height of 2.2m when they interfere with pedestrian traffic;
4. to remove low hanging live branches to a height of 4.3m when they interfere with vehicular traffic;
5. to remove branches that obscure clear vision of warning signs, traffic signals or traffic movement;
6. to avoid interference with street lights, overhead wires, roofs, and other structures.

### Pruning for health of trees

Pruning for health of trees should be done:

1. to remove broken, dead or diseased branches to prevent pathogenic organisms penetrating into adjacent parts of the tree and to reduce the threat of spread to other trees;
2. to remove live branches to permit penetration of sunlight and circulation of air through canopy to prevent the proliferation of powdery mildew and to promote formation of flower buds;
3. to reduce wind resistance of the tree crown and help prevent breakage;
4. to increase structural stability by removing branches that form an acute angle of attachment as they are prone to breakage during ice storms or high winds.

### TREE PLANTING

#### New subdivisions

1. All new residential or industrial developments must provide **street** trees, whether on private or public land. Trees shall be provided by the developer or may be planted by the Town using a cash contribution from the developer.
2. There should be a minimum of one (1 ) per lot, two (2) per side yard for corner lots

3. The minimum size of new trees is **70mm** (dbh). Trees should be healthy, balanced, with undamaged trunks, free from pests and diseases and have healthy root systems.
4. New trees must be staked using 3 stakes and well mulched at the base.
5. Native species selection should be a priority and rare species encouraged, but in all cases the choice of an appropriate tree for the planting site is imperative.
6. A minimum of 5 different tree species on each street is required.

#### Tree replacement

1. Any public trees removed must be replaced by the next planting season.
2. For every tree removed, 2 must be planted. The second tree does not have to be planted in the same location.
3. New trees should be planted 1.5-2m (5-6 ft.) from the location of the previous stumps.
4. Planting could be done on abutting private property (with the property owner's consent) in order to avoid conflict with overhead wires.
5. The minimum size of replacement trees is **70mm** (dbh).
6. Trees should be healthy, free from pests and diseases, with undamaged trunks, well balanced and have healthy root systems.

7. *Species selection should maintain the character of the street, while ensuring a variety of species.*
8. *Emphasis should be placed on native species and rare species should be encouraged.*
9. *Care should be taken to plant species appropriate to the location. Where future conflict with utilities may arise, trees of smaller stature may be chosen over large shade trees.*
10. *Developers are required to replace any diseased or damaged street trees in their subdivisions prior to acceptance of the subdivision by the Town.*
11. *New tree planting and tree replacement requirements as outlined above should also be applied to commercial properties along regional roads, and the Region of Niagara should adhere to the stipulations of the town trees policy.*
12. *New replacement trees should be planted near where trees are projected to be removed within the next 5 years in order to allow time for the new trees to establish themselves before the old ones are cut down.*
13. *In the rural areas of Pelham, there are many available planting sites for large shade trees, and they will be suitable locations for species such as tulip trees and other native and locally rare species which are not suitable for planting in an urban setting.*

## **TREE MAINTENANCE**



### Small street tree maintenance

1. The first few years after planting are the most crucial in terms of maintenance, to ensure good growth and the development of a strong, well-balanced tree.
2. Tree stakes must be removed before the tree ties girdle the tree trunks, normally 1 or 2 years after planting. When stakes are loose or broken, replacement is required.
3. An annual inspection is to be conducted each year in the first three (3) years after planting.

### TREE REMOVAL

#### Tree removal in general

1. Public trees should be preserved whenever possible and removed only when no other alternative is feasible. Trees are mainly removed to prevent human injuries or property damages. Trees that require removal will be top priority and should receive attention as soon as possible to protect human life and property from possible damage.
2. Every effort will be made to cooperate with property owners when public trees adjacent to their property are to be removed. A written notice must be given to such property owner **no fewer than 14 days** from the planned operation unless it becomes an emergency situation. Following tree removal, the adjacent property owner shall be given the first opportunity to remove wood from the site.

3. A public tree shall only be removed when they fall into one of the following categories:
- (a) The tree constitutes a serious safety hazard to public health or private properties.
  - (b) The tree is dead or has declined to the point where it is anticipated to die within the next year.
  - (c) The tree is structurally unstable and cannot be made safe by pruning or other methods such as cabling.
  - (d) The amount of dead wood or damaged wood makes it impractical to prune.
  - (e) The tree is infected with a disease or infested with insects or other pests that cannot be controlled, eradicated or cured, so that if left standing, it will pose a threat to nearby trees or public safety.
  - (f) When new municipal construction is proposed in the vicinity and it is substantially more economical to remove the tree or there are no suitable alternatives.
4. The following are **not** sufficient reasons for removing a tree:
- (a) A tree will **not** be removed when sanitary sewers are blocked by the roots of the tree. The presence of tree roots indicates that the sewers are damaged and repairs are in order.

- (b) A tree will **not** be removed because of complaints about the following: falling leaves, seeds, small twigs, or the presence of wildlife or other non-threatening natural occurrences.
- 5. When trees are removed in a public woodlot or preserve, the wood and brush should be left *in situ* in a safe manner.
- 6. Building permits for new construction should include a site plan to illustrate all trees in new construction vicinity including those within the road allowance.

### Stump removal

- 1. After the removal of a tree, the stump should be removed mechanically as soon as possible, unless it is not accessible. The stump should be ground to 150mm below ground level. In cases where grinding to such depths may interfere with underground utilities, the grinding depth can be reduced accordingly. Wood chips should be removed and the area levelled with topsoil and grass seeded.
- 2. Stumps are not to be removed from woodlots or preserves.



**Solution Title: Tree Management Policy**

Council Approved: April 4, 2016

S802-01

**HOW MIGHT WE:**

***How Might the Town of Pelham*** provide the community with safe and healthy trees on municipal property that are maintained and inspected regularly, while staying attentive to budgetary and staff resources?

**KEY FACTS:**

1. Trees moderate the microclimate through evapotranspiration, sequester air pollutants, reduce noise pollution, release oxygen and refresh our air supply and reduce the overall effects of greenhouse gas emissions, manage storm water runoff, increase property value and contribute to the better mental and physical health of the community.
2. By not regularly inspecting and maintaining trees, matters of public safety and liability arise, but also, the chance of such trees reaching their full maturity is greatly reduced. A tree at full maturity offers the most benefits to the Town, and can only reach this maturity with investment in maintenance and regular monitoring.
3. Tree maintenance includes health inspections, pruning, stake removal, mulching and canopy lifting.
4. The Town of Pelham schedules tree inspections on an annual basis, completed by a TRAQ (Tree Risk Assessment Qualification) certified arborist.
5. Response to health and safety concerns and/or hazards related to trees are prioritized and addressed immediately.
6. Every effort is made to develop a rotational schedule that allows the town to inspect trees within designated blocks.
7. This policy shall apply to trees on municipal property only.

**SOLUTION STATEMENT:**

Removal

- Decisions about the removal of trees shall be at the discretion of the Manager of Facilities & Beautification, in accordance with department procedures, taking into account technical staff input and supporting information about risks related to safety, location, utilities, tree health, liability and other factors.



Town of Pelham  
Solutions Manual:  
Public Works & Utilities Services

<b>Solution Title:</b>	<b>Tree Management Policy</b>	
<b>Council Approved:</b>	April 4, 2016	<u>S802-01</u>

- The Town shall strive for no net loss of trees on urban boulevards, and where practical and viable, in parks and rural areas. In addition, where conditions allow, every effort shall be made to increase tree planting and greening in the Town, barring conditions related to invasive pests or diseases.

#### Selection

- Tree species selection for planting and replacement shall align with the Engineering Standards, Downtown Master Plan, East Fonthill Master Plan, or other similar Town- approved guidelines. Ultimate species selection shall consider such site conditions as: hydro lines, pedestrian traffic, soil conditions, neighboring trees, ecological conditions, and site development.
- Every effort shall be made to plant native species, while still increasing the species diversity of trees and avoiding monoculture plantings.

#### Maintenance and Inspection

- The health and vigour of public trees shall be ensured through a regular, cyclical inspection and maintenance regime, which may vary depending on tree location within the Town. The Town will strive to inspect approximately 20% of trees annually, including consideration of consultation with staff, past claims, and public service request history. Tree maintenance and inspection shall be further detailed in department procedures.

#### Communication

- Citizen participation and cooperation in the protection of public trees shall be encouraged, and relevant information from the Tree Planting, Maintenance & Replacement Policy shall be communicated to constituents through the website, the Community Guide, and through social media.



<b>Policy Name: Tree Maintenance Policy</b>	<b>Policy No: S802-01</b>
Committee approval date:	-
Council approval date:	April 4, 2016/July 27, 2017
Revision date(s):	June 7, 2021
Department/Division:	Public Works

## 1. Purpose

The purpose of this policy is to provide a process that addresses the maintenance and use of trees in municipal parks, municipal rights of way and other municipal owned lands with a goal of promoting a healthy and robust tree canopy within the Town of Pelham.

The specific goals of this Tree Maintenance policy are to develop an integrated set of objectives and procedures that will combine to form a set of overall working guidelines that will:

- a) Ensure that there shall be no net loss of trees on municipal property and that every effort shall be made to increase tree planting and expand the tree canopy within the Town of Pelham.
- b) Ensure that all trees on Town properties are adequately protected from destruction, loss or damage.
- c) Increase species diversity in municipal parks, rights of way and other municipally owned or controlled lands.
- d) Encourage the planting of native trees including Carolinian species whenever possible.
- e) Ensure the orderly development of the Town of Pelham's tree inventory through proper maintenance, tree planting, and tree replacements.
- f) The health and vigor of public trees shall be ensured through regular tree inspection and pruning cycle.
- g) Opportunities shall be provided to educate the citizens of the Town of Pelham on the ecological, aesthetic, economic and social benefits of trees.

## 2. Policy Statement

It will be the policy of the Town of Pelham to protect and maintain municipally owned trees, and to promote a healthy and robust tree canopy within the Town of Pelham.



### **3. Policy Constraints**

The policy will be applied to all municipally owned lands within the Town of Pelham including; road allowances, municipal boulevards, parks, trails, and green spaces.

The policy may be affected by the availability of Town staff, financial resources, regulatory restrictions and requirements from other departments and agencies.

### **4. General Provisions**

4.1 All tree maintenance operations performed on public property shall be carried out by town staff, or a contractor acting for the Corporation of the Town of Pelham.

4.2 All tree maintenance work shall be carried-out by trained persons in accordance to the Ontario Occupational Health and Safety Act and Regulations, as well as established Town of Pelham Public Works Operating Procedures.

4.3 All costs incurred as a result of intentionally causing injury or removal of Municipal boulevard trees shall be recovered as outlined in the schedule of Fees and Charges under By-law 37-28(2016).

4.4 Tree removal, replacement or pruning required by a property owner for reasons which are to their benefit only, shall be at the property owner's expense, upon approval from the Director of Public Works or designate.

4.5 Tree removal, replacement, or pruning required for the installation of a new entrance, modification of an existing entrance, and/or utility servicing, shall be at the property owner's expense, upon approval from the Director of Public Works or designate.

4.6 The Director of Public Works or designate may require an ISA Basic Tree Risk Assessment be completed prior to the removal, or pruning of a public tree for the purposes of new entrance installation, modification of an existing entrance and/or utility servicing, at the property owner's expense.



## **5. Climate Change**

While it is difficult to predict exactly what climate change will mean for the health of Pelham's urban forest, some of the trends that have been identified include:

- a) Warmer winter temperatures and longer growing seasons.
- b) Changes in the seasonality of precipitation and extreme events like droughts and heavy rainfalls.
- c) Expanded ranges of insects and increased over-winter survival rates of pests.
- d) Increasing severity of pest and disease outbreaks.
- e) Increased frequency and severity of storm events.

Based on current climate projections and projected impacts, the Town has incorporated a specific goal in the adaptation plan to preserve, protect, and restore the Town's urban and rural forests and includes five actions for adapting to the impacts of climate change.

The Town will endeavour to consider all aspects of climate change when planning any tree selection and planting projects to minimize affects.

## **6. Tree Inspection and Inventory**

6.1 Public trees within the urban boundary shall be inspected at least once every seven years by qualified staff to determine their general state of health and identify required maintenance.

6.2 Staff will maintain an up-to-date inventory of all public trees within the urban boundary. Records shall include: geo-location, diameter, species, total tree height, crown height, and crown width.

6.3 Staff will perform basic tree inspections in locations prior to the initiation of construction projects where trees may be affected.

## **7. Tree Pruning**

7.1 Trees are pruned primarily to prevent damage to human lives and property, and to preserve healthy trees.





7.2 Trees within the urban boundary shall be pruned on a seven year cycle (Schedule A). Trees outside the urban boundary shall be pruned as required.

7.3 Pruning will be completed for the following reasons:

- a) To remove dead, split, dangerous and broken branches. Branches are considered dangerous when they are decayed, hollow or split to the point of being structurally unsound;
- b) To lighten crown loads when a structural defect is present;
- c) To remove low hanging live branches to a height of 2.4m when they interfere with pedestrian traffic;
- d) To remove low hanging live branches to a height of 4.3m when they interfere with vehicular traffic;
- e) To remove branches that obscure clear vision of warning signs, traffic signs or traffic movement;
- f) To avoid interference with street lights, overhead wires, roofs and other structures;
- g) To reduce encroachments to sidewalks, roads, drainage structures and ditches;
- h) To increase structural stability by removing branches that forms an acute angle of attachment.

7.4 When pruning is undertaken in woodlots and other natural areas, the limbs and brush are left onsite in a safe manner, in a location not to impede drainage, to decompose naturally.

7.5 The Town of Pelham Public Works Department will acknowledge the receipt of tree work requests within two business days. Emergency work will be completed as soon as practicable. Non-Emergency work will be completed within one month of receipt. Aesthetic pruning shall be completed based on available resources on a lower priority basis.

## **8. Tree Planting – General**

8.1 Trees shall be planted in an area that least interferes with underground or overhead utilities and municipal infrastructure to ensure their full growth potential and vitality. No tree shall be intentionally planted in a manner that will interfere or disturb utilities above ground.

8.2 Tree species shall be selected and planted in accordance to the Town of Pelham Municipal Engineering Design Manual. Carolinian and native species will be selected whenever possible.



- 8.3 No tree shall be planted inside the daylight triangle of any intersection.
- 8.4 No tree shall obstruct driver sight lines or endanger pedestrian safety.
- 8.5 Street trees shall primarily be planted on the municipal side of the property line.
- 8.6 Trees planted within the 'municipal right-of-way or boulevard' shall be deciduous in nature and hardy to zones 4 or 5.
- 8.7 Trees planted in municipal parks or on other municipally owned lands can be deciduous or coniferous and hardy to zones 4 or 5.
- 8.8 Trees shall be nursery stock with a minimum caliper of 50mm. Substitutions may be permitted with authorization from the Director of Public Works or designate.
- 8.9 Tree stakes must be removed before the tree ties girdle the tree trunks. Tree stakes shall be removed no greater than two years after planting.

## **9. Tree Planting – Replacement**

- 9.1 Two trees shall be planted for every tree removed due to health or safety reasons. Two trees shall be replanted in the area of removal. If not plausible the second tree shall be planted on any municipally owned land.
- 9.2 Two tree shall be planted for every tree removed resulting from construction or utility servicing activities.
- 9.3 When the Town of Pelham removes a tree and the replacement tree cannot be relocated in the area of removal, the replacement tree shall be planted on any other municipally owned land.
- 9.4 The Town of Pelham Public Works Department endeavours to replace all trees removed within the following calendar year.



## **10. Tree Removal**

10.1 Public trees should be preserved whenever possible.

10.2 No tree shall be removed unless it is apparent that the tree is dead or dying and/or when a tree poses a safety hazard to people or property.

10.3 A healthy tree may be removed when new construction is proposed in the vicinity and it is substantially more economic to remove the tree, or if there are no suitable alternatives available.

10.3 A tree will not be removed for reasons such as: falling leaves, fruit, seeds, twigs, the presence of wildlife, shade, or other non-threatening natural occurrences.

10.4 When trees are felled in woodlots and other natural areas, the wood and brush are left onsite in a safe manner, as to not impede drainage, to decompose naturally.

10.5 The Town of Pelham Public Works Department endeavours to remove dead or dying trees on municipal property as soon as practicable. Trees requiring the use of a contracted service provider, which pose no immediate threat to persons or property may be removed the following year as part of the annual tree maintenance contract.

## **11. Stump Removal**

11.1 Once a tree is removed the stump shall be ground below grade and restored with topsoil and sod within twelve months of removal.

11.2 Stumps are not to be removed from woodlots, natural areas, or unmaintained roadside locations.

## **12. Invasive Species**

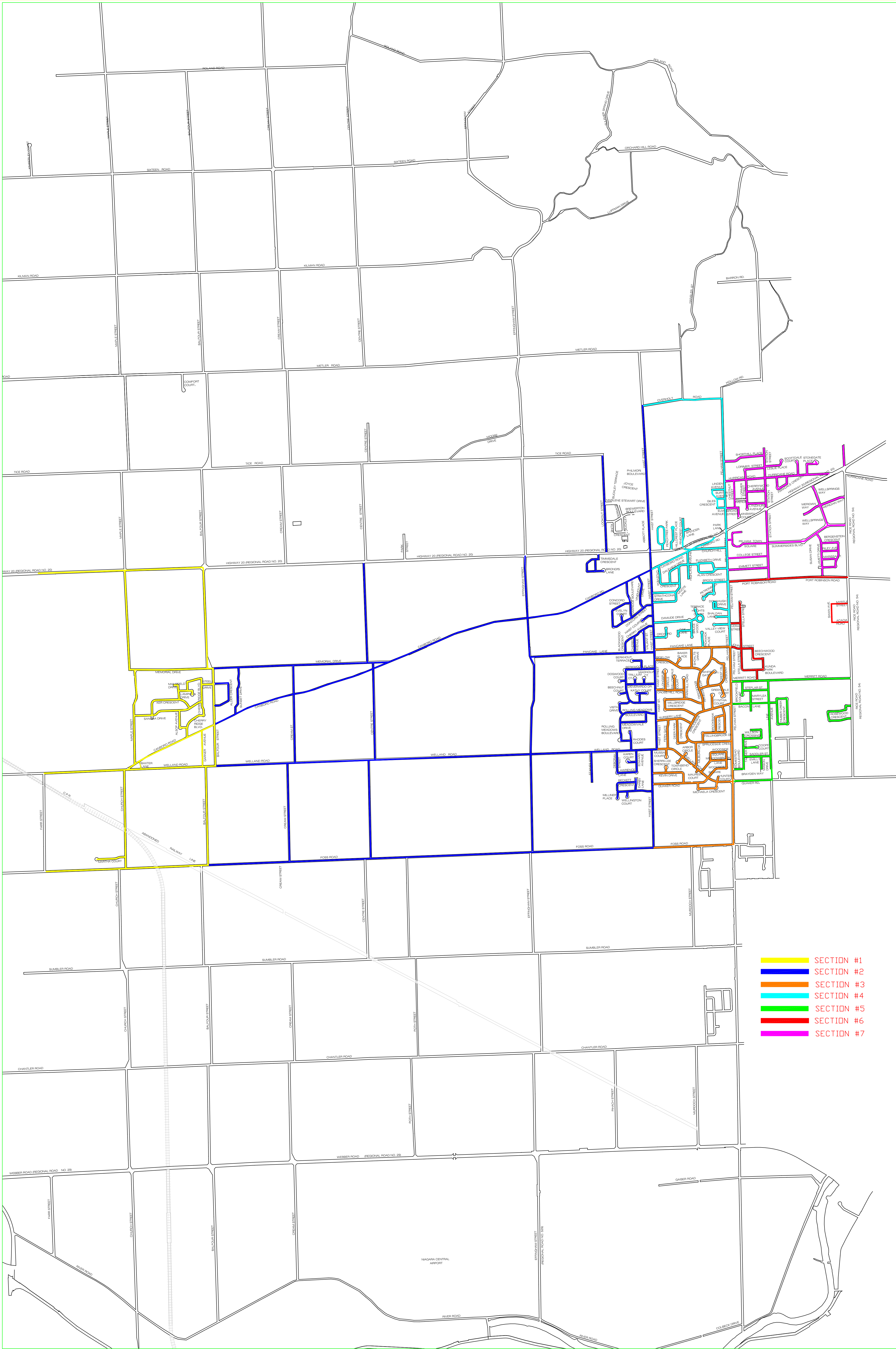
12.1 Both public and private trees face significant threats from invasive insect pests and diseases.



12.2 The Town of Pelham will implement an Integrated Pest Management (IPM) approach to manage pests and disease in an ecological manner. Plans are based first on prevention and when needed, a control (biological, cultural, physical or mechanical intervention), saving registered pesticide application as a last resort.

12.3 The Town of Pelham Public Works Department endeavors to consider all invasive insect pests and disease when selecting tree species, and increasing tree diversity to minimize the effects.





- SECTION #1
- SECTION #2
- SECTION #3
- SECTION #4
- SECTION #5
- SECTION #6
- SECTION #7



**NOTE:**  
1. THE POSITION OF POLE LINES, CONDUITS, SEWERS, WATERMAINS AND OTHER UNDERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONSTRUCTION DRAWINGS. WHERE SHOWN THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.  
2. BEFORE STARTING WORK, THE CONTRACTOR SHALL CHECK WITH ALL UTILITIES INVOLVED AND INFORM HIMSELF/HERSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.

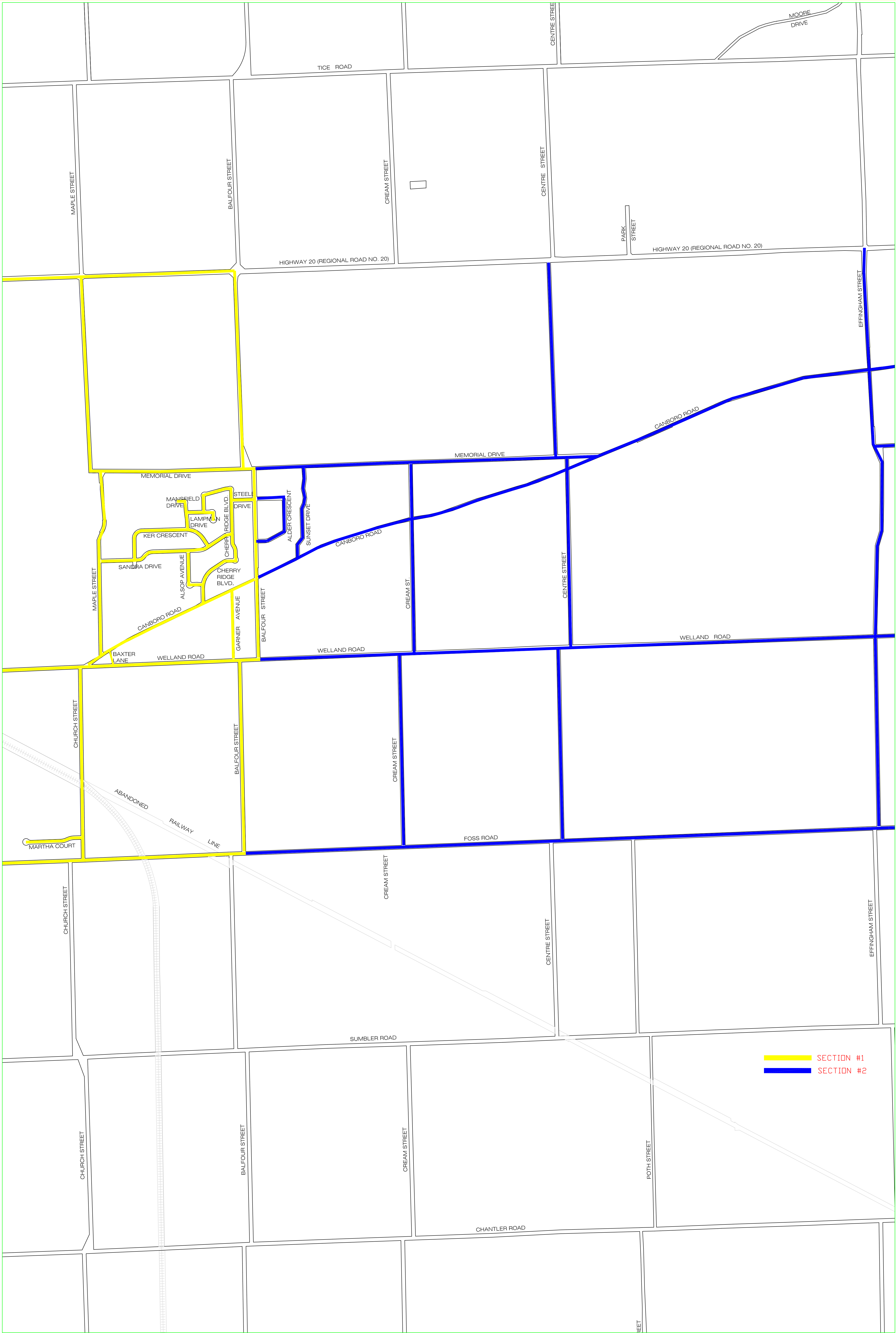
Drawn C.S.  
Design C.S.  
Checked D.Y.  
Reviewed J.M.

Location **TOWN OF PELHAM**  
Project Name

Sheet Title **GENERAL PLAN**  
Scale **NTS**

Date: **AUG. 2020**  
Sheet **1** of **3**  
Drawing No: **G-01**





**NOTE:**  
1. THE POSITION OF POLE LINES, CONDUITS, SEWERS, WATERMAINS AND OTHER UNDERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONSTRUCTION DRAWINGS. WHERE SHOWN THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.  
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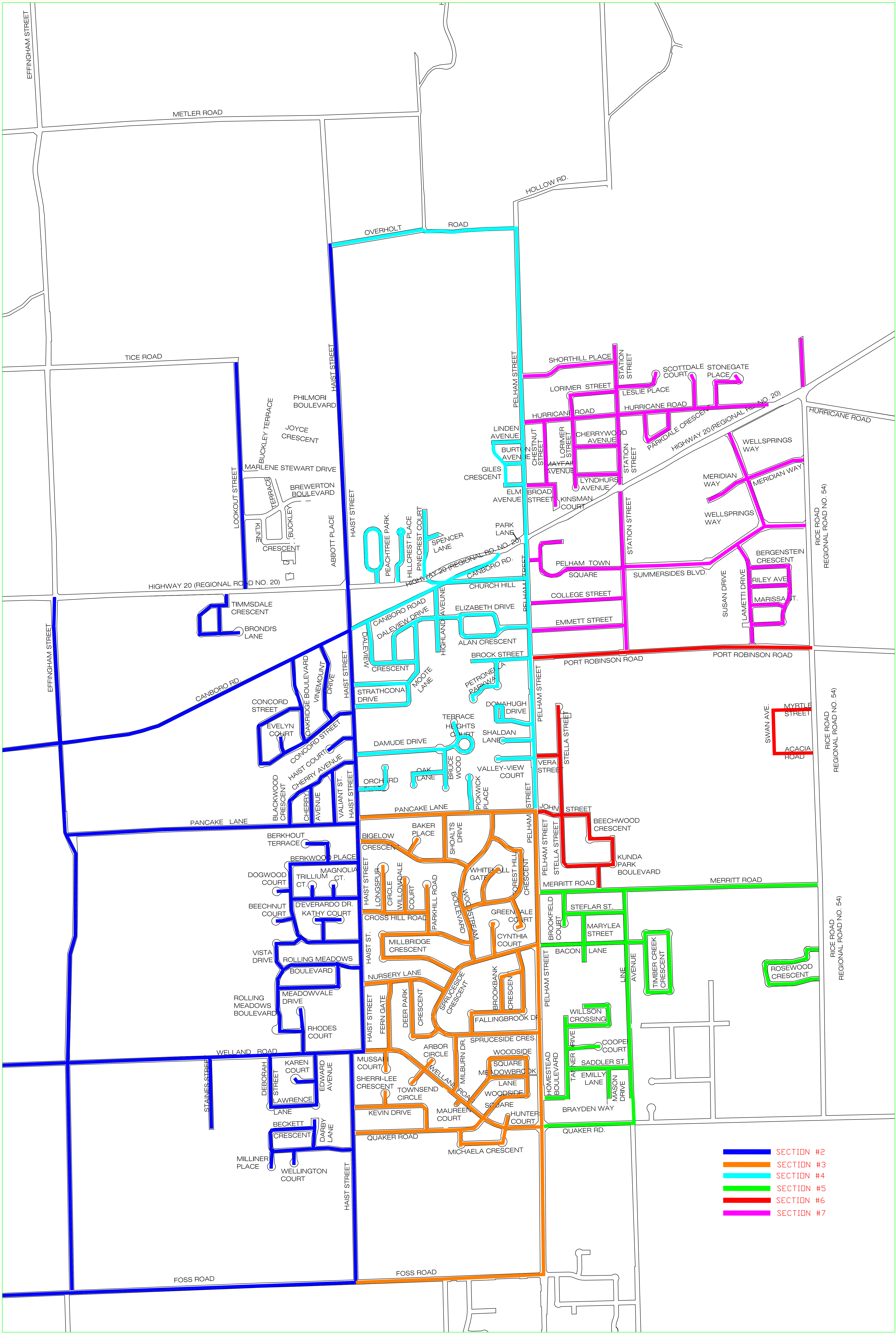
Drawn C.S.  
Design D.Y.  
Checked J.M.  
Reviewed J.M.

Location **TOWN OF PELHAM**  
Project Name

Sheet Title **GENERAL PLAN**  
Scale **NTS**

Date: **AUG. 2020**  
Sheet **2** of **3**  
Drawing No: **G-02**



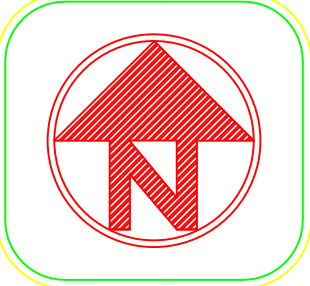


- SECTION #2
- SECTION #3
- SECTION #4
- SECTION #5
- SECTION #6
- SECTION #7



**Pelham**  
NIAGARA

PUBLIC WORKS & UTILITIES DEPARTMENT



**NOTE:**

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Design	
Checked	D.Y.
Reviewed	J.M.

Location	TOWN OF PELHAM
Project Name	

Sheet Title	GENERAL PLAN	Date:	AUG. 2020
Scale	NTS	Sheet	3
		of	3
Drawing No:	G-03		

## THE REGIONAL MUNICIPALITY OF NIAGARA

## BY-LAW NO. 2020-79

A BY-LAW TO PROHIBIT OR REGULATE THE DESTRUCTION OR INJURING OF  
TREES IN WOODLANDS IN THE REGIONAL MUNICIPALITY OF NIAGARA

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WHEREAS Section 135(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Act”), as amended, provides that Regional Council may by bylaw prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law;

WHEREAS Section 135(7) of the *Municipal Act* provides that the by-law may require that a permit be obtained to injure or destroy trees in woodlands as designated in the by-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees;

WHEREAS the Council for The Regional Municipality of Niagara (“Regional Council”) deems it desirable to enact such a by-law for the purposes of:

- conserving and improving the Woodlands in the Regional Municipality of Niagara (the “Region”) through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- helping to achieve the objectives of the Regional Official Plan to ensure the long-term health and productivity of woodlands;
- regulating and controlling the removal, maintenance and protection of trees in Woodlands;
- protecting, promoting and enhancing the values of Woodlands;
- contributing to human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover;
- enhancing biodiversity and forest resilience to help our communities adapt to climate change;
- supporting the objective of the Regional Official Plan to maintain, restore and, enhance the ecological health, integrity and biodiversity of the Core Natural Heritage System and its contributions to a Healthy Landscape as defined in the Regional Official Plan; and, supporting the objective of the Regional Official Plan to maintain, restore and, enhance the ecological health, integrity and biodiversity of the Core Natural Heritage System and its contributions to a Healthy Landscape as defined in the Regional Official Plan; and,



WHEREAS on April 10, 2008 By-law No. 30-2008 was passed by Regional Council and this by-law has been in place to prohibit or regulate the destruction or injuring of trees in Woodlands in the Region;

AND WHEREAS Regional Council wishes to repeal By-law No. 30-2008 and replace same with an updated By-law regulating the destruction or injuring of trees in Woodlands in the Region;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

## 1. DEFINITIONS

In this By-law:

- 1.1 "Agricultural Use" means the commercial production of crops and/or raising of livestock for human use and includes ploughing, seeding, Harvesting, leaving land fallow as part of a conventional rotational cycle, production of tree fruits and grapes, grazing, animal husbandry, and buildings and structures associated with these activities;
- 1.2 "Area Municipality" means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;
- 1.3 "Building Permit" means a building permit issued by an Area Municipality under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended;
- 1.4 "Bumper Tree" means a poor quality, low value tree that grows in close proximity to higher value trees and is located along skid roads to protect residual trees from damage during logging and skidding operations;
- 1.5 "Coppice growth" means clump growth where more than one tree stem grows from a single tree stump and the point of measurement for such growth means that point on each stem measured immediately above the point of fusion, provided such point of fusion is less than 1.37 metres above the highest point of undisturbed ground at the base of the coppice or clump growth;

- 1.6 “DBH” or “Diameter at Breast Height” means the diameter of the stem of a tree measured at a point that is 1.37 metres above the ground;
- 1.7 “Diameter” means the diameter of the stem of a tree measured at a specified Point of Measurement with such measurement including the bark of the stem;
- 1.8 “Farmer” means a person who has a current and valid farm registration number under the *Farm Registration and Farm Organizations Funding Act, 1993*, S.O. 1993, c. 21, as amended;
- 1.9 “Forest Management Plan” means a course of forest management action prescribed for a particular woodland area after specific assessments and evaluations have been made by a Qualified OPFA Member in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”, as amended from time to time;
- 1.10 “Good Forestry Practices” means:
- 1.10.a the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values, including: significant ecosystems; important fish and Wildlife Habitat; soil and water quality and quantity; forest productivity and health; and the aesthetic and recreational opportunities of the landscape;
  - 1.10.b the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;
  - 1.10.c in the case of hazardous, damaged, diseased or insect-infested trees, the maintenance of a Woodland after the cutting and removal is completed unless it is determined through a report prepared by Qualified OPFA Member that trees must be removed and a Woodland would not be maintained; and,

- 1.10.d the forestry management practices as set out in the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”;
- 1.11 “Harvesting” means the Injury or Destruction of a Tree through cutting or other mechanized means. The term “Harvested” shall have a corresponding meaning;
- 1.12 “Heritage Tree” means a Tree identified and designated by the Council of an Area Municipality as having heritage significance;
- 1.13 “Injury” or “Destruction” means lasting damage to a Tree, that has the effect of inhibiting or terminating growth and which may include, but is not limited to:
- 1.13. a broken branches in the crown of a Tree;
- 1.13. b the breaking off or splitting of the stem of any Tree and the noticeable tipping of any Tree;
- 1.13. c the splitting of, removal of or damage to the bark of a Tree; or
- 1.13. d damage to the root structure of a Tree;
- but does not include damage to Bumper Trees, or pruning or removing branches for maintenance purposes. The terms “Injury”, “Injured”, “Injuring”, “Destroy”, “Destroying” or “Destroyed” shall have a corresponding meaning.
- 1.14 “Normal Farm Practice” means a practice that is recognized by the Normal Farm Practices Board which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices;
- 1.15 “Officer” means an individual appointed by Regional Council for the administration and enforcement of this By-law;
- 1.16 “Owner” means any Person having control over any portion of land that contains Woodland or Woodlands and specifically includes any Person

- having any right, title, interest or equity in the land and any Person lawfully permitted on the land;
- 1.17 “Own Use” means use that does not include a commercial sale, exchange or other disposition of trees Injured or Destroyed;
- 1.18 “Permit” means a permit to Injure or Destroy Trees issued under this By-law;
- 1.19 “Person” means an individual or a corporation and their respective heirs, executors, administrators or other duly appointed representatives;
- 1.20 “Point of Measurement” means the point on a tree trunk measured above the highest point at which the ground meets the tree. For Coppice Growth the Point of Measurement shall be at the point on the tree trunk where the tree stems separate provided that such point of separation is less than 1.37 metres from where the ground meets the tree;
- 1.21 “Qualified OPFA Member” means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association under the *Professional Foresters Act* 2000, c.18, as amended, certified to practice professional forestry, unless a suspension, term, condition or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-law;
- 1.22 “Qualified Tree Marker” means:
- 1.22.a An individual who is currently certified through the Ontario Ministry of Natural Resources Certified Tree Marker Program; or
- 1.22.b A Qualified OPFA Member qualified to do tree marking.
- 1.23 “Region” means The Regional Municipality of Niagara;
- 1.24 “Regional Council” means the Council of The Regional Municipality of Niagara;
- 1.25 “Regional Official Plan” means the Official Plan of The Regional Municipality of Niagara;
- 1.26 “Sensitive Natural Area” means lands that are in a Woodland and:

- 1.26.a within the Environmental Protection Area designation of the Natural Heritage System and adjacent lands, as defined in the Regional Official Plan; or
- 1.26.b within a Natural Area as designated in the Niagara Escarpment Plan.
- 1.27 “Significant Community Tree” means a Tree identified and designated by the Council of an Area Municipality as having community significance;
- 1.28 “Silviculture” means the theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of forest management. The term “Silvicultural” shall have a corresponding meaning;
- 1.29 “Silvicultural Prescription” means the site specific operational plan, signed and sealed by a Qualified OPFA Member (unless otherwise exempted under the *Professional Foresters Act*), that describes the existing forest conditions and the forest management objectives for an area, and which prescribes the methods for Harvesting the existing forest stand and a series of silvicultural treatments that will be carried out to establish a free-growing stand in a manner that accommodates other resource values as identified;
- 1.30 “Tree” or “Trees” means any living species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity;
- 1.31 “Tree Preservation Plan” means a plan, prepared by a Qualified OPFA Member or Certified Arborist, for the purpose of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur;
- 1.32 “Wildlife Habitat” means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species;

- 1.33 "Woodland" or "Woodlands" means land on one or more properties with a density of at least:
- 1.33.a 1,000 Trees, of any size, per hectare;
  - 1.33.b 750 Trees, measuring over five (5) centimetres in Diameter at DBH, per hectare;
  - 1.33.c 500 Trees, measuring over twelve (12) centimetres, in Diameter at DBH, per hectare; or
  - 1.33.d 250 Trees, measuring over twenty (20) centimetres, in Diameter at DBH, per hectare;
- but does not include:
- 1.33.f a cultivated fruit or nut orchard;
  - 1.33.g a plantation established for the purpose of producing Christmas trees and which is being actively managed and Harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or Harvested for their intended purpose for a period of 15 years or more; or
  - 1.33.h a bona fide tree nursery that is being actively managed and harvested for the purposes for which it was planted;
  - 1.33.i a hedgerow or windrow less than 20 meters in width.

## 2. APPLICATION OF THE BY-LAW

This By-law shall apply to:

- 2.1 all Woodlands having an area of one (1) hectare or more;
- 2.2 all Woodlands having an area of less than one (1) hectare upon delegation of such authority by an Area Municipality to the Region; and
- 2.3 Heritage Trees and Significant Community Trees identified and designated by the Council of an Area Municipality, upon delegation of such authority by an Area Municipality to the Region.

### **3. GENERAL PROHIBITIONS**

- 3.1 No Person through their own actions or through any other Persons shall Injure or Destroy any Tree located in Woodlands:
- 3.1.a Unless exempted under Section 4 of this By-law; or
  - 3.1.b Unless in possession of a valid Permit issued under this By-law and in accordance with its terms or conditions.
- 3.2 No Person through their own actions or through any other Person shall:
- 3.2.a Contravene the terms or conditions of a Permit issued under this By-law;
  - 3.2.b Fail to comply with an Order issued under this By-law; or
  - 3.2.c Remove or deface any Order that has been posted pursuant to this By-law.
- 3.3 No Person through their own actions or through any other Person shall Injure or Destroy any Tree that has been designated by the Council of an Area Municipality as a Heritage Tree or a Significant Community Tree, provided that the authority to regulate such Trees has been delegated to the Region by the Area Municipality.
- 3.4 An Owner is deemed to have knowledge of, to have permitted, and to be liable for actions that violate this By-law that occur on the portion of land over which the Owner has control.
- 3.5 A Person is not liable under Section 3.4 of this By-law if such Person establishes, on a balance of probabilities, that the actions that violate this By-law occurred before or after such Person was an Owner.

### **4. EXEMPTIONS**

Despite Section 3 of this By-law, this By-law does not apply to:

- 4.1 Activities or matters undertaken by a municipality or a local board of a municipality;
- 4.2 Activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c.25, as amended;
- 4.3 The Injuring or Destruction of Trees by a Person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- 4.4 The Injuring or Destruction of Trees imposed after December 31, 2002:
  - 4.4.a as part of a Tree Preservation Plan required as a condition of approval in a plan of subdivision that has received draft approval under Section 51 of the *Planning Act*;
  - 4.4.b as part of a Tree Preservation Plan required as a condition on a consent approved under Section 53 of the *Planning Act*;
  - 4.4.c as a condition to the approval of a site plan or a plan of subdivision under Sections 41 and 51, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
  - 4.4.d in a development agreement between an Owner and an Area Municipality;
  - 4.4.e as a condition to a development permit authorized by regulation made under Section 23(b) of the *Niagara Escarpment Planning and Development Act*, R.S.O 1990, c. N.2, as amended; or
  - 4.4.f as a condition to a development permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation.
- 4.5 The Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act, 1998*, S.O. 1998, c.15, Sched. A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;



- 4.6 The Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*; R.S.O. 1990, c. A.8, as amended;
- 4.7 The Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
- 4.7.a that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and
- 4.7.b on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*.
- 4.8 The Injuring or Destruction of Trees that is required in order to erect any building, structure or thing, including yard areas, in respect of which a Building Permit has been issued and has taken into consideration the protection of Trees surrounding the structure or work within the building envelope, provided that no Tree is removed that is located more than 15 metres from the outer edge of the building, structure or thing, and that only those Trees necessary to accommodate the building structure or thing, including yard areas, are removed;
- 4.9 The Injuring or Destruction of Trees that is reasonably required in order to install and provide utilities, including a private waste disposal system, to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued;
- 4.10 The Injuring or Destruction of Trees that is required in order to install, provide or maintain a driveway of sufficient width for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;
- 4.11 The Injuring or Destruction of Trees on lands, including buffer lands, used for the purpose of a licenced waste disposal site that has been approved, where applicable, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended, the *Environmental Assessment Act*, R.S.O. 1990, c. E.18, as amended, the *Planning Act*, and/or the *Niagara Escarpment Planning and Development Act*;
- 4.12 The Injuring or Destruction of Trees for the construction of drainage works under the *Drainage Act*, R.S.O. 1990, c. D.17, as amended;

## 4.13 The Injuring or Destruction of Trees that:

- 4.13.a are dead;
- 4.13.b are diseased, as identified in a Silvicultural Prescription or Forest Management Plan; or
- 4.13.c pose a hazard to human safety or property.

## 4.14 The Injuring or Destruction of Trees by an Owner of a Woodland who may Harvest, Destroy or Injure Trees for his or her Own Use on his or her property provided that:

- 4.14.a Good Forestry Practices are employed in accordance with the Ministry of Natural Resources document "A Silvicultural Guide to Managing Southern Ontario Forests"; and
- 4.14.b the Injuring or Destruction, in that part of the Woodland where Trees have been Injured or Destroyed, does not reduce the number of Trees per hectare below that necessary to constitute a Woodland.

## 4.15 The Harvesting, Injuring or Destruction of Trees by a Farmer that involves the clearing of all or part of a Woodland for Agricultural Use on land that is owned by the Farmer doing the clearing and is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing.

The clearing shall be carried out in accordance with Normal Farm Practices as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1, as amended, provided that:

- 4.15.a the land that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences;
- 4.15.b prior to the clearing, the Farmer advises the Officer of the proposed clearing. For the purposes of this section the marking of Trees, a Forest Management Plan or a Silvicultural Prescription, a fee and a Permit are not required; and
- 4.15.c the land being cleared for Agricultural Use is outside the Urban Areas as defined in the Regional Official Plan, and is designated and zoned

for Agricultural Use in the Official Plan and Zoning By-law of the Area Municipality and, where applicable, in the Niagara Escarpment Plan;

except where the Injuring or Destruction of Trees involves a Sensitive Natural Area, in which case a Permit is required pursuant to the provisions of this By-law, but no fee shall be required.

- 4.16 The Harvesting, Injuring or Destruction of non-native/invasive Trees in a Woodland for the purpose of restoring the tree cover to native species as per an approved Forest Management Plan or Silvicultural Prescription.
- 4.17 The Injuring or Destruction of Trees in a Woodland for the purpose of conducting site rehabilitation activities to remove and/or treat contaminated soils. A reforestation plan must be prepared and approved by the Officer prior to Tree removal.

## **5. GOOD FORESTRY PRACTICES PERMITS**

- 5.1 The Niagara Region hereby delegates to an Officer the authority to issue a Good Forestry Practices Permit under this By-law, and to impose such terms and conditions in accordance with Good Forestry Practices.
- 5.2 An application for a Good Forestry Practices Permit shall be submitted at least four (4) weeks prior to the commencement date of Harvesting and shall include the following:
  - 5.2.a a complete signed application form as provided by the Region;
  - 5.2.b a copy of the Silvicultural Prescription sealed by a Qualified OPFA Member; and,
  - 5.2.c A signature from a Qualified OPFA Member confirming proof that the marking of the Trees to be cut has been carried out by a Qualified Tree Marker in accordance with a Silvicultural Prescription or Forest Management Plan. Tree marking must include clean, legible paint marks at breast height, visible from any direction, and 40 centimetre stump marks that are in crevices (if available) and run right to the ground.
- 5.3 A Good Forestry Practices Permit issued under this By-law shall be subject to the following terms and conditions:

- 5.3.a Trees which are to be harvested are cut in accordance with Good Forestry Practices, and as described in a Silvicultural Prescription sealed by a Qualified OPFA Member;
  - 5.3.b the Harvesting, Injuring or Destruction of Trees will not reduce the number of Trees per hectare below the minimum number of Trees per hectare required to be considered a Woodland;
  - 5.3.c The Permit-holder must notify the Officer at least 48 hours before start of cutting and again upon resumption of activities after any four (4) week period of inactivity; and
  - 5.3.d Any other terms and conditions deemed appropriate and imposed by the Officer.
- 5.4 Notwithstanding Sections 5.2 and 5.3, a Good Forestry Practices Permit may be issued where an exclusion provision under the *Professional Foresters Act* applies and a qualified member of the Ontario Professional Foresters Association provides an opinion that the Harvesting of Trees is consistent with Good Forestry Practices.

## 6. PERMIT APPLICATION PROCESS

- 6.1 Every Person who intends to Injure or Destroy Trees personally or through another Person, where a Permit to do so is required under this By-law, shall first complete and submit an application for a Permit in the form approved by the Region from time to time.
- 6.2 Applications for Permits will be processed only if:
- 6.2.a the appropriate application form, approved by the Region from time to time, has been completed in full, duly signed and submitted to the Officer;
  - 6.2.b the requirements that must be submitted with an application have been included; and
  - 6.2.c applications are in keeping with the general purpose and intent of this By-law.

- 6.3 A Permit application that does not meet the requirements of clauses 6.2.a, 6.2.b and 6.2.c will be returned to the applicant within 30 days.
- 6.4 A Permit may be:
- 6.4.a issued by the Officer to the Owner for a term of up to one (1) year from the date of issue and shall not be transferable; and,
  - 6.4.b may be renewed by the Officer for up to two (2) additional one (1) year terms contiguous with the expiry date of the original Permit and after a written request from the Owner for renewal is made to the Officer, who must be satisfied that there are reasonable grounds for the renewal.
- 6.5 In addition to those terms and conditions listed in section 5.3, the Officer may impose conditions to a Permit that relate to, but which are not restricted to:
- 6.5.a the manner and timing in which Harvesting, Injuring or Destruction is to occur;
  - 6.5.b the species, size, number and location of Trees to be Injured or Destroyed, or to be planted;
  - 6.5.c the marking of Trees to be cut with paint;
  - 6.5.d the qualifications of Persons authorized to Injure or Destroy Trees;
  - 6.5.e the submission of additional information required before the Permit becomes effective;
  - 6.5.f measures to be implemented to mitigate the direct and indirect effects of the Injuring or Destruction on Sensitive Natural Areas; and
  - 6.5.g a follow-up fuelwood (firewood) harvest.
- 6.7 When denying a Permit, the Officer will notify the applicant in writing by registered mail. The Officer shall provide written reasons for their decision to the applicant.

- 6.8 A Permit issued under the By-law does not relieve the Owner of any other applicable property boundary, municipal, provincial, or federal by-laws, regulations or requirements.

## **7. APPEALS TO REGIONAL COUNCIL**

- 7.1 An applicant for a Permit under this By-law may be appealed to Regional Council if:
- 7.1.a the Officer refuses to issue a Permit; such an appeal must be made within 30 days after the refusal; or
  - 7.1.b if the applicant objects to a condition in the Permit; such an appeal must be made within 30 days after the issuance of the Permit.
- 7.2 A request by an applicant for a hearing shall be made in writing and filed with the Regional Clerk.
- 7.3 Regional Council shall hold a hearing on the issue and shall give the applicant an opportunity to make representations at the hearing. The Regional Clerk shall mail a notice of hearing to the applicant at least seven (7) days before the hearing.
- 7.4 Regional Council may:
- 7.3.a Uphold the decision of the Officer;
  - 7.3.b Vary any condition on a Permit; or
  - 7.3.c Issue a Permit with conditions as Regional Council considers appropriate.
- 7.5 Regional Council will provide reasons for its decision. The decision of the Regional Council is final.

## **8. ORDERS TO DISCONTINUE ACTIVITY**

- 8.1 Where an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an Order requiring the Person who contravened the By-law or who caused or permitted the Injuring or Destruction of Trees in

contravention of the By-law to stop the Injuring or Destruction of Trees. The Order shall set out:

- 8.1.a the municipal address or the legal description of the land;
  - 8.1.b reasonable particulars of the contravention; and
  - 8.1.c the period within which there must be compliance with the Order.
- 8.2 An Order issued under this By-law may be served personally or by registered mail to the last known address of:
- 8.2.a the Owner of the Woodland; and
  - 8.2.b the person identified as Injuring or Destroying Trees.
- 8.3 Where service of an Order is made by registered mail, service shall be deemed to have been served on the fifth day after the date the Order is mailed.
- 8.4 Where service cannot be carried out under subsection 8.2, the Officer shall place a placard containing the terms of the Order in a conspicuous place on the affected lands. The placing of the placard shall be deemed to be sufficient service of the Order on the Person to whom the Order is directed. The placard shall not be removed without the approval of the Officer.

## **9. WORK ORDERS**

- 9.1 Where an Officer believes that a contravention of this By-law has occurred, the Officer may issue an Order requiring the Person to rehabilitate the land or Woodlands, or to plant or replant Trees.
- 9.2 The Order shall set out:
- 9.2.a the name and the Owner and the municipal address or the legal description of the land;
  - 9.2.b reasonable particulars of the contravention;
  - 9.2.c the work to be done and the date by which the work must be done;

- 9.2.d a statement that if the work is not done in compliance with the Order within a specified time period, the Region may have the work done at the expense of the Owner; and,
  - 9.2.e contact information of the Officer.
- 9.3 The Order may be served in accordance with the service provisions contained in section 8.
- 9.4 If a Person fails to comply with an Order issued pursuant to this section, the Region may enter the lands at any reasonable time for the purposes of doing the things described in the Order at the Person's expense.
- 9.5 If the Region enters onto the lands and completes the work, the Region may recover its costs to complete the work for the Person named in the Order by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

## 10. PENALTY

- 10.1 Any Person who contravenes any provision of this By-law, or an Order issued under this By-law is guilty of an offence and is liable:
  - 10.1.a on first conviction, to a fine of not more than \$10,000 or \$1,000 per Tree, whichever is greater;
  - 10.1.b on any subsequent conviction for the same offence, to a fine of not more than \$25,000 or \$2,500 per Tree, whichever is greater; and,
  - 10.1.c on conviction for a continuing offence, to a fine of not less than \$100 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.
- 10.2 Despite subsection 10.1, where the Person convicted is a corporation:
  - 10.2.a the maximum fines in clause 10.1.a are \$50,000 or \$5,000 per Tree; and



- 10.2.b the maximum fines in clause 10.1.b are \$100,000 or \$10,000 per Tree.
- 10.3 If a Person is convicted of an offence for contravening this By-law or an Order is issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the Person to rehabilitate the land or to plant or replant Trees in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the Trees.
- 10.4 If an Order has been issued under this bylaw or by the court, and the order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of the day that the Order is not complied with.
- 10.5 The destruction of two or more Trees without or in contravention of a Permit shall be deemed to be a “multiple offence” as provided in the *Municipal Act* and shall be subject to the per tree penalties prescribed in section 10.1 and 10.2.

## 11. ENFORCEMENT

- 11.1 The provisions of this By-law may be enforced by an Officer.
- 11.2 An Officer or any person authorized by an Officer may, at any reasonable time, enter upon and inspect any land for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, determining compliance with an Order issued under this By-law or laying charges under this By-law.
- 11.3 An Officer exercising a power may be accompanied by a Person under his or her direction.
- 11.4 Any Person who obstructs or interferes with an Officer, or any Person or agent authorized by an Officer, in the discharge of his or her duties under this By-law, shall be considered in violation of this By-law.
- 11.5 Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with the Officer in the execution of their duties.

## 12. ADMINISTRATION

- 12.1 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.
- 12.2 The short title of this By-law is the “Woodland Conservation By-law”.
- 12.3 By-law 30-2008 of the Regional Municipality of Niagara and all amendments thereto, are hereby repealed.
- 12.4 Despite subsection 12.3, By-law 30-2008, as amended, shall continue to apply to:
- 12.4.a proceedings in respect of offences that occurred before its repeal;  
and,
  - 12.4.b permits in compliance with Bylaw 30-2008, which were approved prior to its repeal.
- 12.5 That this by-law shall come into force and effect on January 31, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA

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James Bradley, Regional Chair

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Ann-Marie Norio, Regional Clerk

Passed: <date>

**Subject:** Meridian Community Centre Arena Advertising fees

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0104, Meridian Community Centre Arena Advertising rates;**

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

**Accipiter Arena**

**On Ice \$750.00 per ice season/year**

**Boards \$1,000.00 per year**

**Duliban Insurance Arena**

**On Ice \$750.00 per ice season/year**

**Boards \$800.00 per year**

**Ice Resurfacer \$2,000.00 per side/year**

**AND THAT Advertisers are solely responsible for payment and supply of Artwork for Boards and Textile Logos that will be placed under the ice.**

**AND THAT existing advertisers which sign new 3 year agreements with the Town of Pelham be provided with a 10 month exemption from fees, due to facility closure due to COVID, (September 2021 – July 2022).**

**AND THAT New advertisers will be granted exemption of fees for the remainder of 2021.**

**AND THAT Staff be directed to amend the Fees and Charges By-law to reflect these new fees.**

**Background:**

In November 2020, Town Council decided not to renew the arena advertising agreement with the Pelham Junior Hockey Club. RCW staff will assume the responsibility of sale, monitoring and maintenance of advertising in the Meridian Community Centre (MCC), as of July 2021.

Starting in March 2020, the COVID-19 pandemic, and subsequent provincial restrictions have caused the closing of MCC for an approximately 10 months. This has resulted in a loss of advertising time for businesses. To make up for the lost advertising opportunities while closed, staff are proposing to offer a 10-month relief period for those willing to sign a 3-year agreement and currently have advertising in the MCC. As an incentive for new advertisers the relief of fees would be from September – December 2021.

### **Analysis:**

The following are proposed fees and charges for 2021:

Accipiter Arena:

On Ice \$750.00 per ice season/year

Boards \$1,000.00 per year

Duliban Insurance Arena

On Ice \$750.00 per ice season/year

Boards \$800.00 per year

Ice Resurfacer \$2,000.00 per side/year

Advertisers responsible for payment and supply of artwork for boards and textile logos for in ice advertising.

### **Financial Considerations:**

Under normal, non-COVID circumstances, revenues from the sales of advertising on ice, boards and the ice resurfacer for both the Accipiter and Duliban Insurance Arena approximately \$85,000 annually. Due to COVID, relief in advertising fees and transitioning sales for 2022 is estimated at \$40,000. This amount is still \$10,000 or 33% more than was expected with the previous agreement.

### **Alternatives Reviewed:**

If the 10-month relief in fees was not offered there would be some good chance businesses would not continue to advertise due to the hardship that has been experienced during the COVID shutdowns. By offering this relief it will give the businesses a chance to defer advertising expenses until 2022, which should help with reopening costs. In turn, this would also provide revenue certainty to the MCC for 2022.

**Strategic Plan Relationship: Financial Sustainability**

Bringing the advertising in-house and assisting the existing advertisers during the reopening will benefit both the Town and the advertisers, most of which are based in the community.

**Consultation:**

Area Municipalities

Teresa Quinlin, Director of Corporate Services & Treasurer

**Other Pertinent Reports/Attachments:**

NIL

**Prepared and Recommended by:**

Halee Braun  
Recreation Facilities Coordinator

Vickie vanRavenswaay, RRFA  
Director of Recreation, Culture and Wellness

**Prepared and Submitted by:**

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

**Subject:** Tax Collection and Registration Process**Recommendation:**

**BE IT RESOLVED THAT Council receive Report 2021-0107;**

**AND THAT Council direct staff to resume normal tax collection processes, including registering tax arrears certificates against properties with tax arrears in excess of 2 years.**

**Background:**

The Town of Pelham (the "Town") is part of a two-tier municipal system that levies property taxes in accordance with the *Municipal Act, 2001*. In this two-tier system, the Town levies and collects taxes on behalf of the Region and School Boards in addition to its own budgetary requirements. Property tax bills are sent to property owners twice annually and are due in four installments. Penalties and interest are charged at the statutory rate of 1.25% monthly on the first day of default and on the first day of each month thereafter. All interest and penalty charged on past due balances ("arrears") is retained by the Town. Amounts levied on behalf of the Region and School Boards are paid to these parties in quarterly installments regardless of actual collection.

In order to ensure collection of property taxes, Section 371 of the *Municipal Act, 2001* allows the Town to register a tax arrears certificate ("registration") against any property in which taxes are owing on January 1<sup>st</sup> in the second year following that in which they became due. If the cancellation price remains unpaid one year after the registration date, the Town can list the property for tax sale. The Town utilizes an external service provider, Realtax Inc., to assist with the registration and tax sale process.

In the past, the Town has maintained the following collection procedures:

- Property tax bills are sent twice a year detailing the current and past due amounts outstanding. Each bill is due in two installments; the last business day in February, April, June and September.
- Reminder notices are sent following each installment due date (March, May, July, October) advising of any amounts left unpaid. A final reminder notice is sent in

December showing the amounts outstanding for December 31<sup>st</sup>.

- Arrears calls are placed to anyone with one or more years of arrears and with available contact information.
- Notice of eligibility for registration is sent mid-year for properties that are approaching three years of arrears or when a property has defaulted on a payment agreement.
- In December a final notice is sent to property owners, that previously received notice of eligibility for registration and have not made payment or entered into a payment agreement, advising that registration will occur in January.
- If a payment agreement has not been reached or collection has not been received on eligible accounts by December 31<sup>st</sup>, the Town will contact Realtax to move forward with the registration process as of January 1<sup>st</sup>. Once the tax arrears certificate is registered, the Town can no longer accept partial payments. Only full payment of the cancellation price can be accepted to redeem the property.
- If after the one-year period following the date of registration the cancellation price has not been paid or an extension agreement has not been granted, the Town will proceed with a tax sale.

As a result of COVID-19, the Province put in place Ontario Regulation 73/20 which suspended limitation periods and procedural timelines related to the registration and tax sale process. This suspension was in place from March 16<sup>th</sup>, 2020 until it was revoked on September 11<sup>th</sup>, 2020. As a result, any properties that were registered prior to the pandemic were reset back to March 16<sup>th</sup>, 2020. The Town has continued to send tax bills and reminder notices as detailed above throughout the pandemic but has not resumed with registering tax arrears certificates.

### **Analysis:**

The collection risk of property taxes is generally considered to be low, since the Town is able to recuperate any outstanding tax arrears, interest and penalty, tax registration fees, tax sale fees and certain amounts added to tax for collection purposes by way of tax sale.

The current year tax balance at April 30<sup>th</sup> as a percentage of the interim billing is lower than previous years. Therefore, despite the impacts of COVID-19, less of the interim billing remains unpaid at April 30<sup>th</sup> and collections in 2021 have actually improved slightly over previous years. Below is a 4-year comparison of the current year tax at April 30<sup>th</sup> as a percentage of the interim billing.

	2018	2019	2020	2021
<b>Current Year Balance</b>	\$ 2,669,682	\$ 2,665,023	\$ 3,002,715	\$ 3,027,184
<b>Interim Billing</b>	\$ 16,293,026	\$ 16,758,412	\$ 17,839,133	\$ 19,242,411
<b>Percentage of Interim</b>	16.4%	15.9%	16.8%	15.7%

Below is a summary of the number of properties that currently have a balance outstanding greater than \$50 and are not enrolled in a monthly preauthorized payment plan.

	Registration initiated prior to March 16th, 2020	Three years or prior arrears (>2018)	Two year arrears (2019)	One year arrears (2020)	Current year arrears (2021)
<b>Number of properties</b>	4	12	25	91	129
<b>Percentage of total properties</b>	0.05%	0.16%	0.34%	1.25%	1.77%
<b>Arrears balance*</b>	\$ 67,731	\$ 247,700	\$219,609	\$344,131	\$185,994

\*Arrears balance includes all outstanding taxes (Town, Region and School Board), interest and penalty and amounts added to tax for collection purposes as of May 25<sup>th</sup>, 2021.

As per the *Municipal Act, 2001* properties with two years arrears or greater were eligible for registration as of January 1<sup>st</sup>. Therefore, 37 properties with a total balance of \$467,309 are currently eligible for the registration. The arrears on these properties resulted prior to the COVID-19 pandemic and relate to the years 2019 and older. As of January 1<sup>st</sup>, 2022 an additional 91 properties will become eligible. The average number of properties becoming eligible for registration at the start of each year is approximately 63 properties. The increase in number of properties becoming eligible as of January 2022 may be the result of COVID-19, since these arrears relate specifically to the year 2020.

It is recommended that the Town resume the registration process on the 37 properties currently eligible for registration beginning in June 2021 as follows:

- Send notice of eligibility for registration in June to the properties currently eligible.
- Send final notices in December to any eligible properties where collection has not been received, advising that registration will occur on January 1<sup>st</sup>, 2022.
- Contact Realtax as of January 1<sup>st</sup>, 2022 to begin the registration process on any eligible properties where collection has not been received as of December 31<sup>st</sup>, 2021. Once the tax arrears certificate is registered the Town can no longer accept partial payments. Only full payment of the cancellation price can be accepted to redeem the property.
- If after the one-year period following the date of registration the cancellation price has not been paid or an extension agreement has not been granted, the Town



will proceed with a tax sale.

### **Financial Considerations:**

The registration of a tax arrears certificate by Realtax costs approximately \$1,155 plus HST per property. This fee is transferred to the property owner and fully recovered when the cancellation price is paid to redeem the property. The cancellation price includes the current and prior years' tax arrears, all accumulated interest and penalties, allowable amounts added to tax for collection purposes and the tax registration fees charged by Realtax. If the cancellation price is not paid and the property proceeds to tax sale, the registration fee plus tax sales fees of approximately \$1,350 plus HST are added to the account and included in the minimum tender amount. The minimum tender amount includes current and prior years' tax arrears, all accumulated interest and penalty, allowable amounts added to tax for collection purposes, tax registration fees and tax sale fees charged by Realtax. Any amounts received in excess of the minimum tender are remitted to the Superior Court of Justice and are not retained by the Town.

In the event of an unsuccessful tax sale, the Town may relist the property for tax sale within two years in an effort to recover all costs or vest the property into municipal ownership. When the property is vested into municipal ownership the outstanding taxes are charged back to the Region and School Boards proportionality. However, the interest and penalty, tax registration fees and tax sale fees are all written-off at the Town's expense.

Other financial considerations include the cost of staff time required to monitor and administer the registration and tax sale process which can be very time consuming.

### **Alternatives Reviewed:**

Council may elect to further postpone the registration of tax arrears certificates on eligible properties, which is not recommended. These properties will continue to be taxed and incur monthly interest and penalties which will increase the likelihood that the property owner will be unable to pay the cancellation price to redeem the property when a tax arrears certificate has been registered. This will result in an increase in future tax sales.

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

By resuming the registration process as detailed in this report, this should help to improve financial sustainability by increasing cash flows. In addition, it will protect property owners from allowing their balances to grow too large, to the point where

tax sale becomes the only option.

**Consultation:**

Area municipalities were consulted to determine how they have proceeded with tax registrations after Ontario Regulation 73/20 was lifted. Of the eleven municipalities consulted, six have resumed the registration process, two have postponed the registration process until COVID-19 restrictions have been lifted and three municipalities have not made a decision on how to proceed.

**Other Pertinent Reports/Attachments:**

None

**Prepared and Recommended by:**

Victoria Emslie, BBA  
Taxation Clerk

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

**Prepared and Submitted by:**

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

**Subject:** Fence variance 151 Highway 20 East, 2021

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0102;**

**AND THAT Council approve the requested 15 foot high noise barrier fence variance at 151 Highway 20 East, Town of Pelham.**

**Background:**

In November of 2020 the Bylaw Department began to receive complaints from citizens residing in the area of Hurricane Road and Stonegate Place, regarding noise being generated from a recently opened car wash at 151 Highway 20 East.

Although a car wash had existed prior at this location, the automatic wash bay was out of service for a number of years. In late 2020 a new automated car wash bay was reopened at this location and includes blowers which dry the vehicle after being washed.

The owner of the car wash property is applying to Council for a variance so as to allow the construction of a noise cancelling barrier which is hoped to effectively address the noise complaints.

**Analysis:**

Resident noise complaints have continued on an ongoing basis. Section 9 of The Town of Pelham's Noise By-law 3130(2010) states "*No person shall, within the limits of the Municipality, cause or permit to be caused any noise resulting from any act listed in Schedule "A" of this By-law, if audible at a point of reception located within a prescribed area or within a prohibited time as shown in Schedule "A".*

*Schedule "A" section 5 prohibits noise from the operation of a commercial car wash at all times in a Residential Area.*

This Variance request is the latest effort by the owners of the property to comply with the Town's Noise By-law and to address the noise concerns of the residents.

The variance being sought is for an approximately 15 ft. high noise barrier wall/fence spanning the entire length of the rear property line.

This fence/wall is similar to noise barrier walls constructed on highways and in commercial properties, a picture of a similar wall from a car wash in Welland is attached to this report. If a wall is erected as per the attached specifications the noise emitting from the car wash should be mitigated.

The residents advancing the noise complaints have taken the position that the Town is obligated to enforce the Noise By-law because the noise emitted by the car wash creates a risk of physical and economic harm to nearby property owners.

As a broad legal proposition, the Town has considerable discretion to determine how it will enforce its by-laws as long as it acts reasonably and in good faith. A decision to decline enforcement is within this discretion. Where a person or group claims that a lack of enforcement creates a risk of physical or economic harm to them, the Town will be responsible only if it has a specific legal relationship to the person or group. By-laws are generally passed for the benefit of the general public as a whole and do not create a legal relationship between the Town and individual citizens. Similarly, interactions between the Town and individual citizens in the course of by-law administration do not generally create a legal relationship between them.

### **Financial Considerations:**

There are no direct costs associated with this report.

### **Alternatives Reviewed:**

The owner of the property and the operator of the car wash have already implemented noise mitigation procedures including reversing the traffic flow through the car wash and re-programming the entry doors to remain closed during the washing and drying cycle.

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

The properties zoning permits an automatic car wash at this location.

### **Consultation:**

Owners of the property, operator of the car wash, Planning Department, Ministry of the Environment, Craig Genesse (Bylaw), Shannon Larocque (Senior Planner), Barb Wiens (Director of Planning), residents, Jennifer Stirton (Legal)

**Other Pertinent Reports/Attachments:**

Document #1, #2, #3 – Photographs of similar wall/fence installed on property in Welland.

Document #4 Town of Pelham Noise By-law 3130(2010)

**Prepared and Recommended by:**

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

Jennifer Stirton  
Town Solicitor

**Prepared and Submitted by:**

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

# ITEM #4

## THE CORPORATION OF THE TOWN OF PELHAM

### BY-LAW NUMBER 3130 (2010)

Being a by-law to regulate and control noise in the Town of Pelham.

WHEREAS section 129 of the Municipal Act, 2001, S.O. 2001, c.25 authorizes municipalities to pass by-laws to prohibit and regulate noise;

AND WHEREAS it is in the public interest to reduce the level of noise in the Town of Pelham so as to preserve, protect and promote the public health, safety, welfare and the peace and quiet of the inhabitants of the Town of Pelham;

#### SHORT TITLE

1. The By-law may be referred to as the "Noise Control By-law"

#### INTERPRETATION

2. For the purpose of this By-law, the following terms shall have the corresponding meanings:
  - (a) "agricultural operation" has the same meaning as contained in the Farming and Food Production Protection Act, 1998, S.O. 1998, C. 1 as amended, or any successor legislation;
  - (b) "animal" means any member of the animal kingdom, other than human and, without limiting the generality of the foregoing, includes dogs, cats and birds;
  - (c) "commercial" in reference to a building, structure, vehicle, lot, use or activity means for the purpose of the buying or selling of commodities, warehousing, assembling of goods, manufacturing, transporting, construction, or similar uses and also includes the supplying of services for remuneration;
  - (d) "community event" means any event open to the public including, but not limited to, public fair, public exhibition, public celebration, public sporting event, parade, or an event supported by the Town;
  - (e) "construction" includes, but is not limited to, erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earth moving, grading, excavation, the laying of pipe or conduit whether above or below grade, street or highway building, application of concrete, equipment installation and alteration and the structural installation of construction components and materials in any form for any purpose, and includes any work in connection therewith;
  - (f) "construction equipment" means any equipment or device designed and intended for use in construction or material handling, including, but not limited to, hand tools, power tools, air compressors, pile drivers, pneumatic and hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or materials handling equipment;
  - (g) "conveyance" includes a vehicle and any other device employed to transport a person or persons or goods from place to place;

- (h) "Council" means the council of The Corporation of the Town of Pelham;
- (i) "highway" shall have the same meaning as in the Highway Traffic Act, R.S.O. 1990, c. H.8;
- (j) "Holiday" means any holiday set out as a holiday in the Retail Business Holidays Act, R.S.O. 1990, c. R.30, as amended or any successor thereof;
- (k) "inhabitants" means one or more persons who reside in the Municipality;
- (l) "motor vehicle" includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electrical or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, self propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act;
- (m) "Municipality" means the land within the geographic limits of the Town of Pelham;
- (n) "noise" means any unwanted sound or vibration;
- (o) "persistent" means constantly repeated over a period of fifteen (15) minutes; *see BL# 3324(2012) attached*
- (p) "point of reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received;
- (q) "residential area" means those areas in the Town designated as residential in the Town of Pelham's Zoning By-law No. 1136 (1987) as amended, including but not limited to RV1, RV2, RMV1, RMV2, R1, R2, R3, RM1 and RM2;
- (r) "renovation" means any work, other than work performed by a contractor, consisting of construction at a residential property by a person residing at a property or the owner of the property;
- (s) "Town" means The Corporation of the Town of Pelham.
- (t) "Town Clerk" means the clerk of The Corporation of the Town of Pelham.
3. For the purpose of this By-law, unless the context otherwise requires, words imparting the singular shall include the plural and words imparting the masculine gender shall include the feminine and vice versa.
4. Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of this By-law shall not be vitiated.

#### GENERAL EXEMPTIONS

5. This By-law shall not apply to a person who emits or causes or permits the emission of sound or vibration in connection with:
- (a) Measures undertaken for the immediate health or welfare of the inhabitants under emergency circumstances or in circumstances of public necessity.



- (b) The operation of a bell, horn, siren or other signaling device required by law, or associated with any emergency or law enforcement vehicle, or associated with the operation of a traffic control device at any intersection including any railway crossing;
- (c) Measures taken by the Town, the Regional Municipality of Niagara, the Province of Ontario, or the Government of Canada, or any of their servants, employees, contractors, or agents in carrying out any operations including the operation, maintenance, or installation of government owned infrastructure, facilities, or the like or to deliver government services;
- (d) The operation of any railway pursuant to the Railway Act of Canada, including but not limited to the operation of rail cars including locomotives, self propelled passenger cars and refrigeration cars and including any associated horn, bell, siren or other signaling device of such rails cars;
- (e) ~~Normal agricultural operations;~~ *see By-Law 33.24 (2012)*
- (f) Community events;
- (g) Sport or recreational events in public parks where permission has been granted by the Town authorizing such events and the events comply with all the conditions of such permission;
- (h) Firework displays authorized by the Town;
- (i) The ringing or sounding of bells or chimes by any church, by the Town, for any military service or by a mobile vendor operating in conformity with all prevailing federal, provincial or municipal law or regulations;
- (j) Operations or activities that the Ministry of Environment or the Ministry of Natural Resources has granted approval, if in compliance with the conditions of the said approval.

#### EXEMPTIONS BY COUNCIL

- 6. Any person may make application to Council to request an exemption from any part of the provisions of this By-law with respect to any source of sound provided a request in writing is submitted to the Town Clerk not less than 60 (sixty) days prior to the event or activity proposed to be undertaken and includes the following:
  - (a) the name, address and telephone number of the applicant and property owner;
  - (b) approval from the owner of the property in writing if different from the applicant;
  - (c) a description of the source and location of sound in respect of which the exemption is sought;
  - (d) a statement of the particular provisions of the By-law from which the exemption is sought;
  - (e) the period of time for which the exemption is sought;
  - (f) a reason why the exemption should be granted;
  - (g) payment of the processing fee, at the current rate.



7. Where an exemption is granted by Council, any breach of any of the terms or conditions of the exemption shall render the exemption null and void.

#### PROHIBITIONS

8. No person shall, at any time within the limits of the Municipality, cause or permit to be caused any noise created by any of those acts set out below and which noise is clearly audible at a point of reception:
- (a) the operation of a motor vehicle in an unauthorized race;
  - (b) the operation of a motor vehicle in such a way that tires of the vehicle squeal;
  - (c) the operation of a motor vehicle, trailer, or other vehicle resulting in banging, clanking, squealing or other noise due to an improperly secured load or equipment, or inadequate maintenance;
  - (d) the operation of a combustion engine or pneumatic device without an effective exhaust, muffler or other sound alteration device of a type specified by the manufacturer that is in proper working order;
  - (e) the sounding or use of any bell, chimes, gong, horn, siren, whistle, alarm or the like, except where authorized by section 5 of this By-law or otherwise by law, or as an auditory safety alert, or as a warning device in accordance with good safety practices;
  - (f) the operation of any mechanical equipment that is not operating or being maintained in accordance with the manufacturers specifications including any air conditioner, heat pump, hot tub, pool or spa pump, or filter or the like that is not in proper working order;
  - (g) the persistent barking, calling or whining or other similar persistent noise made by any domestic pet or any other animal kept or used for any purpose other than agricultural operation.
9. No person shall, within the limits of the Municipality, cause or permit to be caused any noise resulting from any act listed in Schedule "A" of this By-law, if audible at a point of reception located within a prescribed area or within a prohibited time as shown in Schedule "A"

#### APPLICATION OF STRICTEST STANDARDS

10. Where a source of sound is subject to more than one provision of this By-law, the most restricted provision shall prevail.

#### PENALTY

11. Every person who contravenes any provision of this By-law is guilty of offence and is liable upon conviction to a fine recoverable pursuant to the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended or any successor thereof.

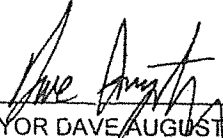
#### PRIOR BY-LAWS TO BE REPEALED

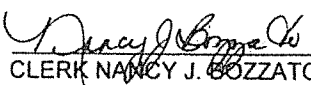
12. By-laws 1542(1993); 681(1981); 114(1971) of the Corporation are repealed as of the coming into force of this by-law.

EFFECTIVE DATE OF BY-LAW

13. This By-law shall come into force and take effect upon the date of passage.

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL THIS  
17<sup>th</sup> DAY OF JULY, 2010 A.D.

  
MAYOR DAVE AUGUSTYN

  
CLERK NANCY J. BOZZATO

# SCHEDULE "A"

Type of Event	Prohibited Period of Time	
	Residential Area	All Other Areas
1. The operation of a combustion engine which, (i) is, or (ii) is used in, or (iii) is intended for use in, A toy or a model or replica of any device, which model or replica has no function other than amusement and which is not a conveyance.	1900 hrs one day to 0900 hrs the next day	1900 hrs one day to 0900 hrs the next day
2. The use of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers and intended for the production, reproduction or amplification of sound.	2300 hrs one day to 0700 hrs the next day (0900 hrs on Saturdays, Sundays and Holidays)	2300 hrs one day to 0700 hrs the next day (0900 hrs on Saturdays, Sundays and Holidays)
3. The operation of any motorized conveyance other than on a highway .	1900 hrs one day to 0700 hrs the next day (0900 hrs on Sundays and Holidays)	1900 hrs one day to 0700 hrs the next day (0900 hrs on Sundays)
4. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.	2300 hrs one day to 0700 hrs the next day (0900 hrs on Sundays and Holidays)	2300 hrs one day to 0700 hrs the next day (0900 hrs on Sundays)
5. The operation of a commercial car wash.	At all times	2300 hrs one day to 0700 hrs the next day (0900 hrs on Sundays)
6. Persistent or repetitive yelling, shouting, hooting, whistling or singing.	2300hrs one day to 0900 hrs the next day	2300hrs one day to 0900 hrs the next day
7. Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.	1900 hrs one day to 0700 hrs the next day	Not restricted
8. The operation of any construction equipment other than in connection with a renovation.	All day Sundays and Holidays. 1900 hrs one day to 0700 hrs the next day	All day Sundays and Holidays. 1900 hrs one day to 0700 hrs the next day
9. The operation of any construction equipment in connection with a renovation.	2100 hrs one day to 0700 hrs the next day (0900 hrs on Sundays and Holidays)	2100 hrs one day to 0700 hrs the next day (0900 hrs on Sundays)

Type of Event	Prohibited Period of Time	
	Residential Area	All Other Areas
10. The operation or use of any tool for the purpose of property maintenance, other than motorized snow removal.	2100 hrs one day to 0800 hrs the next day (0900 hrs on Sundays and Holidays)	2100 hrs one day to 0700 hrs the next day (0900 hrs on Sundays)
11. The operation of solid waste bulk lift or refuse compacting equipment.	At all times	1900 hrs one day to 0700 hrs the next day (0900 hrs on Sundays)
12. The operation of animal scaring devices.	At all times	2100 hrs one day to 0700 hrs the next day (0900 hrs on Sundays)
13. Commercial vehicle idling.	At all times	Maximum 30 min.



THE CORPORATION OF THE TOWN OF PELHAM

BY-LAW # 3324 (2012)

Being a by-law to amend By-law No. 3130 (2010) being a by-law to regulate and control noise in the Town of Pelham.

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

1. THAT By-law No. 3130 (2010) be amended by adding Subsection 2(o) as follows:

"2(o) "Normal Farm Practice" has the same meaning as contained in the Farming and Food Production Protection Act, 1998, S.O. 1998, C.1, as amended, or any successor legislation."

AND FURTHER THAT the subsequent subsections under INTERPRETATION Section 2 be renumbered 2(p) through 2(u).

2. THAT By-law No. 3130 (2010) be amended by deleting Subsection 5 (e) in it's entirety and replaced it with the following:

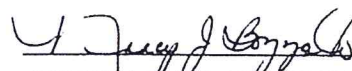
"5(e) Activities that are a normal farm practice carried on by an agricultural operation;"

3. THAT By-law No. 3130 (2010) by amended by deleting Subsection 8(g) in it's entirety and replaced it with the following:

"8(g) the persistent barking, calling or whining or other similar persistent noise made by any domestic pet or any other animal kept or used for any purpose other than a normal farm practice carried on by an agricultural operation."

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL THIS  
17<sup>th</sup> DAY OF DECEMBER, 2012 A.D.

  
MAYOR D. AUGUSTYN

  
NANCY J. BOZZATO, TOWN CLERK

# Pelham Auto Repairs Ltd.

151 Highway 20 East  
Box 465  
Fonthill, Ontario  
L0S 1E0  
Telephone: (905) 892-5459

May 7, 2021

The Town of Pelham  
Town Council  
20 Pelham Town Square  
Fonthill, ON  
L0S 1E0

Re: Application for Minor Variance for Noise Barrier Fence  
Pelham Auto Repairs – 151 Hwy 20 East, Fonthill

Attention: Town Council

As you may be aware, Pelham Auto Repairs has been in discussion with Town of Pelham's By-Law Enforcement and Planning Staff to resolve a noise complaint. This noise complaint stems from the operation of an Automatic Car Wash located on our property. Pelham Auto Repairs has operated the Car Wash with various levels of interest and technology since 1989. As determined by Staff there is currently noise being observed at the residential properties just North of Hurricane Road.

We have identified that a Privacy Fence is required along the North side of the property to meet our Site Plan requirements. Through discussions with staff, we understand that the noise complaints are continuing and we want try to overcome these complaints. To do so, we plan to install a Noise Barrier Fence. Our proposed Noise Barrier Fence is similar detail to the barrier that is installed on Highway 406 Northbound alongside Exit 9. This proposed fence will be 15 ft (4.6m) in height and we will ensure it is entirely within our property boundary.

Attached is a drawing outlining our proposed Noise Fence. This fence will be designed, constructed and inspected by a licensed Professional Engineer of Ontario.

We therefore request the Town of Pelham the approve this Variance.

Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours Truly,  
Pelham Auto Repairs



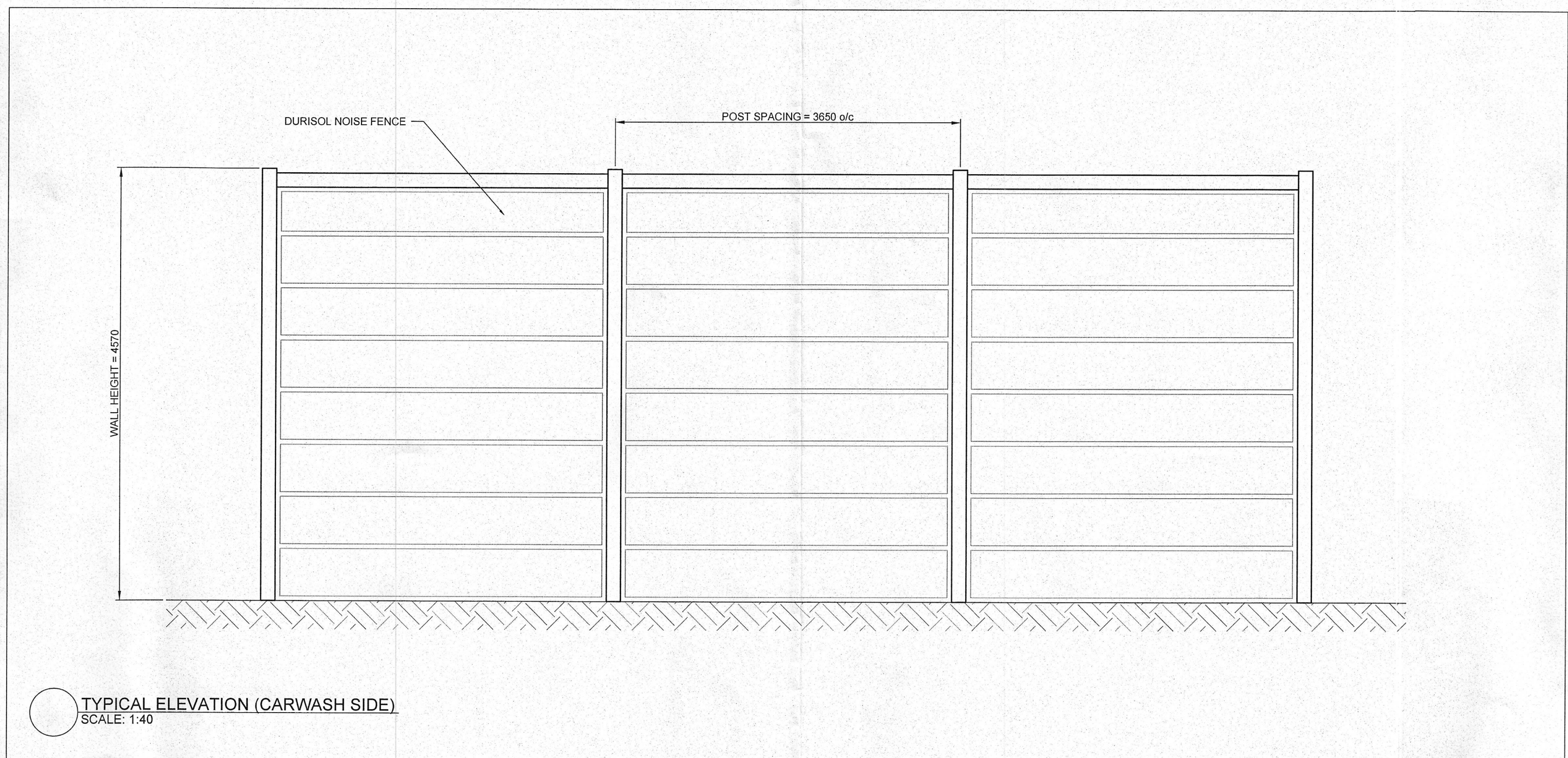
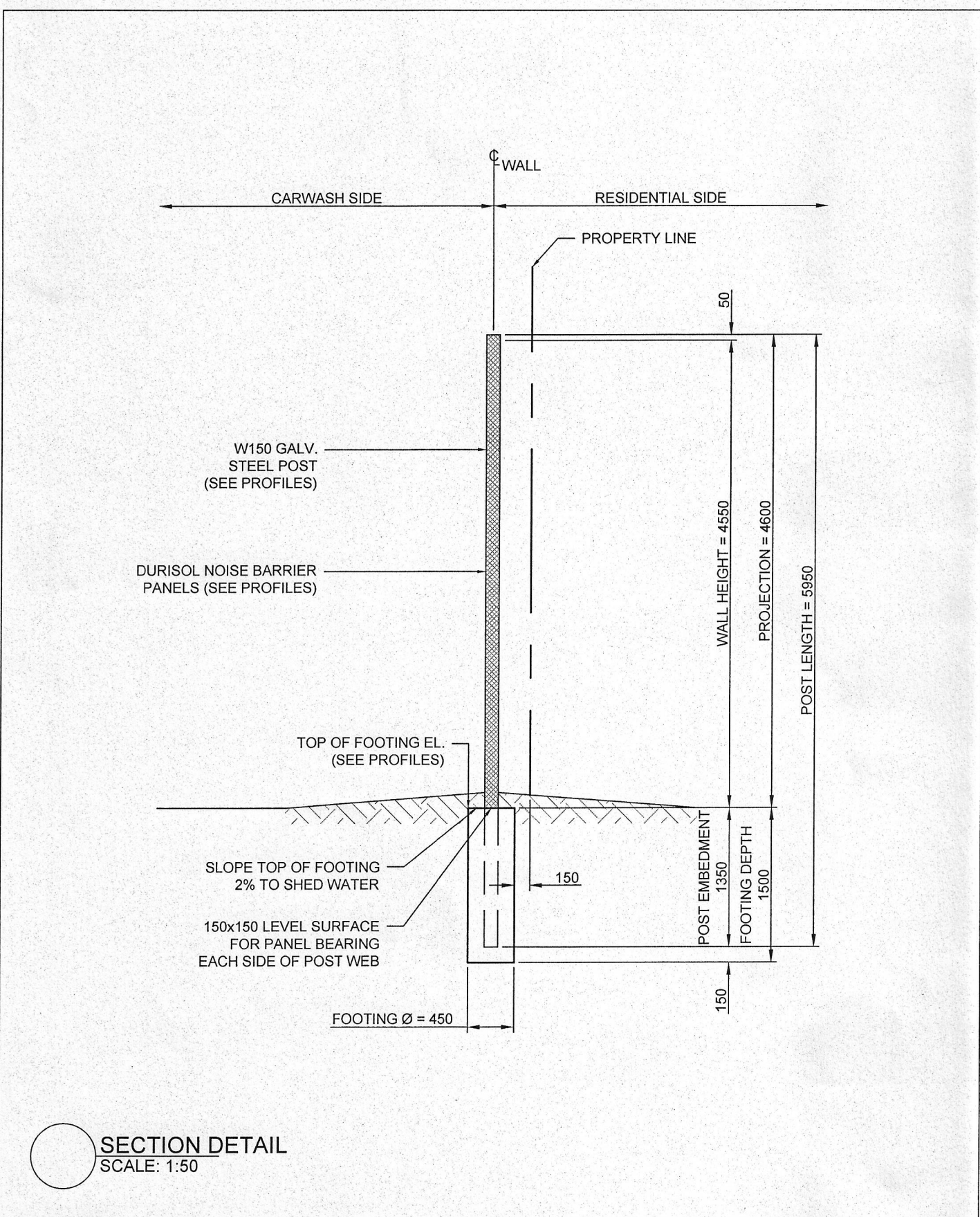
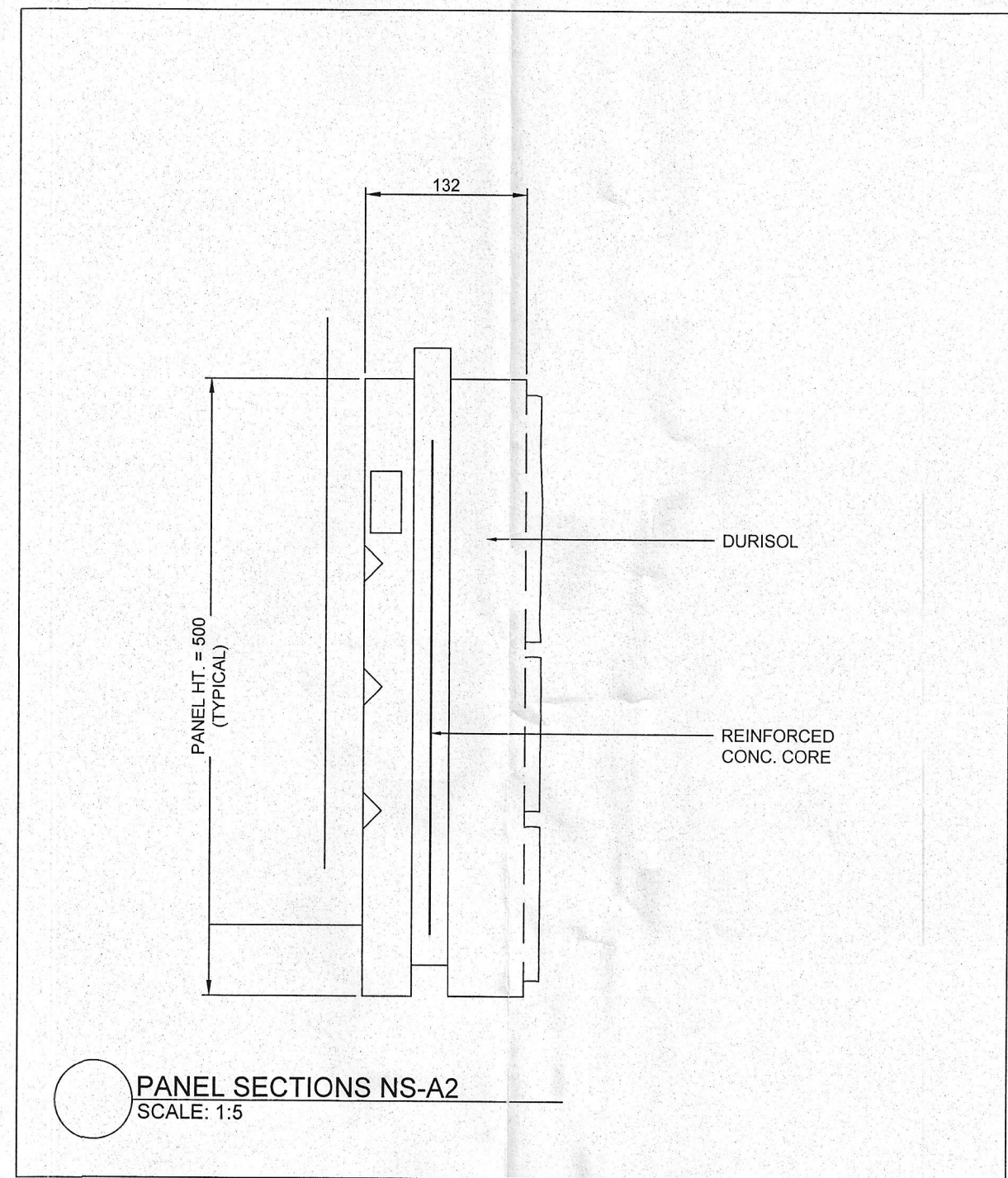
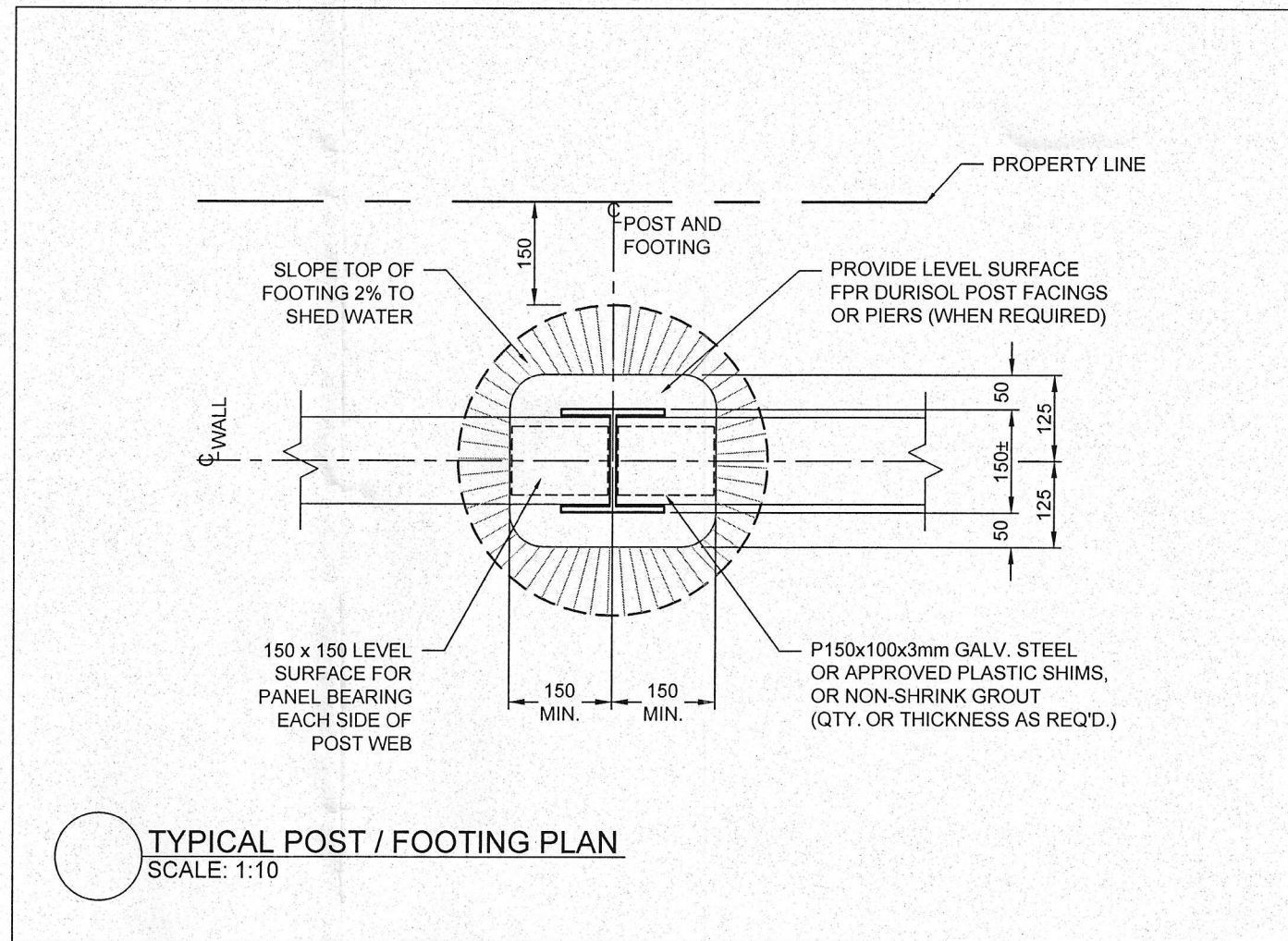
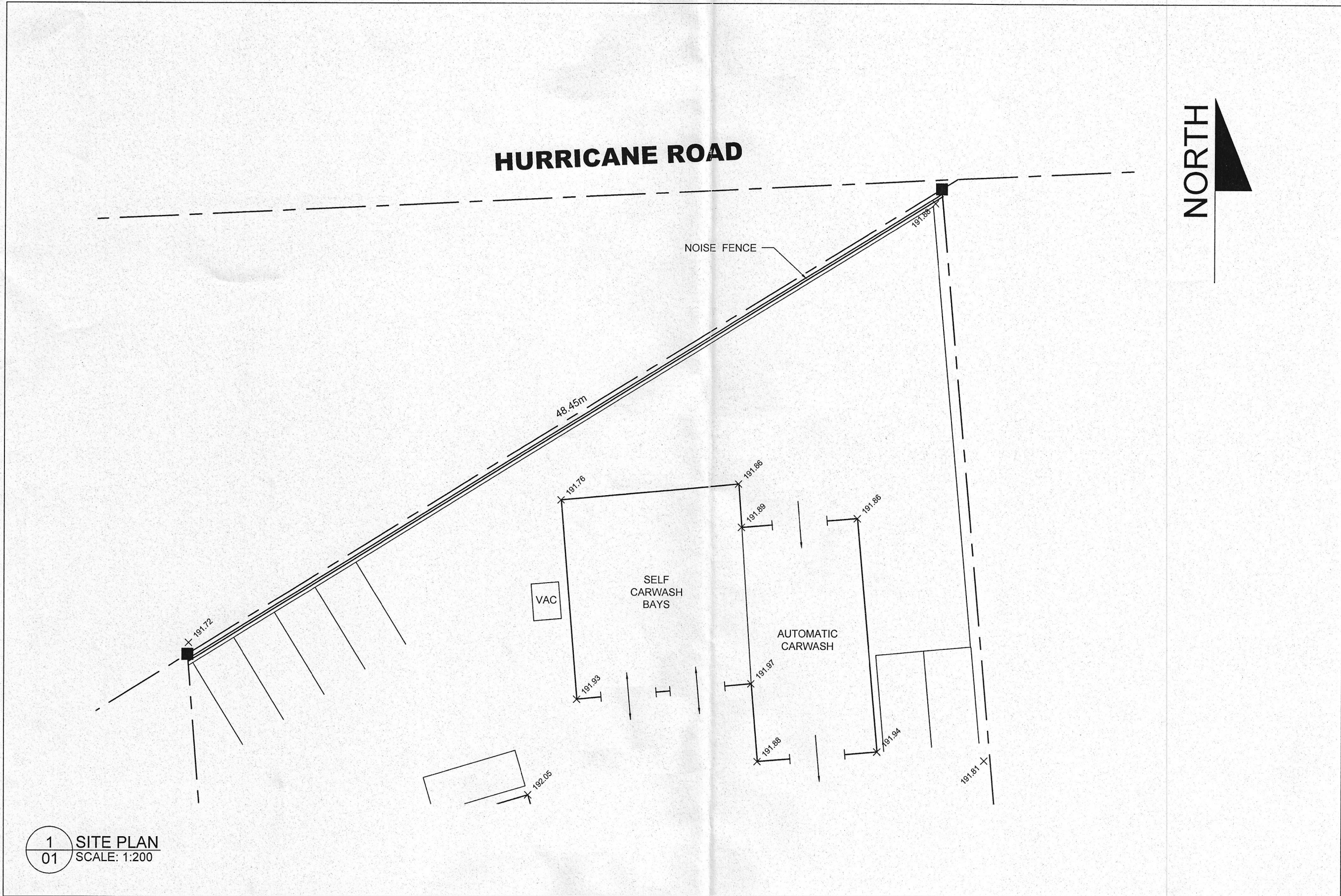
Mike Gallagher, P. Eng

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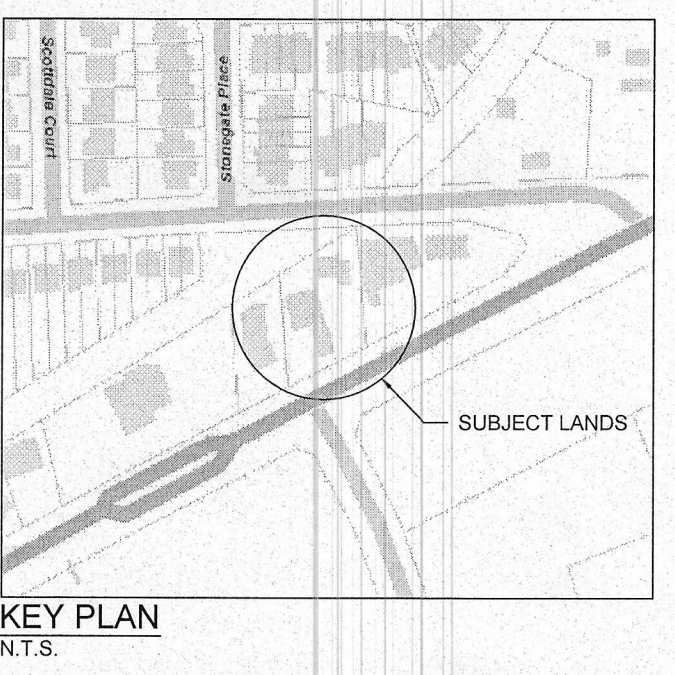
MAY - 7 2021

PELHAM  
BY-LAW DEPT





ISSUED FOR  
APPROVALS



PROPERTY DESCRIPTION:  
**PART OF LOT 166**  
FORMER TOWNSHIP OF THOROLD  
COUNTY OF WELLAND  
NOW IN  
THE TOWN OF PELHAM  
REGIONAL MUNICIPALITY OF NIAGARA  
MUNICIPAL ADDRESS:  
151 HIGHWAY No. 20 EAST  
P.O. BOX 465  
FONTHILL, ONTARIO  
L0S 1E0

PROJECT:  
**151 HWY 20 EAST  
FONTHILL, ON**  
TITLE:  
**NOISE FENCE  
PLAN & SECTIONS**

JOB No: J21-01  
DATE: MAY 7, 2021  
SCALE: AS NOTED

DRAWING INFORMATION  
DESIGNED BY: M. GALLAGHER  
CHECKED BY: M. GALLAGHER  
DRAWN BY: M. LANGELAAN  
DRAWING No:

**J21-01-02**











# #1

Item #1





**#2**





#3





**Subject:** Supplementary Report: Approval Requirements for City of St. Catharines Fish Habitat Compensation Project in Twelve Mile Creek

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2021-0106 – Supplementary Report: Approval Requirements for City of St. Catharines Fish Habitat Compensation Project in Twelve Mile Creek, for information;**

**AND THAT Council consent to the request from the City of St. Catharines to proceed with a fish habitat compensation project in Twelve Mile Creek in the Town of Pelham.**

**Background:**

The City of St. Catharines proposes to undertake a fish habitat compensation project in Twelve Mile Creek within the Town of Pelham. St. Catharines has requested the consent of the Town to operate within its boundaries as required by section 19 of the *Municipal Act, 2001*. This matter was before Council on May 17, 2021 at which time Council requested more information before determining if the requested consent will be granted. In particular, Council requested information about

- (i) the involvement of the Nature Conservancy of Canada in the project; and
- (ii) the approvals required by the City of St. Catharines to proceed with the project.

**Analysis:**

Nature Conservancy of Canada Involvement

The fish habitat compensation project involves a pond located on private land. The pond has existed for many years and was reportedly constructed to provide cooling water for an adjacent cannery. Initially, the proposal was to remove a dam from the pond and restore the original channel of Twelve Mile Creek. However, the

private property owner wants to retain the pond so the proposal is now to build a by-pass channel around the pond. The proposed by-pass channel will be located largely on lands owned by the Nature Conservancy of Canada (NCC).

Although the project is not being managed directly by the NCC they are supportive of the restoration project in principle and are in agreement that if the City of St. Catharines (the proponent) will ensure that the proper permits and approvals are obtained to ensure that the project is completed successfully.

The City of St. Catharines is currently in negotiations with Trout Unlimited Canada and the NCC regarding the management of the project. As such details with respect to management responsibilities and processes, such as procurement, cannot be commented on at this point in time. However, St. Catharines has advised that the process typically followed by Trout Unlimited for this type of project includes building relationships with landowners, possibly contacting adjacent landowners to advise them of the project, monitoring instream temperatures upstream and downstream of the pond, tender out a consultant and engineer to complete necessary surveys, studies and design drawings, complete all required permit applications, tender the work and conduct post-construction monitoring.

#### Overview of Approval Requirements for Fish Habitat Compensation Project

As the proponent, the City of St. Catharines will ultimately be responsible for ensuring that the permits and approvals are in place from the environmental agencies and agreement has been received from affected stakeholders, including but not limited to the Niagara Peninsula Conservation Authority (NPCA), the Department of Fisheries and Oceans, Ministry of Environment Conservation and Parks (MECP), Ministry of Natural Resources (MNR), the Niagara Escarpment Commission (NEC), the Nature Conservancy of Canada (NCC), and private property owners directly impacted by the project.

Based on the current status of the project it is still too early to determine what approvals and permits will be necessary. Regardless, it will be the responsibility of the proponent to ensure that all the permits and approvals are in place prior to commencing construction.

The following is a list of agencies that will require at a minimum consultation during the design process and may or may not require permits and approvals.

#### Requirements of Fisheries and Oceans Canada

Pursuant to the *Fisheries Act*, work that results in the destruction of fish habitat is

prohibited unless it is authorized in accordance with the applicable regulations. The regulations require the proponent of works that will affect fish habitat to provide a detailed description of the measures and standards that will be implemented to mitigate the destruction of fish habitat. Where the proposal is to offset the destruction of fish habitat by providing fish habitat elsewhere, the proponent must provide the following information to obtain approval to proceed:

- (a) the geographic coordinates of the location where offsetting measures will be implemented;
- (b) a small-scale site plan identifying the general location and boundaries of the location where the measures will be implemented;
- (c) a detailed description of the measures and how these measures will meet their objectives;
- (d) a detailed description of the monitoring measures that will be implemented to assess effectiveness of the measures in paragraph (c);
- (e) a detailed description of the contingency measures and associated measures that will be implemented if the measures in paragraph (c) do not meet their objectives;
- (f) a detailed description of any adverse effects on fish and fish habitat that could result from the implementation of the plan;
- (g) a detailed description of the measures and standards that will be implemented to avoid or mitigate the adverse effects and how those measures will meet their objectives;
- (h) the timeline for the implementation of the plan;
- (i) an estimate of the cost of implementing each element of the plan; and
- (j) if the implementation of the plan requires access to lands, water sources or water bodies that are not owned by the applicant, a description of the steps that are proposed to be taken to obtain the authorization required for the applicant, the Department of Fisheries and Oceans and anyone authorized to act on the Department's behalf to access the lands, water sources or water bodies in question.

#### Requirements of Ministry of Natural Resources and Forestry

The *Public Lands Act* regulates the use of Crown land and shore lands that are managed by the Ministry of Natural Resources and Forestry and prohibits certain activities on those lands without a work permit. This applies to public lands managed by the Ministry of Natural Resources and Forestry, including the beds of most lakes and rivers and shore lands covered or seasonally inundated by the water of a lake, river, stream or pond. If any portion of the fish habitat compensation project is located on such lands, it may require a work permit. The issuance of work permits is governed by a regulation that requires the proposed work to be consistent with applicable laws, resource management plans, land use guidelines

and policies and procedures of the Ministry of Natural Resources.

#### Requirements of Niagara Peninsula Conservation Authority

The Niagara Peninsula Conservation Authority (NPCA) is empowered by Provincial Statute to regulate development and activities in or adjacent to river or stream valleys, Great Lakes and large inland lakes shorelines, watercourses, hazardous lands and wetlands. The authorizing regulation provides that no person shall straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse without the permission of the NPCA. Based on the description of the fish habitat compensation project received from St. Catharines, it appears that NPCA permission will be required. Applications for permission must include the following information:

- (a) a plan of the area showing plan view and cross-section details of the proposed alteration;
- (b) a description of the methods to be used in carrying out the alteration;
- (c) the start and completion dates of the alteration;
- (d) a statement of the purpose of the alteration; and
- (e) such other technical studies or plans as NPCA may request.

#### Niagara Escarpment Commission

The Niagara Escarpment Commission (NEC) is empowered by Provincial Statute to regulate development in areas located within the Niagara Escarpment Planning Area, including proposals for matters such as irrigation or recreational ponds, altering the grade of land and changes in land use. If any portion of the fish habitat compensation project is subject to NEC regulation, a development permit will be required. Applicants for NEC development permits must provide information about the property where the development will occur, including any applicable easements or rights-of-way, the current use of the property and the proposed changes to the use of the property. Where an application involves pond construction or alteration, the NEC generally requires a hydrology/hydrogeology report and/or an environmental impact assessment. Applicants are also required to include details about inflow, outflow, emergency outflow, spillway details, type of construction, height and width of banks, erosion/sediment control measures, placement of excavated materials, finished grading and landscaping on the submitted site plan.

The Town of Pelham does not have authority to regulate the fish habitat compensation project; however, there will be ample oversight as outlined above.



**Financial Considerations:**

None. The City of St. Catharines will fund the fish habitat compensation project.

**Alternatives Reviewed:**

None.

**Strategic Plan Relationship: Strong Organization**

The fish habitat compensation project will provide environmental and social benefits to the Town of Pelham including improved water quality and enhanced biodiversity in Twelve Mile Creek and associated recreational and tourism opportunities.

**Consultation:**

The Director of Public Works and the Town Solicitor contribute to this report.

**Other Pertinent Reports/Attachments:**

Attached to this report is Report # 2021-0099 – Request from City of St. Catharines for Town of Pelham Consent to Proceed with Fish Habitat Compensation Project in Twelve Mile Creek.

**Prepared and Recommended by:**

Jason Marr, P. Eng.  
Director of Public Works

Jennifer Stirton, BSc(Hons), LL.B.  
Town Solicitor

**Approved and Submitted by:**

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

**Subject:** Request from City of St. Catharines for Town of Pelham Consent to Proceed with Fish Habitat Compensation Project in Twelve Mile Creek

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2021-0099 – Request from City of St. Catharines for Town of Pelham Consent to Proceed with Fish Habitat Compensation Project in Twelve Mike Creek, for information;**

**AND THAT Council consent to the request from the City of St. Catharines to proceed with a fish habitat compensation project in Twelve Mile Creek in the Town of Pelham.**

**Background:**

The City of St. Catharines has undertaken emergency shoreline protection works and has recently approved a further shoreline protection improvement project. Both projects are subject to approval by Fisheries and Oceans Canada (DFO). Where a large area of fish habitat is impacted by a shoreline construction project, DFO requires the proponent of the works to provide compensation for the lost fish habitat. The City of St. Catharines is unable to provide sufficient fish habitat compensation within its municipal boundaries; however, it has identified a project within the Town of Pelham that would provide the required compensation. The City of St. Catharines has requested the consent of the Town of Pelham to proceed with a fish habitat compensation project in Twelve Mile Creek.

**Analysis:**

The Fish Habitat Compensation Project

The fish habitat compensation project involves the installation of a by-pass channel onto publicly accessible lands to divert around an existing pond located on private property in the Town of Pelham. The project location is situated a short distance northwest of the intersection of Pelham Street and Linden Avenue.

The pond was reportedly constructed many years ago to provide cooling water for an adjacent cannery. It is an on-line pond; it has no control structure; and it has been accumulating sediments since it was first constructed. The dam is imposing a barrier to fish movement and the pond is warming the water flowing downstream from the dam, thereby impairing the quality of downstream habitat and making the downstream watercourse uninhabitable for cold-water fish such as brook trout.

Initially, the proposed remedial works were to remove the dam and restore the original channel. The owner, however, wants to retain the pond, so an alternative enhancement concept was developed - the construction of a bypass channel around the pond. This channel will be designed to convey water now flowing to the pond, to provide fish passage around the pond, and to provide water to the pond during high-flow events. The proposed bypass channel will be located to the west of Cannery Pond, largely on lands owned by the Nature Conservancy of Canada (NCC).

Completing this project would provide benefit throughout the Twelve Mile Creek watershed. This project would directly and indirectly benefit the Town of Pelham, the City of St. Catharines, as well as other municipalities in Niagara since the identified improvements benefit the health of the Twelve Mile Creek.

The total cost for the compensation plan is estimated to be \$250,000 and will be fully managed and completed through Trout Unlimited Canada.

#### Request for Town of Pelham Consent to Fish Habitat Compensation Project

Municipalities are generally able to act only within their boundaries. However, section 19 of the *Municipal Act, 2001* ("the Act") permits a municipality to exercise its powers in another municipality where certain conditions are met. In particular, a municipality may provide a system to provide a service or thing in another municipality where (i) the providing municipality acts at least partially for its own purposes; (ii) the other municipality has jurisdiction to provide the service or thing in the area where it is to be provided by the providing municipality; and (iii) the other municipality provides its consent for the service or thing to be provided by the providing municipality.

The City of St. Catharines proposes to undertake a fish habitat compensation project in Twelve Mile Creek within the boundaries of the Town of Pelham. In so doing, the City of St. Catharines is acting at least partially for its own purposes as it must provide fish habitat compensation to obtain DFO approval for its shoreline protection construction projects. In addition, the fish habitat compensation project

will provide benefit throughout the Twelve Mile Creek watershed, part of which is located in St. Catharines.

The Twelve Mile Creek watershed extends into the Town of Pelham and the fish habitat compensation project is located within its municipal boundaries. The Town of Pelham has jurisdiction to provide services or things pertaining to the social and environmental well-being of the municipality. This would include improvements to the Twelve Mile Creek watershed within the municipal boundaries of the Town.

The City of St. Catharines is therefore able to proceed with the fish habitat compensation project only with the consent of the Town of Pelham. Staff recommend that this consent be provided.

**Financial Considerations:**

None. The City of St. Catharines will fund the fish habitat compensation project.

**Alternatives Reviewed:**

None.

**Strategic Plan Relationship: Grow Revenue - Promote Cultural Assets and Protect Environment**

The fish habitat compensation project will provide environmental and social benefits to the Town of Pelham including improved water quality and enhanced biodiversity in Twelve Mile Creek and associated recreational and tourism opportunities.

**Consultation:**

The Director of Public Works and the Town Solicitor contributed to this report.

**Other Pertinent Reports/Attachments:**

Attached to this report are (i) City of St. Catharines Report Number EFES-071-2021 and (ii) Letter from City of St. Catharines dated May 11, 2021 requesting the consent of the Town of Pelham to proceed with the fish habitat compensation project.

**Prepared and Recommended by:**

Jason Marr, P. Eng.  
Director of Public Works

Jennifer Stirton, BSc(Hons), LL.B.

Town Solicitor

**Approved and Submitted by:**

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

THE CORPORATION OF THE  
TOWN OF PELHAM  
BY-LAW #4330(2021)

**Being a By-law to Authorize the Mayor and Clerk to enter into an Agreement with the Region of Niagara for Traffic Control Signal Maintenance.**

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**WHEREAS** Section 11(11), Table, Item (1) of the *Municipal Act*, 2001 provides for a non-exclusive sphere of jurisdiction for highways, including parking and traffic on highways, and;

**WHEREAS** Section 144(31) of the *Highway Traffic Act*, R.S.O. 1990, Chapter 8 as amended provides no traffic control signal system or traffic control signal used in conjunction with a traffic control signal system shall be erected or installed except in accordance with an approval obtained from a person designated to give such approvals by the municipality or other authority that has jurisdiction over the highway or the intersection, and;

**WHEREAS** the Regional Municipality of Niagara has maintained the Town of Pelham's traffic control signals, Illumination and flasher units since installation, and;

**WHEREAS** such maintenance by the Regional Municipality of Niagara has been undertaken on an informal basis charging the Town for its services on a cost recovery basis, and;

**WHEREAS** it is deemed desirable to formalize the arrangement through the entry into an agreement by the parties for the maintenance of traffic control signals in the Town of Pelham by the Regional Municipality of Niagara in the form of Schedule "A" annexed hereto to this by-law; and;

**WHEREAS** the Town of Pelham owns the following traffic signs and flashers to be maintained by the Niagara Region:

Traffic Signs

- Bacon Lane/ Spruceside Crescent at Pelham Street
- Church Hill at Pelham Street
- Haist Street at A. K. Wigg School
- John Street/ Pancake Lane at Pelham Street
- Pelham Street at Port Robinson/ Brock Street
- Pelham Street at Quaker Road
- Pelham Town Square at Plaza Entrance

Flashers

- Canboro Road at St. Anne's School
- Port Robinson Road at South Pelham Street

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

1. **THAT** the entry into an agreement with the Regional Municipality of Niagara for the maintenance of traffic signal and flasher unit installations in the form of Schedule "A" annexed hereto to this by-law and it hereby authorized and approved.
2. **THAT** the Mayor and Clerk be and are hereby authorized and directed to execute the agreement annexed hereto as Schedule "A" to the by-law and to affix the corporate seal thereto.

Read, Enacted, Signed and Sealed

This 07th Day of June, 2021.

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MAYOR MARVIN JUNKIN

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TOWN CLERK, HOLLY WILLFORD



**THIS AGREEMENT** made in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**BETWEEN:**

**THE CORPORATION OF the Town of Pelham,**

Hereinafter referred to as the “MUNICIPALITY”

OF THE FIRST PART

- and -

**THE REGIONAL MUNICIPALITY OF NIAGARA**

Hereinafter referred to as the “NIAGARA REGION”

OF THE SECOND PART

**WHEREAS** there are Traffic Control Signals on various municipal roadways within the Region, and under the jurisdiction of the Municipality, as listed in Schedule “A”;

**AND WHEREAS** for the purpose of regulating traffic, the Parties to this Agreement desire to permit the Niagara Region, on behalf of and at the cost and expense of the Municipality, to operate and maintain the Traffic Control Signals, Illumination, and Flashers, owned by the Municipality at the locations listed in Schedule “A”;

**NOW THEREFORE THIS AGREEMENT WITNESSES** that in consideration of the promises and covenants herein contained the Parties to this Agreement hereto for themselves and their respective successors and assigns agree as follows:

## **PART 1**

### **DEFINITION**

1. In this Agreement,

**“A Flasher”** means a single section of a signal head or a similar device which is illuminated by rapid flashes having an amber or red lens operating at an intersection or along a roadway as a supplementary warning device unless otherwise indicated in this Agreement;

**“Advanced Traffic Management System (ATMS)”** means a combination of traffic control devices connected through a communication network to a centrally located computer and is part of an Intelligent Transportation System (ITS);

**“Communications System”** means any system which communicates and that transfers data from one location to another or to a centralized location, through various media including, but not limited to, fibre optics, wire, or wireless systems unless otherwise indicated in this Agreement;

**“Illumination”** means roadway lighting systems designed to provide a specific level and uniformity of illumination on the roadway and systems’ circuit passes through the disconnect box or hydro-electric service provider demarcation point for a Traffic Control Signal, including all above ground and below ground plant;

**“Modifications”** and **“Modify”** means as the context requires, a change to the physical plant, installation or removal of traffic signage and/or modifications to pavement markings if such change requires modification or updating of an approved Traffic Signal Legal Approval Drawing;

**“Parties”** means the Municipality and the Niagara Region and **“Party”** means either of them;

**“Traffic Control Signal”** means any power operated traffic control device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed and refers to the complete installation including signal heads, wiring, controller, poles and other appurtenances;

**“Traffic Control Signals”** means the aggregate of all Traffic Control Signal owned by the Municipality;

**“Traffic Signal Legal Approval Drawing”** means a scaled drawing accurately representing the layout and design of a signalized intersection, prepared and signed to act as the legal authority to operate a Traffic Control Signal.

## **PART 2**

### **GENERAL**

2. The Niagara Region, on behalf of the Municipality, shall carry out the maintenance and operation of the Traffic Control Signals, Illumination and Flashers at the locations set out in Schedule “A” attached hereto, including, but not limited to, providing all necessary repairs, replacements, locates, inspections, cleaning, and re-lamping but excluding any responsibility for the maintenance of any Communications System owned by the Municipality. Traffic Control Signals shall be operated and maintained to meet the standards, specifications and requirements outlined in Schedule “B” of this Agreement and in the document entitled “Design and Operation of Traffic Signals” prepared by the Niagara Region, unless otherwise agreed to in writing. All costs associated with these activities shall be borne directly by the Municipality.

3. The Municipality agrees that new and rebuilt Traffic Control Signals shall conform as close as practicable to the standards and specifications contained in the document entitled “Design and Operation of Traffic Signals” prepared by the Niagara Region. In instances where a new or rebuilt Traffic Control Signal does not conform to the prescribed standards and specifications, the Niagara Region reserves the right to refuse any responsibility associated with maintaining said Traffic Control Signal.
4. The Municipality agrees to permit the Niagara Region to connect to Municipality owned Traffic Control Signals, using the Municipality owned Communications System for operational and maintenance purposes. Except in cases of emergency, changes in signal timing plans or ATMS programming changes must be mutually agreed to by both parties prior to implementation.
5. When the Municipality desires to have a Traffic Control Signal added to the Advanced Traffic Management System, the Municipality shall request the Niagara Region to install and maintain various communications equipment and/or devices required for that connection. All costs for this Municipality owned equipment related to the design, purchase, installation and maintenance shall be borne by the Municipality.
6. At the written request of either Party, a copy of the most recent Traffic Signal Legal Approval Drawings for locations listed in Schedule “A”, shall be provided by the other Party at the cost of the requester.
7. The Municipality has the right to inspect all equipment that the Niagara Region maintains on behalf of the Municipality. The Municipality shall request in writing any Modifications to its equipment that it believes are necessary for the Municipality’s operational benefit, provided said Modifications conform to the standards and specifications contained in the document entitled “Design and Operation of Traffic Signals” prepared by the Niagara Region.
8. The Niagara Region shall not carry out Modifications to any signalized intersection owned by the Municipality unless prior approval has been obtained from the Municipality. The Niagara Region reserves the right to Modify signal timings in cases of emergency. The Niagara Region shall notify the Municipality of any such Modifications promptly and return the signal timing to the original setting as agreed to by both parties.
9. Notwithstanding the termination of this Agreement, the Niagara Region shall ensure that it maintains and keeps all maintenance and timing records created as a result of the operation and maintenance of the Municipality’s Traffic Control Signals for a period of not less than seven (7) years from when the maintenance and timing records are created. One copy of these records shall be provided to the Municipality at any time following termination upon written request of the Municipality and at no cost to the Municipality.

10. The Niagara Region agrees to maintain the web site containing signal timings for all municipal Traffic Control Signals. Information will be updated within five (5) working days of changes being implemented.
11. The Niagara Region shall invoice the Municipality every thirty (30) days, or as incurred, for all costs and expenses incurred by the Niagara Region which are authorized by and within the context of this Agreement and deemed to be regular operation, and maintenance. The Municipality shall pay all invoices within 30 days of receipt. All costs associated with labour and equipment shall be invoiced as per the actual costs incurred by the Niagara Region. All costs associated with materials shall be invoiced as the actual cost incurred by the Niagara Region through its normal purchasing practices.
12. The Municipality shall reimburse the Niagara Region for any additional costs that may be incurred to conduct Traffic Engineering Services as requested by the Municipality as outlined in Schedule C of this agreement. All costs will be invoiced separately as the actual cost incurred by the Niagara Region.
13. All electrical power costs associated with the operation and functioning of all Traffic Control Signals and Illumination or specialized computer traffic control systems shall be the responsibility of the Municipality. The Municipality shall make payment for all electrical power services directly to the hydro-electric service provider.
14. In the event that a signalized intersection or other traffic control device is transferred from one road authority to another, Schedule "A" of this Agreement shall be amended to reflect this change.
15. The Niagara Region shall indemnify and save harmless the Municipality from and against any claim, action, course of action or liability for loss, damage, accident or injury including death, in any manner arising due to, out of, from or in connection with the negligent completion of the maintenance and operation (or negligent failure to complete the maintenance and operation) to be performed by the Niagara Region or its agents pursuant to this Agreement. The Municipality remains responsible and liable for all other risks related to its ownership and operation of the Traffic Control Signals in question and shall indemnify and save harmless the Niagara Region from and against any claim, action, course of action or liability for loss, damage, accident or injury including death, in any manner arising due to, out of, from or in connection with the ownership and operations of its Traffic Control Signals, other than operations that are carried out by Niagara Region or its agents pursuant to this Agreement.
16. This Agreement may be amended or modified only by mutual agreement executed in writing by each of the Parties.
17. Either Party may terminate this Agreement at any time by serving a minimum of twelve (12) months written notice of its intent to do so on the other Party.

18. The obligations of the Parties in this Agreement with respect to claims, actions, causes of action or liabilities which arose under this agreement prior to the termination date shall not expire upon termination of this agreement.

**THIS AGREEMENT** shall ensure to the benefit of and be binding on the successors and assigns of each Party hereto.

**IN WITNESS WHEREOF** the Parties have executed this Agreement by the signature of their proper signing officers below.

THE CORPORATION OF THE TOWN OF PELHAM

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

I have authority to bind the Corporation.

THE REGIONAL MUNICIPALITY OF NIAGARA

By: \_\_\_\_\_

Name: Bruce Zvaniga

Title: Commissioner of Public Works

Date: \_\_\_\_\_

I have authority to bind the Corporation.



## **SCHEDULE “A”**

### **LIST OF MUNICIPALLY OWNED TRAFFIC CONTROL SIGNALS AND FLASHERS TO BE MAINTAINED BY THE NIAGARA REGION**

#### **TRAFFIC CONTROL SIGNALS**

- 1) Bacon Lane/ Spruceside Crescent at Pelham Road
- 2) Church Hill at Pelham Road
- 3) Haist Street at Wigg School
- 4) John Street/Pancake Lane at Pelham Road
- 5) Pelham Street at Port Robinson/ Brock Street
- 6) Pelham Street at Quaker Road
- 7) Pelham Town Square at Plaza Entrance

#### **FLASHERS**

- 1) Canboro Road at St Anne’s School
- 2) Port Robinson Road at South Pelham Road

#### **PEDESTRIAN CROSSOVERS WITH RRFB**

None

#### **RADAR SPEED BOARDS**

None

#### **OTHER**

None

## **SCHEDULE “B”**

### **TRAFFIC SIGNAL ROUTINE MAINTENANCE**

Traffic signal “Routine Maintenance” is completed on Traffic Control Signals, related Roadway Lighting, and Warning Flashers on an annual or semi-annual basis as noted below and consists of the following:

#### **Traffic Controller Cabinet Maintenance (Semi-annually)**

1. Replace Malfunction Management Unit (MMU) with tested and certified unit.
2. Lubricate Traffic Control Cabinet (TCC) hinges and locking mechanism.
3. Inspect the electrical connections and grounding in TCC.
4. Verify proper vehicle/pedestrian detection and signal cabinet operation.
5. Ensure correct operation of thermostat, heater and fan.
6. Install baffle plate and/or replace filter as required.

#### **Traffic Signal/Roadway Lighting/Flasher Inspection (Annually)**

1. Test all pedestrian push buttons for proper operation.
2. Inspect condition and operation of traffic signal vehicle detection loops.
3. Locate and inspect all Junction Boxes for damage or tripping hazards.
4. Inspect for proper seating of all traffic signal arms.
5. Inspect all traffic poles and pole bases for damage and secure pole hatches.
6. Verify proper signal alignment and visibility.
7. Ensure signal backboards and brackets are in good condition.
8. Check electrical connections and grounding in traffic poles.
9. Inspect Power Distribution Panel (PDP)
10. Energize and verify all roadway lighting associated with signal plant (where installed).
11. Change incandescent bulbs in pedestrian signals and clean lenses (where not LED).
12. Remove posters, unauthorized signs, and graffiti from traffic signal plant.
13. Replace damaged, worn, or missing decals.
14. Perform Stray Voltage Test (SVT) on traffic poles and TCC.
15. Clean, inspect, and verify proper operation of video vehicle detection systems when installed.
16. Clean, inspect, and verify proper operation of Uninterruptable Power Supply (UPS) system (where installed).
17. Inspect and verify proper operation of Accessible Pedestrian System (APS) (where installed).



## **SCHEDULE “C”**

### **ADDED VALUE ITEMS TO THE MUNICIPAL MAINTENANCE AGREEMENT**

1. Complete traffic signal warrant analysis for new signal installations and provide guidance and recommendations for functional layout and operational parameters.
2. Complete traffic signal designs, produce legal signal drawings and recommend for signature and legal approval by signing authority on LAM behalf.
3. Audit legal traffic signal design drawings
4. Prepare necessary RFQ documents and drawings necessary for tender documents for new and revised traffic signal installations.
5. Meet with municipal staff and their consultant for municipal projects which affect operation or modification of existing traffic signals or construction of new signal installations.
6. Complete signal timing and capacity analysis calculations.
7. Complete coordination and network optimization calculations, and system programming for signal networks and corridors.
8. Perform advance green warrant analysis.
9. Calculate and implement temporary timing and programming changes for detour routes, planned road closures or events, and unplanned emergency road closures affecting traffic signal operation.
10. Investigate and respond to inquiries and requests regarding traffic signal operation.
11. Maintain and update web site containing signal timing information for all signals owned by the municipality.
12. Provide signal timing information to outside agencies upon request from consultants, developers, lawyers etc.
13. Recommend improvements and modifications at signalized intersections including phasing, timing changes, signing and pavement marking layouts to improve level of service and operation.
14. Update and modify legal signal drawings as required.
15. Appear as expert witness on city’s behalf providing information on traffic signal operation.

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

BY-LAW NO. 4354(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**

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

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

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

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

**1. THAT** Schedule 'A5' to Zoning By-law 1136 (1987) as amended, is hereby 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 Townhouse 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 R2-306, RM1-307 and RM1-308:
--------------------	--

Section 6.1 – Accessory Uses

- |                   |  |
|-------------------|--|
| a) General        | <p>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.</p> <p>Only one second dwelling unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling, provided:</p> <ul style="list-style-type: none"><li>i) The maximum floor area does not exceed 60 m<sup>2</sup>.</li><li>ii) A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling.</li><li>iii) A minimum of one parking stall is required.</li><li>iv) Compliance with the Ontario Building Code and Fire Code, as applicable.</li></ul> |
| b) Location       | <p>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.</p>   |
| c) Maximum Height | <p>Except as otherwise provided herein, no accessory building shall exceed 3.7 m in height and no accessory building containing a second dwelling unit shall exceed 6 m in height.</p>   |

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 m<sup>2</sup>
- b) Minimum Lot Frontage 12 m

- |    |                                     |   |
|----|-------------------------------------|---|
| c) | Maximum Lot Coverage                | delete  |
| d) | Minimum Front Yard                  | 4 m to dwelling front face<br>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,<br>whichever is greater   |
| i) | Min. Ground Floor Area for dwelling | (i) One storey: 88 m <sup>2</sup><br>(ii) Two or three storey:<br>50 m <sup>2</sup> |

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 m <sup>2</sup> 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,<br>whichever is greater  |
| i) | Minimum Ground Floor Area for Dwelling | (i) One storey: 88 m <sup>2</sup><br>(ii) Two or three storey:<br>50 m <sup>2</sup> |
| 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 townhouse dwellings shall also be permitted subject to the following regulations:

Section 16.3 – Regulations for back-to-back townhouse dwellings

- a) Minimum Lot Frontage 6 m
- b) Minimum Corner Lot Frontage 10 m
- c) Minimum lot area 110 m<sup>2</sup> per dwelling unit
- d) Minimum front yard 7.5 m
- e) Minimum Exterior Yard 3 m
- f) Minimum Interior Side Yard 1.2m, 0 m to common wall
- 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 m<sup>2</sup>
  - (ii) Two or three storey: 22 m<sup>2</sup>

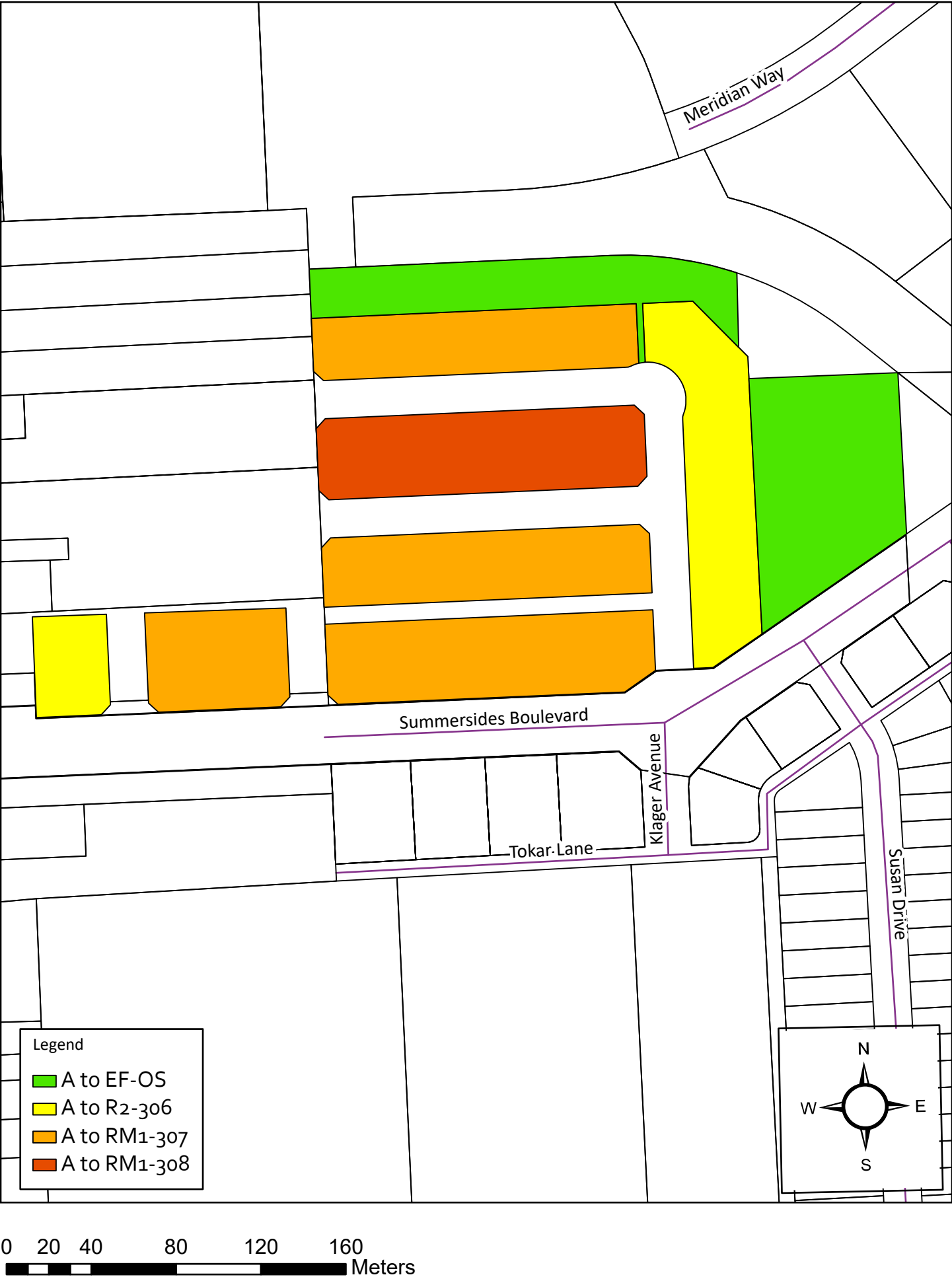
3. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

ENACTED, SIGNED AND SEALED THIS  
7<sup>th</sup> DAY OF JUNE, 2021 A.D.

\_\_\_\_\_  
MAYOR MARVIN JUNKIN

\_\_\_\_\_  
CLERK HOLLY WILLFORD

Schedule 'A'



This is Schedule 'A' to By-law No. 4354 (2021) passed the 7 day of June, 2021.

Mayor: Marvin Junkin

Clerk: Holly Willford

THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW #4356(2021)

**Being a by-law to adopt, ratify and confirm the actions of  
the Council at its regular meeting held on the 07<sup>th</sup> day of  
June 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 07<sup>th</sup> day of  
June, 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 07<sup>th</sup> DAY OF JUNE 2021 A.D.

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MAYOR MARVIN JUNKIN

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TOWN CLERK HOLLY WILLFORD