

## REGULAR COUNCIL AGENDA

**C-15/2021 - Regular Council**

**Monday, September 20, 2021**

**5:30 PM**

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

**20 Pelham Town Square, Fonthill**

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

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

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### Pages

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

##### **1.1. Land Recognition Statement**

The Town of Pelham is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hattiwendaronk, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Town of Pelham stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

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

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

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

##### **4.1. Presentations**

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

B. Lymburner, Community Emergency Management Co-Ordinator

###### **4.1.2. COVID-19 Pandemic Update - CAO**

D. Cribbs, Chief Administrative Officer

##### **4.2. Delegations**

###### **4.2.1. Beautification Committee re Legacy Project Initiatives 12 - 15**

Jennifer Pilzecker, Chair

###### **4.2.2. Niagara Central Dorothy Rungeling Airport 16 - 23**

Chair, NCDRA Commission, Wainfleet Councillor John MacLellan

###### **4.2.3. Marianne Love, ML Consulting**

Elected Official Compensation

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

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

##### **5.1. SC-14/2021 - Special Council Meeting - September 7, 2021 24 - 27**

##### **5.2. C-14/2021 - Regular Council Meeting - September 7, 2021 28 - 60**

##### **5.3. SCOW -06/2021 - Budget Open House - Special Committee of the Whole 61 - 64**

#### **6. Business Arising from Council Minutes**

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11.	<b>Unfinished Business</b>	

**12. New Business**

**13. Presentation and Consideration of By-Laws** 245 - 318

1. 4385(2021) - Being a by-law to amend By-law No. 4299(2020) to establish 2021 Fees and Charges to be collected by the Corporation of the Town of Pelham; And to Add Fees and Charges to the Corporate Services Schedule; And to Add Fees and Charges the Clerks Department Schedule.

2.4386(2021) - Being a by-law to authorize the Mayor and Clerk to enter into an Amending Agreement with the Regional Municipality of Niagara with respect to the Niagara Region's On-Demand Transit Service Pilot Project.

3. 4387(2021) - Being a by-law to amend By-law No. 4307(2021), being an Administrative Authority By-law to delegate certain powers and duties under the Municipal Act, 2001, S.O. 2001, c. 25, and other Acts as contained in the Scheduled hereto.

4. 4388(2021) - Being a by-law to authorize the execution of a subdivision agreement with Hert Inc. and the Corporation of the Town of Pelham - Saffron Meadows Phase 3 Subdivision (Phase 2) (26T19-0218).

**14. Motions and Notices of Motion**

**14.1. Councillor Haun - Niagara Central Dorothy Rungeling Airport - Support Capital Financing Strategy**

Mover: Councillor Haun

Seconder: Councillor Kore

WHEREAS the municipalities of Port Colborne, Wainfleet, Welland and Pelham have all reaffirmed their support in maintaining and operating the Niagara Central Dorothy Rungeling Airport, also known as NCDRA;

AND WHEREAS the NCDRA Commission has created a realistic plan to grow the airport's revenue and utilization by way of constructing a hangar with ten rental units;

AND WHEREAS the NCDRA Commission has an historic opportunity to provide services to a larger number of potential clients and to take advantage of the increased demand for plane storage by building a hangar;

AND WHEREAS the provision of a home base to more planes will logically lead to an increase in fuel sales, from which the airport will also profit;

AND WHEREAS the new rental units at the hangar will be subject to taxation and thereby create additional future revenue for the Town of Pelham;

NOW THEREFORE BE IT RESOLVED that the Town of Pelham Council receive and support the capital financing proposal (up to \$600,000) as approved by the Niagara Central Dorothy Rungeling Airport Commission, on the terms established by the City of Welland in its CAO report on this issue dated September 7, 2021, for the construction of a hangar at the Niagara Central Dorothy Rungeling Airport.

**14.2. Councillor Wink re: Council Advisory Committee Recordings**

Mover: Councillor Wink

Seconder: Councillor Olson

WHEREAS the Town of Pelham recognizes that volunteers contribute tremendously to the community. The Town of Pelham has a number of committees of council that help improve and shape the future of our community by providing advice and feedback on a variety of issues.

AND WHEREAS all advisory committees record minutes of the meetings and said minutes are included on the regular Council Agenda as well as posted on the Town website.

AND WHEREAS prior to the COVID-19 pandemic, the general public was allowed to attend advisory committee meetings.

AND WHEREAS since COVID-19, advisory committee meetings have been held via ZOOM. When residents wish to join the meeting for a particular item, ZOOM details are shared with the resident and they are able to join the meeting as they wish.

AND WHEREAS there is no requirement in the *Municipal Act* that requires advisory committee meetings to be video recorded, however there is a requirement that these meetings are open to the public;

AND WHEREAS staff have recently provided the Town of Pelham's new requirement that advisory committee meetings must be recorded and posted on the Town's website and You Tube channel. This requirement was under interpretation of the direct of the Ombudsman.

AND WHEREAS the Ombudsman definition of committee is:

"What is committee?

For the purposes of the opening meeting provisions, a committee, subcommittee or similar entity of which at least 50% of the members are also members of one or more councils of local boards. A procedure by law can also designate certain bodies to be committees."

AND WHEREAS all advisory committees have one council member on each committee on an advisory capacity with the exception of the Finance and Audit Committee which has three council members out of a committee of five.

AND WHEREAS the City of Hamilton was recently investigated with respect to an Advisory Committee meeting which had live-streaming issues and the committee continued. The Ombudsman ruled the committee met illegally in closed. The committee comprised of 1 Council Member and 9 Citizen members. It was deemed a committee within the meaning of the definition as it was defined as a committee within the City's

Procedural By-Law.

AND WHEREAS the definition of a closed session does not allow members of the public to attend and minutes of said session are not circulated to the public, notwithstanding the Ombudsman's ruling.

AND WHEREAS with the change in advisory process many of our long-term dedicated volunteers have indicated that they will resign from their respective advisory committees if the Town insists on video taping all meetings and posting them on You Tube for perpetuity. Concern is posting likeness and image on the internet. Further concern is the stifling of free flowing discussions, brain storming and debate culminating in a committee's recommendations and advise to council. Finally, this level of scrutiny may result in the unintended or unwelcome consequences.

NOW THEREFORE BE IT RESOLVED that Council for the Town of Pelham direct Council Advisory Committees are not required to be video recorded, save and except the Pelham Finance and Audit Committee, which composition is more than 50% Council Members and the Committee of Adjustment;

AND THAT Council Advisory Committee meetings are to remain open to public attendance, by ensuring all Council Advisory Committee meeting dates, times and Town staff contact information to receive zoom links shall be posted to the Town's website at least 3 (three) days in advance of the meeting, and advertisement of Council Advisory Committee Meetings shall take place on social media in advance of the meeting;

AND THAT all Advisory Committee minutes continue to be reported to Council and posted on the Town website.

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**

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 and (d) - labour relations or employee negotiations (1 item)

**18. Rise From In Camera**

**19. Confirming By-Law**

319 - 319

**20. Adjournment**

Name: <b>Jennifer Pilzecker on behalf of the Beautification Committee</b>	
Address: <b>11 Willowdale Court</b>	
Postal Code: <b>L0S 1E2</b>	Telephone #: <b>647-525-5306</b>
Email Address: <b>jpilzecker@outlook.com</b>	
The Council Chambers Is equipped with a laptop and projector. Please Check your audio/visual needs: <div style="text-align: center;"> <input checked="" type="checkbox"/> Laptop    <input checked="" type="checkbox"/> Speaker    <input type="checkbox"/> Internet Connection         </div>	
<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>1st OR 3rd Monday of September 2021</u></p> <p>Please identify the desired action of Council that you are seeking on this issue:  <u>As per Council resolution December 7, 2020, the Beautification Committee was asked explore legacy project initiatives for the Town and report back on findings. This Council delegation will be presenting the Committee's work on this subject and will include Committee recommendations to Council regarding privately funded legacy projects.</u></p> <p>I have never spoken on this issue before. Key points of my deputation are as follows:  <b>(Presentation must accompany the request)</b>  <u>Nearby jurisdictions have a variety of privately funded legacy project initiatives in collaboration with the municipal government. Graph shows findings from municipalities the Committee has reached out to.</u>  <u>The Committee recommends the Town of Pelham formalize a memorial tree and bench program similar to those legacy programs offered by nearby municipalities like NOTL.</u></p> <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:hwillford@pelham.ca">hwillford@pelham.ca</a> in accordance with the deadlines outlined above.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 40%;">             _____            Signature         </div> <div style="width: 40%; text-align: center;"> <u>July 22, 2021</u>            _____            Date         </div> </div>	



# Legacy Programs

Beautification Committee  
Report to Council September 2021

### Legacy Dedication Projects

	Tree	Plaque	Mtnce	Warranty	Bench	Plaque	Concrete Pad	Mtnce	Warranty	Boardwalk Plaque	Mtnce	Rainbow Benches
City of Niagara Falls*	\$750.00	name tag incl			\$3,250.00	yes	yes			550		
City of St Catharines	\$631.75			3 years	\$2688-\$3333	yes	yes	yes	10 years			
City of Thorold	under review at this time											
City of Welland					\$870-\$1500	\$30-\$35	yes	yes				
Niagara on the Lake	\$500.00	no	yes	ongoing	\$1000-\$2000	yes	yes	yes	ongoing			
Niagara Parks					\$3250-\$5000							
Town of Lincoln	market value		yes		market value			yes		market value	0-15 year	4 installed
Town of Pelham	no program in place at this time				\$1,500.00	yes	yes					2 on order
Township of West Lincoln	no program in place at this time											

\*Note: Nfalls has two bench options - \$2500 with 3" x 6" plate OR \$3250 with 8" x 10" bronze plaque mounted on stand; Granite markers on Memory Lane - \$550


\*Tax receipts are issued for memorial benches in Niagara-on-the-Lake

\*Bench prices differ substantially due to ornate style of some benches patrons can select

# Recommendations

- Pelham establish a memorial tree program and enrich its current memorial bench program to provide patrons with options
- Pelham should consider the current price points being advertised by nearby municipalities for these products and services when establishing a fee schedule
- Additional privately funded legacy/memorial project proposals outside the scope of trees and benches should be vetted and approved by staff and Council. They should proceed only if deemed reasonable and seen as a positive addition to the broader community.

**COUNCIL**  
**CORPORATE SERVICES**  
**FINANCE DIVISION**

APPROVALS	
DIRECTOR	
CFO	
CAO	

13-50

**REPORT FIN-2021-25**  
**SEPTEMBER 7, 2021**

**SUBJECT:** CITY OF WELLAND FINANCING OF NIAGARA CENTRAL  
DOROTHY RUNGELING AIRPORT COMMISSION

**AUTHOR:** ELIZABETH PANKOFF, MBA, CPA, CGA  
MANAGER OF BUDGETS & FINANCIAL REPORTING/DEPUTY  
TREASURER

**APPROVING DIRECTOR:** STEVE ZORBAS, CPA, CMA, B.Comm, DPA,  
CAO / DIRECTOR, CORPORATE SERVICES / CHIEF FINANCIAL  
OFFICER / TREASURER

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**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves the proposal for a \$600,000 15-year loan (monthly payments) to the Niagara Central Dorothy Rungeling Airport Commission (NCDRAC) for the construction of 10 T hangars; and further

THAT Welland City Council authorizes the City Clerk to prepare all necessary agreements and By-laws to advance the funding.

**ORIGIN AND BACKGROUND:**

NCDRAC has provided a loan proposal requesting \$600,000 for the construction of 10 T hangars at the Niagara Central Dorothy Rungeling Airport for Council consideration as outlined in Appendix A.

**COMMENTS AND ANALYSIS:**

Staff recommends financing with a 15-year amortizing loan at an annual interest rate of 3.75%. The repayment of the loan from NCDRAC will commence in December 2021 as outlined in Appendix B.

**FINANCIAL CONSIDERATION:**

Appendix B summarizes the monthly payments. The total interest to be earned on the loan is approximately \$185,000.

This financing will be funded from the Infrastructure Renewal Reserve fund and all interest earned will remain in this fund.

**OTHER DEPARTMENT IMPLICATIONS:**

Not applicable.

**SUMMARY AND CONCLUSION:**

Staff recommends financing the construction of 10 T hangers with a 15-year loan (monthly payments) to NCDRAC. The loan will be funded from the Infrastructure Renewal Reserve fund with the repayment to commence in December 2021 as outlined in Appendix B.

**ATTACHMENTS:**

Appendix A – NCDRAC Hanger Loan Proposal

Appendix B – Monthly Payment Schedule for 15-year Period

Good Morning Steve

Last evening at our Commission meeting we brought forward the results of our recent discussion to the Commission. The Commission then authorized the attached financial plan that supports the request to the City of Welland for your consideration and response for a construction loan for up to \$600,000 for 10 T hangars at the NCDR Airport . See attachment!

The Commission wishes to thank the City of Welland for this opportunity and looks forward to any questions and your reply.

Sincerely

John MacLellan

Chair NCDRAC

# NCDRA Commission Hangar Loan Proposal August 2021

Input Values	
<b>SENARIO - 10 T Hangars</b>	
Mortgage	\$600,000
Interest Rate	3.75
Term	15
Monthly Hangar Fee	635
Number of Hangers	10
Insurance	3000
Annual Property Tax	11000
Annual Misc	1000

Calculated Values Annually	
<b>SENARIO - 10 T Hangars</b>	
<b>Revenue</b>	
Annual Fee/hanger	\$76,200.00
<b>Annual Operating Cost</b>	
Insurance at \$3000	\$3,000.00
Property tax at \$11,000	\$11,000.00
Annual Misc at \$1,000	\$1,000.00
<b>Mortgage (calculated value)</b>	
Annual Mortgage Payments	\$52,256.61
Total CASH EXPENSE	-\$67,256.61
<b>NET INCOME/LOSS</b>	<b>\$8,943.39</b>
End of Term	15
Revenue	\$1,143,000.00
Expenses without Mortgage	\$225,000.00
Mortgage Payments	\$783,849.17
<b>Net INCOME/LOSS</b>	<b>\$134,150.83</b>

Calculated Values Monthly	
<b>SENARIO - 10 T Hangars</b>	
<b>Revenue</b>	
Annual Fee/hanger	\$6,350.00
<b>Annual Operating Cost</b>	
Insurance at 3,000	\$250.00
PROPERTY TAX AT \$11,000	\$916.67
Annual Misc at \$1,000	\$83.33
<b>Mortgage (calculated value)</b>	
Annual Mortgage Payments	\$4,354.72
Total CASH EXPENSE	-\$5,604.72
<b>NET INCOME/LOSS</b>	<b>\$745.28</b>

# Monthly Payment Schedule

Principal Amount	\$ 600,000.00
Annual Interest Rate	3.75 %
Loan Term (Year)	15
Debenture Date (mm/dd/yyyy)	11-01-2021
Maturity Date (mm/dd/yyyy)	11-01-2036
Payment Frequency	Monthly
Loan Type	Amortizing

Payment Date	Total Payment	Principal Amount	Interest Amount	Principal Balance
12-01-2021	\$ 4,363.33	\$ 2,488.33	\$ 1,875.00	\$ 597,511.67
01-01-2022	\$ 4,363.33	\$ 2,496.11	\$ 1,867.22	\$ 595,015.56
02-01-2022	\$ 4,363.33	\$ 2,503.91	\$ 1,859.42	\$ 592,511.65
03-01-2022	\$ 4,363.33	\$ 2,511.73	\$ 1,851.60	\$ 589,999.92
04-01-2022	\$ 4,363.33	\$ 2,519.58	\$ 1,843.75	\$ 587,480.34
05-01-2022	\$ 4,363.33	\$ 2,527.45	\$ 1,835.88	\$ 584,952.89
06-01-2022	\$ 4,363.33	\$ 2,535.35	\$ 1,827.98	\$ 582,417.54
07-01-2022	\$ 4,363.33	\$ 2,543.28	\$ 1,820.05	\$ 579,874.26
08-01-2022	\$ 4,363.33	\$ 2,551.22	\$ 1,812.11	\$ 577,323.04
09-01-2022	\$ 4,363.33	\$ 2,559.20	\$ 1,804.13	\$ 574,763.84
10-01-2022	\$ 4,363.33	\$ 2,567.19	\$ 1,796.14	\$ 572,196.65
11-01-2022	\$ 4,363.33	\$ 2,575.22	\$ 1,788.11	\$ 569,621.43
12-01-2022	\$ 4,363.33	\$ 2,583.26	\$ 1,780.07	\$ 567,038.17
01-01-2023	\$ 4,363.33	\$ 2,591.34	\$ 1,771.99	\$ 564,446.83
02-01-2023	\$ 4,363.33	\$ 2,599.43	\$ 1,763.90	\$ 561,847.40
03-01-2023	\$ 4,363.33	\$ 2,607.56	\$ 1,755.77	\$ 559,239.84
04-01-2023	\$ 4,363.33	\$ 2,615.71	\$ 1,747.62	\$ 556,624.13
05-01-2023	\$ 4,363.33	\$ 2,623.88	\$ 1,739.45	\$ 554,000.25
06-01-2023	\$ 4,363.33	\$ 2,632.08	\$ 1,731.25	\$ 551,368.17
07-01-2023	\$ 4,363.33	\$ 2,640.30	\$ 1,723.03	\$ 548,727.87
08-01-2023	\$ 4,363.33	\$ 2,648.56	\$ 1,714.77	\$ 546,079.31
09-01-2023	\$ 4,363.33	\$ 2,656.83	\$ 1,706.50	\$ 543,422.48
10-01-2023	\$ 4,363.33	\$ 2,665.13	\$ 1,698.20	\$ 540,757.35
11-01-2023	\$ 4,363.33	\$ 2,673.46	\$ 1,689.87	\$ 538,083.89
12-01-2023	\$ 4,363.33	\$ 2,681.82	\$ 1,681.51	\$ 535,402.07
01-01-2024	\$ 4,363.33	\$ 2,690.20	\$ 1,673.13	\$ 532,711.87
02-01-2024	\$ 4,363.33	\$ 2,698.61	\$ 1,664.72	\$ 530,013.26
03-01-2024	\$ 4,363.33	\$ 2,707.04	\$ 1,656.29	\$ 527,306.22
04-01-2024	\$ 4,363.33	\$ 2,715.50	\$ 1,647.83	\$ 524,590.72
05-01-2024	\$ 4,363.33	\$ 2,723.98	\$ 1,639.35	\$ 521,866.74
06-01-2024	\$ 4,363.33	\$ 2,732.50	\$ 1,630.83	\$ 519,134.24
07-01-2024	\$ 4,363.33	\$ 2,741.04	\$ 1,622.29	\$ 516,393.20
08-01-2024	\$ 4,363.33	\$ 2,749.60	\$ 1,613.73	\$ 513,643.60
09-01-2024	\$ 4,363.33	\$ 2,758.19	\$ 1,605.14	\$ 510,885.41
10-01-2024	\$ 4,363.33	\$ 2,766.81	\$ 1,596.52	\$ 508,118.60
11-01-2024	\$ 4,363.33	\$ 2,775.46	\$ 1,587.87	\$ 505,343.14
12-01-2024	\$ 4,363.33	\$ 2,784.13	\$ 1,579.20	\$ 502,559.01
01-01-2025	\$ 4,363.33	\$ 2,792.83	\$ 1,570.50	\$ 499,766.18



Payment Date	Total Payment	Principal Amount	Interest Amount	Principal Balance
02-01-2025	\$ 4,363.33	\$ 2,801.56	\$ 1,561.77	\$ 496,964.62
03-01-2025	\$ 4,363.33	\$ 2,810.32	\$ 1,553.01	\$ 494,154.30
04-01-2025	\$ 4,363.33	\$ 2,819.10	\$ 1,544.23	\$ 491,335.20
05-01-2025	\$ 4,363.33	\$ 2,827.91	\$ 1,535.42	\$ 488,507.29
06-01-2025	\$ 4,363.33	\$ 2,836.74	\$ 1,526.59	\$ 485,670.55
07-01-2025	\$ 4,363.33	\$ 2,845.61	\$ 1,517.72	\$ 482,824.94
08-01-2025	\$ 4,363.33	\$ 2,854.50	\$ 1,508.83	\$ 479,970.44
09-01-2025	\$ 4,363.33	\$ 2,863.42	\$ 1,499.91	\$ 477,107.02
10-01-2025	\$ 4,363.33	\$ 2,872.37	\$ 1,490.96	\$ 474,234.65
11-01-2025	\$ 4,363.33	\$ 2,881.35	\$ 1,481.98	\$ 471,353.30
12-01-2025	\$ 4,363.33	\$ 2,890.35	\$ 1,472.98	\$ 468,462.95
01-01-2026	\$ 4,363.33	\$ 2,899.38	\$ 1,463.95	\$ 465,563.57
02-01-2026	\$ 4,363.33	\$ 2,908.44	\$ 1,454.89	\$ 462,655.13
03-01-2026	\$ 4,363.33	\$ 2,917.53	\$ 1,445.80	\$ 459,737.60
04-01-2026	\$ 4,363.33	\$ 2,926.65	\$ 1,436.68	\$ 456,810.95
05-01-2026	\$ 4,363.33	\$ 2,935.80	\$ 1,427.53	\$ 453,875.15
06-01-2026	\$ 4,363.33	\$ 2,944.97	\$ 1,418.36	\$ 450,930.18
07-01-2026	\$ 4,363.33	\$ 2,954.17	\$ 1,409.16	\$ 447,976.01
08-01-2026	\$ 4,363.33	\$ 2,963.40	\$ 1,399.93	\$ 445,012.61
09-01-2026	\$ 4,363.33	\$ 2,972.67	\$ 1,390.66	\$ 442,039.94
10-01-2026	\$ 4,363.33	\$ 2,981.96	\$ 1,381.37	\$ 439,057.98
11-01-2026	\$ 4,363.33	\$ 2,991.27	\$ 1,372.06	\$ 436,066.71
12-01-2026	\$ 4,363.33	\$ 3,000.62	\$ 1,362.71	\$ 433,066.09
01-01-2027	\$ 4,363.33	\$ 3,010.00	\$ 1,353.33	\$ 430,056.09
02-01-2027	\$ 4,363.33	\$ 3,019.40	\$ 1,343.93	\$ 427,036.69
03-01-2027	\$ 4,363.33	\$ 3,028.84	\$ 1,334.49	\$ 424,007.85
04-01-2027	\$ 4,363.33	\$ 3,038.31	\$ 1,325.02	\$ 420,969.54
05-01-2027	\$ 4,363.33	\$ 3,047.80	\$ 1,315.53	\$ 417,921.74
06-01-2027	\$ 4,363.33	\$ 3,057.32	\$ 1,306.01	\$ 414,864.42
07-01-2027	\$ 4,363.33	\$ 3,066.88	\$ 1,296.45	\$ 411,797.54
08-01-2027	\$ 4,363.33	\$ 3,076.46	\$ 1,286.87	\$ 408,721.08
09-01-2027	\$ 4,363.33	\$ 3,086.08	\$ 1,277.25	\$ 405,635.00
10-01-2027	\$ 4,363.33	\$ 3,095.72	\$ 1,267.61	\$ 402,539.28
11-01-2027	\$ 4,363.33	\$ 3,105.39	\$ 1,257.94	\$ 399,433.89
12-01-2027	\$ 4,363.33	\$ 3,115.10	\$ 1,248.23	\$ 396,318.79
01-01-2028	\$ 4,363.33	\$ 3,124.83	\$ 1,238.50	\$ 393,193.96
02-01-2028	\$ 4,363.33	\$ 3,134.60	\$ 1,228.73	\$ 390,059.36
03-01-2028	\$ 4,363.33	\$ 3,144.39	\$ 1,218.94	\$ 386,914.97
04-01-2028	\$ 4,363.33	\$ 3,154.22	\$ 1,209.11	\$ 383,760.75
05-01-2028	\$ 4,363.33	\$ 3,164.08	\$ 1,199.25	\$ 380,596.67
06-01-2028	\$ 4,363.33	\$ 3,173.97	\$ 1,189.36	\$ 377,422.70
07-01-2028	\$ 4,363.33	\$ 3,183.88	\$ 1,179.45	\$ 374,238.82
08-01-2028	\$ 4,363.33	\$ 3,193.83	\$ 1,169.50	\$ 371,044.99
09-01-2028	\$ 4,363.33	\$ 3,203.81	\$ 1,159.52	\$ 367,841.18
10-01-2028	\$ 4,363.33	\$ 3,213.83	\$ 1,149.50	\$ 364,627.35
11-01-2028	\$ 4,363.33	\$ 3,223.87	\$ 1,139.46	\$ 361,403.48
12-01-2028	\$ 4,363.33	\$ 3,233.94	\$ 1,129.39	\$ 358,169.54
01-01-2029	\$ 4,363.33	\$ 3,244.05	\$ 1,119.28	\$ 354,925.49

Payment Date	Total Payment	Principal Amount	Interest Amount	Principal Balance
02-01-2029	\$ 4,363.33	\$ 3,254.19	\$ 1,109.14	\$ 351,671.30
03-01-2029	\$ 4,363.33	\$ 3,264.36	\$ 1,098.97	\$ 348,406.94
04-01-2029	\$ 4,363.33	\$ 3,274.56	\$ 1,088.77	\$ 345,132.38
05-01-2029	\$ 4,363.33	\$ 3,284.79	\$ 1,078.54	\$ 341,847.59
06-01-2029	\$ 4,363.33	\$ 3,295.06	\$ 1,068.27	\$ 338,552.53
07-01-2029	\$ 4,363.33	\$ 3,305.35	\$ 1,057.98	\$ 335,247.18
08-01-2029	\$ 4,363.33	\$ 3,315.68	\$ 1,047.65	\$ 331,931.50
09-01-2029	\$ 4,363.33	\$ 3,326.04	\$ 1,037.29	\$ 328,605.46
10-01-2029	\$ 4,363.33	\$ 3,336.44	\$ 1,026.89	\$ 325,269.02
11-01-2029	\$ 4,363.33	\$ 3,346.86	\$ 1,016.47	\$ 321,922.16
12-01-2029	\$ 4,363.33	\$ 3,357.32	\$ 1,006.01	\$ 318,564.84
01-01-2030	\$ 4,363.33	\$ 3,367.81	\$ 995.52	\$ 315,197.03
02-01-2030	\$ 4,363.33	\$ 3,378.34	\$ 984.99	\$ 311,818.69
03-01-2030	\$ 4,363.33	\$ 3,388.90	\$ 974.43	\$ 308,429.79
04-01-2030	\$ 4,363.33	\$ 3,399.49	\$ 963.84	\$ 305,030.30
05-01-2030	\$ 4,363.33	\$ 3,410.11	\$ 953.22	\$ 301,620.19
06-01-2030	\$ 4,363.33	\$ 3,420.77	\$ 942.56	\$ 298,199.42
07-01-2030	\$ 4,363.33	\$ 3,431.46	\$ 931.87	\$ 294,767.96
08-01-2030	\$ 4,363.33	\$ 3,442.18	\$ 921.15	\$ 291,325.78
09-01-2030	\$ 4,363.33	\$ 3,452.94	\$ 910.39	\$ 287,872.84
10-01-2030	\$ 4,363.33	\$ 3,463.73	\$ 899.60	\$ 284,409.11
11-01-2030	\$ 4,363.33	\$ 3,474.55	\$ 888.78	\$ 280,934.56
12-01-2030	\$ 4,363.33	\$ 3,485.41	\$ 877.92	\$ 277,449.15
01-01-2031	\$ 4,363.33	\$ 3,496.30	\$ 867.03	\$ 273,952.85
02-01-2031	\$ 4,363.33	\$ 3,507.23	\$ 856.10	\$ 270,445.62
03-01-2031	\$ 4,363.33	\$ 3,518.19	\$ 845.14	\$ 266,927.43
04-01-2031	\$ 4,363.33	\$ 3,529.18	\$ 834.15	\$ 263,398.25
05-01-2031	\$ 4,363.33	\$ 3,540.21	\$ 823.12	\$ 259,858.04
06-01-2031	\$ 4,363.33	\$ 3,551.27	\$ 812.06	\$ 256,306.77
07-01-2031	\$ 4,363.33	\$ 3,562.37	\$ 800.96	\$ 252,744.40
08-01-2031	\$ 4,363.33	\$ 3,573.50	\$ 789.83	\$ 249,170.90
09-01-2031	\$ 4,363.33	\$ 3,584.67	\$ 778.66	\$ 245,586.23
10-01-2031	\$ 4,363.33	\$ 3,595.87	\$ 767.46	\$ 241,990.36
11-01-2031	\$ 4,363.33	\$ 3,607.11	\$ 756.22	\$ 238,383.25
12-01-2031	\$ 4,363.33	\$ 3,618.38	\$ 744.95	\$ 234,764.87
01-01-2032	\$ 4,363.33	\$ 3,629.69	\$ 733.64	\$ 231,135.18
02-01-2032	\$ 4,363.33	\$ 3,641.03	\$ 722.30	\$ 227,494.15
03-01-2032	\$ 4,363.33	\$ 3,652.41	\$ 710.92	\$ 223,841.74
04-01-2032	\$ 4,363.33	\$ 3,663.82	\$ 699.51	\$ 220,177.92
05-01-2032	\$ 4,363.33	\$ 3,675.27	\$ 688.06	\$ 216,502.65
06-01-2032	\$ 4,363.33	\$ 3,686.76	\$ 676.57	\$ 212,815.89
07-01-2032	\$ 4,363.33	\$ 3,698.28	\$ 665.05	\$ 209,117.61
08-01-2032	\$ 4,363.33	\$ 3,709.84	\$ 653.49	\$ 205,407.77
09-01-2032	\$ 4,363.33	\$ 3,721.43	\$ 641.90	\$ 201,686.34
10-01-2032	\$ 4,363.33	\$ 3,733.06	\$ 630.27	\$ 197,953.28
11-01-2032	\$ 4,363.33	\$ 3,744.73	\$ 618.60	\$ 194,208.55
12-01-2032	\$ 4,363.33	\$ 3,756.43	\$ 606.90	\$ 190,452.12
01-01-2033	\$ 4,363.33	\$ 3,768.17	\$ 595.16	\$ 186,683.95

Payment Date	Total Payment	Principal Amount	Interest Amount	Principal Balance
02-01-2033	\$ 4,363.33	\$ 3,779.94	\$ 583.39	\$ 182,904.01
03-01-2033	\$ 4,363.33	\$ 3,791.75	\$ 571.58	\$ 179,112.26
04-01-2033	\$ 4,363.33	\$ 3,803.60	\$ 559.73	\$ 175,308.66
05-01-2033	\$ 4,363.33	\$ 3,815.49	\$ 547.84	\$ 171,493.17
06-01-2033	\$ 4,363.33	\$ 3,827.41	\$ 535.92	\$ 167,665.76
07-01-2033	\$ 4,363.33	\$ 3,839.37	\$ 523.96	\$ 163,826.39
08-01-2033	\$ 4,363.33	\$ 3,851.37	\$ 511.96	\$ 159,975.02
09-01-2033	\$ 4,363.33	\$ 3,863.41	\$ 499.92	\$ 156,111.61
10-01-2033	\$ 4,363.33	\$ 3,875.48	\$ 487.85	\$ 152,236.13
11-01-2033	\$ 4,363.33	\$ 3,887.59	\$ 475.74	\$ 148,348.54
12-01-2033	\$ 4,363.33	\$ 3,899.74	\$ 463.59	\$ 144,448.80
01-01-2034	\$ 4,363.33	\$ 3,911.93	\$ 451.40	\$ 140,536.87
02-01-2034	\$ 4,363.33	\$ 3,924.15	\$ 439.18	\$ 136,612.72
03-01-2034	\$ 4,363.33	\$ 3,936.42	\$ 426.91	\$ 132,676.30
04-01-2034	\$ 4,363.33	\$ 3,948.72	\$ 414.61	\$ 128,727.58
05-01-2034	\$ 4,363.33	\$ 3,961.06	\$ 402.27	\$ 124,766.52
06-01-2034	\$ 4,363.33	\$ 3,973.43	\$ 389.90	\$ 120,793.09
07-01-2034	\$ 4,363.33	\$ 3,985.85	\$ 377.48	\$ 116,807.24
08-01-2034	\$ 4,363.33	\$ 3,998.31	\$ 365.02	\$ 112,808.93
09-01-2034	\$ 4,363.33	\$ 4,010.80	\$ 352.53	\$ 108,798.13
10-01-2034	\$ 4,363.33	\$ 4,023.34	\$ 339.99	\$ 104,774.79
11-01-2034	\$ 4,363.33	\$ 4,035.91	\$ 327.42	\$ 100,738.88
12-01-2034	\$ 4,363.33	\$ 4,048.52	\$ 314.81	\$ 96,690.36
01-01-2035	\$ 4,363.33	\$ 4,061.17	\$ 302.16	\$ 92,629.19
02-01-2035	\$ 4,363.33	\$ 4,073.86	\$ 289.47	\$ 88,555.33
03-01-2035	\$ 4,363.33	\$ 4,086.59	\$ 276.74	\$ 84,468.74
04-01-2035	\$ 4,363.33	\$ 4,099.37	\$ 263.96	\$ 80,369.37
05-01-2035	\$ 4,363.33	\$ 4,112.18	\$ 251.15	\$ 76,257.19
06-01-2035	\$ 4,363.33	\$ 4,125.03	\$ 238.30	\$ 72,132.16
07-01-2035	\$ 4,363.33	\$ 4,137.92	\$ 225.41	\$ 67,994.24
08-01-2035	\$ 4,363.33	\$ 4,150.85	\$ 212.48	\$ 63,843.39
09-01-2035	\$ 4,363.33	\$ 4,163.82	\$ 199.51	\$ 59,679.57
10-01-2035	\$ 4,363.33	\$ 4,176.83	\$ 186.50	\$ 55,502.74
11-01-2035	\$ 4,363.33	\$ 4,189.88	\$ 173.45	\$ 51,312.86
12-01-2035	\$ 4,363.33	\$ 4,202.98	\$ 160.35	\$ 47,109.88
01-01-2036	\$ 4,363.33	\$ 4,216.11	\$ 147.22	\$ 42,893.77
02-01-2036	\$ 4,363.33	\$ 4,229.29	\$ 134.04	\$ 38,664.48
03-01-2036	\$ 4,363.33	\$ 4,242.50	\$ 120.83	\$ 34,421.98
04-01-2036	\$ 4,363.33	\$ 4,255.76	\$ 107.57	\$ 30,166.22
05-01-2036	\$ 4,363.33	\$ 4,269.06	\$ 94.27	\$ 25,897.16
06-01-2036	\$ 4,363.33	\$ 4,282.40	\$ 80.93	\$ 21,614.76
07-01-2036	\$ 4,363.33	\$ 4,295.78	\$ 67.55	\$ 17,318.98
08-01-2036	\$ 4,363.33	\$ 4,309.21	\$ 54.12	\$ 13,009.77
09-01-2036	\$ 4,363.33	\$ 4,322.67	\$ 40.66	\$ 8,687.10
10-01-2036	\$ 4,363.33	\$ 4,336.18	\$ 27.15	\$ 4,350.92
11-01-2036	\$ 4,364.52	\$ 4,350.92	\$ 13.60	\$ 00.00
	\$ 785,400.59	\$ 600,000.00	\$ 185,400.59	

## SPECIAL COUNCIL MINUTES

**Meeting #:** SC-14/2021  
**Date:** Tuesday, September 7, 2021, 5:00 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  
John Wink

**Regrets** Marvin Junkin

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

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

Noting that a quorum was present, the Deputy Mayor called the meeting to order at approximately 5:00pm.

**2. Approval of the Agenda**

**Moved By** Wayne Olson

**Seconded By** Ron Kore

**BE IT RESOLVED THAT the agenda for the September 7, 2021 Special Meeting of Council be adopted as circulated.**

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

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 Marianne Stewart

Seconded By Bob Hildebrandt

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

(b) - personal matters about an identifiable individual, including municipal employees and (f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose (1 item)

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

5. Rise From In Camera

Moved By Lisa Haun

Seconded By Wayne Olson

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

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

**Moved By** Bob Hildebrandt  
**Seconded By** Marianne Stewart  
**BE IT RESOLVED THAT the Chief Administrative Officer and Town Clerk be and is hereby authorized to undertake the directions provided during the In Camera meeting of September 7, 2021.**

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

**6. Confirming By-law**

**Moved By** Ron Kore  
**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. 4383(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 7th day of September, 2021.**

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

**7. Adjournment**

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

**BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next regular meeting scheduled for September 7, 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	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

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Mayor Marvin Junkin

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Town Clerk, Holly Willford

## REGULAR COUNCIL MINUTES

**Meeting #:** C-14/2021 Regular Council  
**Date:** Tuesday, September 7, 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  
Jason Marr  
Teresa Quinlin  
Vickie vanRavenswaay  
Holly Willford  
Sarah Leach

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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 5:55pm.

### 2. Approval of Agenda

**Moved By** John Wink

**Seconded By** Wayne Olson

BE IT RESOLVED THAT the agenda for the September 7, 2021 Regular meeting of Council be adopted.

**Amendment:** **Moved By** Lisa Haun

**Seconded By** Ron Kore

**THAT the agenda be amended to add an item as item 14.1  
Notice of Motion from Councillor Haun.**

	<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>		

**Main Motion as Amended: Moved By** Lisa Haun  
**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT the agenda for the September 7th, 2021 Regular meeting of Council be adopted, as amended.**

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

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

#### **3.1 Marvin Junkin - Integrity Commissioner Review Report - IC-12626-0221**

The Mayor declared a conflict with respect to item 8.5.1 on the consent agenda, subsequently lifted to item 9.1.

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

#### **4.1 Presentations**

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

On behalf of the Fire Chief and Community Emergency Management Co-Coordinator, Mr. David Cribbs, CAO presented updated information as it relates to the ongoing worldwide pandemic, COVID-19.

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

**BE IT RESOLVED THAT Council receive the COVID-19 update presentation from D. Cribbs, CAO on behalf of B. Lymburner, Fire Chief and Community Emergency Management Co-Coordinator, 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>		

**4.1.2 COVID-19 Pandemic Update - CAO**

Mr. David Cribbs, CAO, stated Town Hall was official open as of September 7th to the public. Mr. Cribbs was asked if the Town will be considering a mandatory vaccination policy and he confirmed the Town will be considering this.

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

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

**4.2 Delegations**

#### 4.3 Report of Regional Councillor

Regional Councillor Huson provided Council an update presentation with respect to the Niagara Region's staff vaccination policy, Regional Chair's Youth Advisory Panel and the regional incentive review. A copy of the presentation is on file with the Clerk.

**Moved By** Wayne Olson

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT the September 7, 2021 report submitted by Regional Councillor Huson, be received for information.**

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

#### 5. Adoption of Minutes

**Moved By** Bob Hildebrandt

**Seconded By** John Wink

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

**1. SC-13/2021 - Special Council - August 23, 2021; and**

**2. RC-13/2021 - Regular Council - August 23, 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 Kore requested item 8.5.1 be lifted for discussion.

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

**Moved By** Wayne Olson

**Seconded By** Ron Kore

**BE IT RESOLVED THAT the Consent Agenda items as listed on the September 7, 2021 Council Agenda be received and the recommendations contained therein be approved, save and except item 8.5.1:**

8.4. Action Correspondence of a Routine Nature

8.4.1. HIV/AIDS Awareness Week and Flag Raising - November 23rd - December 1, 2021

BE IT RESOLVED that the Corporation of the Town of Pelham hereby proclaim November 23rd, 2021 to December 1, 2021 as HIV/AIDS Awareness Week;

AND THAT approve the flag raising request for Positive Living Niagara for the week of November 23rd, 2021 to December 1, 2021.

8.5. Information Correspondence Items

~~8.5.1. Integrity Commissioner Review Report - IC 12626-0221~~

~~BE IT RESOLVED THAT Council receive for information the Integrity Commissioner correspondence, File IC-12626-0221. (lifted)~~

8.5.2. Christine Kreutzer Comments re: Kunda Park Development Traffic Study

BE IT RESOLVED THAT Council receive correspondence from Christine Kreutzer regarding the Kunda Park Development Traffic Study, for information.

8.5.3. Bill Heska Comments re: Kunda Park and Forest Park Subdivision Traffic Proposal

BE IT RESOLVED THAT Council receive correspondence from Bill Heska regarding the Kunda Park and Forest Park Subdivision Traffic Proposal, for information.

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

- 9.1 Integrity Commissioner Review Report - IC-12626-0221**

Marvin Junkin declared a conflict on this item. (The Mayor declared a conflict with respect to item 8.5.1 on the consent agenda,

subsequently lifted to item 9.1.)

**Moved By** Wayne Olson

**Seconded By** Ron Kore

BE IT RESOLVED THAT Council receive for information the Integrity Commissioner correspondence, File IC-12626-0221.

**Moved By** Ron Kore

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT Council defer consideration of this matter until the Town of Pelham receives the final costs associated with this matter and receives further information from the Integrity Commissioner with respect to this matter.**

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

**10. Presentation & Consideration of Reports**

**10.1 Reports from Members of Council:**

**10.1.1 Councillor Stewart**

Councillor Stewart wished Ms. Nancy Ward a happy belated birthday and congratulated her on her “50 for 50” self-challenge and library fundraiser. Councillor Stewart indicated Ms. Ward raised approximately \$11,500.00 for new shelving for the library. Councillor Stewart encouraged those interested in donating to this cause donate through Canada Helps or at either local library branch.

**Moved By** Lisa Haun

**Seconded By** Bob Hildebrandt

**BE IT RESOLVED THAT Council receive Councillor Stewart's verbal presentation with respect to Nancy Ward's Fundraising Achievement for the Library, for information.**

	For	Against
Marvin Junkin	X	
Lisa Haun	X	

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

**10.2 Staff Reports Requiring Action**

**10.2.1 Detailed Design Assignment for Pelham Street Phase 3 and 4 and for Effingham Road between Hwy 20 and Tice Rd, 2021-0151-Public Works**

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

**BE IT RESOLVED THAT Council receive Report #2021-0151 – Detailed Design Assignment for Pelham Street Reconstruction Phase 3 & 4 and for Effingham Road between Hwy 20 and Tice Road;**

**AND THAT Council APPROVE the award of the Pelham Street Reconstruction detailed design engineering assignment to Associated Engineering Inc. (AE) in the amount of \$160,840 plus applicable taxes;**

**AND THAT Council APPROVE the award of the Effingham Road Reconstruction Detailed Design engineering assignment to Kerry T Howe Ltd. (KTH) in the amount of \$53,570 plus applicable taxes;**

**AND THAT Council APPROVE funding the budget shortfall form Public Works Project RD 16-21 and RD 18-21 from the Road Capital Reserve Account in the amount of \$29,410 plus applicable taxes.**

	<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      Modernization Grants Transfer Payment Agreements  
Approval, 2021-0152-Corporate Services**

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

**BE IT RESOLVED THAT Council receive Report #2021-0152-  
Corporate Services – Modernization Grants Transfer Payments  
for Approval;**

**AND THAT Council approve the four Modernization grants  
transfer payment agreements, along with their respective by-  
laws, for the Mayor and Clerk’s signature.**

	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)

**10.2.3      Delegation of Powers and Duties - Administrative  
Authority By-law Update, 2021-0153-Clerks**

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

BE IT RESOLVED THAT Council receive Report #2021-0153 – Clerks –  
Delegation of Powers and Duties – Administrative Authority By-Law  
Update;

AND THAT Council consider the draft amendments to the  
Administrative Authority By-Law to delegate additional authority to  
various municipal staff positions;

AND THAT the Clerk be directed to present the By-law for Council  
approval at the next regular meeting.

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

**BE IT RESOLVED THAT Council amend the proposed Appendix A – Recommended Additional Delegation of Powers and Duties as follows:**

**Schedule A – CAO**

- **To strike \$50,000.00 and replace with \$10,000.00 for each dollar amount listed in Appendix A**

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

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

**BE IT RESOLVED THAT Council amend the proposed Appendix A – Recommended Additional Delegation of Powers and Duties as follows:**

**Schedule D – Director, Community Planning and Development**

- **To strike in full both additions listed in Appendix A**

	<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>6</b>	<b>1</b>
<b>Carried (6 to 1)</b>		

**Main Motion as Amended: Moved By** Lisa Haun  
**Seconded By** John Wink



**BE IT RESOLVED THAT Council receive Report #2021-0153 – Clerks – Delegation of Powers and Duties – Administrative Authority By-Law Update;**

**AND THAT Council consider the draft amendments to the Administrative Authority By-Law to delegate additional authority to various municipal staff positions;**

**AND THAT the Clerk be directed to present the By-law for Council approval at the next regular meeting, as amended.**

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

**10.2.4 National Day for Truth and Reconciliation, 2021-0150- Chief Administrator Officer**

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

WHEREAS the Truth and Reconciliation Commission released its final report on June 2, 2015, which included 94 Calls to Action to redress the legacy of residential schools and advance the process of Canadian reconciliation;

AND WHEREAS the recent discoveries of remains and unmarked graves across Canada have led to increased calls for all levels of government to address the recommendations in the TRC’s Calls to Action;

AND WHEREAS all Canadians and all orders of government have a role to play in reconciliation;

AND WHEREAS Recommendation #80 of the Truth and Reconciliation Commission called upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process;

AND WHEREAS the Federal Government has announced September 30th, 2021, as the first National Day for Truth and Reconciliation (National Orange Shirt Day) and a federal statutory holiday;

BE IT RESOLVED THAT Pelham Town Council receive Report #2021-0150 – National Day for Truth and Reconciliation for information;

AND BE IT FURTHER RESOLVED THAT Pelham Town Council does hereby commit to recognizing September 30th as the National Day for Truth and Reconciliation (National Orange Shirt Day) in the Town of Pelham wherein focus shall be placed on sharing the stories of residential school survivors, their families, and communities;

AND BE IT FURTHER RESOLVED THAT the Town of Pelham raise the orange “Every Child Matters” flag, with appropriate ceremony when/where possible, at town facilities to recognize the National Day for Truth and Reconciliation every year on September 30<sup>th</sup>;

AND BE IT FURTHER RESOLVED THAT Council approve the one-time expenditure of up to \$12,000 for education and training of Town staff, volunteers, elected officials and committee members on the history, legacy and significance of the residential school system upon Canada’s First Nations population, with funds to be taken from the Human Resources Opportunities and Contingencies Reserve.

AND BE IT FURTHER RESOLVED THAT the Town of Pelham begin commencing Council, Council of the Whole and Committee of Adjustment meetings with a land acknowledgment, effective September 20, 2021;

AND FURTHER THAT Town Hall be (open/closed) \_\_\_\_\_ on September 30, 2021 and every year thereafter.

**Amendment: Moved By** Lisa Haun  
**Seconded By** Wayne Olson

**THAT the motion be amended to include the word 'open' in the final paragraph of the motion.**

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

**Main Motion as Amended: Moved By** Lisa Haun  
**Seconded By** Wayne Olson

**WHEREAS the Truth and Reconciliation Commission released its final report on June 2, 2015, which included 94 Calls to Action to redress the legacy of residential schools and advance the process of Canadian reconciliation;**

**AND WHEREAS the recent discoveries of remains and unmarked graves across Canada have led to increased calls for all levels of government to address the recommendations in the TRC's Calls to Action;**

**AND WHEREAS all Canadians and all orders of government have a role to play in reconciliation;**

**AND WHEREAS Recommendation #80 of the Truth and Reconciliation Commission called upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process;**

**AND WHEREAS the Federal Government has announced September 30th, 2021, as the first National Day for Truth and Reconciliation (National Orange Shirt Day) and a federal statutory holiday;**

**BE IT RESOLVED THAT Pelham Town Council receive Report #2021-0150 – National Day for Truth and Reconciliation for information;**

**AND BE IT FURTHER RESOLVED THAT Pelham Town Council does hereby commit to recognizing September 30th as the National Day for Truth and Reconciliation (National Orange Shirt Day) in the Town of Pelham wherein focus shall be placed on sharing the stories of residential school survivors, their families, and communities;**

**AND BE IT FURTHER RESOLVED THAT the Town of Pelham raise the orange "Every Child Matters" flag, with appropriate ceremony when/where possible, at town facilities to recognize the National Day for Truth and Reconciliation every year on September 30<sup>th</sup>;**

**AND BE IT FURTHER RESOLVED THAT Council approve the one-time expenditure of up to \$12,000 for education and training of Town staff, volunteers, elected officials and committee members on the history, legacy and significance of the residential school system upon Canada's First Nations population, with funds to be taken from the Human Resources Opportunities and Contingencies Reserve.**

**AND BE IT FURTHER RESOLVED THAT the Town of Pelham begin commencing Council, Council of the Whole and Committee of Adjustment meetings with a land acknowledgment, effective September 20, 2021;**

**AND FURTHER THAT Town Hall be open on September 30, 2021 and every year thereafter.**

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

**11. Unfinished Business**

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

**11.2 Consent Agenda - August 23, 2021**

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

**BE IT RESOLVED THAT the Consent Agenda items, deferred from August 23, 2021, as listed on the September 7, 2021 Council Agenda be received and the recommendations contained therein be approved:**

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

11.2.1.1. June 2021 Financial Reports, 2021-0143-Corporate Services

BE IT RESOLVED THAT Council receive Report #2021-0143-Corporate Services, June 2021 Financial Reports, for information.

11.2.1.2. 2021 LDD Moth Program Summary Report, 2021-0135-Public Works

BE IT RESOLVED THAT Council receive Report #2021-0115 – 2021 LDD Moth Program Summary Report, for information.

11.2.1.3. Information Regarding Niagara Region's Proposed Elevated Water Tank in the Town of Pelham, 2021-0145-Public Works

BE IT RESOLVED THAT Council receive Report #2021-0145 – Information Update on Niagara Region’s Proposed Elevated Water Tank in the Town of Pelham, for information.

11.2.1.4. Update on Foss Road and Church Street Sanitary Sewer Replacement Projects, 2021-0144-Public Works

BE IT RESOLVED THAT Council receive Report #2021-0144 - Budget Estimate Update for Foss Road and Church Street Sanitary Sewer Upgrades, for information.

11.2.1.5. Data Sharing Agreement with Region of Niagara, 2021-0141-Planning

BE IT RESOLVED THAT Council receive Report #2021-0141 – Data Sharing Agreement with the Region of Niagara;

AND THAT Council authorize the Town Clerk to sign the Amendment to the Data License and Reciprocity Agreement with the Region of Niagara.

11.2.1.6. Execution of Subdivision Agreement for Saffron Meadows 3 (Phase 2) - File no. 26T19-02-18, 2021-0136-Planning

BE IT RESOLVED THAT Council receive Report #2021-136 – Execution of Subdivision Agreement – Phase 2 of Saffron Meadows 3 (26T19-02-18);

AND THAT Council direct staff to prepare the By-laws to authorize execution of the Subdivision Agreement for final approval of Phase 2 of the Saffron Meadows 3 Subdivision.

11.2.1.7. Recommendation Report for Revision to Draft Plan of Subdivision and Zoning By-law Amendment - 155 Port Robinson Road, 2021-0138-Planning

BE IT RESOLVED THAT Council receives Report #2021-138 for information as it pertains to File Nos. 26T19-01-19 & AM-02-21 relating to 155 Port Robinson Road;

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

AND THAT Council approves the revision to the Draft Plan of Subdivision, attached as Appendix A, subject to the revised approved conditions of draft plan approval, attached as Appendix B.

11.2.1.8. Information Report - Comprehensive Zoning By-law Update, 2021-0137-Planning

BE IT RESOLVED THAT Council receive Report #2021-0137 – Comprehensive Zoning By-law: What We Heard, for information.

11.2.2. Information Correspondence Items

11.2.2.1. Correspondence re: Draft Plan of Subdivision and Zoning By-law Amendment Forest Park and Kunda Park

BE IT RESOLVED THAT Council receive correspondence from Turkstra Mazza and RVA Associates Ltd regarding the Draft Plan of Subdivision and Zoning By-law Amendment for Forest Park and Kunda Park, for information.

11.2.2.2. Tim Henley's Comments re Single Dwelling Unit By-Law

BE IT RESOLVED THAT Council receive correspondence from Tim Henley regarding the proposed Single Dwelling Unit By-Law, for information.

11.2.2.3. Minister of Heritage, Sport, Tourism and Culture Letter re 2021 Reconnect Festival and Event Program

BE IT RESOLVED THAT Council receive the letter from the Minister of Heritage, Sport, Tourism and Culture Letter with respect to 2021 Reconnect Festival and Event Program funding, for information.

11.2.2.4. Niagara Region - PDS 29-2021 Northwest Welland Secondary Plan (OPA 29)

BE IT RESOLVED THAT Council receive correspondence from the Niagara Region regarding the Northwest Welland Secondary Plan Amendment 29, for information.

11.2.2.5. Niagara Region - 16 Days of Activism Against Gender-Based Violence

BE IT RESOLVED THAT Council receive correspondence from Niagara Region regarding 16 Days of Activism Against Gender-Based Violence, for information.

11.2.2.6. Niagara Region Notice of Public Information Center No. 2 - Pelham Elevated Tank Municipal Class Environmental Assessment and Enhanced Conceptual Design

BE IT RESOLVED THAT Council receive the Niagara Region Notice of Public Information Center No. 2, Pelham Elevated Tank Municipal Class Environmental Assessment and Enhanced Conceptual Design, for information.

11.2.2.7. 2020 NPCA Water Quality Summary Report

BE IT RESOLVED THAT Council receive correspondence from Niagara Peninsula Conservation Authority regarding 2020 NPCA Water Quality Summary Report, for information.

11.2.2.8. NPCA Meeting Highlights

BE IT RESOLVED THAT Council receive the Niagara Peninsula Conservation Authority Meeting Highlights dated June 18, 2021 and July 16, 2021, for information.

11.2.2.9. NPCA Advancing the Use of Native Pollinator Plant Species to Promote Pollinator Habitats

BE IT RESOLVED THAT Council receive correspondence from Niagara Peninsula Conservation Authority regarding Advancing the Use of Native Pollinator Plant Species to Promote Pollinator Habitats, for information.

11.2.2.10. NPCA Compliance & Enforcement 2021 Q2 Statistics Report

BE IT RESOLVED THAT Council receive correspondence from Niagara Peninsula Conservation Authority regarding Compliance & Enforcement 2021 Q2 Statistics Report, 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)

11.3 Items for Separate Consideration, if Any

11.4 Reports from Members of Council:

11.4.1 Councillor Haun

Councillor Haun stated she was pleased to share NCDRA’s local chapter of COPA 149 announced a new flight training bursary of \$1,500.00 each year. Councillor Haun indicated an application for this bursary may be found at the airports website. Councillor Haun further advised if any residents wish to donate towards the bursary program they may do so through COPA 149 or the Town of Pelham.

Moved By John Wink  
Seconded By Ron Kore

BE IT RESOLVED Council receive the verbal presentation from Councillor Haun with respect to COPA 149 new Flight Training Bursary at the (NCDRA), for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	

Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
		<b>Carried (7 to 0)</b>

## 11.5 Staff Reports Requiring Action

### 11.5.1 Integrity Commissioner, 2021-0133-Clerks

Councillor Olson requested the motion be divided.

**Moved By** Marianne Stewart

**Seconded By** Lisa Haun

BE IT RESOLVED THAT Council receive Report #2021-0133 – Clerks - Integrity Commissioner Update;

AND THAT Council direct staff to update The Town’s Fees and Charges By-Law to include an Integrity Commissioner Complaint Filing fee of:

\$100.00 for infrequent complainants (two or fewer complaints filed per term of Council) and \$300.00 for frequent complainants (more than two complaints filed per term of Council);

AND THAT Council authorize an exemption to said filing fees if the complaint relates to alleged physical or sexual harassment, any complaint relating to alleged criminal behavior or any complaint filed by a Town of Pelham staff person;

AND THAT Council authorize the full reimbursement of said filing fee if contravention of the Code of Conduct is found by the Integrity Commissioner;

AND THAT Council authorize and grants the CAO, Town Solicitor and Town Clerk the authority, individually in their sole discretion, to waive any of the said filing fees which they deem to be appropriate;

AND THAT Council direct staff to present to Council a revised Policy S201-15 – Code of Conduct – Appendix 1 Complaint and Investigation Protocol to include provisions for:

1. Integrity Commissioner Complaint Filing Fees and exemptions;
2. That requests from members of Council for advice from the Integrity Commissioner be drafted by the Town Solicitor, CAO or Town Clerk according to the preference of the member;
3. Annual Activities Reports to include summary of advice given;



4. Council to receive Final Reports for matters the Integrity Commissioner deems to be frivolous, vexatious or not made in good faith or that there are no grounds or insufficient grounds for an investigation; and
5. Council, the Member and Complainant to receive the same Final Report from the Integrity Commissioner (requiring only one version of a final report);

AND THAT Council direct staff to proceed with The Town’s Request for Proposals / procurement process to award Integrity Commissioner Services for The Town commencing April 1, 2022.

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

**BE IT RESOLVED THAT Council receive Report #2021-0133 – Clerks - Integrity Commissioner Update**

	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>

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

AND THAT Council direct staff to update The Town’s Fees and Charges By-Law to include an Integrity Commissioner Complaint Filing fee of:

\$100.00 for infrequent complainants (two or fewer complaints filed per term of Council) and \$300.00 for frequent complainants (more than two complaints filed per term of Council).

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

**THAT the motion be amended to strike "\$100.00 for infrequent complainants (two or fewer complaints filed per term of Council)" and replace with "\$0.00 for first time complainants and \$100.00 for infrequent complainants (second complaint filed per term of Council)**

	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** Ron Kore

**AND THAT Council direct staff to update The Town’s Fees and Charges By-Law to include an Integrity Commissioner Complaint Filing fee of:**

**\$0.00 for first time complainants and \$100.00 for infrequent complainants (second complaint filed per term of Council) and \$300.00 for frequent complainants (more than two complaints filed per term of Council).**

	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>		

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

**AND THAT Council authorize an exemption to said filing fees if the complaint relates to alleged physical or sexual harassment, any complaint relating to alleged criminal behavior or any complaint filed by a Town of Pelham staff person.**

	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>

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

**AND THAT Council authorize the full reimbursement of said filing fee if contravention of the Code of Conduct is found by the Integrity Commissioner.**

	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>

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

**AND THAT Council authorize and grants the CAO, Town Solicitor and Town Clerk the authority, individually in their sole discretion, to waive any of the said filing fees which they deem to be appropriate.**

	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>		

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

**AND THAT Council direct staff to present to Council a revised Policy S201-15 – Code of Conduct – Appendix 1 Complaint and Investigation Protocol to include provisions for:**

**1. Integrity Commissioner Complaint Filing Fees and exemptions;**

	<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>		

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

**AND THAT Council direct staff to present to Council a revised Policy S201-15 – Code of Conduct – Appendix 1 Complaint and Investigation Protocol to include provisions for:**

**2. That requests from members of Council for advice from the Integrity Commissioner be drafted by the Town Solicitor, CAO or Town Clerk according to the preference of the member;**

	<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>		

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

**AND THAT Council direct staff to present to Council a revised Policy S201-15 – Code of Conduct – Appendix 1 Complaint and Investigation Protocol to include provisions for:**

**3. Annual Activities Reports to include summary of advice given;**

	<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>		

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

**AND THAT Council direct staff to present to Council a revised Policy S201-15 – Code of Conduct – Appendix 1 Complaint and Investigation Protocol to include provisions for:**

**4. Council to receive Final Reports for matters the Integrity Commissioner deems to be frivolous, vexatious or not made in good faith or that there are no grounds or insufficient grounds for an investigation;**

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

Ron Kore	X	
Wayne Olson		X
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>5</b>	<b>2</b>
		<b>Carried (5 to 2)</b>

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

**AND THAT Council direct staff to present to Council a revised Policy S201-15 – Code of Conduct – Appendix 1 Complaint and Investigation Protocol to include provisions for:**

**5. Council, the Member and Complainant to receive the same Final Report from the Integrity Commissioner (requiring only one version of a final report).**

	<b>For</b>	<b>Against</b>
Marvin Junkin		X
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson		X
Marianne Stewart	X	
John Wink		X
<b>Results</b>	<b>4</b>	<b>3</b>
		<b>Carried (4 to 3)</b>

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

**AND THAT Council direct staff to proceed with The Town’s Request for Proposals / procurement process to award Integrity Commissioner Services for The Town commencing April 1, 2022.**

	<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>		

**11.5.2 Chief Administrative Officer Annual Performance Review , 2021-0134-Chief Administrator Officer**

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

BE IT RESOLVED THAT Council receive Report #2021-0134 – Chief Administrative Officer Performance Review Policy;

AND THAT Council approve the Chief Administrative Officer Performance Review Policy No. S600-14 and the associated CAO Performance Evaluation Review Form.

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

**THAT report 2021-0134 – Chief Administrative Office Annual Performance Review be referred back to staff;**

**AND THAT staff provide Council with multiple CAO Performance and Evaluation policies and templates for Councils consideration.**

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

**11.5.3 New Corporate Services Department Fees, 2021-0131-Corporate Services**

**Moved By** Wayne Olson  
**Seconded By** Lisa Haun

**BE IT RESOLVED THAT Council receive Report #2021-0131-  
New Corporate Services Department Fees;**

**AND THAT Council approve the following Corporate Services  
Department fees, effective October 1, 2021, be included in the  
Town of Pelham User Fees and Charges By-Law:**

**\$40.00 for new roll creation, and**

**\$40.00 for ownership change;**

**AND THAT Council direct staff to amend the Fees and Charges  
By-law to reflect these new fees.**

	<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>

**11.6 Motion - Unflood Ontario**

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

WHEREAS the Town of Pelham Council has identified combating climate change by use of best practices and community education as a strategic priority;

AND WHEREAS Unflood Ontario is an organization dedicated to using natural infrastructure to reduce flooding, lessen water pollution and prepare Ontario for climate change;

AND WHEREAS the Town of Pelham is affected by severe weather events, Great Lake spill over affects, and urban runoff;

AND WHEREAS the Town of Pelham Council wishes to explore the potential opportunity of joining Unflood Ontario as a member and using natural infrastructure to reduce flooding, lessening water pollution and preparing for climate change;

NOW THEREFORE BE IT RESOLVED that Council direct staff to investigate the potential opportunity of joining Unflood Ontario as a member, the benefits related to said membership and to report back to Council by September 20, 2021.



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

**THAT the motion be amended to strike "September 20, 2021" and insert "within the fourth quarter (target November 15, 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>5</b>	<b>2</b>
<b>Carried (5 to 2)</b>		

**Main Motion as Amended: Moved By** Wayne Olson  
**Seconded By** John Wink

**WHEREAS the Town of Pelham Council has identified combating climate change by use of best practices and community education as a strategic priority;**

**AND WHEREAS Unflood Ontario is an organization dedicated to using natural infrastructure to reduce flooding, lessen water pollution and prepare Ontario for climate change;**

**AND WHEREAS the Town of Pelham is affected by severe weather events, Great Lake spill over affects, and urban runoff;**

**AND WHEREAS the Town of Pelham Council wishes to explore the potential opportunity of joining Unflood Ontario as a member and using natural infrastructure to reduce flooding, lessening water pollution and preparing for climate change;**

**NOW THEREFORE BE IT RESOLVED that Council direct staff to investigate the potential opportunity of joining Unflood Ontario as a member, the benefits related to said membership and to report back to Council within the fourth quarter (target November 15, 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>5</b>	<b>2</b>
		<b>Carried (5 to 2)</b>

**Moved By** John Wink

**Seconded By** Ron Kore

**THAT the Rules of Procedure as contained in the Town of Pelham Procedural By-law, be suspended;**

**AND THAT the specified meeting curfew time of 9:00 p.m. be and is hereby waived;**

**AND THAT the remainder of the business listed on the agenda for this meeting continue to be considered until all matter have been concluded.**

	<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>

**11.7 Presentation and Consideration of By-Laws**

Councillor Hildebrandt requested the motion be divided to consider By-Law 4371(2021) separately.

**Moved By** Ron Kore

**Seconded By** Marianne Stewart

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. 4368(2021) - Being a By-law to amend Zoning By-law 1136(1987), as amended with respect to second dwelling units in the Town of Pelham. Town of Pelham. File No. AM-04-2020
2. 4369(2021) - Being a by-law to adopt an Amendment to the Official Plan for the Town of Pelham Planning Area. Amendment No. 12 Implementation of Second Dwelling Units
3. 4371(2021) - Being a by-law to amend By-law #4068(2019) confirming various appointments to Boards, Commissions, and Committees of the Town of Pelham; And to remove and appoint members to the Pelham Beautification Committee (Schedule E); And to appoint members to the Pelham Seniors Advisory Committee (Schedule G); And to appoint members to the Pelham Public Art Committee (Schedule O).
4. 4372(2021) - Being a by-law to Authorize the Execution of Rural Economic Development Program Grant Funding Agreement between the Town of Pelham and Her Majesty the Queen in Right of Ontario, as represented by the Minister of Agriculture, Food and Rural Affairs to Funding Provided as follows: \$15,000 for wayfinding signage for the Rural Economic Development Program (RED)
5. 4373(2021) - Being a by-law to authorize the Mayor and Clerk to enter into a Transfer Payment Agreement with Her Majesty the Queen in Right of the Province of Ontario, as represented by the Minister of Infrastructure for the Province of Ontario, for the purposes of implementation of the Investing in Canada Infrastructure Program (ICIP): Community, Culture and Recreation Stream.
6. 4374(2021) - Being a by-law to authorize the execution of an Encroachment Agreement for the lands located at 1471 Pelham Street. McGill Turpel Family Holdings. File No. D16-01-21

**Moved By** Ron Kore

**Seconded By** Marianne Stewart

**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. 4368(2021) - Being a By-law to amend Zoning By-law 1136(1987), as amended with respect to second dwelling units in the Town of Pelham. Town of Pelham. File No. AM-04-2020**
- 2. 4369(2021) - Being a by-law to adopt an Amendment to the Official Plan for the Town of Pelham Planning Area. Amendment No. 12 Implementation of Second Dwelling Units**
- 4. 4372(2021) - Being a by-law to Authorize the Execution of Rural Economic Development Program Grant Funding Agreement between the Town of Pelham and Her Majesty the Queen in Right of Ontario, as represented by the Minister of**

**Agriculture, Food and Rural Affairs to Funding Provided as follows: \$15,000 for wayfinding signage for the Rural Economic Development Program (RED)**

**5. 4373(2021) - Being a by-law to authorize the Mayor and Clerk to enter into a Transfer Payment Agreement with Her Majesty the Queen in Right of the Province of Ontario, as represented by the Minister of Infrastructure for the Province of Ontario, for the purposes of implementation of the Investing in Canada Infrastructure Program (ICIP): Community, Culture and Recreation Stream.**

**6. 4374(2021) - Being a by-law to authorize the execution of an Encroachment Agreement for the lands located at 1471 Pelham Street. McGill Turpel Family Holdings. File No. D16-01-21**

	<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>

**Moved By** Ron Kore

**Seconded By** Marianne Stewart

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:

3. 4371(2021) - Being a by-law to amend By-law #4068(2019) confirming various appointments to Boards, Commissions, and Committees of the Town of Pelham; And to remove and appoint members to the Pelham Beautification Committee (Schedule E); And to appoint members to the Pelham Seniors Advisory Committee (Schedule G); And to appoint members to the Pelham Public Art Committee (Schedule O).

**Amendment:** **Moved By** Bob Hildebrandt

**Seconded By** Marianne Stewart

**THAT the motion be amended to strike the words “And to appoint members to the Pelham Public Art Committee (Schedule O)” as Council wishes to consider these appointments at the next Regular Council Meeting, being September 20, 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>
<b>Carried (7 to 0)</b>		

**Main Motion as Amended: Moved By** Ron Kore  
**Seconded By** Marianne Stewart

**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:**

**3. 4371(2021) - Being a by-law to amend By-law #4068(2019) confirming various appointments to Boards, Commissions, and Committees of the Town of Pelham; And to remove and appoint members to the Pelham Beautification Committee (Schedule E); And to appoint members to the Pelham Seniors Advisory Committee (Schedule G).**

	<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>

**12. New Business**

**13. Presentation and Consideration of By-Laws**

**Moved By** Lisa Haun

**Seconded By** John Wink

**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. 4378(2021) - Being a by-law to amend Zoning By-law 1136 (1987), as amended by By-law 4133 (2019), for lands located at the northwest corner of Port Robinson Road and Lametti Drive, legally described as Part of Thorold Township, Lot 166; Part 2 of Plan 59R-13156 and Part 2 of Plan 59R-15596, Town of Pelham, Regional Municipality of Niagara, to add a site specific regulation to the Residential Multiple 1 (RM1-295) zone. Quartek Group Inc. File No. AM-02-21**

**2. 4379(2021) - Being a by-law to Authorize the Execution of Grant Funding Agreements between the Town of Pelham and Her Majesty the Queen in Right of Ontario, as represented by the Minister of Municipal Affairs and Housing Relating to Funding Provided as follows: i. Up to \$40,000 for the Modernization Grant Phase 2 for the Town of Pelham Web-Based Services Review**

**3. 4380(2021) - Being a by-law to Authorize the Execution of Grant Funding Agreements between the Town of Pelham and Her Majesty the Queen in Right of Ontario, as represented by the Minister of Municipal Affairs and Housing Relating to Funding Provided as follows: i. Up to \$143,505 for the Modernization Grant Phase 2 for the Town of Pelham Corporate Services Function Review**

**4. 4381(2021) - Being a by-law to Authorize the Execution of Grant Funding Agreements between the Town of Pelham and Her Majesty the Queen in Right of Ontario, as represented by the Minister of Municipal Affairs and Housing Relating to Funding Provided as follows: i. Up to \$60,000 for the Modernization Grant Phase 2 for the Town of Pelham and Town of Lincoln Joint Public Library Merger Review**

**5. 4382(2021) - Being a by-law to Authorize the Execution of Grant Funding Agreements between the Town of Pelham and Her Majesty the Queen in Right of Ontario, as represented by the Minister of Municipal Affairs and Housing Relating to Funding Provided as follows: i. Up to \$60,000 for the**

**Modernization Grant Phase 2 for the Town of Pelham Digitizing Human Resources Performance Management System Review**

	<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>

**14. Motions and Notices of Motion**

**14.1 Notice of Motion - Councillor Haun**

Councillor Huan indicated she would bring a motion to support a City of Welland's motion with respect to the Niagara Central Dorothy Rungeling Airport.

**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** Bob Hildebrandt

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

**Being a By-law No. 4384(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 7th day of September, 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>
		<b>Carried (7 to 0)</b>

20.   **Adjournment**

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

**BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for September 20th, 2021 at 5:30 pm.**

	<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>

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Mayor: Marvin Junkin

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Town Clerk: Holly Willford



**COMMITTEE OF THE WHOLE**  
**MINUTES**

**Meeting #:** SCOW-01/2021 - Budget Open House  
**Date:** Monday, September 13, 2021  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present:** Marvin Junkin  
Lisa Haun  
Ron Kore  
Wayne Olson  
Marianne Stewart  
John Wink

**Members Absent** Bob Hildebrandt

**Staff Present:** David Cribbs  
Jason Marr  
Teresa Quinlin  
Vickie vanRavenswaay  
Holly Willford  
Sarah Leach

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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.

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

**2. Adoption of Agenda**

**Moved By** Wayne Olson

**THAT the agenda for September 13, 2021 special meeting of Committee be adopted, as circulated.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart (absent for vote)		

John Wink	X	
<b>Results</b>	<b>5</b>	<b>0</b>
<b>Carried (5 to 0)</b>		

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

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

**4. Department Reports**

**4.1 2022 Budget Presentation**

The Treasurer presented information on the Town of Pelham Budgets as it relates to matters that are standard costs that form the basis of the budget process.

**Moved By** Ron Kore

**THAT Committee receive the 2022 Budget presentation by the Treasurer, for information.**

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

**4.2 Presentations and Public Input - 2022 Budget**

**4.2.1 James Fraser re: Request for Funding to Build Pickleball Courts in Centennial Park**

Mr. James Frazer requested dedicated pickle ball courts within the Town of Pelham opposed to sharing with tennis courts.

**4.2.2 Pelham Active Transportation Committee**

Ms. Bea Clark, on behalf of the Pelham Active Transportation Committee provided a presentation to Council. A copy of this presentation is on record with the Town Clerk.

Ms. Clark indicated the Committee would like to request 3 summer students along with financial support, additional staff time and resources to complete an up-to-date maps

of trails and paths, investigate connectivity with other municipalities, complete the “Bikes Mean Business” signage program and to install signage on trial routes.

**4.2.3 Craig Millar - Gypsy Moth Spraying**

Mr. Craig Millar provided a presentation to Council. A copy of this presentation is on record with the Town Clerk.

Mr. Millar requested gypsy moth spraying and requested the Town include additional lands for the 2022 gypsy moth aerial spray program.

**4.2.4 Pelham Minor Baseball re: Ball Diamond and Park Upgrades including request for Batting Cage**

Mr. John Enzlin, representing Pelham Minor Baseball Association, provided a presentation to Council. A copy of this presentation is on record with the Town Clerk.

Mr. Enzlin requested various upgrades to the baseball fields, including extending the dugout screens, finish the bullpens, add clay dirt to fields, add netting / screening for fields, and requested a batting cage.

Ms. Willford, Town Clerk indicated there were no other pre-registered members of the public to speak and she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 7:17 pm and confirmed no e-mails has been received. Ms. Willford indicated the public comment portion of the meeting could be closed.

**Moved By** Lisa Haun

**THAT Committee receive the following 2022 Budget Presentations and refer to staff for inclusion in the budget considerations:**

- 1. James Frazer**
- 2. B. Clark, Chair Pelham Active Transportation Committee**
- 3. Craig Millar**
- 4. John Enzlin, Pelham Minor Baseball Association**

**AND THAT Committee receive any e-mail comments received during the public portion of the meeting at the [clerks@pelham.ca](mailto:clerks@pelham.ca) e-mail address. [none received]**

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

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

Carried (6 to 0)

4.3 Committee Input - 2022 Budget

There was no comments made by Committee.

5. Adjournment

Moved By Lisa Haun

THAT this Special Meeting of Committee of the Whole be adjourned.

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

Carried (6 to 0)

\_\_\_\_\_  
Mayor: Marvin Junkin

\_\_\_\_\_  
Town Clerk: Holly Willford

# Recommendations of the Special Meeting of Committee of the Whole, Budget Open House held September 13, 2021

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BE IT RESOLVED THAT COUNCIL HEREBY approves the following Recommendations Resulting from the Special Meeting of Committee of the Whole, Budget Open House held September 13, 2021:

1. **THAT the agenda for September 13, 2021 special meeting of Committee be adopted, as circulated.**
2. **THAT Committee receive the 2022 Budget presentation by the Treasurer, for information**
3. **THAT Committee receive the following 2022 Budget Presentations and refer to staff for inclusion in the budget considerations:**
  1. James Frazer
  2. B. Clark, Chair Pelham Active Transportation Committee
  3. Craig Millar
  4. John Enzlin, Pelham Minor Baseball Association

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

4. **THAT this Special Meeting of Committee of the Whole be adjourned.**

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 020 009 04201	591 Kilman Rd	Structure demolished - Broiler Barn	2021-05-25	2021-12-31	221	RT	508,800	467,800	(41,000)	0.00331497	(82.29)	(82.29)	(82.29)
2732 020 009 04201	591 Kilman Rd	Structure demolished -Shed	2021-06-08	2021-12-31	207	RT	467,800	466,800	(1,000)	0.00331497	(1.88)	(1.88)	(1.88)
2732 030 020 09100	132 Port Robinson Rd	Structure demolished	2021-04-13	2021-12-31	263	CT	231,000	90,000	(141,000)	0.01325985	(1,347.16)	(1,347.16)	(1,347.16)
Total Taxes Written Off Under Section 357/358												(1,431.34)	(1,431.34)

## **NOTICE OF THE ANNUAL GENERAL MEETING OF SHAREHOLDERS**

### **PENINSULA WEST POWER INC.**

**NOTICE IS HEREBY GIVEN** that the Annual General Meeting of Shareholders of **PENINSULA WEST POWER INC.** (the “Corporation”) will be held at the Town of Lincoln Council chambers at 4800 South Service Road in Beamsville on September 21, 2021 at 4:00 in the afternoon (local time). The purpose of the meeting is as follows:

1. To elect the following six nominees as directors of the Corporation:

TONY BRUNET  
CHERYL GANANN  
LISA HAUN  
BOB HILDEBRANDT  
PAUL MacPHERSON  
JASON TROMBETTA

2. To approve the Corporation’s audited financial statements for the fiscal period ended December 31, 2020.
3. To appoint the auditors of the Corporation.
4. To ratify, sanction, approve and confirm the actions of the Board of Directors.
5. To transact such other business as may properly come before the Meeting.

**DATED AT FONTHILL, ONTARIO, SEPTEMBER 1, 2021.**

**BY ORDER OF THE BOARD OF DIRECTORS.**

Brian Walker, President and Secretary-Treasurer

September 1, 2021

**CL 15-2021, August 26, 2021**

**LOCAL AREA MUNICIPALITIES**

**NIAGARA PENINSULA CONSERVATION AUTHORITY**

**NIAGARA REGIONAL POLICE SERVICE**

**SENT ELECTRONICALLY**

**Re: Memorandum CAO 17-2021 COVID-19 Vaccination Policy Update**

Regional Council, at its meeting held on August 26, 2021, passed the following motion:

1. That CAO 17-2021, being a memorandum from R. Tripp, Chief Administrative Officer, dated August 26, 2021, respecting COVID-19 Vaccination Policy Update, **BE RECEIVED**;
2. That staff **BE DIRECTED** to develop and implement a policy, and any required procedures, to require all Regional employees to be fully vaccinated against COVID-19, at the earliest opportunity, subject to and in compliance with any applicable legal directives and requirements, including but not limited to applicable human rights obligations, accommodation of employees legally entitled to accommodation, MFIPPA and PHIPA;
3. That Regional Council **APPROVE** that the applicable provisions of the above-mentioned vaccination policy include members of Regional Council who wish to attend in-person meetings (including Committee and Council), conduct business on Regional property or facilities, or attend official events in their capacity as a Regional Councillor; and
4. That a copy of this resolution **BE PROVIDED** to the Local Area Municipalities, and the Region's agencies boards and commissions, namely NRPS and NPCA.



A copy of Memorandum CAO 17-2021 is attached for your reference.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ann-Marie' followed by a stylized flourish.

Ann-Marie Norio  
Regional Clerk

CLK-C 2021-145

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**MEMORANDUM**

**CAO 17-2021**

**Subject:** COVID-19 Vaccination Policy Update

**Date:** August 26, 2021

**To:** Regional Council

**From:** Ron Tripp, P.Eng., Acting Chief Administrative Officer

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This memo is to provide an update on the Region's efforts concerning the Ontario Provincial Government (the "Province") making COVID-19 vaccination policies mandatory for high-risk settings.

**Background**

As members of Council are aware, on August 17, 2021, the Province announced its intention to require businesses operating in certain high-risk settings to implement COVID-19 vaccination policies. In addition, and citing concerns about the transmissibility of the Delta variant, the Province also announced, among other things, that it was pausing the it's exit from the Roadmap to Reopen.

The Province cites this direction is intended to protect vulnerable patients and staff in settings where the risk of contracting and transmitting COVID-19 and the Delta variant is higher, as a result the Chief Medical Officer of Health has issued a directive mandating hospitals and home and community care service providers to have a COVID-19 vaccination policy for employees, staff, contractors, students and volunteers, and for ambulance services to have a COVID-19 vaccination policy for paramedics.

The vaccination policy must be effective no later than September 7, 2021, and at a minimum will require these individuals to provide proof of one of three things:

- Full vaccination against COVID-19;
- A medical reason for not being vaccinated against COVID-19; or
- Completion of a COVID-19 vaccination educational session.

Individuals who do not provide proof of full vaccination against COVID-19 will be required to undertake regular antigen testing. Businesses will be required to track and report on the implementation of their policies to the Province. This is similar to the vaccination policy requirements currently in place for long-term care homes, which have already been in effect since July 1, 2021.

Vaccination policies will also be required to be implemented in other higher-risk settings such as:

- Public funded schools and private schools;
- Licensed child care settings;
- Post-secondary institutions;
- Licensed retirement homes;
- Women's shelters; and
- Congregate group homes and day programs for adults with developmental disabilities, children's treatment centres and other services for children with special needs, and licensed children's residential settings.

Lastly, the directive also requires businesses to collect, maintain, and disclose statistical (non-identifiable) information as requested by the Province.

### Region Next Steps

In order to achieve compliance to the Province's directive, a working group has been established with staff representation from each of our identified high risk settings; with the support of staff from Human Resources, Legal Services, and Public Health. The focus of this group is to establish, implement, and ensure compliance with a COVID-19 vaccination policy and procedures. I have been in discussions with the Local CAO group, kept them apprised of our direction, including have committed to keep the lines of communication on this issue open with them.

The vaccination policy and procedures will require staff, contractors, volunteers, and students to provide one of the following:

1. Proof of full vaccination against COVID-19 (i.e. proof of having received the full series of a vaccine or combination of vaccines approved by the World Health Organization, and having received the final dose of the vaccine at least 14 days ago);
2. Written proof of a medical reason, provided by a physician or registered nurse in the extended class that sets out: (i) a documented medical reason for not being fully vaccinated against COVID-19, and (ii) the effective time-period for the medical reason; or
3. Proof of completing an educational session about the benefits of COVID-19 vaccination prior to declining vaccination for any reason other than a medical reason. Such education session may be one prepared by the Region or another

one that must be approved by the Region and, at minimum, address the following topics:

- a. How COVID-19 vaccines work;
- b. Vaccine safety related to the development of the COVID-19 vaccines;
- c. The benefits of vaccination against COVID-19;
- d. Risks of not being vaccinated against COVID-19; and
- e. Possible side effects of COVID-19 vaccination.

Further, under the directive, Region's policy must also require that where staff, contractors, volunteers, or students do not provide proof of being fully vaccinated, they must submit to regular antigen point of care testing for COVID-19 and demonstrate a negative result at least once every seven days, or more frequently as may be determined by the Region. Outside of long term care, the Region will not be providing this test. As a result, the onus will fall on staff, contractors, volunteers, or students to provide the Region with verification of the negative test in a prescribed manner that enables the Region to confirm the result.

It should be noted that the directive provides for accommodation of unvaccinated individuals who provide a medical basis for their unvaccinated status, the more general duty to accommodate under the Human Rights Code (the "Code") can be triggered for reasons other than disability. For instance, creed is also a protected ground under the Code. Where, for example, an individual provides a religious basis for being unvaccinated, the duty to accommodate under the Code may be triggered. These considerations will be captured in our policy, and are still being reviewed at this time.

Finally, the policy will ensure that the required statistical data will be recorded and maintained.

We are still awaiting further details to be released from the Province, including more information and clarity from the various ministries. We are aware that the City of Toronto, the Province, and perhaps additional municipalities will soon also announce they are implementing vaccination policies that apply to all employees. At the moment our focus remains on following the Province's directive that businesses operating in identified high-risk settings will require policies to be implemented by September 7, 2021. That said, our focus on the development of a vaccination policy and procedures will also remain nimble in the event it is determined appropriate to pivot and act quickly to implement such a policy in other areas, including as far as including all Region staff, contractors, volunteers, or students. Council will continued to be provided any updates as appropriate.

Respectfully submitted and signed by

---

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

**Administration**

Office of the Regional Clerk

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

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

[www.niagararegion.ca](http://www.niagararegion.ca)

September 1, 2021

**CL 15-2021, August 26, 2021**

**PEDC 8-2021, August 11, 2021**

**PDS 32-2021, August 11, 2021**

**LOCAL AREA MUNICIPALITIES**

**SENT ELECTRONICALLY**

Update on Niagara Official Plan – Further Draft Policy Development

PDS 32-2021

Regional Council, at its meeting held on August 26, 2021, passed the following recommendation of its Planning & Economic Development Committee:

That Report PDS 32-2021, dated August 11, 2021, respecting Update on Niagara Official Plan – Further Draft Policy Development, **BE RECEIVED** and **BE CIRCULATED** to the local area municipalities.

A copy of PDS 32-2021 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:cv

CLK-C 2021-132

Distribution List :

M. Sergi, Commissioner, Planning and Development Services

N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services

D. Heyworth, Official Plan Policy Consultant, Planning and Development

September 2, 2021

**CL 15-2021, August 26, 2021**  
**PEDC 8-2021, August 11, 2021**  
**PDS 34-2021, August 11, 2021**

**LOCAL AREA MUNICIPALITIES**

**SENT ELECTRONICALLY**

Regional Response – Proposed Land Use Compatibility Guideline

PDS 34-2021

Regional Council, at its meeting held on August 26, 2021, passed the following recommendation of its Planning & Economic Development Committee:

That Report PDS 34-2021, dated August 11, 2021, respecting Regional Response - Proposed Land Use Compatibility Guideline, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Report PDS 34-2021 **BE RECEIVED** for information;
2. That staff **BE DIRECTED** to continue to provide detailed comments on the Ministry of the Environment, Conservation and Parks' proposed Land Use Compatibility Guideline (ERO #019-2785), and any associated matters, as warranted; and
3. That Report PDS 34-2021 **BE CIRCULATED** to local area municipal Planning Directors.

A copy of PDS 34-2021 is enclosed for your reference.

Yours truly,



Ann-Marie Norio  
Regional Clerk

:cv

CLK-C 2021-144

CC:

M. Sergi, Commissioner, Planning and Development Services

N. Oakes, Executive Assistant to the Commissioner, Planning and  
Development Services

A. Alderman, Senior Development Planner, Planning and Development  
Services



**Administration**

Office of the Regional Clerk

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September 7, 2021

**CL 15-2021, August 26, 2021**  
**PEDC 8-2021, August 11, 2021**  
**PDS 33-2021, August 11, 2021**

**LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY**Niagara Official Plan: Land Needs Assessment and Settlement AreaBoundary Review Update

PDS 33-2021

Regional Council, at its meeting held on August 26, 2021, passed the following recommendation of its Planning & Economic Development Committee:

That Report PDS 33-2021, dated August 11, 2021, respecting Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Council **ENDORSE**, in principle, the use of the Made-in-Niagara Forecast and the Revised Land Needs Assessment (Appendix 1 of Report PDS 33-2021), to advance the Niagara Official Plan, the Water and Wastewater Master Plan, the Transportation Master Plan, the Development Charge Background Study and By-law, and other Regional programs; and
2. That Report PDS 33-2021 **BE CIRCULATED** to local area municipalities, partner agencies and the Province.

A copy of PDS 33-2021 is enclosed for your reference.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie".

Ann-Marie Norio  
Regional Clerk

:cv

CLK-C 2021-146

CC:

M. Sergi, Commissioner, Planning and Development Services  
N. Oakes, Executive Assistant to the Commissioner, Planning and  
Development Services  
G. Bowie, Senior Planner, Planning and Development Services

**RESPONSE TO TOWN OF PELHAM- TREE MAINTENANCE POLICY  
POLICY #S802-01, REVISION DATE-August 8, 2021**

TO: Mr. Ryan Cook, Manager of Public Works  
Ms. Holly Willford, Town Clerk

September 14, 2021

Dear Mr. Cook and Ms. Willford:

We, of the Pelham Tree Conversation Society (PTCS), are again pleased to submit our comments and recommendations pertaining to the TOWN OF PELHAM- TREE MAINTENANCE POLICY, POLICY #S802-01, REVISION DATE-August 8, 2021.

By way of background, on Friday August 27<sup>th</sup>, 2021 members of the PTCS along with Councilors Wayne Olson and Bob Hildebrandt meet with Mr. Jason Marr, Director of Public Works and Mr. Ryan Cook, Manager of Public Works, to discuss changes and revisions to the TOWN OF PELHAM- TREE MAINTENANCE POLICY, POLICY #S802-01. Much of this discussion was focused upon a review of the PTCS document as previously submitted to Council, dated July 17, 2021. We believed that meeting was candid and on the whole fruitful, and we felt there was genuine mutuality demonstrated in our collective attempts to make improvements to the TOWN OF PELHAM- TREE MAINTENANCE POLICY.

The above noted, there are several issues which may simply have been overlooked and/or were not adequately addressed in the revisions made to TOWN OF PELHAM- TREE MAINTENANCE POLICY, POLICY #S802-01, REVISION DATE-August 8, 2021. These issues are delineated forthwith.

**Section 1. PURPOSE:**

Mr. Cook has stated;

g) Opportunities shall be provided to educate the citizens of the Town of Pelham on the ecological, aesthetic, economic and social benefits of trees.

**The PTCS suggested and we understood Mr. Cook agreed to:**

g) Opportunities shall be provided to educate the town council, staff, contractors and citizens of the Town of Pelham on the ecological, aesthetic, economic and social benefits of trees.

**Section 9**

Mr. Cook has stated;

9.5 The Town of Pelham Public Works Department endeavours to replace all trees removed within the following calendar year.

**The PTCS previously advised that timely replacement of trees should not be optional. In fact, we would highly suggest a plan for being proactive by replacing trees in the planning stages PRIOR to the others coming down. This is more cost effective and creates better establishment of our urban forest. In many older sections of Pelham we have older trees. We**

**need to be planning for their replacement now and not wait until they die. To the casual observer there is often a space available where a new tree can be planted near to an older one.**

A major concern of the PTCS (and we know for many citizens of Pelham), is the issue of municipal construction activities and the loss and/or damage to trees that result from construction. In the current Tree Maintenance Policy there is very little attention paid to the issue of construction (yet, this activity has significant negative impacts upon municipal trees as we have witnessed time and time again). Related to this issue we submitted the following recommendation for an addition to the Tree Maintenance Policy (**13. Construction Activities**). In the August 27<sup>th</sup> meeting pertaining to this issue Mr. Cook advised that he would again look at our recommendation but made no commitment to including it in the revised Policy. As evidenced by not addressing our recommendation in his revised Policy, evidently Mr. Cook has totally rejected our recommendation. The PTCS is extremely disappointed by this and we therefore appeal to Council to address this critical matter when it comes to preserving the municipal trees of Pelham.

**As follows is the recommendation made in the PTCS July 17, 2021 submission to Council:**

### **13. Construction Activities**

13.1 Staff will perform ISA tree inspections and update the inventory of trees in the construction zone (if not already inventoried) prior to draft plan approval at all construction projects and in locations prior to the initiation of any projects where trees may be affected.

13.2 Upon approval from the Town and the Forestry Committee, 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.

13.3 Any trees designated for removal will be well marked at the trunk a minimum 30 days before scheduled removal. TOP will respond on a timely basis to citizen's request for information regarding reason(s) for tree removal and if any alternatives have been considered.

13.4 In TOP construction contracts, contract language should include the requirement that the contractor take utmost care and diligence as well as utilize appropriate construction techniques when working around living trees so as to minimize damage to the tree and its root system. This also applies to TOP staff performing construction/repair activities.

13.5 When a contractor has seriously damaged or destroyed a tree, the contractor will reimburse the TOP costs following the sliding scale (see section 9.4) for tree replacement.

13.6 Trees within or adjacent to a construction site must be protected during construction by means of a barrier installed and meet the following specifications:

- a. Tree protection barriers must be erected prior to the commencement of any construction activity that may injure a tree on the site and are to remain in place throughout the entire duration of the project. The applicant shall notify the appropriate Town department in writing prior to commencing any such activities to confirm that the tree protection barriers are in place.
- b. The tree protection barriers specified herein must remain in a condition satisfactory to the Town until all site activities including landscaping are complete.
- c. Authorization from the appropriate Town department must be obtained prior to the removal of tree protection barriers.
- d. If some fill or excavated material must be temporarily located near the tree protection barrier, a wooden barrier must be used to ensure no material enters the TPZ.
- e. A sign, provided by the Town will be paid for by the applicant and mounted on one side of a tree protection barrier for the duration of the project.

As you are aware (as evidenced in section 13.2 above), the PTCS has recommended for the creation of a Forestry (Tree) Committee for the Town of Pelham, much along the same lines as other citizen based committees exist. This matter was briefly discussed at the August 27<sup>th</sup> meeting. We noted Mr. Marr voiced his support for this idea, with the qualification that such a Committee should not be formed in order to interfere with the day-to-day operations of the Public Works department. He advised he could see the usefulness for a volunteer committee such as in doing tree counts, for research and education purposes, for interacting with TOP citizens in educating them around tree care and related issues. Mr. Marr advised that creation of such a Committee would be the responsibility of Council.

**The PTCS thus reiterates the recommendation that Council move forward with the creation of a Forestry (Tree) Committee.**

Previously the PTCS advised; On some TOP properties there exists very mature trees (likely well over a hundred years of age). We believe there should be a special category for such magnificent trees; designated say as “Heritage Trees”, or the like. These trees should receive extra high priority for preservation in any development and construction planning. **This issue has not been addressed in the revised Tree Maintenance Policy.**

The final issue for consideration relates to section **9 Tree Planting – Replacement**, and for the following guidelines as now recommended by Mr. Cook.

9.1 Two trees shall be planted for every tree removed with a diameter up to and including 400mm. The trees shall be replanted in the area of removal.

9.2 Three trees shall be planted for every tree removed with a diameter greater than 400mm and less than 900mm. The trees shall be replanted in the area of removal.

9.3 Four trees shall be planted for every tree removed with a diameter greater than 900mm. The trees shall be replanted in the area of removal.

While the PTCS believes the above is an improvement over what was previously advised by Mr. Cook, it is our position these guidelines still fall short of what the TOP should be undertaking for tree replacement. In further review of this issue which in part entailed conducting contemporary research on the science of trees and absorption of carbon, we present the following rationale as the basis for the advisements contained herein.

Mr. Uwe Brand, a PTCS member, gives the example of trees he observed on Pelham St just up the road from his house. One mature tree is dead and another is a replacement (possibly planted a year or so ago). The difference in diameter is striking, with 27 inches for the dead tree (in front of 1567 Pelham) and 1.5 inches (1573 Pelham St) for the replacement tree planted by the TOP for another tree taken down earlier. The large tree mentioned above would require the planting of:

1. 13 trees (if we divide the diameter of the dead tree (27 inches) with that of the replacement (2 inches), based on the suggestion noted in the July 17, 2021 PTCS submission to Council.

OR,

2. 3 trees following Mr. Cook's recommendation

Mr. Cook's rational is simple. We are replacing 3 for 1, which is just a number and is better than the 2 for 1 trees which he initially suggested. However, this does not reflect the actual 'value' of the trees and their carbon sequestration capacity.

If we (TOP) follow Mr. Cook's suggestion for replacement numbers, these will lead to a more Positive (Higher) carbon footprint, with time. Instead, the PTCS now suggests using a tree replacement formula not based on diameter, but one based on CO<sub>2</sub> removal by a tree.

The dead tree (as mentioned above), will according to the following parameters such as diameter, tree species, growth factor, conversion to dry weight and carbon equivalent absorb about 43 kg/year of CO<sub>2</sub> equivalent. The replacement trees as suggested by Mr. Cook would absorb between 5-10 kg/year. Thus, it would be well below the capacity of the dead tree.

Using CO<sub>2</sub> as a guide for replacement number gives us an actual replacement FACTOR of: 4.5 to 8.5 (rounded numbers) trees. Important to note; this just maintains the status quo. It does nothing about doing more to mitigate increasing CO<sub>2</sub> emissions in the TOP.

Based on the head-to-head CO<sub>2</sub> removal, a Minimum of 5 Trees should be planted to replace the dead tree mentioned above. So, instead of dividing the diameter of the dead tree by the replacement one we could suggest a divisor of "5" or some other number. Thus, a replacement number of '9' trees would be the SAME as 2 CO<sub>2</sub> equivalents for 1.

We reiterate, that all trees over 50 mm diameter should be replaced by the formula stated above to satisfy their real value in terms of; a) habitat for wildlife, b) shading, and thus increasing resilience of town infrastructure (sidewalks, roadways), c) mitigating water absorption (flood control), d) land stabilization (erosion control), e) aesthetic value of a neighbourhood, and e) absorption of carbon dioxide (and thus decreasing the carbon footprint of the town). Please see Attachment A, titled "The Benefits of Trees", for more vital information regarding the role trees play in our lives and in the life of the planet.

To conclude, we of the PTCS strongly believe these issues remain extremely important and highly pertinent ones to what the Town has laid out in the recently released Climate Change Action Plan. As the IPCC "The Physical Science Basis" report recently concluded, we humans are the major cause of climate change and it is up to US to take actions NOW to deal with this. Now more than ever, the old adage applies; "We need to think globally but act locally". NOW is our chance to start acting locally.

Thank you for your time and consideration of our report.

Respectfully submitted,

Pelham Tree Conversation Society  
Acting Chairperson – Mike Jones  
[REDACTED] Emmett Ave, Fonthill, ON. L0S 1E0  
[REDACTED]

Attachment A- The Benefits of Trees

**RESPONSE TO TOWN OF PELHAM- TREE MAINTENANCE POLICY  
POLICY #S802-01, REVISION DATE-August 8, 2021**

TO: Mr. Ryan Cook, Manager of Public Works  
Ms. Holly Willford, Town Clerk

September 14, 2021

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Thank you for your time and consideration of our report.

Respectfully submitted,

Pelham Tree Conversation Society  
Acting Chairperson – Mike Jones  
44 Emmett Ave, Fonthill, ON. L0S 1E0  
PelhamTreeConservationSociety@gmail.com

Attachment A- The Benefits of Trees

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

**Meeting #:** CofA 03/2021  
**Date:** Tuesday, March 2, 2021  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

Members Present      Donald Cook  
                                 John Klassen  
                                 Bernie Law

Members Absent      Sandra Marsh  
                                 Brenda Stan

Staff Present          Nancy Bozzato  
                                 Holly Willford  
                                 Sarah Leach  
                                 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 Cook 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 advised there were no requests for withdrawal or adjournment, however indicated the Committee may wish to proceed with hearing the Station Street application first then proceeding to the Metler Road consent applications followed by the Metler Road minor variance applications.

The Chair agreed and stated he wished to have files B7, B8, B9 and B10/2021P to be heard concurrently. The Committee unanimously agreed.

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

##### **5.1 B7/2021P - 1409 Station Street (Part 1)**

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

Applications B7/2021P, B8/2021P, B9/2021P and B10/2021P were heard concurrently.

Application B7/2021P for consent to consent to partial discharge of mortgage, new mortgage or charge and consent to convey 5,622.9 square metres of land (Part 7), to be added to the abutting property to the east (Part 9).

Application B8/2021P for consent to partial discharge of mortgage, new mortgage or charge and consent to convey 2,381.1 square metres of land (Part 5), to be added to the abutting properties to the east (Parts 8 and 9).

Application B9/2021P for consent to partial discharge of mortgage, new mortgage or charge and consent to 184.9 square metres of land (Part 6), to be added to the abutting properties to the east (Parts 8 and 9).

Application B10/2021P for consent to partial discharge of mortgage, new mortgage or charge and consent to convey 8,322 square metres of land (Part 8), to be added to the abutting property to the east (Part 9).

###### **Representation**

The Agent, Matt Kernahan from Upper Canada Consultants was electronically present.

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

1. Town of Pelham Planning Department
2. Town of Pelham Public Works

### 3. Town of Pelham Building Department

#### Public Comments

##### 1. Stephen Kaiser

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

The Agent indicated he had no comments and stated his client agrees with the suggested conditions.

#### **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer stated there were no pre-registered members of the public to speak. Ms. Willford indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:19 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 comments.

**Moved By** John Klassen

**Seconded By** Bernie Law

**THAT the public portion on the meeting be closed.**

**Carried**

**Moved By** John Klassen

**Seconded By** Bernie Law

**Application B7/2021P for consent to consent to partial discharge of mortgage, new mortgage or charge and consent to convey 5,622.9 square metres of land (Part 7), to be added to the abutting property to the east (Part 9), is hereby: GRANTED**

**Application B8/2021P for consent to partial discharge of mortgage, new mortgage or charge and consent to convey 2,381.1 square**

**metres of land (Part 5), to be added to the abutting properties to the east (Parts 8 and 9), is hereby: GRANTED**

**Application B9/2021P for consent to partial discharge of mortgage, new mortgage or charge and consent to 184.9 square metres of land (Part 6), to be added to the abutting properties to the east (Parts 8 and 9), is hereby: GRANTED**

**Application B10/2021P for consent to partial discharge of mortgage, new mortgage or charge and consent to convey 8,322 square metres of land (Part 8), to be added to the abutting property to the east (Part 9), is hereby: GRANTED**

**The above 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. No objections to this proposal were received from commenting agencies or neighbouring property owners.**
- 4. 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.**

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

**To the Satisfaction of the Chief Building Official**

- 1. Remove all existing accessory buildings on Part 7, if any structure exceeds 10 m<sup>2</sup> in area, a Demolition Permit shall be obtained and closed. (Application B7/2021P)**
- 2. Remove all existing accessory buildings on Part 6, if any structure exceeds 10 m<sup>2</sup> in area, a Demolition Permit shall be obtained and closed. (Application B9/2021P)**



**To the Satisfaction of the Director of Public Works**

- 1. Confirm that no existing utilities cross the proposed new lot line. Should any existing services conflict with the lot line, the applicant shall be responsible for costs associated with their relocation and / or removal. (Each application – B7/2021P, B8/2021P, B9/2021P and B10/2021P)**
- 2. Provide a written acknowledgment that the Owner will be responsible for payment of the front-ending contribution, payable to the Town of Pelham, for the East Fonthill storm water management system oversizing. (Each application – B7/2021P, B8/2021P, B9/2021P and B10/2021P)**

**To the Satisfaction of the Secretary-Treasurer**

- 1. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the east (Part 9 on sketch), the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel. 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. (Application B7/2021P)**
- 2. Obtain final certification of consent file: B10-2021P (Part 8) and ensure that the necessary transfer has been completed and certified by the Land Registry Office, prior to the issuance of the final certificate of consent file B8-2021P, to the satisfaction of the Secretary Treasurer of the Committee of Adjustment. (Application B8/2021P)**

3. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the east (Part 8 and 9 on sketch), the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel. 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. (Application B8/2021P)
4. Obtain final certification of consent file: B10-2021P (Part 8) and ensure that the necessary transfer has been completed and certified by the Land Registry Office, prior to the issuance of the final certificate of consent file B9-2021P, to the satisfaction of the Secretary Treasurer of the Committee of Adjustment. (Application B9/2021P)
5. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the east (Part 8 and 9 on sketch), the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel. 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. (Application B9/2021P)

6. Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, as amended, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the east (Part 9 on sketch), the subject parcel and the said abutting parcel shall merge in title and become one contiguous parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken, together with the registrable legal descriptions of the subject parcel and the consolidated parcel. 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. (Application B10/2021P)
7. That the final certification fee of \$399, 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. (Each application – B7/2021P, B8/2021P, B9/2021P and B10/2021P)

**Carried**

**5.2 B8/2021P - 1411 Station Street (Part 5)**

Applications B7/2021P, B8/2021P, B9/2021P and B10/2021P were heard concurrently.

**5.3 B9/2021P - 1413 Station Street (Part 6)**

Applications B7/2021P, B8/2021P, B9/2021P and B10/2021P were heard concurrently.

**5.4 B10/2021P - 1415 Station Street (Part 8)**

Applications B7/2021P, B8/2021P, B9/2021P and B10/2021P were heard concurrently.

## **5.5 B5/2021P - 614 Metler Road (Part 1)**

### **Purpose of Application**

Applications B5/2021P and B6/2021P were heard concurrently.

Application B5/2021P for consent to convey 4,046.86 square metres of land (Part 1),

Application B6/2021P for consent to convey 4,046.86 square metres of land (Part 3).

### **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. NPCA
5. Niagara Region
6. Debbie and Vince Galati
7. Terry and Melissa Beckett

### **Applicant's Comments**

The Owner stated he had concerns with respect to one of the conditions associated with the suggested development agreement. The Owner indicated he was concerned with the condition indicating the septic be in the rear and that the lot grading and drainage plans shall provide for the building envelop demonstrating consistent streetscape alignment along Metler Road. The Owner indicated he is not opposed a condition that the septic being in the rear however stated he is not in agreement with a condition to align the house along houses on Metler Road. He stated he does not believe this is aligned with keeping to the characteristics of a rural neighbourhood and stated he believe this is an excessive restriction. The Owner further mentioned there is no language indicating how restrictive the alignment would be. He provided the Committee with examples of a variety of homes in the area with different setbacks. The Owner respectfully requested the Committee remove the said

condition. The Chair stated the Committee will discuss the request to remove the condition after the public portion of the meeting.

### **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer stated there were no pre-registered members of the public to speak. Ms. Willford indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:36 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 it would be premature to remove the condition requested by the applicant. The Member stated currently the owner does not know where the septic system or water system would be and this can affect the location of the proposed home. The Member stated he does not believe the Committee should remove the condition. Another Member agreed.

A Member asked the owner how the property is serviced with water and indicated he saw a well head at the porch of the existing house. The Owner indicated the Member was correct there is an old well head however there is a new well which is drilled. Further discussion with respect to the location of the well ensued.

A Member stated he agreed with the condition of the development agreement, however stated in bullet number 3 he believed the word 'should' should be removed. The Member asked the Committee if they would agree to the minor amendment. The Members agreed.

A Member asked Mr. Curtis Thompson, Town Planner what the setback for the proposed home would be. In response, Mr. Thompson stated there is no minimum setback. The Member stated therefore the Owner should not be concerned with respect to the language within the condition as presented. In response, the Owner stated he is concerned with the wording 'consistent streetscape alignment' and stated he does not want to have to align himself with his neighbours.

A Member asked Mr. Thompson for advise with respect to the front yard setback. In response, Mr. Thompson stated the Zoning By-Law does not contemplate a maximum front yard setback and stated Planning's recommendation was cognizant of that and stated this is why the Planning

Department did not provide a number. Mr. Thompson said the condition is inherently flexible. In addition, he stated the Director of Planning and Community Development is not prepared to withdraw the recommended condition. The Committee members further discussed and determined the suggestion condition would remain.

**Moved By** Bernie Law

**Seconded By** John Klassen

**THAT the public portion of the meeting be closed.**

**Carried**

**Moved By**

**Application B5/2021P is made for consent to convey 4,046.86 square metres of land (Part 1), is hereby: GRANTED**

**Application B6/2021P is made for consent to convey convey 4,046.86 square metres of land (Part 3), is hereby: GRANTED**

**The above 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.**

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

**To the Satisfaction of the Director of Public Works**

1. **Confirm that no existing utilities cross the proposed new lot line(s). Should any existing services conflict with the lot line, the applicant shall be responsible for costs associated with their relocation and / or removal. (Application B5/2021P and B6/2021P)**

**To the Satisfaction of the Chief Building Official**

1. **Remove the existing deck on the eastern wall of the existing dwelling. If a Demolition Permit is required in accordance with the Ontario Building Code, the applicant shall bear the costs and responsibility of that work. (Application B6/2021P)**

**To the Satisfaction of the Director of Community Planning & Development**

1. **Obtain approval for any deficient Zoning By-law regulations to the satisfaction of the Director of Community Planning & Development. (Application B5/2021P and B6/2021P)**
2. **Enter into a Development Agreement with the Town that is registered on title addressing the following (Application B5/2021P and B6/2021P):**
  1. **Implementation of recommendations from the Hydrogeological Assessment prepared by Terra-Dynamics Consulting Inc. (dated November 11, 2020), specifically:**
    1. **That all lots be equipped with sewage systems providing at least 50% nitrogen reduction of septic effluent Level IV / tertiary treatment;**
    2. **That future sewage disposal systems observe the required setbacks from the existing potable water supplies illustrated on Figure 4, unless these water supplies are decommissioned by an Ontario-licensed water well contractor; and**
    3. **That water be supplied by cisterns for each of the proposed lots. Otherwise, the construction of new groundwater supplies require:**
      1. **A water supply assessment completed in accordance with the Ministry of Environment, Conservation and Parks D-5-5 Guidelines for Private Wells: Water Supply Assessment;**

2. **Well construction within the Pre-Halton or Bedrock aquifers; and**
- **That its location(s) comply with the Ontario Building Code setbacks.**
1. **That a new private sewage system be installed wholly on Part 2 meeting the above mentioned requirements to the satisfaction of the Region.**
1. **Submission and approval of a comprehensive overall Lot Grading & Drainage Plan for all parcels demonstrating that drainage does not negatively affect, nor rely on neighbouring properties, to the satisfaction of the Director of Public Works, or designate.**
  1. **The Lot Grading & Drainage Plan shall provide building envelopes demonstrating consistent streetscape alignment along Metler Road with septic systems located south of the proposed dwelling footprints. The Site Plan and Grading Plan provided at the time of building permit shall not deviate from that approved under this Agreement, to the satisfaction of the Director of Community Planning & Development.**
2. **Standard archaeological warning clauses.**
3. **Obtain approval for a Driveway Entrance and Culvert Permit for the construction or modification of all new or existing driveway entrances. Installation of driveway entrances shall be in accordance with Town standards, to the satisfaction of the Director of Public Works and the applicant shall bear all costs associated with such. Any street trees needing to be removed shall be replaced with an approved large caliper tree in accordance with the Town's Street Tree Planting List.**

**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. (Application B5/2021P and B6/2021P)**
2. **That the final certification fee of \$399, 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. (Application B5/2021P and B6/2021P)**



## **5.6 B6/2021P - 614 Metler Road (Part 3)**

Applications B5/2021P and B6/2021P were heard concurrently.

## **6. Applications for Minor Variance**

### **6.1 A9/2021P - 614 Metler Road (Part 1)**

#### **Purpose of Application**

Applications A9/2021P, A10/2021P and A11/2021P were heard concurrently.

Application A9/2021P for relief of Section 9.2 (b) "Minimum Lot Frontage" – to permit a minimum lot frontage of 30.75m.

Application A10/2021P for relief of Section 9.2 (b) "Minimum Lot Frontage" – to permit a minimum lot frontage of 32.72 m whereas the by-law requires 36m and Section 9.2 (e) "Minimum Interior Side Yard" – to permit a minimum interior side yard of 1.5 m whereas the by-law requires 3m.

Application A11/2021P for relief of Section 9.2 (b) "Minimum Lot Frontage" – to permit a minimum lot frontage of 28.78m whereas the by-law requires 36m.

#### **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. Debbie and Vince Galati
5. Terry and Melissa Beckett

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

The Owner provided the Committee with examples of various lot frontages in the area surrounding the subject lands and stated his requests are not out of character for the area.

## **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer stated there were no pre-registered members of the public to speak. Ms. Willford indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 5:07 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 asked to confirm only one of the properties requires the side yard setback variance. In response, Mr. Thompson stated that was correct.

A Member asked Mr. Thompson to confirm the frontages proposed would still maintain the character of the area. In response, Mr. Thompson indicated that was correct and there is a variety of frontages in the area.

**Moved By** John Klassen

**Seconded By** Bernie Law

**THAT the public portion of the meeting is closed.**

**Carried**

**Moved By** John Klassen

**Seconded By** Bernie Law

**Application A9/2021P for relief of Section 9.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 30.75m, is hereby: GRANTED.**

**Application A10/2021P for relief of Section 9.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 32.72 m whereas the by-law requires 36m and Section 9.2 (e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 1.5 m whereas the by-law requires 3m, is hereby: GRANTED.**

**Application A11/2021P for relief of Section 9.2 (b) “Minimum Lot Frontage” – to permit a minimum lot frontage of 28.78m whereas the by-law requires 36m, is hereby: GRANTED.**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature as there are no negatively induced impacts and will not negatively distort the rural character.**
- 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 will help facilitate the orderly development and gentle, low density residential growth.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. 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. Obtain final certification for consent file B5/2021P. (Application A9/2021P)**
- 2. Obtain final certification for consent files B5/2021P and B6/2021P. (Application A10/2021P)**
- 3. Obtain final certification for consent file B6/2021P (Application A11/2021P)**

## **6.2 A10/2021P - 614 Metler Road (Part 2)**

Applications A9/2021P, A10/2021P and A11/2021P were heard concurrently.

**6.3 A11/2021P - 614 Metler Road (Part 3)**

Applications A9/2021P, A10/2021P and A11/2021P were heard concurrently.

**7. Minutes for Approval**

**Moved By** Donald Cook

**Seconded By** Bernie Law

**That the minutes of the February 2, 2021, Committee of Adjustment Hearing be approved.**

**Carried**

**8. Adjournment**

**Moved By** Bernie Law

**Seconded By** John Klassen

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for April 7, 2021 at 4:00 pm.**

**Carried**



Don Cook, Chair



Secretary-Treasurer, Nancy J. Bozzato

**Committee of Adjustment  
Minutes**

**Meeting #:** Special CofA 01/2021  
**Date:** Tuesday, March 16, 2021  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

Members Present Donald Cook  
Sandra Marsh  
Bernie Law

Members Absent John Klassen  
Brenda Stan

Staff Present Nancy Bozzato  
Holly Willford  
Sarah Leach  
Curtis Thompson  
Derek Young

**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 Cook called the meeting to order at approximately 4:15 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 A13/2021P - 162 Port Robinson Road (Block 1, Plan 59M-481)**

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

Application for relief of By-Law 4138(2019) RM1-291 General Provision Section 6.35 (c) "Yard Encroachments – Unenclosed Porches, Balcony, Steps or Patio" – to permit an unenclosed porch, balcony, step or patio of 1.5m for Units 31-36 and 54-60 from the front lot line or exterior side lot line whereas the by-law requires 2m; By-Law 4138(2019) RM1-291 General Provision Section 6.35 (c) "Yard Encroachments – Unenclosed Porches, Balcony, Steps or Patio" – to permit an unenclosed porch, balcony, step or patio of 2.2m for Units 1-19 from the rear lot line whereas the by-law requires 4.5m; and By-Law 4138(2019) RM1-291 Section 16.4 (h) "Maximum Exterior Side Yard" – to permit a maximum exterior side yard of 7.5m for Units 44 & 45 and 7m for Unit 69 whereas the by-law requires 5m.

##### **Representation**

The Agent, William Heikoop, from Upper Canada Consultants was electronically present.

##### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Niagara Region
4. NPCA

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

The Agent, Mr. William Heikoop, provided a brief presentation to further explain the application. A copy of the presentation is on file with the Clerk. Mr. Heikoop advised that the proposed development is located within the Saffron Meadows Phase 3 Draft Plan of Subdivision which was approved along with a zoning by-law amendment in 2019. Mr. Heikoop indicated that this townhouse development, formally known as Lavender Fields, has

recently received Site Plan Approval from Town Council. Mr. Heikoop expressed his satisfaction that the concerns of the Public Works department regarding the impact of drainage is no longer an issue. He indicated that the proposed changes will not affect the rear yard apron grade.

### **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:38 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**

Two Members commented that the staff report and agent presentation adequately addressed all anticipated comments and concerns.

The Chair asked for the actual distance between the property line and curb on Port Robinson Road with regard to units 59 and 60. In response, the Agent, Mr. Heikoop provided the estimate of 7.5 metres. The Chair expressed concern that if a driver were to inadvertently jump the curb, they would come close to the front porch. Furthermore, he agreed that it is nice to have a consistent lot line, however, he identified this particular location as appearing tighter than units to the east.

The Chair indicated that although he is not against granting the 1.5 metres, he would prefer the distance be greater. He expressed concern with the reduction of the rear yard setback from 4.5 metres to 2.2 metres for the rear lot line of units 1 to 19. The Chair sought confirmation that the southerly edge of the porch would be 1.2 metres from the property line if the variance was granted. In response, Mr. Heikoop identified that the closest deck to the property line is 2.2 metres, which is only applicable to units 15 to 19; the balance of units 1 to 14 is approximately 3.3 metres. Mr. Heikoop stated that the application was brought forth this way to avoid multiple revisions for each single block. Mr. Heikoop shared his screen and identified the distance on the site plan.

The Chair conveyed concern regarding the dimensions from ground level to the top of the deck. He suggested that anything over 1 metre in height would allow individuals using the trail to view into the patio door of the town houses. Mr. Heikoop indicated the height of the patio decks vary. He

stated that in his opinion, if the patio door or window was at grade or exactly 1 metre in height, the interior would still be visible to those utilizing the trail. The Chair further expressed his safety concern, indicating a lack of privacy to the homeowner. He stated that a greater distance between the rear deck and property line would allow for the potential of landscape screening to obstruct visualization.

The Chair asked how the water course was going to be maintained in the future. He also asked about access to the trail, noting the absence of a gated fence. Mr. Heikoop confirmed that direct gate access is not proposed. He stated that there will be a pedestrian connection at the dead end of Street D, connecting the existing Saffron Meadows Condominium to the new Lavender Fields Condominium. In addition, there will also be a pedestrian connection alongside Block E connecting to the trail.

The Chair indicated he was not in favor of reducing the rear yard setback even though it appeared to only be applicable to units 15 to 19.

A Member expressed concern that reducing the front lot line to 1.5 metres would result in snow being ploughed onto the front porch of the homes during winter operations. Mr. Heikoop responded that there is approximately 6 metres of space before the porch for snow storage which in his opinion is sufficient.

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**THAT the public portion of the meeting be closed.**

**Carried**

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**Application for relief of Section RM1-291 General Provisions Section 6.35 (c) “Yard Encroachments – Unenclosed Porches, Balconies, Steps & Patios” to permit encroachments of not less than 1.5 m from a front lot line or exterior side lot line, whereas 2 m is required, for units 31-36 and 54-60, is hereby: GRANTED**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature.**



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 because they will further help to active the streetscape.**
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. **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. **None**

**Application for relief of Section RM1-291 General Provisions Section 6.35 (c) “Yard Encroachments – Unenclosed Porches, Balconies, Steps & Patios” to permit encroachments of not less than 2.2 m from a rear lot line, whereas 4.5 m is required, for units 1-19, is hereby:  
GRANTED**

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

1. **The variance is minor in nature.**
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 because they will further help to active the streetscape.**
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. **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. **None**

**Application for relief of Section RM1-291 Section 16.4 (h) “Maximum Exterior Side Yard” to permit a maximum exterior side yard of 7.5 m for units 44-45 and 7 m for unit 69, is hereby: GRANTED**

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

1. **The variance is minor in nature.**
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 because they will further help to active the streetscape.**
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. **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. **None**

**Carried**

## **5.2 A14/2021P - 9 John Street**

### **Purpose of Application**

Application for relief of Section 13.2 (c) "Maximum Lot Coverage" to permit a maximum lot coverage 40% whereas the by-law allows 30% and whereas the property received a minor variance approval to allow 32.04%

### **Representation**

The Agent, Ethan Laman, from Upper Canada Consultants was electronically present.

### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works

### **Applicant's Comments**

The Agent, Mr. Ethan Laman, advised that this application was brought forth to the Committee of Adjustment in September 2020 where a maximum lot coverage of 32.04% was granted. Mr. Laman indicated that due to a conversion error, this percentage was deemed insufficient to accommodate the proposed dwelling. In addition, Mr. Laman stated that additional lot coverage is being sought to accommodate a future accessory building.

### **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:56 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 asked what size the accessory structure would equate too, given the request for additional lot coverage. The Agent, Mr. Laman, indicated 24.75 square metres or 266.6 square feet. The Member inquired if an accessory structure of that size would require a building permit. Mr. Curtis Thompson, Town Planner, responded that any structure exceeding 10 square metres, being 108 square feet, would require a building permit under the *Ontario Building Code*. The Member recommended a condition

be added requiring a building permit prior to the construction of an accessory structure.

A Member expressed concern regarding drainage, noting that little vacant land will remain to absorb water after the dwelling is built. The Member indicated that drainage from the property to the west flows down to John Street. In addition, water is discharged from the rear eavestrough of 9 John Street into the backyard. The Member sought clarification as to when a drainage plan is required.

The Chair recalled that upon granting the original conveyance, a condition was imposed requiring the submission of a drainage plan. The Chair asked how water was being drained from the first lot, as water appears to be flowing from the west, toward 9 John Street. Additionally, the Chair asked if the drainage was in accordance with the plan submitted at building permit issuance. Mr. Thompson could not confirm if 7 John Street had received final grading approval. To address a Member's earlier comment, Mr. Thompson confirmed that a proposed grading plan will be required for building permit issuance of 9 John Street. He also confirmed that lot coverage does impact drainage; however, indicated that it is not a perfect measurement.

A Member stated that 40% lot coverage is excessive due to drainage concerns. The Chair expressed difficulty in increasing the maximum lot coverage to 40% for this application. The Chair asked the Agent if he would be willing, on behalf of his client, to consider 36.2% lot coverage. A Member supported the recommendation of the Chair.

Craig Rohe, Senior Planner from Upper Canada Consultants, suggested that the discussion had applied to an application previously heard by this Committee. Mr. Rohe reiterated that this application seeks to correct a conversion error. Mr. Rohe stated the desire to build in flexibly to accommodate additional lot coverage for the purpose of an accessory structure such as a shed.

Mr. Rohe asked for clarification with regard to Committee changing the criteria of the application. Ms. Holly Willford, Assistant Secretary-Treasurer, replied that the Committee may approve what is requested. Alternatively, the Committee may choose to grant a variance closer to that required in the Zoning By-law.

A Member expressed concern that no ditches exist on Stella Street. The Chair suggested that this application may not be minor, as water run-off

will effect existing residents and future purchasers. Mr. Derek Young, Manager of Engineering, confirmed there is an existing catch basin on the corner of John Street and Stella Street. Mr. Young indicated that a swale used to exist along Stella Street, however, it has naturally diminished over time. To address the concerns of the Committee, Mr. Young suggested a condition be added requesting the grading be re-directed to the catch basin noted above at the owner's expense.

The Chair proposed a condition to the satisfaction of the Director of Public Works that a revised lot grading and drainage plan directing drainage to the catch basin be submitted. In addition, he proposed a condition that improvements to the swales and/or ditches on Stella Street and John Street be made at the owners expense. Further, a Member proposed condition that all necessary building permits be obtained for any future accessory structure exceeding 10 square metres. All members agreed to the proposed conditions.

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**THAT the public portion of the meeting be closed.**

**Carried**

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**Application for relief of Section 13.2 (c) "Maximum Lot Coverage" to permit a maximum lot coverage 40% whereas the by-law allows 30% and whereas the property received a minor variance approval to allow 32.04%, is hereby: GRANTED**

**The above noted decision is based on the following reasons:**

- 1. The variance is minor in nature as it will continue to maintain a reasonably sized and desirable rear yard amenity area while providing more design flexibility.**
- 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 allow more design flexibility.**
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. **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 be obtained for any future accessory structure exceeding 108 square feet.**
2. **To the satisfaction of the Director of Public Works, prior to issuance of any building permits:**
  1. **Provide a revised lot grading and drainage plan directing drainage to the existing catch basin and to provide for improvements to the swales and/or ditches on Stella Street and John Street, and the applicant shall bear all costs associated with such.**

**Carried**

### **5.3 A15/2021P - 702 Sumbler Road**

#### **Purpose of Application**

Application for relief of Section 7.7 (a) "Maximum (Accessory) Lot Coverage" – to permit a maximum (accessory) lot coverage of 2.5% whereas the by-law or allows 1%; and Section 7.7 (d) "Maximum Building Height" – to permit a maximum building height of 6.1m whereas the by-law allows 3.7m.

## **Representation**

The Agent, Ethan Laman, from Upper Canada Consultants was electronically present.

## **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Niagara Region
4. NPCA

## **Applicant's Comments**

The Agent, Mr. Ethan Laman, advised that his client is proposing to build a storage unit to house large items. Mr. Laman noted that his client has conducted an archeological assessment.

## **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 5:29 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 asked if there was an existing entrance to the property from Balfour Street. The Agent, Mr. Laman, confirmed there was no existing entrance and that any culvert and driveway work would require an entrance permit.

A Member asked if multiple entrances were permitted on a corner lot. Mr. Derek Young, Manager of Engineering, confirmed that corner lots are permitted to have limited additional accesses.

A member indicated that the proposal would be an asset to the Town.

The Chair expressed concern that the proposed storage facility may be used for a future enterprise. The Chair indicated that proposed accessory buildings in an Agricultural Zone are meant to support viable farm operations. He indicated that this proposed size of the building is large in

relation to the property size. In response, Mr. Laman assured that his client plans to use the building for storage purposes.

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**THAT the public portion of the meeting be closed.**

**Carried**

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**Application for relief of Section 7.7 (a) “Maximum (Accessory) Lot Coverage” – to permit a maximum (accessory) lot coverage of 2.5% whereas the by-law or allows 1%, is hereby: GRANTED**

**The above noted decision is based on the following reasons:**

- 1. The variance is minor in nature given the rural character of the area.**
- 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 because it allows for enhanced storage and use of the facility.**
- 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. 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, and shall not be approved for living accommodations or plumbing within the accessory building.

**Prior to Building Permit:**

1. **To the Satisfaction of the Director of Community Planning and Development**
  1. Amend the building Elevation Plans to remove all overhead door(s) on the east / west walls and relocate them onto the north wall, congruent with the current proposed driveway alignment, as well as provide a symmetrically proportionate amount of glazing to the building's mass on the east façade
  2. Obtain clearance from the Ministry of Heritage, Sport, Tourism & Culture Industries for the Stage 1 – 2 Archaeological Assessment, prepared by Detritus Consulting Limited (dated December 23, 2020), and that a copy of the Ministry's acknowledgement letter be provided to the Region. If the Ministry requires further archaeological work to be completed prior to acknowledging this Report, these Report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of the Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject lands prior to the issuance of clearance letter from the Ministry through Niagara Region.
  3. Provide a revised Site Plan illustrating the study area shown on Figure 4 of the Stage 1 – 2 Archaeological Assessment, prepared by Detritus Consulting.
2. **To the Satisfaction of the Director of Public Works**
  1. Obtain approval for a Driveway Entrance and Culvert Permit for the construction or modification of all new or existing driveway entrances. Installation of driveway entrances shall be in accordance with Town standards and the applicant shall bear all costs associated with such.
3. **To the Satisfaction of the Niagara Region**
  1. Submit a Landscape Plan prepared by a qualified professional illustrating the restoration of the 30 m vegetated protection

**zone adjacent to the development footprint, including all proposed construction, grading and site alteration**

- 2. Ensure no plumbing or living spaces be provided within the accessory building at the time of building permit, and that a new sewage system be installed to service the property, meeting all requirements of the Ontario Building Code.**

**Carried**

#### **5.4 A16/2021P - Block 38, Plan 59M-476**

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

Application is made for relief, to construct townhomes, from: Section 30 (Exemptions) No. 269 - Section 16.4 (e) "Minimum Side Yard" – to permit a minimum side yard of 2.3m whereas the by-law requires 3m; and Section 30 (Exemptions) No. 269 - Section 16.4 (f) "Minimum Rear Yard" – to permit a minimum rear yard of 2.3m (Units 8-7 and 21) whereas the by-law requires 6.0m; Section 6.16 (d) (i) "Ingress and Egress – Minimum 2-way Drive Aisle Width" – to permit a minimum private driveway (condominium road) for ingress and egress of 7.0m whereas the by-law requires 7.5m; and Section 6.35 (c) "Yard Encroachments – Unenclosed Porches, Balconies, Steps or Patios" – to permit a deck encroachment of 3.0m whereas the by-law allows 1.5m.

##### **Representation**

The Agent, Mr. Craig Rohe, from Upper Canada Consultants was electronically present.

##### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. NPCA
4. Upper Canada Consultants

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

The Agent, Mr. Craig Rohe, provided a brief presentation to further explain the application. A copy of the said presentation is on file with the Clerk.

## **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 5:53 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 sought clarification as to whether the minimum side yard of 2.3 metres applied to all units or only unit 17. In addition, the Member requested clarification if the rear yard encroachment applied to all units. The Agent, Mr. Rohe, confirmed that unit 17 is the only unit requiring relief. Mr. Rohe also confirmed that the encroachment applies to all units.

A Member voiced no objection to the application.

The Chair sought clarification with regard to the location of the rear yard on the sketch. Mr. Rohe clarified that the front yard is the frontage on Walker Road and perpendicular to that is the southerly lot line which is the rear yard. Mr. Rohe stated that the way the development is set up with the adjacent property to the south, it creates a side by side configuration. Mr. Rohe advised that the variance would result in an overall consistent lotting fabric within the development.

The Chair voiced concern with regard to reducing the road allowance. He continued to note that he is satisfied that the laneways, Street A and Street B, will never be dedicated as public highways under the *Highway Traffic Act*.

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**THAT the public portion of the meeting be closed.**

**Carried**

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

**Application for relief of Section 30. (Exceptions) No. 269 – Section 16.4 (e) “Minimum Side Yard” to permit a side yard of 2.3 m, whereas 3 m is required, is hereby: GRANTED**

**The above noted decision is based on the following reasons:**

- 1. The variance is minor in nature and there are no safety concerns.**
- 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 because they will allow for an adequate increase in the underserved Pelham housing supply.**
- 5. No objections were received from commenting agencies or abutting property owners.**
- 6. This application is granted without prejudice to any other application in the Town of Pelham.**
- 7. 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. None.**

**Application for relief of Section (Exceptions) No. 269 – Section 16.4 (f) “Minimum Rear Yard” to permit a rear yard of 2.3 m for units 7 – 8 & 21, whereas 6 m is required, is hereby: GRANTED**

**The above noted decision is based on the following reasons:**

- 1. The variance is minor in nature as there are no negative impacts that would arise.**
- 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 because they will allow for an adequate increase in the underserved Pelham housing supply.
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. 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. None

**Application for relief of Section 6.16 (d) (i) “Ingress & Egress – Minimum 2-way Drive Aisle Width” to permit a 2-way drive aisle width of 7 m, whereas 7.5 m is required, is hereby: GRANTED**

The above noted decision is based on the following reasons:

1. The variance is minor in nature as there are no safety concerns.
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 because it will help create a geometrically and well-connected land use & transportation system.
5. No objections were received from commenting agencies or abutting property owners.
6. This application is granted without prejudice to any other application in the Town of Pelham.
7. 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. None**

**Application for relief of Section 6.35 (c) “Yard Encroachments – Unenclosed Porches, Balconies, Steps & Patios” to permit deck encroachments of 3 m, whereas 1.5 m is allowed, is hereby:  
GRANTED**

**The above noted decision is based on the following reasons:**

- 1. The variance is minor in nature as there are no privacy concerns.**
- 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 because it will improve rear yard amenity spaces without unduly causing insensitive privacy concerns or adverse impacts to surrounding lands**
- 5. No objections were received from commenting agencies or abutting property owners.**
- 6. This application is granted without prejudice to any other application in the Town of Pelham.**
- 7. 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. None**

**Carried**

## **6. Applications for Consent**

### **6.1 B15/2021P - 1304 Rice Road**

#### **Purpose of Application**

Application is made for consent to convey an easement in perpetuity over Parts 3 and 4, to the benefit of Part 1 for permanent sanitary and storm water services and consent to convey a temporary easement over Parts 2 and 3, to the benefit of Part 1 for temporary turning access. Parts 2, 3, 4 and 5 are to be retained for future residential development.

#### **Representation**

The Agent, Mr. Craig Rohe, from Upper Canada Consultants was electronically present.

#### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. NPCA
4. Upper Canada Consultants

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

The Agent, Mr. Craig Rohe, provided a brief presentation to further explain the application. A copy of the said presentation is on file with the Clerk.

#### **Public Comments**

Ms. Holly Willford, Assistant Secretary Treasurer 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**

A Member expressed support of the application. No additional comments were made.

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**THAT the public portion of the meeting be closed.**

**Carried**

**Moved By** Bernie Law

**Seconded By** Sandra Marsh

**Application is made for consent to convey an easement in perpetuity over Parts 3 and 4, to the benefit of Part 1 for permanent sanitary and storm water services and consent to convey a temporary easement over Parts 2 and 3, to the benefit of Part 1 for temporary turning access; is hereby GRANTED**

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

**To the Satisfaction of the Director of Public Works**

- 1. Confirm that no existing utilities cross the proposed new lot line. Should any existing services conflict with the lot line, the applicant shall be responsible for costs associated with their relocation and / or removal.**

**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 \$399, 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. No objections to this proposal were received from commenting agencies or neighbouring property owners.
4. 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**

**8. Adjournment**

**Moved By** Sandra Marsh

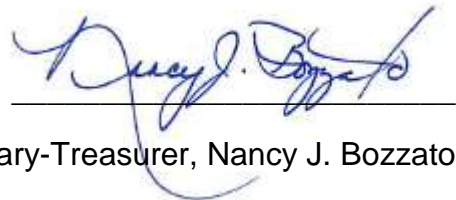
**Seconded By** Bernie Law

**BE IT RESOLVED THAT** this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for April 7, 2021 at 4:00 pm.

**Carried**



Don Cook, Chair



Secretary-Treasurer, Nancy J. Bozzato

**Pelham Senior's Advisory Committee Minutes**  
**Thursday, April 15<sup>th</sup>, 2021 @ 1:30 p.m. by Zoom conference.**

**Present:**

Sharon Cook (President)  
Councillor Marianne Stewart  
Erin Stitt (Lookout Ridge)  
Elena Simone-Simonetti  
Gwen MacDougall (Library)  
Dave Nicholson  
Julie Cook (Senior Programmer)  
Brittany MacLean (Active Living Programmer)  
Kathy Haist (Administrative Assistant)

**Absent with Regrets:**

Anna Oakes (Lookout Ridge)  
Ann Villalta  
Susan Buckingham

1. **Declaration of Quorum and call to Order-** 1:34pm by Sharon Cook

2. **Adoption of Agenda**

Moved by: Gwen MacDougall  
Seconded by: Dave Nicholson

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

None.

4. **Approval of Minutes of Previous Meeting**

Moved by: Dave Nicholson  
Seconded by: Gwen MacDougall

THAT the minutes for the February 18, 2021 Pelham Seniors Advisory Committee meeting be approved, as amended.  
CARRIED

5. **Correspondence**

None

6. **Business Arising from Minutes:**

- TD Bank Closure- Update- Sharon confirmed with the manager that the TD Bank Fonthill branch is definitely closing, as well as other branches, such as Downtown Welland closure of RBC, CIBC as well as TD Banks. The reason for these closures is due to reduced inside traffic and more reliance on online banking and machines. The Committee feels strongly about advocating for seniors within the community who are losing essential services they require, as they are unable to access the digital machines or online banking. The Committee with the assistance of Councilor Marianne Stewart will be drafting a letter to bring to Council, looking for assistance on working with both regional and municipal governments, and the Niagara Age Friendly Committee to advocate for accessible and non-digital essential services for Seniors. PSAC is looking to Council and recommending they work alongside other municipalities and the Region to take this concern to Raymond Cho, Minister of Seniors and Accessibility of Ontario, as well as the MP and MPP, to advocate for the seniors in the community and their human rights.

**Motion:** PSAC requests Town of Pelham Council to work towards making it unlawful in Ontario to restrict accessibility to essential services to digital methods alone.

Moved by: Dave Nicholson

Seconded by Gwen MacDougall

CARRIED.

**Motion:** PSAC requests assistance of Town of Pelham Council with the following steps to ensure all citizens have the right to access all essential services by means other than digital, as a duty to accommodate their Human Rights. This includes taking action

THAT engages and send correspondence to other Municipalities, Regional Council, Niagara Age Friendly, Joint Accessibility Advisory Committee, Ministry of Seniors, the MP and MPP, seeking support, and

THAT requests a review as to whether the changes of digitalizing essential services are barring vulnerable populations from accessing these services, and

THAT advocates for Seniors and their human rights to access essential services, and have them accessible, and THAT brings this issue, along with the support of other municipalities and the Region, if supported, to the attention of Raymond Cho, Minister of Seniors and Accessibility of Ontario, advocating for change and awareness.

Moved by: Dave Nicholson

Seconded by: Gwen MacDougall

- Buddy Bench- Deferred during this stage of reopening.

#### 7. **New Business:**

- Telephone Conference- Kevin Maidment- Injury Prevention- This presentation has been delayed until it can happen in person. As an alternative, the Committee would like to have information sent to the senior database with regards to tick awareness, with informative information from Niagara Regional Public Health.
- Credit Card Scam Alert- Sharon continues to update the Committee on current credit card scams to be aware and cautious of.
- Seniors Month - Brittany wanted to bring Senior's Month to the Committees attention, to begin thinking of ideas to recognize and celebrate the seniors of Pelham. The Committee would like to incorporate a designated garden or planter in the courtyard of the MCC, near the new shade structure. Sharon will contact the Chair of the Beautification Committee to share ideas and plans. In addition, Brittany will contact the Clerks Department to have June declared as Seniors month, and request to have the seniors flag raised, with a photo opportunity with council and PSAC members at the raising of the flag.
- Programs – Continuing with Art Your Service Virtual Programming? - Brittany reported on the number of members and the cost of the Art Your Service Program Membership, noticing a decrease in registration as the warmer weather approaches.



**Motion:** To cancel Art Your Service virtual program membership through the summer months, and discuss repurchasing in the Fall.

Moved by: Sharon Cook

Seconded by: Elena Simone-Simonetti

CARRIED.

- AFN Report- Sharon reported back with information shared at the last Age Friendly Niagara meeting on March 26, 2021. The meeting shared information about the vaccine roll out for Niagara, and the behind the scenes organization and training. A Brock University Older Adult Study by Dr. Miya Narushima and Dr. Pauli Gardner was also discussed, looking for volunteers from each municipality to participate in focus groups. In this meeting, the importance of post COVID life and how it will affect seniors was also discussed.
- PSAC wishes Julie Cook well in her retirement and thanked her for all that she has done for the Seniors of Pelham.

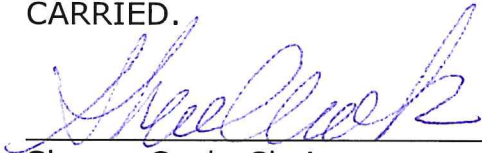
8. **Next Meeting:** Wednesday, May 12<sup>th</sup>, 2021 at 1:30pm by Zoom.

9. **Adjournment**

Moved by: Sharon Cook

THAT the meeting of the Pelham Seniors Advisory Committee meeting, April 15, 2021 adjourned at 2:00pm.

CARRIED.



Sharon Cook, Chair

**Pelham Senior's Advisory Committee Minutes**  
**Wednesday May 13, 2021 @ 1:30 p.m. by Zoom conference.**

**Present:** Sharon Cook (President)  
Councillor Marianne Stewart  
Elena Simone-Simonetti  
Gwen MacDougall (Library)  
Dave Nicholson  
Ann Villalta  
Susan Buckingham  
Brittany MacLean (Active Living Programmer)  
Kathy Haist (Administrative Assistant)

**Absent with Regrets:** Anna Oakes (Lookout Ridge)  
Erin Stitt (Lookout Ridge)

1. **Declaration of Quorum and call to Order-** 1:33pm by Sharon Cook

2. **Adoption of Agenda and additions**

Moved by: Gwen MacDougall

Seconded by: Dave Nicholson

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

None.

4. **Approval of Minutes of Previous Meeting**

Moved by: Elena Simone-Simonetti

Seconded by: Ann Villalta

THAT the minutes for the April 15th, 2021 Pelham Seniors Advisory Committee meeting be approved, as amended.

CARRIED

5. **Correspondence**

None

## 6. Business Arising from Minutes:

### Report on Accessibility of Essential Services Next Steps

- Marianne, is taking this to council on Monday night

### Buddy Bench

- This committee would like to dedicate a Buddy Bench. Will wait until the total dollars are in from the Garden at MCC.

### Garden Celebrating "Seniors Month"

- Chair of Beautification Committee, Brittany, Ryan, Dave, and Sharon met to discuss the Garden on north side of MCC. Will be a triangle/corner garden 16X16x16. PSAC has \$1500 to use towards the supplies for this garden, Jenn took this to committee for proposal and what they need from PSAC. Approval was given to go ahead with plans as given to the committee.  
The construction to install the canopy on north side of MCC in the Pelham Minor Hockey Courtyard will begin after the COVID Vaccine Clinic is completed on Saturday May 15.
- June is Seniors Month and a Flag raising event is scheduled for June 8<sup>th</sup> at 11:00 at Peace Park, then continue over to MCC for the unveiling of the garden.
- Marc MacDonald, Communications Officer, will be there for photos to be used on Social Media and The Voice  
**Motion:** to accept the Plan as Beautification and expenditures for the purchasing of the plants, supplies etc.

Moved by: Dave Nicholson

Seconded by Susan Buckingham

CARRIED.

Sharon to advise Jenn and Dave to proceed.

- Brittany to reach out to community "Stay Safe, Stay Active and Stay Connected". The Active Living Senior Calendar to advise what is available.
- Dave going to reach out to PATC to see if they would have anything to participate in for Seniors Month.



Follow Up regarding the closure of TD Bank in Pelham

- Gwen attended a meeting and was informed that the telephone banking will still be available, documentation to go out to seniors on usage. Amber from the TD Bank said she would attend a meeting of this committee to talk and answer questions. The ATM will still be available in the current building.

#### **7. New Business:**

Update on Aging. Sharon is a committee member Niagara Counsel on Aging.

*CORRECTION – Sharon is not on the Niagara Counsel for the Aging – she was on the Steering Committee for the Development of the Niagara Counsel for the Aging.*

- The consultant will ensure that each person will be heard. The council will answer to the seniors needs through the Collaborative.
- The Collaborative is regional each of the Age Friendly, asked for 2 members to commit. Gwen and Susan will participate. Meetings are May 20<sup>th</sup> and 27<sup>th</sup>, 10:00 -11:30am.

Brock University Research project

- Volunteerism is the Focus for this group. Need approval and agreement to participate. Brittany is the main person of contact between the researchers and our focus group.
- Reach out to the VIP volunteers, Focus Group would like 12-15 members to participate.
- June 16<sup>th</sup> at 1:30 PSAC to meet in regards to Brock Focus Group

Recruitment of new members

- The committee would like to add 2 new members to the committee

Other business

- Marianne to reach out to the builders of the development to the north of MCC. Invite them to a Zoom meeting with committee to able to ask questions on the plans.



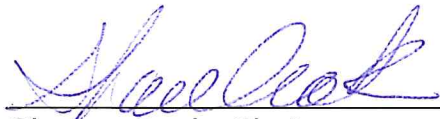
- Gwen recommended the book by Andre Pacard, Neglected No More. It focuses on Senior Living homes.

8. **Next Meeting:** Thursday, June 16<sup>th</sup>, 2021 at 1:30pm by Zoom.

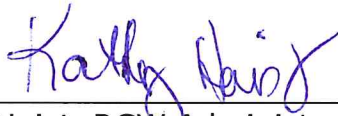
9. **Adjournment**

Moved by: Sharon Cook

THAT the meeting of the Pelham Seniors Advisory Committee meeting, May 12, 2021 adjourned at 2:45pm.  
CARRIED.



Sharon Cook, Chair



Kathy Haist, RCW Administrative Assistant

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

**MINUTES OF MARCH 24, 2021****Time:** 6:00 p.m.**Location:** via Zoom

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

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

**Regrets:** Gail Pepper

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

1. Call to Order/Regrets/Review Health and Safety Guidelines
  - The meeting was called to order at 6:01 p.m. by N. Nolan.
2. Approval of the Agenda for the Library Board Meeting of March 24, 2021 and receipt of reports and correspondence
  - A. Guilmette requests that Section 7.2: Strategic Plan a) & b) be moved to after Section 10: Library Board Reports in order to ensure that there is time for a full discussion.

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- Moved by G. Lewis, seconded by M. Smith

**That the agenda for the meeting of March 24, 2021 be approved as amended and the reports and correspondence listed on the agenda be received for discussion/action. CARRIED.**

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

- None.

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

4.1 2021 Board Attendance List

4.2 Minutes of the Library Board Meeting of February 24, 2021

4.3 February 2021 Charitable Account Summary

- Moved by T. Wright, seconded by C. McPherson.

**That the Consent Agenda items as listed on the March 24, 2021 Library Board Agenda be received. CARRIED.**

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

- None.

**6. Conflict of Interest Declarations**

- None.

**7. Business Arising from the Minutes**

7.1 2021 Board Evaluation Results

- A. Guilmette presented the results of the Board Evaluation.
- M. Smith believed that the Board Evaluation should be done twice a term as it helps the board improve and refocus itself.
- T. Wright stated that better use of our board committees may enable board members to have a better understanding of certain areas that the survey showed was lacking.
- G. Lewis commented that many of the areas where board members responded with "less than strongly agree" were areas that have gotten sidetracked as a result of the COVID-19 pandemic. Considering what the board has had to deal with over the past year, the survey results are very



positive. G. Lewis also suggested that a discussion around the survey questions beforehand may be beneficial to ensure all members have an understanding of what each question means and is asking. G. Lewis seconded M. Smith's suggestion that the evaluation should be done more frequently.

- T. Wright stated that if questions are going to be reviewed prior to taking the survey for the Board Evaluation, they should also be reviewed on the Board Chair Evaluation.
- M. Smith recommended including more space after each section for comments/questions/explanations for why they selected the answer they did.
- D. Brown questioned whether answers where Disagree/Strongly Disagree are selected are done so because of a lack of understanding instead of a result of true feelings toward the question.
- N. Nolan commented that the board brings a wide variety of talents, expertise, and skills to the table and that she is very grateful and proud of the job this board has done.
- A. Guilmette will update the board with the final results during next month's meeting after the remaining board members have had a chance to complete the survey.
- Moved by G. Lewis, seconded by G. MacDougall

**That the Board Evaluation Presentation be received. CARRIED.**

## **8. Library Reports**

### **8.1 Manager's Report for March 2021**

- A. Guilmette presented the Managers' Report to the Board.
- A. Guilmette asked for the board's thoughts on the standard message for any feedback received on the possible formation of a union library that has been drafted by herself and the Lincoln Public Library CEO.
- M. Smith commented that using the wording "shared services" instead of "amalgamation" or "union" highlights the purpose of this union better.
- M. Smith suggested adding that any updates or questions on this partnership will be posted to the Pelham Public Library website.
- G. Lewis cautioned that adding that questions will be answered may lead community members to believe that all their questions will be posted with answers on the website, which is not accurate.



- M. Smith clarified that she meant adding an additional line to the feedback message to direct people to the website so that they can access any additional information that is made available.
- G. MacDougall felt that the standard feedback message should stand as it is presented, without additional changes.
- N. Nolan requested clarity as to where this feedback message will be used.
- A. Guilmette stated that it will be used as an email response to any individual that submits feedback in response to the possible formation of a union library.

## **8.22020 Year-End Report**

- Guilmette presented the Year-End Report to the Board.
- Moved by G. MacDougall, seconded by C. McPherson

**That the standard message for feedback as it relates to the Union between the Pelham Public Library and the Lincoln Public Library be approved as presented. CARRIED.**

- Moved by G. Lewis, seconded by M. Smith

**That the Year-End Report be communicated to the Lincoln Public Library, on the Pelham Public Library Website, and to Pelham Town Council. CARRIED.**

- Moved by D. Brown, seconded by M. Smith

**That the Manager's Report for March 2021 and the 2020 Year-End Report be received. CARRIED.**

## **9. Finances**

### **9.1 February 28, 2021, Consolidated Financial Report**

- A/ Guilmette presented that Consolidated Financial Report to the Board.
- N. Nolan questioned whether there are any savings from Evergreen because of the additional LiNC libraries.
- A. Guilmette stated that there is no change to the cost of Evergreen.
- G. Lewis questioned how much is being spent on PPE currently and where it falls on the budget line.
- A. Guilmette stated that PPE expenses fall in the Administration budget line and while we are spending more on PPE, we are spending less on other items such as toilet paper because there are fewer people coming into the

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building. A. Guilmette also commented that the Town has made her aware that there is a grant available to pay back some of the costs of PPE and that there may be some savings available through that.

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

**That the February 28, 2021 Consolidated Financial report be received.  
CARRIED.**

## **10. Library Board Reports**

### **10.1 Councillor's Report - M. Stewart**

- M. Stewart stated that Pelham Town Council is looking forward to the possible union with the Lincoln Public Library.
- M. Stewart reported that more housing is being built behind the Meridian Community Centre.
- T. Wright questioned that with all the residential homes going into East Fonthill, has the library ever been made aware as to how many people are potentially coming to the town, and would that information be helpful to project future development of the library.
- M. Stewart stated that that information is not currently available.
- A. Guilmette stated that having that information would be helpful and that the Town did provide that information when the Strategic Plan was done but it has most likely changed since then. A. Guilmette is going to look into getting those projections from the Town.

### **10.2 Maple Acre Friends' - M. Smith**

- M. Smith reported that the Maple Acre Friends' has not met since the last Board Meeting.
- M. Smith stated that unless something changes drastically there will not be a BBQ or Parade this year.

### **10.3 Town of Pelham Seniors Advisory Committee - G. MacDougall**

- G. MacDougall reported that they have not met since the last Board meeting.
- G. MacDougall stated that they are still awaiting news as to whether they have obtained a grant.





## 10.4 Pelham Art Festival Report - D. Brown

- D. Brown reported that the Pelham Art Festival will be held online this year for a 15-day period, from May 1-15.
- D. Brown stated that there will be no fee for entrance into the online event and there are 70 artists participating this year.
- Moved by D. Brown, seconded by M. Smith

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

## 7.2 Strategic Planning Update Discussion

### 7.2 a) Suggested Actions for 2021

- Guilmette presented the Possible 2021 Strategic Plan Actions to the Board.

### 7.2 b) Discussion on Additional Objectives for 2021

- N. Nolan suggested using a digital platform, like SurveyMonkey, for each Board member to rank which actions are most important for them.
- N. Nolan believed that the most important items should be related to the Union Board.
- T. Wright questioned whether the priority list (Engagement, Enrichment, Financial Sustainability, Facility Improvement, and Workplace Development) still aligns with what we need. While it has worked well for us over the last four years and helped to guide the board, there may be other options that would align with our goals now. This is a much larger discussion than what is planned for tonight though.
- T. Wright suggested adding a Partnership category to the priority list since many of the action items in each of the current categories include partnership elements.
- G. Lewis suggested that a separate meeting needs to be scheduled where the sole purpose is to discuss the Strategic Plan.

## Library Board Meeting Minutes

March 24, 2021

- G. Lewis stated that the board needs to decide if the action items are still relevant and whether there are items that can be done or cannot be done currently. Additionally, with the possibility of a union library occurring, there may be items that should be held off until that process is underway. G. Lewis also stated that there needs to be some consideration as to which action items are imperative to maintaining the core function of the library and which are not. This is not something that can be decided on tonight, as there needs to be more context and clarity.
- N. Nolan suggested that the April 28, 2021 board meeting be used to hold a discussion solely on the Strategic Plan.
- C. McPherson questioned whether creating a Partnership category in the priority list needs to be discussed at a later meeting or whether it is something that can be determined now.
- A. Guilmette commented that adding a Partnership category is a good idea, but warns against doing a whole new Strategic Plan as it is very labour intensive and that they would not know what changes there will be next year. A discussion with very specific questions would be useful with a survey on SurveyMonkey follow that discussion so that all board members have a better understanding of each action before they vote.
- G. Lewis questioned if there is a deadline for when the board will know whether the union library is going ahead.
- A. Guilmette stated that there is a deadline by the end of the second quarter to have an agreement completed if the union library is going to go ahead. That is not a deadline for when both libraries will be joined, rather a deadline for stating whether both libraries plan on joining.
- G. Lewis commented that there are some action items that depend on whether an agreement is reached and it may be inefficient to address them before a decision on the possibility of a union library has been made.
- T. Wright questioned whether a member from the Lincoln Public Library Board or from the Lincoln Public Library should be included in the next meeting.
- G. Lewis cautioned against this as the Strategic Plan is specific to Pelham, therefore it should focus on us and our plan.

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## Library Board Meeting Minutes

March 24, 2021

- A. Guilmette commented that the Partnership category would discuss the planning to go into a union with Lincoln Public Library, it wouldn't necessarily touch on what would happen after that union is formed.
- N. Nolan stated that Equality, Diversity, and Inclusion should be included and looked at in order to see who we may not be reaching currently within the community and if there are reasons why.
- Moved by G. MacDougall, seconded by G. Lewis

**The next board meeting on April 28, 2021 will be used to discuss the Strategic Plan and will not be a regular board meeting. CARRIED.**

### 11. Next Library Board meeting date

- The next meeting of the board will be held Wednesday, April 28, 2021 at 6:00 p.m. via Zoom and will a special library board meeting focused on strategic planning meeting.

### 12. Adjournment

- Moved by G. Lewis

**That the Library Board meeting of March 24, 2021 be adjourned at 8:00 p.m. CARRIED.**

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

May 26/21  
(date)

  
Amy Guilmette, Secretary

  
Nicole Nolan, Chair



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

Date: April 28, 2021

Time: 6:00 p.m.

**Location: electronically via Zoom**

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

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

**Regrets:** Gail Pepper, Donald Brown

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

1. Call to order/Regrets/Review Health and Safety Guidelines
  - The meeting was called to order at 6:01 p.m. by N. Nolan.
2. Approval of the Agenda for the meeting of April 28, 2021 and receipt of reports and correspondence (This is the opportunity to have additional items added to the agenda)
  - Moved: G. Lewis, Seconded: T. Wright

**That the agenda for the meeting of April 28, 2021 be approved as amended and the reports and correspondence listed on the agenda be received for discussion/action. CARRIED.**

3. Conflict of Interest Declarations  
None.

4. Rules of Procedure
  - Moved: M. Smith, Seconded: T. Wright

**That the Rules of Procedure be suspended as they pertain to Rules of Debate and that Members of the Public Library Board be permitted to participate in the discussion relating**

to the strategic planning session and THAT this permission be recognized for the debate portion only and not be deemed to include making motions or voting privileges. CARRIED.

- A. Guilmette facilitated a discussion of the current status of the current priorities, possible new priorities and then a prioritization of possible actions to complete these priorities.
- The Board added two new priorities: 1) Enhance communication with stakeholders (COVID & Union library) and 2) Research components for building a successful union library
- 2021 Actions were prioritized

## 2021 ACTIONS Top 5 - in no ranked order

Develop a communication plan for stakeholders in consultation with LPL on the union library formation	Research partnership with Pathstone Mental Health for walk-in hours	Replace the carpeting at Maple Acre with flooring more appropriate for craft programs	Develop an action plan for hiring a CEO	Develop a communication plan for stakeholders for COVID
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## 2021 ACTIONS LOWER IN PRIORITY - in no ranked order

Research and update library policies using best practices	Present at local service groups' online meetings to assess non-user perspective of library services	Develop a marketing plan for the Library's Endowment Fund	Review succession planning for the next public library board	Investigate and apply for grants that can fit with a renovation or new build for the Fonthill Branch
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- Complete set of notes from the session are attached in Appendix A.



Colour Coding in Notes from Strategic Planning Section	
Yellow	Continue to be focused on, should be prioritized in 2021
Pink	Satisfactorily complete, but should continue with what has been accomplished in 2021
Grey	Completed actions. No further action in 2021
Blue	On hold. Not finished, will complete after 2021
Green	New actions that should be prioritized in 2021

- Moved: G. Lewis, Seconded: M. Smith

**That the Rules of Procedure be reinstated. CARRIED.**

- Moved: C. MacPherson, Seconded: G. MacDougall

**That the Board actions the Acting CEO to update the 2017 – 2020 Strategic Plan based on the information gathered at this strategic planning session and to present the updated 2017 – 2021 Strategic Plan at the next regular Library Board meeting in May.**

5. Next Library Board Meeting: May 26 at 6:00 p.m. via Zoom.

6. **Adjournment**


- Moved by G. Lewis

**That the Special Library Board meeting of April 28, 2021 be adjourned at 8:28 p.m. CARRIED.**

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

May 26/21  
(date)

  
Amy Guilmette, Secretary

  
Nicole Nolan, Chair

**Pelham Arts Advisory Committee Minutes**  
**Wednesday, May 19, 2021 @ 2:30 p.m. by Zoom conference.**

**Present:** Els Swart, Chaired this meeting  
Councillor Bob Hildebrandt  
Brian DiMartile attended via phone  
Darren Keay  
Colleen Kenyon  
Mary Powley  
Barb Rybiak  
Leah Letford  
Jodi Shishkov

**Absent with Regrets:** Vickie vanRavenswaay  
Catharine Carr

1. **Declaration of Quorum and call to Order** by Els Swart;  
Committee welcomed new member Mary Powley, making the Pelham Art Advisory Committee full.
2. **Adoption of Agenda**  
Moved by: Brian Di Martile  
Seconded by: Colleen Kenyon
3. **Disclosure of Pecuniary Interest and General Nature thereof**  
Els Swart & Jodi Shishkov declared conflicts with the Canada Day Art Installation Applications and will step out during discussions
4. **Approval of Minutes of Previous Meeting**  
Moved by: Darren Kaey  
Seconded by: Brian DiMartile  
  
THAT the minutes for the April 21, 2021 Pelham Arts Advisory Committee meeting be approved.  
CARRIED
5. **Correspondence**  
None
6. **Business Arising from Minutes:**
  - MSSP Mural Update;

- a. Colleen Kenyon presented potential locations within Pelham for future mural projects
- b. Staff provided an update on the MSSP mural project, and an overview of where the mural will be located at MSSP. Staff will give EL Crossley a deadline to commit to the project of June 18, 2021.

*A motion was made by Brian DiMartile to approve the MSSP Mural project location in partnership with EL Crossley*

*Seconded Barb Rybiak*

CARRIED

- Check List procedures for artists to hang;
  - a. The checklist was updated to include steps for staff to follow going forward, staff will send out final checklist to the committee.
- Culture Days;
  - a. Culture Days Artist Support Program: Staff will send out a draft version of the Artist Support Program application to review, Committee members to review and provide feedback at next meeting
- Pelham Art Advisory Webpage
  - a. A Reminder for Committee members to submit a one or two sentence about why they joined the Pelham Art Advisory Committee for the webpage
- Canada Day Art Installation Project;
  - a. The Committee reviewed (4) Canada Day Temporary Outdoor Art Installation Applications  
*A motion was made by Barb Rybiak to move forward with the presented applications pending budget requirements.*  
*Seconded by Brian DiMartile*  
CARRIED
- Budget Review;
  - a. Staff presented an overview of the Budget, and will bring the budget back quarterly to the committee

## 7. New Business:

- Mary Powley has asked for the committee to research and investigate opportunities in offering a Pop up Art Gallery Program – in vacant units within the Downtowns of Pelham. Mary Powley & Staff will research programs and bring information back to next meeting

- We will add to the June agenda a discussion and review of the Pelham Art Advisory Committee Strategic Plan, to review goals and what the committee would like to accomplish from now until 2022

8. **Next Meeting:** Wednesday, June 16, 2021 at 2:30pm by Zoom.

9. **Adjournment**

Moved by: Colleen Kenyon

Seconded by: Brian DiMartile

THAT the meeting of the Pelham Art Advisory Committee meeting, May 19, 2021 adjourned at 4:25pm.

CARRIED.

*Els Swart*

---

Els Swart, Co-Chair

**Cannabis Control Committee  
Town of Pelham**

**Minutes of Meeting  
Wednesday, May 26 – 5:00 p.m.  
Zoom Video Conference**

**Present:** Tim Nohara (Chair)  
Carla Baxter (arrived late)  
Louis Damm  
Bill Heska  
Jim Jeffs  
John Langendoen  
Jim Steele  
Bob Hildebrandt, Councillor - Town of Pelham  
David Cribbs, CAO - Town of Pelham (arrived late)  
Barbara Wiens, Director, Community Planning & Development, Town of Pelham  
Jodi Legros, Administrative Assistant, Community Planning & Development,  
Town of Pelham (Secretary)

**Regrets:** Shannon Larocque, Senior Planner, Community Planning & Development,  
Town of Pelham

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**1. Declaration of Quorum**

Chair declared quorum at 5:03 p.m.

**2. Approve Agenda**

Moved by J. Langendoen, seconded by J. Steele that the agenda of May 26, 2021 be approved.

CARRIED

**3. Approve Minutes of April 21 and May 5, 2021**

Moved by L. Damm seconded by J. Steele that the minutes of April 21, 2021 be approved, as amended.

Moved by L. Damm, seconded by J. Langendoen that the minutes of May 5, 2021 be deferred to the next meeting date.

CARRIED



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

##### **a) Draft By-law Amendment Update**

Due to current litigation relating to the By-law, the proposed revisions to the OINBL are on hold based on advice provided by Aird & Berlis.

##### **b) Schedule Review**

Committee and staff continue to make progress on the implementation plan. B. Wiens informed the committee that once RFPs for third party odour monitoring are received, they will be rated by select town staff together with Phil Girard. Once awarded, a kick-off meeting will be organized together with P. Girard. This is currently planned for the end of June with a target date to commence odour monitoring for early July.

It was noted that communication to council and residents may be limited at this time. Town staff informed the committee that council members receive updates by way of the Committee Minutes. Councillor Hildebrandt advised he updates and speaks with council members and residents when necessary.

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

As of this date, the Town has not received a court date or received affidavits from the applicants who filed a notices to quash the OINBL. There is some indication by the applicants that they are willing to engage in some discussions prior to filing affidavits. The Town can only respond once the applicants have filed their affidavits.

Appeals to the Zoning By-law and Official Plan Amendments were filed last summer and are moving to a virtual Case Management Conference on June 29, 2021.

No updates at this time relating to the Interim Control By-law court application.

Woodstock Biomed acknowledges they are growing hemp at Foss Road location.

#### **6. Next Meeting:** June 16, 2021 at 5:00 pm via Zoom

The following meeting was agreed to for July 7, 2021.

#### **7. Adjournment**

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

The meeting adjourned at approximately 5:50 p.m.

CARRIED

Signed & Edited 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

**Cannabis Control Committee  
Town of Pelham**

**Minutes of Meeting  
Wednesday, May 5, 2021 – 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 (late arrival)  
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:** 1 Public Attendee, Bernie Law

**Regrets:** John Langendoen

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**1. Declaration of Quorum**

Chair declared quorum at 5:02 p.m.

**2. Approve Agenda**

Moved by J. Steele, seconded by C. Baxter that the agenda of May 5, 2021 be approved.

CARRIED

**3. Approve Minutes of March 24, April 7 and April 21, 2021**

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

CARRIED

Moved by L. Damm, seconded by C. Baxter that the minutes of April 7, 2021 be approved, as amended.

CARRIED

Moved by J. Steele, seconded by C. Baxter that the minutes of April 21, 2021 be deferred to the next meeting date.

CARRIED

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

##### **a) Review draft By-law amendment from Aird & Berlis**

The committee reviewed a redlined document drafted by Aird & Berlis, integrating odour thresholds previously approved by the committee, and licensing provisions proposed by staff into one document. The major change noted related to the licencing exemption proposed for designated growers which Aird & Berlis is suggesting to be based on Health Canada's guidelines: namely, a registered person that produces cannabis at a level of 2 grams or less per day would be exempt from licencing. It was noted that By-law staff had requested that the dilution threshold also be brought into the by-law with a mapping to the number of odour units. T. Nohara reported that P. Girard informed him that there is no standard way to relate the number of dilutions to the odour unit thresholds because the mapping depends on the particular olfactometer being used. P. Girard recommends sticking with odour units.

##### **b) Review Schedule**

The committee reviewed the schedule updating tasks completed.

It was noted that B. Lymburner has been in contact with P. Girard to obtain information for the RFP on the odour monitoring program. Further, as a next step the committee will commence the communication plan for communicating an update to the public.

#### **5. Review draft submission to Health Canada due May 7, 2021**

Committee and Town staff reviewed the proposed submission to Health Canada on the designated growers guidance document that the committee will be submitting to Health Canada on May 6, 2021. B. Wiens proposed some edits to the draft which T. Nohara incorporated to finalize the submission.

Any personal comments by committee members who which to respond to the Health Canada consultation are to be submitted separately as a personal comment.

#### **6. Update on Legal Actions**

D. Cribbs informed the committee that two additional legal proceedings have been initiated in relation to the Odorous Industries Nuisance By-law (OINBL). The matters are returnable mid-May.

Due to these legal proceedings, the proposed amendments to the Odorous Industries Nuisance By-law and communication updating the public will be on hold until Council and the committee receive legal advice. The Town will press ahead with the full implementation of the OINBL including the RFP for and selection of the Ambient Neighbourhood Odour Monitoring contractor.

**7. Next Meeting:** May 26, 2021 at 5:00 pm via Zoom.

## **8. Adjournment**

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

The meeting adjourned at approximately 6:19 p.m.

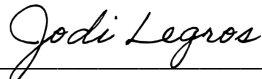
CARRIED

Signed and Edited by:



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Tim Nohara (Chair)



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

**MEETING DATE: Thursday January 21, 2021 – 5:00 PM**  
**Zoom Meeting**

**Present:** Julie Cook (Recreation and Wellness Programmer)  
Halee Braun (RCW Administrative Assistant)  
Councillor Marianne Stewart  
Byron Sinclair (Pelham Minor Hockey Association)  
Brian Bleich (Pelham Basketball Association)  
James Allen (Facility Supervisor)  
Tim Toffolo (Jr. B Pelham Panthers)  
Doug Freeland (Service Club Representative)  
Ryan Cook (Manager of Public Works)  
Bryan Secord (Senior Facility Operator)  
Jessica Sackett (Niagara Centre Skating Club)  
Kevin Yochim (Southern Tier Admirals)  
Spencer Tanguay (Pelham Raiders Lacrosse)

**Absent with Regrets:** Association) Vickie vanRavenswaay (Director of Recreation, Culture & Wellness)

## **1. WELCOME**

The Chair Tim Toffolo, called the meeting to start at 5:06pm.

## **2. ORGANIZATIONAL PLANS FOR THE BALANCE OF THE SEASON**

- Brian is doing online training through zoom as of now 3 times a week and aims for a fresh start back in September
- Kevin – OMHA hopes to extend the season into April and May, mandatory extension for minor and midget. Other age groups are optional depending on interest.
- Tim – OHL is looking to have their draft at the end of June, might look at extending that further if necessary. Also Tim will extend his season into May and April (5 teams that are within our health unit). Aim to hopefully have a tournament in April and declare the golden horseshoe at that time.
- Jessica, higher level skaters will come back but double their ice times to accommodate smaller groups. Lower level skaters have ended the season until next year. Synchro teams will come back.
- Byron – PMHA would like to come back (Red) or (Orange) and extend into May and April

- Spencer - Lacrosse is cancelled for April or May, if they do play it will only be house league in your own health unit, local teams only. At this point, the goal is for a June start but might be pushed to outdoors (June, July and Aug) no tournaments.

### **3. SPECIAL EVENTS**

- Everything has been postponed

### **4. OTHER BUSINESS**

- At this point the plan is for the 2022 season to pick up where we left off pre-Covid-19

### **5. NEXT MEETING**

Next meeting: at the call of the chair, Tim Toffolo

### **6. ADJOURNMENT**

The meeting of the MCC User Group Roundtable Committee,  
January 21, 2021 adjourned at 5:38pm.

Signature: Kathy Haist  
Kathy Haist (Jun 24, 2021 13:48 EDT)

Email: khaist@pelham.ca

Tim Toffolo  
Tim Toffolo (Jun 24, 2021 13:46 EDT)

Chair of MCC User Group Roundtable Committee  
Tim Toffolo

Kathy Haist

RCW Administrative Assistant  
Kathy Haist

**Official Minutes**

Date: Wednesday, June 9, 2021  
 Time: 4:00pm  
 Location: Zoom

Attendance: John Wink, Chair  
 Wayne Olson, Councillor  
 Michael Cottenden  
 Bill Crumm  
 David Cribbs, CAO  
 Teresa Quinlin, Director of Corporate Services/Treasurer  
 Charlotte Tunikaitis, Deputy Treasurer  
 Belinda Ravazzolo, Secretary

Regrets: Ron Kore, Councillor

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

Noting that quorum was present, Chair Wink called the meeting to order at approximately 4:02pm.

**2. Approval of Agenda**

Councillor Olson requested that an item be added to the agenda under New Business regarding internal controls surrounding government grants and the allocation of funds to projects including the eventual approval by Council.

**Moved by** Bill Crumm

**Seconded by** Michael Cottenden

**THAT the agenda for the June 9, 2021 regular meeting of the Pelham Finance and Audit Committee be adopted as amended.**

**Carried**

**3. Declaration of Pecuniary Interest and General Nature**

None.



#### **4. Approval of Minutes**

The Committee approved the minutes from the May 5<sup>th</sup> Pelham Finance and Audit Committee meeting.

**Moved by** Michael Cottenden

**Seconded by** Bill Crumm

**THAT the minutes of the May 5, 2021 Pelham Finance and Audit Committee be approved.**

**Carried**

#### **5. Business Arising from Minutes**

#### **6. New Business**

##### **6.1. Draft 2020 Annual Report**

The Treasurer informed the Committee that this is the second year that the Town has produced the Annual Report with a new addition this year highlighting the services that each department provides, priorities, statistics as well as achievements under a new section titled "Department Highlights".

The Financial overview and Financial Statements have already be reviewed by the Pelham Finance and Audit Committee at last month's meeting as an accompaniment to the financial statements. The Treasurer indicated that the draft will be going to Council on June 21<sup>st</sup> and will also be submitted for the GFOA Award again, which the Town received last year for it's first report. The Treasurer asked the Committee if they had any questions or recommendations to the report before going to Council.

Mr. Cottenden felt that this report incorporated the Committee's previous years ask of showing a better balance in terms of an annual report and not too heavy on the financial side.

Councillor Olson agreed with Mr. Cottenden stating that he read the report in detail and compared it to other annual reports. He could see the improvements of this year's report and considered it a "home run".

Mr. Crumm felt that the report was very well done and wouldn't be surprised if another award is coming again this year.

Chair Wink wanted to congratulate the Treasurer, Deputy Treasurer and send along congratulations to the Corporate Services staff who also worked on the report. He informed the Committee that the Town of Pelham was the first municipality in the Niagara Region to file their financial information return giving accolades.

Councillor Olson feels that peer evaluations are very important and felt that the Corporate Services department is succeeding in succession planning with staff working on their accreditations setting a good model for the future. The Treasurer noted that Victoria Emslie, Tax Clerk and Jonathan Witzke, Staff Accountant and Payroll Clerk are both working towards their CPA designations. She is mindful of the work that they are given so that they have the experience that they need to achieve the objectives of a CPA. The Deputy Treasurer noted that Victoria Emslie was very instrumental in putting the report together. Chair Wink added mentoring staff to move them along is a sign of a good manager. The CAO indicated that the team has worked really hard and deserve the recognition that they are receiving.

**Moved by** Wayne Olson

**Seconded by** Bill Crumm

**THAT the Committee received the Draft 2020 Annual Report for information.**

**Carried**

## **6.2. 2022 Budget Schedule**

The Treasurer outlined the proposed 2022 Budget Schedule that is going to Council on June 27<sup>th</sup>. Most dates are in line with last year. The Treasurer asked the Committee members if binders were still required or if they preferred electronic versions. Chair Wink prefers binders as does Councillor Olson.

The Treasurer stated that it was decided to follow the same approval process as last year, to wait to the new year in case of any additional COVID funding. She indicated that the team has already started the budget process for this year and with the help of Questica, the new budget software, it will make the process that much easier.

Mr. Cottenden asked if it was normal practice to finalize the budget at the beginning of the year. The Treasurer said that prior to her starting at the Town the budgets were approved at various times. Her goal is to have the budgets approved before the year starts as it was last year but was asked by Council to put it on hold due to the COVID funding. Because the first water/wastewater billing in January pertains to November and December rates, it doesn't affect the budget. The next bill isn't until March when the new rate would apply. The Deputy Treasurer said that the only consideration is when it's an election year, then it can't be approved until the new term of Council in January.

Councillor Olson spoke to the theory that the earlier the Capital Budget was approved, the better the "deals" the Town would receive on RFPs. He asked staff if there was any truth to this. The CAO indicated that Port Colborne is not doing any capital projects this year. The third shut down really impacted the Town and didn't get the RFPs out any earlier than normal although it was the intended purpose. This model proposes that the Capital be passed in December and Operating and Water/Wastewater in January allowing RFPs to go out as early as possible. The CAO also stated that Pelham is one of the few municipalities in the Region who pass their budgets early in the year allowing for RFPs to go out before others.

The Treasurer indicated that the Pelham Street project just closed roughly \$300,000 under budget being awarded to Rankin Construction. Other municipalities are not going full swing with their capital projects as is Pelham. The Town currently has \$5 million dollars of capital carried forward from last year and another \$8 million of new capital this year.

Councillor Olson stated that he supposes that it makes the work easier if the projects could be divided up throughout the year. The Treasurer indicated that once projects are approved over multiple years, the Town can move a little bit quicker.

### **6.3. Review of 2021 PFAC Meeting Dates – July 28, 2021 & November 24, 2021**

The Treasurer noted that the next Pelham Finance and Audit Committee meeting is not scheduled until October 27<sup>th</sup>. Seeing that the Budget Schedule has been revised, she suggested revising that meeting date to July 28<sup>th</sup> to bring the RFP for the Audit Services to the Committee for approval and to also bring the report for the reserves for review.

The Deputy Treasurer explained that even though the Committee had previously discussed adding the target values to the reserve summary, she noted that the reserve summary that is sent to Council at the end of the year is based on the actual balances in

the financial statements and it excludes the commitments and the projects which have already been approved. Therefore, the team decided to work on an additional report that would look at actuals versus target values and then include the commitments and compare that to the targets to get the full picture. If this is found useful, this could be implemented every year. Mr. Crumm feels that this would be very informative and good to see the progress and also what is still needed to achieve.

The Treasurer suggested to keep the November 24<sup>th</sup> meeting date and drop the October 27<sup>th</sup> meeting date. She asked the Committee if they could accommodate that change. Mr. Cottenden stated that moving forward it would be beneficial for the Committee to accommodate zoom meetings even when in-person meetings resume. The CAO indicated that the Town Clerk is currently writing a report to support a hybrid system going into the future.

Mr. Crumm indicated to the Committee that he will not be available for the July 28<sup>th</sup> date as proposed and therefore will not be able to participate. Mr. Cottenden suggested that having Mr. Crumm attend the meeting is ideal and moving the meeting to another date would be better. The Treasurer suggested moving the date to August 4<sup>th</sup> instead.

**Moved by** Wayne Olson

**Seconded by** Michael Cottenden

**THAT the Committee change the 2021 meeting dates to August 4<sup>th</sup> and November 24<sup>th</sup> for the Pelham Finance and Audit Committee meetings.**

**Carried**

#### **6.4. Internal Controls Surrounding Government Grants**

Councillor Olson wanted to discuss the internal controls surrounding government grants and the allocation of funds to projects including the eventual approval by Council; specifically referring to the canopy installed at the MCC. The Treasurer stated that quite a few reports have been going to Council prior to grant application that have Town dollars associated with it for approval by Council. She said that with regards to this particular project, the Seniors received special capital grant of \$11,000 and the Director of RCW received feedback from the Seniors Committee as to where to spend that money. Together with the grant and some parks money went towards putting up the

canopy to allow for socializing through outdoor gatherings as COVID has limited numbers with indoor gathering.

The CAO added that Pelham's approach falls within the municipal norm. Stating that there are 2 types of grants, one is the big structural pieces that the Town anticipates every year that are built into the budget which Council prioritizes into different projects. The other type are ones that the federal government offers up giving municipalities weeks to fill out applications. For those type of grants, if the timing allows staff will come to Council, keeping in mind the publish deadline that the Clerk's Office have. He stated that when the grant is structural staff always brings it to Town for their decision making and when ad hoc, it is brought to Council when possible, but it is not always possible. The Treasurer added that the Committee of the Whole report always lists the grants that the Town applies for.

Councillor Olson noted that the MCC only has 3 handicap parking spaces and feels that the canopy is taking up space that could be used for additional spots. The Treasurer added that the courtyard that the canopy is on is the Pelham Minor Hockey Courtyard who donated \$100,000 for that space and therefore could not be used for parking. Chair Wink added that Council is still waiting on the parking study to be completed which would address the accessible parking issue.

## **7. Audit**

None.

## **8. Operating Financial Report to April 30, 2021**

The Treasurer gave an overview of the actuals for the first 4 months of the year. This will be going to Council on June 21<sup>st</sup> requiring approval for a budget transfer from the working fund reserves for \$535,000 to reflect the Safe Restart funding that was carried forward to 2021.

The MCC being shut down for 4 out of the 5 months has had a big impact on the financials. Receiving the additional \$347,000 that wasn't in the budget at the beginning of the year will help the Town throughout the year. The third wave was not anticipated but staff is hopeful that the MCC will open near the end of July and start generating some revenues from the MCC with the two arenas open.

Staff is filing the Safe Restart grant funding that is due the end of June hoping to receive additional funding adding commentary about the cost of running the vaccination clinic at

the MCC. The Town is being very careful with spending. Many of the purchases made last year do not have to be repurchased this year.

Councillor Olson asked about possible refunding to the Town with some other municipalities unwillingness to pay for the Emergency Communication System. The CAO informed the Committee that six municipalities want to move forward with the system and six do not. With the federal government eventually not supporting the analog systems, there is no reason as to not move forward with the investment with the digital system. Pelham has already made the first investment in this system and will be asking Council to move forward with the second part next year. He added that it is unknown who will be providing fire dispatch to those municipalities that do not join and that there will be no refunds for this. The CAO and Fire Chief will write a report to Council in the future.

Mr. Crumm asked staff if there was any additional risk to not achieving the budget position at this point. The Treasurer responded letting the Committee know that the MCC is expected to open for July 26<sup>th</sup> with ice in both arenas. With the revenue coming in from the ice rentals, the Town should be in a good position even though there is a commitment for the use of the gymnasium for the vaccination clinic until December 31, 2021. If there is a fourth wave, there may be a financial impact to the Town. Mr. Crumm feels that a good message to Council would be to let them know that based on some of the contingency, transfer from reserves and new grants that were not in the original budget, the Town is still on track to the approved budget.

**Moved by** Bill Crumm

**Seconded by** Michael Cottenden

**THAT the Committee received the April 30, 2021 Operating Financial Report for information.**

**Carried**

## **9. MCC Operating Financial Report to April 30, 2021**

**Moved by** Michael Cottenden

**Seconded by** Wayne Olson

**THAT the Committee received the April 30, 2021 MCC Operating Financial Report for information.**

**Carried****10. Transit Operating Financial Report****11. Capital Report****12. Reserves****13. Financial Risks****13.1. COVID-19 Update**

The Treasurer informed the Committee that while in lockdown, most staff was encouraged to work from home but as of Monday, June 14 after moving into Stage 1, staff will be working a 50/50 split shift; home and office.

Mr. Cottenden asked for clarification as to what the impact is to the Town in terms of the stages. The CAO informed the Committee that as it stands right now the MCC will open July 26<sup>th</sup> and the EOC will be working on a plan for the fall trying to target the first business day after Labour Day to reopen Town Hall to the public. He told the Committee about a policy that went to Council in February allowing for a future hybrid workforce in which the management team can enter into contracts with staff that will govern working from home to a maximum of 3 days per week but more likely 1 to 2 days. There are legal documents in place that will be executed with staff members after the pandemic to allow for this. The CAO added that allowing for workplace flexibility is one of the ways to help offset the Town's lower range of salaries for Pelham's municipal employees.

Chair Wink added that one of the benefits of entering Stage One is that the Town will be able to offer summer programs/camps for the kids with the pool being open as well, of course with limited numbers.

Chair Wink asked how long the Town is obligated for the use of the gymnasium for the vaccination clinic. The CAO informed him that the Town has signed a contract with the Region of Niagara to make the MCC available up to December 31, 2021. Anything beyond that will need to be brought to Council for approval. Right now, the gymnasiums will be made available upon reasonable request until the end of the

year. As time is carrying on, the firm dates are coming in earlier allowing for better planning which may allow for use of the south half of the gym for rental use.

**14. Next Meeting – Wednesday, October 27, 2021 at 4:00pm**

The next meeting of the Pelham Finance and Audit Committee will be moved ahead to Wednesday, August 4<sup>th</sup>, 2021 at 4:00pm.

**15. Adjournment**

**Moved by** Bill Crumm

**Seconded by** Michael Cottenden

**THAT this Regular Meeting of the Pelham Finance and Audit Committee be adjourned at 5:09pm.**

**Carried**



**Chair, John Wink**



**Executive Assistant to CAO/Mayor, Belinda Ravazzolo**



**Subject:** Accommodation Policy S100-13 Update**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0155- Clerks – Accommodation Policy S100-13 Update;**

**AND THAT Council approve Accommodation Policy S100-13, as amended.**

**Background:**

On June 7, 2021 the Clerk's Department brought a report to Council requesting the Town's Accommodation Policy be revised to conform with current *Ontarians with Disabilities Act, 2005* ("AODA") legislation requirements. Subsequently, on June 21, 2021 Council approved the said revised policy.

Upon review of the revised policy by the Ministry of Seniors and Accessibility Compliance and Enforcement Branch (the "Ministry") minor additional revisions have been requested. To satisfy the Ministry's request the Clerk's Department has made the requested changes in red font for Council's review and approval.

**Analysis:**

The Town of Pelham remains committed to developing an accessible community for all residents and visitors. In order to meet this goal, the Town of Pelham works with the Ministry and the Town's Accessibility Consultant to meet or exceed AODA standards. The proposed revised policy supports the Town's goal of being an accessible community for all.

**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:**

Donna Herrington, Herrington Group, Town of Pelham AODA Consultant

**Other Pertinent Reports/Attachments:**

S100-13 – Accommodation Policy – proposed revision in red font

**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:	June 7, 2021
Council approval date:	June 21, 2021
Revision date(s):	<u>September 20, 2021-</u>
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 after consulting the requestor and provide in a suitable 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 as soon as practicable.

Individualized plans will be created using the municipality's template. This information will be maintained confidentially. Individualized workplace emergency response information will be provided to the persons designated to provide assistance to the employee. The municipality will review the individualized workplace emergency response information:

- a) when the employee moves to a different location in the organization;
- b) when the employee's overall accommodation needs or plans are reviewed; and
- c) when the employer reviews its general emergency response policies.

### **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 GOODS, SERVICES OR FACILITIES AND SELF-SERVICE KIOSKS

The municipality will incorporate accessibility design, criteria and features when procuring or acquiring goods, services or facilities, except when it is not practicable to do so. If it is determined that it is not practicable to incorporate accessibility design, criteria and features when procuring or acquiring goods, services or facilities the municipality will provide an explanation upon request.

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:** Proposed 2022 Council Meeting Schedule**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0122 – Clerks - Proposed 2022 Council Meeting Schedule;**

**AND THAT the appended Tuesday 2022 Council Meeting Schedule be submitted for Council approval at Council's next regular meeting;**

**AND THAT Council approve and direct the decommissioning of Policies and Priorities Committee;**

**AND THAT Council approve and direct the agenda structure to include Committee of the Whole within all Regular Council Meetings;**

**AND THAT the Clerk be directed to present the necessary By-law to amend the Town's Procedural By-Law to:**

- 1. Call for Tuesday Regular Council and Public Meetings under the *Planning Act*;**
- 2. Include the addition of a third meeting within the summer schedule, to be determined by staff and approved by Council in advance;**
- 3. Decommission the Policies and Priorities Committee; and**
- 4. Establish a Committee of the Whole standing agenda item within the Regular Council Agenda;**

**AND THAT the By-Law be presented at the next Regular Meeting of Council being October 4, 2021.**

**Background:**

The Town of Pelham's Procedural By-law No. 4107(2019), as amended, provides the framework for the Town of Pelham's Council meeting schedule by stating Council shall meet as Regular Council on the first and second Monday of the month with a Committee meeting to follow. Currently, the first Monday of the month is reserved for the Policy and Priorities Committee and the third Monday of the month

is reserved for Committee of the Whole.

The Procedural By-Law further calls for Council to meet on the second Monday of the month for Public Meetings under the *Planning Act*.

The Procedural By-law provides special provisions for a summer schedule and therefore reduces Regular Council meetings to one Regular Council meeting and one Public Meeting in both July and August, with no scheduled Committee meetings.

Although the Procedural By-law provides the framework for when Council shall meet, there are additional provisions within the By-law to allow for the calling of special meetings and topic-specific public meetings.

On March 23, 2020 Council for the Town of Pelham amended the Procedural By-law to provide for electronic meetings during a declared emergency, by Amending By-law No. 4217(2020). Council is currently meeting in a council-in-committee format, as Policy and Priorities Committee and Committee of the Whole have been temporarily suspended during the COVID-19 pandemic. Committee meetings have been included on the proposed 2022 meeting schedule(s), should the COVID-19 pandemic be declared over and Council reinstates Committee meetings.

This report seeks three amendments to the Procedural By-law:

#1. Staff seek Council approval to amend the Procedural By-law to schedule Regular Meetings of Council on the first and third Tuesday of each month, as well as Public Meetings under the *Planning Act* on the second Tuesday of the month.

#2. Staff are seeking the addition of a third Regular Council meeting within the summer schedule.

#3. Staff seek the complete elimination of Policies and Priorities Committee. Staff recommend Council meet as Committee of the Whole within the Regular Council Meeting to facilitate less formal discussion and questioning.

In order to ensure that Council meeting dates are published in advance of the calendar year, Council is traditionally presented a draft meeting schedule in the fall of each year. A meeting schedule is established annually to accommodate Statutory Holidays, Religious Holidays and other known events, such as the Federation of Canadian Municipalities Annual Conference and the Association of Municipalities of Ontario Annual General Meeting.



Approval of this report will provide public notice that the Town of Pelham intends to amend the Procedural By-law.

### **Analysis:**

Municipal Council sets the strategic goals, priorities and direction of the municipality and therefore, meeting regularly and consistently is critical to municipal operation and business continuity. In order to ensure optimal attendance, when creating the upcoming Council Meeting Schedule, consideration is given to Statutory Holidays, Religious Holidays and various conferences and events where attendance by Members of Council and senior leadership is anticipated.

### **Tuesday Meeting Schedule**

Staff recommend the Procedural By-law be amended to call for Regular Council meetings to be scheduled on the first and third Tuesday of each month and for Public Meetings under the *Planning Act* to be scheduled on the second Tuesday of each month.

As the majority of statutory and civic holidays fall on Mondays, Council meetings are mandated by the Procedural By-Law to be shifted to the Tuesday following a holiday. During the calendar year of 2021, five of 20 Regular Council meetings were scheduled on a Tuesday in recognition of a holiday. Staff believe a Tuesday meeting schedule would apply consistency to the 2022 meeting schedule, with no alternative meeting dates required.

Monday night meetings have further proven difficult for staff attempting to schedule and accommodate frequent municipal delegates such as the Niagara Region. The Niagara Region regularly appears as a delegate before Niagara local area municipalities each month. As illustrated below, eight of the 12 Niagara local area municipalities meet on Monday. A recent scheduling conflict resulted in the Niagara Region being unable to attend the July 26, 2021 Town of Pelham Council meeting, as originally planned, due to the Region's commitment to appear as a delegate at neighboring municipalities. To accommodate the delegation, the Niagara Region appeared as a delegate on the August 23, 2021 Council meeting. This presented a challenging time crunch for Council and staff as municipal feedback related to the Transit Governance Model was due to the Niagara Region by August 25, 2021.

Additionally, The Town Solicitor is a shared position between the Town of Pelham (40%), Town of Fort Erie (40%) and Township of Wainfleet (20%). Accordingly, there are times when the Town Solicitor is required to attend two municipal Council meetings in the same night. This ability will cease or be dramatically reduced upon

the return of in-person meetings (which has already happened in Fort Erie). The recommendation of Tuesday Council meetings should alleviate any potential conflicts the Town Solicitor has with the Town of Fort Erie. The Town Solicitor is not regularly required to attend Township of Wainfleet Council meetings.

Monday night Council meetings might also be inconvenient to Members of Council as the current schedule generally relies on Councillors preparing for their meetings on the weekend. Weekends are designed for rest, relaxation and family time, opposed to meeting preparation time. Staff commend Members of Council for always being prepared for Monday night meetings; however, recognize this may encroach on Council Members personal time. Should a Tuesday meeting night schedule be adopted, this should allow Council more weekend free time.

Staff recognize, should Council adopt a Tuesday meeting schedule, this will conflict with some Council Advisory Committee current meeting schedules, such as the Committee of Adjustment; however, any Advisory Committee meeting schedule can be shifted to accommodate the adopted Council Schedule.

### **Municipal Council Meeting Time/ Date Comparison Chart**

*As of July 13, 2021*

<b>Municipality</b>	<b>Day of the Week</b>	<b>Meeting Start Time</b>	<b>Frequency</b>
Niagara Region	Thursday	6:30 p.m.	4 <sup>th</sup> Thursday of the month (Except 3 <sup>rd</sup> Thursday of the month in November & December)
Fort Erie	Monday	6:00 p.m.	2 <sup>nd</sup> and 4 <sup>th</sup> Monday of each month
Grimsby	Monday	8:00 p.m.	1 <sup>st</sup> and 3 <sup>rd</sup> Monday of each month
Lincoln	Monday	6:00 p.m.	Every 3 weeks
Niagara Falls	Tuesday	4:00 p.m. July and August meetings begin at 1:00 p.m.	Every 3 weeks
Niagara-on-the-Lake	Monday	6:00 p.m.	Every 4 weeks

Pelham	Monday	5:30 p.m.	1 <sup>st</sup> and 3 <sup>rd</sup> Monday of each month
Port Colborne	Monday	6:30 p.m.	2 <sup>nd</sup> and 4 <sup>th</sup> Monday of each month
St. Catharines	Monday	6:00 p.m.	Varying frequency
Thorold	Tuesday	6:30 p.m.	1 <sup>st</sup> and 3 <sup>rd</sup> Tuesday of each month
Wainfleet	Tuesday	7:00 p.m.	Every 3 weeks
Welland	Tuesday	7:00 p.m.	1 <sup>st</sup> & 3 <sup>rd</sup> Tuesday of each month
West Lincoln	Monday	7:00 p.m.	4 <sup>th</sup> Monday of each month

### **Summer Schedule**

As stated above, municipal councils are critical to the operation of a municipality. The current summer schedule leaves a four-week gap between both the July and August Regular Meetings of Council. Staff recommend the inclusion of a third Regular Meeting of Council within the summer schedule. Staff recommend the Procedural By-Law not designate a specific Tuesday for the said third meeting, but rather allow staff flexibility in setting the date. Having said this, the proposed date selected by staff will always be presented to Council in the fall of the preceding year for Council's consideration and approval. The proposed third meeting for 2022 is illustrated on the appended schedule(s).

The inclusion of a third Regular Council meeting is suggested to ensure corporate business is addressed in a timely manner. Furthermore, a third meeting would reduce the items of business presented on each agenda, thereby reducing the length of each meeting. Provisions for the calling of special meetings and topic-specific public meetings would remain in effect.

### **Committee of the Whole**

Upon termination of the declared pandemic, Council may reinstate Committee meetings. Staff recommend the Procedural By-law be amended to decommission Policies and Priorities Committee. Staff propose that Council meet as Committee of the Whole within the regular session of each Regular Council Meeting. Should Council adopt this process, a regular standing agenda item will be used for Council to consider items, such as policies and staff reports not requiring immediate action, as Committee and ratify Committee decisions at the subsequent Council meeting. This structure will not detract from items forwarded to Council for direct approval.

Staff have deemed it expedient to meet as Committee within the same session as Regular Council to eliminate the requirement of two separate meetings. A singular meeting will circumvent the requirement of two agendas, minutes and a break in livestreaming and recording, thereby saving time.

### **Financial Considerations:**

There are no costs associated with this proposal.

### **Alternatives Reviewed:**

Council can consider any of the alternative options identified below:

#### **Meeting Schedule**

##### Alternative Option One

Council can decide to proceed with the current regular meeting schedule being the first and third Monday of each month with the Public Meetings under the *Planning Act* on the second Monday of each month. Should Council wish to proceed in this manner, it is recommended that Council include a third regular meeting within the summer meeting schedule.

##### Alternative Option Two

Council can decide to amend the Procedural By-law, changing the regular meeting schedule to the first and third Tuesday of each month. With this alternative, the summer schedule would remain at one meeting held the third Tuesday of July and August. Public Meetings under the *Planning Act* would be scheduled on the second Tuesday of each month, including the summer schedule.

##### Alternative Option Three

Council can decide to proceed with a regular meeting schedule being the first and third Monday of each month, while maintaining the current summer schedule being one meeting on the third Monday of July and August. Public Meetings under the *Planning Act* are to be scheduled on the second Monday of each month.

#### **Committee of the Whole**

##### Alternative Option One

Council can decide to alternate between sitting as Committee of the Whole and Council. For example, Council could meet as Committee of the Whole on the first Tuesday of the month and Council on the second Tuesday of the month. Staff do

not advise of this alternative as it may result in the delay of approval of time-sensitive items of business.

#### Alternative Option Two

Council can decide to meet as Committee of the Whole in a separate session following Regular Council. This is more similar to the traditional meeting style at the Town of Pelham.

#### Alternative Option Three

Council can decide to meet as Committee of the Whole each month either during the Regular Council session of one meeting or in a separate session following Regular Council. If Council wishes to meet only once a month as Committee, staff recommend this occur at the first meeting of the month.

### **Strategic Plan Relationship: Communication and Engagement**

Developing a meeting schedule in advance of the calendar year allows for the publication of scheduled meeting dates on the Town's website, increasing initiatives in transparency, communication and community engagement.

### **Consultation:**

None.

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

Proposed 2022 Council Meeting Schedule - Tuesday  
Proposed 2022 Council Meeting Schedule – Monday  
Proposed Procedural By-law Amendment, in draft.

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

Sarah Leach, B.A.  
Deputy Clerk

Holly Willford, B.A.  
Town Clerk

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

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

# Town of Pelham 2022 Council Meeting Schedule

All meetings, unless otherwise posted: 5:30pm

All meeting agendas, minutes and video are posted to the Council Calendar. All meetings are livestreamed on the Town of Pelham YouTube Channel.

Committee meetings including Committee of the Whole and Policies and Priorities have been postponed for the duration of the Pandemic.

Date and Time	Purpose of Meeting
January	
Monday, January 10, 2022	Council and Committee of the Whole
Monday, January 17, 2022	Public Meeting Under the Planning Act (if required)
Monday, January 24, 2022	Council and Committee of the Whole Operating and Water and Wastewater Budget Consideration*
February	
Monday, February 7, 2022	Council and Committee of the Whole
Tuesday, February 15, 2022	Public Meeting Under the Planning Act (if required)
Tuesday, February 22, 2022	Council and Committee of the Whole
March	
Monday, March 7, 2022	Council and Committee of the Whole
Monday, March 14, 2022	Public Meeting Under the Planning Act (if required)
Monday, March 21, 2022	Council and Committee of the Whole
April	
Monday, April 4, 2022	Council and Committee of the Whole
Monday, April 11, 2022	Public Meeting Under the Planning Act (if required)
Tuesday, April 19, 2022	Council and Committee of the Whole
May	
Monday, May 9, 2022	Council and Committee of the Whole
Tuesday, May 17, 2022	Public Meeting Under the Planning Act (if required)
Tuesday, May 24, 2022	Council and Committee of the Whole
June	
FCM Annual Conference – June 2-5, 2022	
Monday, June 6, 2022	Council and Committee of the Whole
Monday, June 13, 2022	Public Meeting Under the Planning Act (if required)
Monday, June 20, 2022	Council and Committee of the Whole
July	
Monday, July 4, 2022	Council
Monday, July 11, 2022	Public Meeting Under the Planning Act (if required)
Monday, July 25, 2022	Council
August	

All meetings, unless otherwise posted: 5:30pm

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Committee meetings including Committee of the Whole and Policies and Priorities have been postponed for the duration of the Pandemic.

Monday, August 15, 2022	Public Meeting Under the Planning Act (if required)
<b>2022 AMO Annual Conference – August 14, 2022 – August 17, 2022</b>	
<b>Monday, August 22, 2022</b>	<b>Council</b>
<b>September</b>	
Tuesday, September 6, 2022	Council and Committee of the Whole
Monday, September 12, 2022	Public Meeting Under the Planning Act (if required)
Monday, September 19, 2022	Council and Committee of the Whole
<b>October</b>	
Monday, October 3, 2022	Council and Committee of the Whole
Tuesday, October 11, 2022	Public Meeting Under the Planning Act (if required)
Monday, October 17, 2022	Council and Committee of the Whole
<b>Monday, October 24, 2022 – Municipal Election</b>	
<b>November</b>	
Monday, November 7, 2022	Council and Committee of the Whole
Monday, November 14, 2022	Public Meeting Under the Planning Act (if required)
Monday, November 21, 2022	Council and Committee of the Whole
<b>December</b>	
Monday, December 5, 2022	<b>Inauguration</b>
Monday, December 12, 2022	Public Meeting Under the Planning Act (if required)
Monday, December 19, 2022	Council and Committee of the Whole

All meeting times are in accordance with Procedural By-law #4107(2019), as amended.

The Town of Pelham municipal buildings will be closed in observation of the following holidays:

- Monday, January 3rd, 2022 – in recognition of New Year’s Day
- Monday, February 21, 2022 – Family Day
- Friday, April 15, 2022 – Good Friday
- Monday, April 18, 2022 – Easter Monday
- Monday, May 23, 2022 – Victoria Day
- Friday, July 1, 2022 – Canada Day
- Monday, August 1, 2022 – Civic Holiday
- Monday, September 5, 2022 – Labour Day
- Monday, October 10, 2022 – Thanksgiving
- Friday, November 11, 2022 – Remembrance Day
- Saturday**, December 24, 2022 – Christmas Eve
  - Recognized December 23, 2021 ½ day
- Sunday**, December 25, 2022 – Christmas Day
- Monday**, December 26, 2022 – Boxing Day
  - Recognized December 27, 2021

All meetings, unless otherwise posted: 5:30pm

All meeting agendas, minutes and video are posted to the Council Calendar. All meetings are livestreamed on the Town of Pelham YouTube Channel.

Committee meetings including Committee of the Whole and Policies and Priorities have been postponed for the duration of the Pandemic.

**Saturday**, December 31, 2022 – ½ day New Year's Eve

2022 Religious Holidays Observed:

Monday, February 14, 2022 – Valentine's Day

Monday, May 16, 2022 – Vesak ("Buddha Day")

\*The Council/ Public Meeting dates listed have been moved to the following day in recognition



## Town of Pelham 2022 Council Meeting Schedule

All meetings, unless otherwise posted: 5:30pm

All meeting agendas, minutes and video are posted to the Council Calendar. All meetings are livestreamed on the Town of Pelham YouTube Channel.

Committee meetings including Committee of the Whole and Policies and Priorities have been postponed for the duration of the Pandemic.

Date and Time	Purpose of Meeting
<b>January</b>	
Tuesday, January 11, 2022	Council and Committee of the Whole
Tuesday, January 18, 2022	Public Meeting Under the Planning Act (if required)
<b>Monday, January 24, 2022</b> *pre-approved in budget schedule	Committee of the Whole Operating and Water and Wastewater Budget Consideration*
Tuesday, January 25, 2022	Council and Committee of the Whole
<b>February</b>	
Tuesday, February 8, 2022	Council and Committee of the Whole
Tuesday, February 15, 2022	Public Meeting Under the Planning Act (if required)
Tuesday, February 22, 2022	Council and Committee of the Whole
<b>March</b>	
Tuesday, March 8, 2022	Council and Committee of the Whole
Tuesday, March 15, 2022	Public Meeting Under the Planning Act (if required)
Tuesday, March 22, 2022	Council and Committee of the Whole
<b>April</b>	
Tuesday, April 5, 2022	Council and Committee of the Whole
Tuesday, April 12, 2022	Public Meeting Under the Planning Act (if required)
Tuesday, April 19, 2022	Council and Committee of the Whole
<b>May</b>	
Tuesday, May 10, 2022	Council and Committee of the Whole
Tuesday, May 11, 2022	Public Meeting Under the Planning Act (if required)
Tuesday, May 24, 2022	Council and Committee of the Whole
<b>June</b>	
<b>FCM Annual Conference – June 2-5, 2022</b>	
Tuesday, June 7, 2022	Council and Committee of the Whole
Tuesday, June 14, 2022	Public Meeting Under the Planning Act (if required)
Tuesday, June 21, 2022	Council and Committee of the Whole
<b>July</b>	
Tuesday, <b>July 5, 2022</b>	<b>Council</b>
Tuesday, July 12, 2022	Public Meeting Under the Planning Act (if required)
Tuesday, <b>July 26, 2022</b>	<b>Council</b>

All meetings, unless otherwise posted: 5:30pm

All meeting agendas, minutes and video are posted to the Council Calendar. All meetings are livestreamed on the Town of Pelham YouTube Channel.

Committee meetings including Committee of the Whole and Policies and Priorities have been postponed for the duration of the Pandemic.

<b>August</b>	
Tuesday, August 16, 2022	Public Meeting Under the Planning Act (if required)
<b>2022 AMO Annual Conference – August 14, 2022 – August 17, 2022</b>	
Tuesday, August 23, 2022	<b>Council</b>
<b>September</b>	
Tuesday, September 6, 2022	Council and Committee of the Whole
Tuesday, September 13, 2022	Public Meeting Under the Planning Act (if required)
Tuesday, September 20, 2022	Council and Committee of the Whole
<b>October</b>	
Tuesday, October 4, 2022	Council and Committee of the Whole
Tuesday, October 11, 2022	Public Meeting Under the Planning Act (if required)
Tuesday, October 18, 2022	Council and Committee of the Whole
<b>Monday, October 24, 2022 – Municipal Election</b>	
<b>November</b>	
Tuesday, November 8, 2022	Council and Committee of the Whole
Tuesday, November 15, 2022	Public Meeting Under the Planning Act (if required)
Tuesday, November 22, 2022	Council and Committee of the Whole
<b>December</b>	
Tuesday, December 6, 2022	<b>Inauguration</b>
Tuesday, December 13, 2022	Public Meeting Under the Planning Act (if required)
Tuesday, December 20, 2022	Council and Committee of the Whole

All meeting times are in accordance with Procedural By-law #4107(2019), as amended.

The Town of Pelham municipal buildings will be closed in observation of the following holidays:

Monday, January 3rd, 2022 – in recognition of New Year's Day  
Monday, February 21, 2022 – Family Day  
Friday, April 15, 2022 – Good Friday  
Monday, April 18, 2022 – Easter Monday  
Monday, May 23, 2022 – Victoria Day  
Friday, July 1, 2022 – Canada Day  
Monday, August 1, 2022 – Civic Holiday  
Monday, September 5, 2022 – Labour Day  
Monday, October 10, 2022 – Thanksgiving  
Friday, November 11, 2022 – Remembrance Day  
**Saturday**, December 24, 2022 – Christmas Eve

All meetings, unless otherwise posted: 5:30pm

All meeting agendas, minutes and video are posted to the Council Calendar. All meetings are livestreamed on the Town of Pelham YouTube Channel.

Committee meetings including Committee of the Whole and Policies and Priorities have been postponed for the duration of the Pandemic.

- Recognized December 23, 2021 ½ day

**Sunday**, December 25, 2022 – Christmas Day

**Monday**, December 26, 2022 – Boxing Day

- Recognized December 27, 2021

**Saturday**, December 31, 2022 – ½ day New Year's Eve

THE CORPORATION OF THE  
TOWN OF PELHAM  
BY-LAW 4XXX(2021)

**Being a by-law to amend By-law No. #4107(2019), being a by-law to govern the proceedings of the Town of Pelham Council, its Committees, the conduct of its members and the calling of meetings.**

**WHEREAS** the *Municipal Act, 2001*, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;

**AND WHEREAS** The Corporation of the Town of Pelham has enacted Procedure By-law #4107(2019), as amended;

**AND WHEREAS** The Corporation of the Town of Pelham considers it desirable to call Tuesday Regular Meetings of Council and Public Meetings under the *Planning Act*;

**AND WHEREAS** The Corporation of the Town of Pelham considers it desirable to decommission Policies and Priorities Committee and establish a Committee of the Whole standing agenda item within the Regular Council Agenda;

**AND WHEREAS** The Corporation of the Town of Pelham considers it desirable to add a third Regular Meeting of Council within the summer schedule;

**NOW THEREFORE** the Council of The Corporation of the Town of Pelham **ENACTS** as follows:

1. THAT By-law #4107(2019), as amended, be and is hereby amended, as follows:

**Section 1(xi) and 1(xxx) – Definitions:**

**Strike:** All reference to Policies and Priorities Committee;

**Section 7, 8, 36, 39 Inclusive:**

**Strike:** All reference to Monday;

**Replace with:** “**Tuesday**” with respect to the Inaugural Meeting of Council, Regular Meetings of Council, Public Meetings under the *Planning Act* and the Summer Meeting Schedule;

**Section 9(i) to (ii) inclusive – Committee of the Whole Meetings be repealed and replaced, as follows:**

i) Meetings of Committee of the Whole may be held during a meeting of Council or on its own.

ii) Regular meetings of Committee of the Whole shall be held within the Regular Meeting of Council on the day provided in the meeting schedule approved by Council, unless otherwise decided by resolution of Council.

The Mayor may at any time summon a special meeting of Committee of the Whole by giving direction to the Clerk stating the date, time and purpose of the special Committee of the Whole meeting.

**Section 10 – Policy and Priorities Committee Meetings be repealed in its entirety;**

**Section 17 - Agenda, be amended as follows:**

**Strike:** Heading (s) “Matters for Committee of the Whole or Policy and Priorities Committee”; and

**Replace with:** Heading (s) “Council in Committee of the Whole”

**Strike:** Heading (t) “Matters Arising out of Committee of the Whole or Policy and Priorities Committee”; and

**Replace with:** Heading (t) “Rise from Committee of the Whole”

**Section 36 – Summer Meeting Schedule be repealed and replaced, as follows:**

i) During the months of July and August each year, there shall be three Regular Meetings of Council to be held at 5:30 p.m. on a date determined by staff and approved by Council in advance.

2. This By-law is enacted in accordance with section 238(3.4) of the *Municipal Act, 2001*, as amended, and shall hereby come into effect as of the date and time of its passing, and shall be deemed repealed and no longer in force at 12:01 a.m. on **October XX, 2022**, unless otherwise extended or repealed by Council.

**Enacted, signed and sealed this XX<sup>th</sup> day of October, 2021.**

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MAYOR MARVIN JUNKIN

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TOWN CLERK HOLLY WILLFORD

**Subject:** Town of Pelham Community Dedication  
Program Improvements

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0140;**

**AND THAT Council approve the following Public Works costs of dedication items, effective immediately, to be included in the Town of Pelham User Fees and Charges By-Law:**

**Wheel Chair Accessible Picnic Table - \$4,000**

**6-Foot 'Pelham Bench' - \$3,000**

**Pride Bench - \$3,000**

**Bike Rack - \$1,000**

**Bike Repair Station - \$4,500**

**Concrete Ping Pong Table - \$10,500**

**Chess/Checkers Games Table - \$4,000**

**Tree Dedication - \$750**

**AND THAT Council direct staff to amend the Fees and Charges By-Law to reflect these new fees.**

**Background:**

Whereas Council directed staff to engage with the public to inform them of various costs of legacy projects available for funding throughout the Town, this report serves to inform Council about the Dedication Program, proposed media campaign, and the items available to the public for dedication.

**Analysis:**

The Town of Pelham currently offers a Bench Dedication Program through the Recreation, Culture and Wellness Department in collaboration with Public Works.

The existing Bench Dedication Program allows individuals, families or groups to dedicate park benches within the Town's trails or parks for the cost of a \$1,500

donation. The cost includes the installation of a new “Pelham” 6-foot bench, a small plaque, installation on a concrete pad, and ongoing maintenance.

Details regarding the existing program are currently found on the Town of Pelham Website at the link below.

<https://www.pelham.ca/en/recreation-and-leisure/parks-playgrounds-and-trails.aspx#Bench-Dedication-Program>.

The existing Bench Dedication Program information pamphlet has been attached as Appendix A.

The existing program is limited in scope and allows only for the dedication of benches. The program’s existing donation requirement is insufficient to cover the purchase cost of the bench before additional expenses including shipping, installation, and the purchase of a plaque are incurred.

Staff have developed an expanded Community Dedication Program that allows individuals, families or groups to dedicate a range of items from park furniture, to trees and gardens or flower beds. The additional items including games tables and trees are the most requested items by the public to be included in Town’s parks as well as along trails and boulevards.

The items identified by staff were selected to maintain a certain level of standardization to aid in procurement, replacement and repair. Stock photos of the items have been attached Appendix B. These items are described below with the approximate cost for supply and installation:

1. Wheel Chair Accessible Picnic Table. Powder coated steel and composite construction, installed on a concrete pad, and includes a stainless steel plaque. The donation required for this item is \$4,000.
2. 6-foot ‘Pelham Bench’. Powder coated steel and composite construction, installed on a concrete pad, includes a stainless steel plaque. The donation required for this item is \$3,000.
3. Pride Bench. Powder coated cast aluminum and composite construction, installed on a concrete pad, includes a stainless steel plaque. The donation required for this item is \$3,000.
4. Whimsical Bike Rack. Powder coated steel, includes a commemorative paver. The donation required for this item is \$1,000.

5. Bike Repair Station. Powder coated steel construction, complete with tire pump and repair tools, installed on a concrete pad, includes a stainless steel plaque. The donation required for this item is \$4,500.

6. Concrete Ping Pong Table. Two piece pre-cast and polished concrete table with powder coated steel, installed on a concrete pad, includes a stainless steel plaque. The donation required for this item is \$10,500.

7. Games Table (Chess/Checkers). Powder coated steel construction, installed on concrete pad, includes a stainless steel plaque. The donation required for this item is \$4,000.

8. Tree Dedication (Park or Boulevard). Includes a tree and commemorative paver. Locations to be determined in conjunction with Beautification staff. The donation required for this item is \$750.

9. Tree Dedication (Centre Median of Summersides Boulevard). Opportunity for thirty feature trees to be planted with a commemorative paver. Seven species have been specifically selected to provide interest throughout the growing season and placed according to a staff developed horticultural design. The donation required for this item is \$750.

10. Adopt-a-Garden. Opportunity for individuals or groups to adopt a Municipal garden or flower. The cost is highly dependent on the area of the garden and the bed design. Staff will work with the donor to develop a design and plant list.

A program advertising campaign is currently in development and will be more prominently displayed on the Town's website, social media feeds, as well as pamphlets and posters in municipal buildings.

### **Financial Considerations:**

The existing program requires a \$1,500 donation to dedicate a park bench. The actual cost to purchase a bench is \$2,255 plus HST, including shipping. This does not include pouring a concrete pad, or supply of the dedication plaque. Information provided by the Beautification Committee indicates that the Town of Pelham is well below the costs being advertised by neighboring municipalities.

The costs provided in section above represent the actual cost of supply and installation of the dedication items including a concrete pad and dedication plaque or commemorative stone. Council could decide to fund a portion of the donation through the Beautification Operating Budget, and reduce the cost of the donation,



or Council could decide to increase the costs as a form of revenue for the municipality.

**Alternatives Reviewed:**

No alternatives were considered in the authoring of this report because staff were given specific instructions.

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

The Community Dedication Program allows individuals, families or groups to dedicate a range of items that will beautify the Town and provides an opportunity to memorialize a loved one, honor a particular group, celebrate a milestone, or to simply do something nice for the community.

**Consultation:**

The Supervisor of Beautification, the Town's Arborist, the Town's Horticulturalist, the Director of RCW, the Communications and Public Relations Specialist & The Beautification Committee were consulted in the authoring of this report.

**Other Pertinent Reports/Attachments:**

Appendix A – Existing Bench Dedication Pamphlet

Appendix B – Stock photos of dedication items

**Prepared and Recommended by:**

Ryan Cook, Dipl. M.M., CRS  
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

## PROGRAM DETAILS

The Town of Pelham is responsible for the installation of memorial benches. Specific selection and placement of benches are at the sole discretion of The Town of Pelham, but the general location will be determined in collaboration with the donor.

- All donated benches become the property of the Town of Pelham and are subject to removal or relocation

There may be an extended lead time in order to acquire benches or in the installation process. Installation typically happens once annually.

An email will be sent to the individual after installation is complete.



An online form is also available at:  
[pelham.ca/parks](https://pelham.ca/parks)  
or request by email:  
[kblake@pelham.ca](mailto:kblake@pelham.ca)

Town of Pelham

**BENCH  
DEDICATION  
PROGRAM**

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# Costs

## BENCHES

There is a cost of \$1500 for each bench installed. Cost includes bench (6ft powder coated steel frame & Composite seating material), small plaque, installation of concrete pad and ongoing maintenance. A charitable tax receipt will be issued.



## Bench Dedication Inquiry Form

CONTACT NAME

EMAIL ADDRESS:

PHONE NUMBER:

MAILING ADDRESS:

LOCATION PREFERRED:

PARK: \_\_\_\_\_

TRAIL: \_\_\_\_\_

OTHER: \_\_\_\_\_

PLEASE SPECIFY.

PLEASE SUBMIT TO KAREN BLAKE  
MERIDIAN COMMUNITY CENTRE,  
100 MERIDIAN WAY, FORT THURBURN





Wheel Chair Accessible Picnic Table



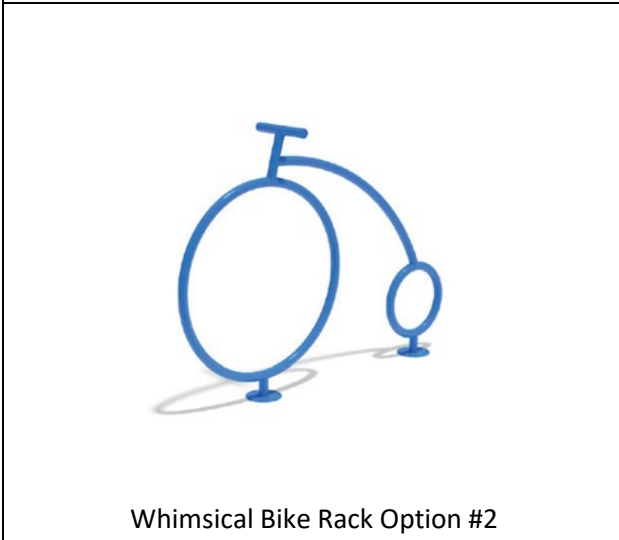
6-Foot Pelham Bench



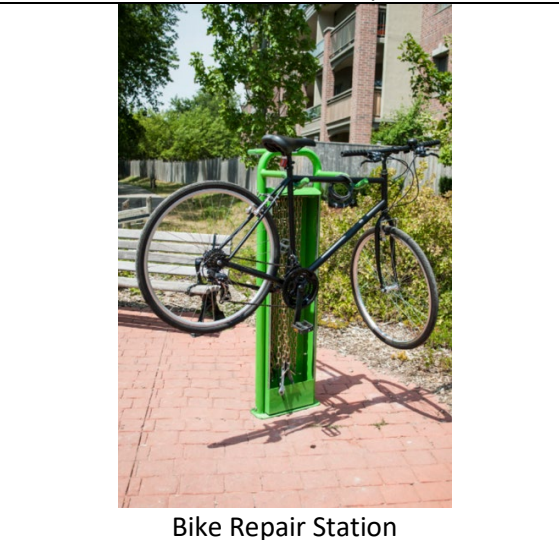
Pride Bench



Whimsical Bike Rack Option #1



Whimsical Bike Rack Option #2



Bike Repair Station



Concrete Ping Pong Table



Games Table



Tree Dedication



Adopt-A-Garden

**Subject:** Ontario Trillium Foundation Community Building Grant**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2021-0158-Corporate Services;**

**AND THAT Council approve the grant application for Ontario Trillium Foundation's Community Building Fund-Capital stream for Pickleball Courts at Centennial Park.**

**Background:**

The Community Building Fund – Capital stream funded by Ontario Trillium Foundation provides support for non-profits, Indigenous communities and municipalities in the community sport and recreation sectors. The fund will help strengthen communities by supporting the repair, renovation or retrofitting of existing sport and recreation facilities to address: local community need by extending the life and maximizing the use of existing facilities (e.g. playgrounds, splash pads, etc.) or COVID-19 related public health requirements which support future preparedness.

Applications are due by September 29, 2021.

**Definitions** For the purpose of this fund, the following definitions are used:

**Recreation:** Physical activities engaged in for the purpose of health, well-being or enjoyment with the primary focus on human activity.

**Sport:** Regulated and organized form of physical activity between two or more participants. Such activity may be in the form of a game, match, race, or other form of event.

**Repair:** Fixing or restoring a facility to increase its useful life.

**Renovation:** Updating the functionality of a facility to improve its usefulness.

**Retrofit:** Adding new features or parts to improve the functionality or efficiency of a facility.

**Funding Amount:**

Organizations can apply for up to 100% of their total project cost up to a maximum of \$500,000, with the exception of Municipalities with a population over 20,000 that can only apply for up to 80% of their total project cost. Eligible project costs will be supported up to a maximum of \$500,000. Minimum request amount is \$10,000.

**Analysis:**

There was a request presented at the 2022 Budget Open House for dedicated pickleball courts at Centennial Park. Pickleball is very popular sport amongst seniors and retirees. It makes exercising enjoyable and it is a very good social sport as well.

Hamilton has 24 new dedicated pickleball courts, Sarnia has 8 new courts, Niagara-on-the-Lake converted 6 tennis courts to pickleball courts, Grimsby has dedicated funds for 6 pickleball courts and Welland is putting in 13 new pickleball courts.

In Pelham, there are no dedicated pickleball courts. There are 6 indoor courts shared with Basketball at the Meridian Community Centre (MCC) and 5 outdoor courts shared with tennis at Centennial Park. These courts are not dedicated for pickleball and they are not enough to handle the demand of this popular sport.

Playing on dedicated pickleball courts will have courts that will have properly marked court lines, nets and posts. This will eliminate confusing multiple lines, adjusting nets, retrieving balls and stoppages in play because of errant balls on the court.

Dedicated courts will provide the opportunities for competition and tournaments. These tournaments generate revenue for the community.

**Financial Considerations:**

The funding available for this grant is up to \$500,000. There is no Town matching required. The estimated cost of the pickleball courts is \$480,000.

**Alternatives Reviewed:**

The alternative is not to apply for the grant.

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

Dedicated Pickleball courts will provide many benefits to the residents of Pelham by providing an activity that is physically and socially healthy.

**Consultation:**

Director Recreation, Culture and Wellness

**Other Pertinent Reports/Attachments:**

None.

**Prepared and Recommended by:**

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

**Prepared and Submitted by:**

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



**Subject:** Council Compensation Review**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0161 – Council Compensation Review for information; and**

**FURTHER BE IT RESOLVED THAT Council approve the proposed salary increases for elected officials; and**

**FURTHER BE IT RESOLVED THAT Council direct the proposed salary increases to occur in the manner endorsed by Option #\_\_\_\_\_(1 or 2) contained in the Finance Section of this report.**

**Background:**

In 2019, all municipal councils in Canada were faced with an identical dilemma because of a change to the *Income Tax Act* by the federal government. This change resulted in the end of differential tax treatment on a portion of an elected official's salary. Effectively, each municipal council had to choose whether or not to adjust salaries upwards by 25% so as to achieve the same take-home pay for elected officials. Taking no action would otherwise result in an effective loss of pay for any elected official. Many councils made their decision, one way or the other, prior to the last election. A few, such as in Pelham, left the decision for the next Council after the election. In Pelham's unique circumstance a 100% new council effectively had no choice but to accept the salary reduction as its first order of business could not realistically be to vote itself a raise. While staff respect that decision, the purpose of this report is to encourage Council to reverse its position in light of the new information received from ML Consulting, contained within this report.

This report endorses an increase in compensation to Pelham's elected officials. The extremely low levels of pay do not reflect the municipal corporation's values as the pay does not recognize the importance of the work and/or the challenges of governance in this difficult operating environment. Additionally, it is a commonly held belief that low levels of pay for elected officials results in a heavier skew towards only retired persons and the independently wealthy running for office, as

younger people who need to earn income cannot afford to devote the hours necessary to govern well absent reasonable compensation. Accordingly, this proposed change is expected to encourage more diversity amongst future candidates for office. Council can choose to enact the proposed salary changes immediately, in a staggered fashion, or simply prior to the next term of office.

### **Analysis:**

The process for comparisons of compensation of elected officials is slightly different than the more complex model for staff. One of the differences is that union-management and pay equity considerations are essentially absent from decisions on how to compensate elected officials. The technical aspects of the assessment were conducted by ML Consulting and are attached to this report as an appendix. The Principal of ML Consulting, Marianne Love, will also be present during the council session to provide a brief report/summation of the work. As a synopsis, Council compensation was compared to Niagara area municipalities. Overall, compensation was found to be lower than reasonably expected. Staff endorse the compensation recommendations that exclude the Region of Niagara from the analysis so that only local municipalities are included in the comparator group.

The current compensation for elected officials is unacceptably low. While the motivations for the job are highly altruistic, it is also a practical reality that to discharge the duties, large amounts of time are required to read bi-weekly agendas that frequently run 300 pages, to address resident concerns and to attend both Council and committee meetings. While there are no set hours for the position, anyone who puts in a reasonable number of hours is essentially working for less than minimum wage (keeping in mind that in Ontario a full-time employee paid minimum wage earns approximately \$29,640 per year). At present, Town of Pelham Councillors are paid an annual salary of \$16,306. This report recommends that the salary for a Councillor be adjusted by approximately \$4,700 for a Councillor and by approximately \$13,000 for the Mayor. These adjustments would take compensation to the 55<sup>th</sup> percentile of the comparator group, which is consistent with the recommendations for staff compensation. Because the total cost is modest, it could be fully implemented as early as October 4, 2021.

The act of increasing compensation for elected officials is one of the most difficult, and most open to criticism, of any decision ever made by a Council. Political paralysis is common on this topic. Because it has been five years (at least) since this type of analysis has been completed, and because salaries were not adjusted by 25% in 2019 to address the changes in taxation, the results of the analysis were not surprising.

This report identifies and presents options with respect to how an increase could be affected. While it is important for Council to make the adjustment, Council has considerable control over how and when that occurs. Council and the public are reminded that this is a proposed course of action taken relatively late during this term of office and as such will not primarily benefit current members of Council. The increase in elected official compensation is needed to make serving the community a viable option for those in their prime earning years who can bring different perspectives to the governing body. Further, paying people less than minimum wage for critical work is incongruent with both the values of the community and of the municipal corporation.

Finally, while all members of Council should be appropriately compensated, for those who have strong ideological opposition to the recommendations of this report, it is possible to support the recommendations and then simply donate any increase received to a worthy local charity.

### **Financial Considerations:**

This report proposes two different paths towards the enhancement of elected official salaries: a stepped approach whereby 50% of the increase is to be awarded effective October 4, 2021, and 50% to be awarded in January, 2022 or whereby 100% of the increase is to occur for the first pay period after the next election. The costing for the two models is slightly different, as indicated below:

The annual cost is an increase of \$44,000. If 50% of the increase is implemented on October 4, 2021, then the cost to the 2021 operating budget is \$5,500; and the other 50% on January 1, 2022. This will be a \$44,000 increase to the 2022 operating budget since this amount would be an increase from the 2021 operating budget. If 100% of the increase is awarded to the new term of Council after the 2022 election, this would be effective for the first pay in December 2022 which will be \$3,400 for the 2022 operating budget. In the 2023 operating budget it will be \$44,000, which is 0.3% of an operating budget tax levy increase.

### **Alternatives Reviewed:**

Council could award 100% of the proposed increase immediately, Council could choose not to award itself any increase, or Council could propose a different timeline for the increases other than what staff have identified. As a further option, Council could approve the higher level of increase included in the Appendix wherein the Region is included amongst salary comparators. [Click here to enter text.](#)

### **Strategic Plan Relationship: Strong Organization**

Council provides strategic leadership to the community. While few people enter municipal politics for the financial compensation, which is modest, it is nevertheless important to recognize and value the work provided

**Consultation:**

This report was written with contributions from the Human Resources Co-ordinator, ML Consulting, the Treasurer and the Staff Accountant and Payroll Clerk.

**Other Pertinent Reports/Attachments:**

ML Consulting Documentation.

**Prepared and Submitted by:**

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

## Elected Official Compensation Analysis

### Pelham Elected Official

#### 2021 Market Summary

			2021 MARKET SUMMARY - ANNUAL PAY RATE								
			(_%) = above market    +% = below market								
Similar Value Group	Job Title	2021 Job Rate Annual	No. of Obs. Annual	Market Average Annual	% Diff.	Market Median Annual	% Diff.	Market P55 Annual	% Diff.	Market P60 Annual	% Diff.
1	Mayor	\$35,576	12	\$64,603	+81.6%	\$47,748	+34.2%	\$48,595	+36.6%	\$53,767	+51.1%
2	Councillor	\$16,306	12	\$19,948	+22.3%	\$20,724	+27.1%	\$20,916	+28.3%	\$21,147	+29.7%
Overall % Diff.					<b>+52.0%</b>		<b>+30.7%</b>		<b>+32.4%</b>		<b>+40.4%</b>

### Pelham Elected Official

#### 2021 Market Summary--excluding the Region

			2021 MARKET SUMMARY - ANNUAL PAY RATE								
			(_%) = above market    +% = below market								
Similar Value Group	Job Title	2021 Job Rate Annual	No. of Obs. Annual	Market Average Annual	% Diff.	Market Median Annual	% Diff.	Market P55 Annual	% Diff.	Market P60 Annual	% Diff.
1	Mayor	\$35,576	11	\$57,816	+62.5%	\$45,702	+28.5%	\$47,819	+34.4%	\$48,595	+36.6%
2	Councillor	\$16,306	11	\$18,068	+10.8%	\$18,272	+12.1%	\$20,740	+27.2%	\$20,916	+28.3%
Overall % Diff.					<b>+36.7%</b>		<b>+20.3%</b>		<b>+30.8%</b>		<b>+32.4%</b>

**Subject:** Staff Compensation Program Review**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0149 – Staff Compensation Program Review;**

**AND BE IT FURTHER RESOLVED THAT Council approve the establishment of five grid steps in the Town's compensation grid which begin at the 80<sup>th</sup> percentile of the job rate and are characterized by equal increments of 4%;**

**AND BE IT FURTHER RESOLVED THAT Council approve the formal adoption of a compensation target for town staff of the 55<sup>th</sup> percentile (on average) of the comparator group;**

**AND BE IT FURTHER RESOLVED THAT Council approve the Town of Pelham's "Municipal Comparator Group" for salary comparison purposes as constituting the following municipalities: City of Thorold, City of Port Colborne, Town of Lincoln, Township of Wainfleet, Town of Niagara-on-the-Lake, Town of Fort Erie, Town of Grimsby, Haldimand County, Town of Kingsville, Town of Tillsonburg.**

**AND BE IT FURTHER RESOLVED THAT Council approve the expenditure of \$52,000 from the Human Resources Capacity Reserve so as to allow all non-union staff to move to the next step on the compensation grid effective October 4, 2021.**

**Background:**

In response to one of the Strategic Plan action items to develop a performance management system, recognition and compensation program for staff, the services of ML Consulting were retained to complete a pay equity analysis and compensation review of the current remuneration for both staff and council. Please note that the results of the council remuneration survey will be discussed in a separate report.

Staff salaries have not undergone a market study since 2016. The consultant that

undertook this review at that time opted to select only 15 positions with which to conduct a market comparison and determine how Pelham compensates its employees in relation to its municipal comparators. This decision left over 40 positions without a proper market review for much longer than the current administration can determine.

Town staff have not been awarded merit-based increases to their compensation in either 2019 or 2020. Merit-based increases were also not budgeted for 2021, and unless this report is approved, will again not be awarded in 2021. Town administration is concerned that this will have a strong negative impact on the Town's capacity to attract and retain staff.

### **Analysis:**

ML Consulting reviewed municipal comparator information collected by staff and prepared a market summary of base pay using the 55<sup>th</sup> percentile target. The CAO directed the work to target the 55<sup>th</sup> percentile of the comparator salary range as the lowest appropriate target that allows the Town to advertise itself as being both a progressive and above-average paying employer. The comparator municipalities were chosen based on geographic placement, comparable size, similar employment markets, equivalent service alignment, innovative service delivery and proximity (for all but Kingsville and Tillsonburg). The comparator organizations, including population levels, are as follows:

Thorold (18,801)	Fort Erie (30,710)
Port Colborne (18,306)	Grimsby (27,314)
Lincoln (23,787)	Haldimand County (48,361)
Wainfleet (6,372)	Kingsville (21,552)
Niagara-on-the-Lake (17,511)	Tillsonburg (15,872)

The results of the market review indicate that Pelham does not pay competitively. Salaries are below the 55<sup>th</sup> percentile targets, with some positions significantly lower than others, including the majority below the fiftieth percentile.

Although the leadership team is generally happy with the municipality's succession management program and with the existence of reasonable budgets to support training opportunities, the Town is currently failing at compensation and rewards. Compensation is low and the Town has no bonus system or program. The effects of this are being seen with an increased difficulty attracting and retaining qualified staff. 2021 has seen significantly high turnover, having received 15 resignations since January. Staff are leaving Pelham primarily to work for neighbouring municipalities to do the same work for an increase in pay. Dissatisfaction pertaining

to compensation has been noted in almost every exit interview conducted since 2018.

Human Resources has been overwhelmed with recruitment this year and the cost of continuous recruitment is steadily increasing. At time of writing, Human Resources has reviewed almost 700 resumes and conducted over 150 interviews this calendar year. The cost of job advertisements alone since January is just over \$11,000. There is no easy way to quantify the intangible costs associated with high turnover. Undeniably the Town experiences decreased productivity as new staff require some amount of time to become familiar with Town processes before being realistically able to match the productivity of the people they succeed.

It is worth noting that implementing this type of compensation model does not guarantee automatic increases. On an annual basis, staff performance will continue to be evaluated through the existing performance review process. Those with satisfactory performance will move to the next step on the grid and those who are underperforming will remain at their current step and have performance be otherwise addressed by such items as coaching, mentoring, training and potentially discipline, as appropriate.

### **Financial Considerations:**

The net impact of the salary grid to the Town's tax levy supported Operating Budget for 2021 effective October 4, 2021 is \$52,000, which is proposed to be covered by the Human Resources Capacity Building Reserve. Therefore, the impact to the 2021 operating budget variance is zero. The Human Resources Capacity Building Reserve has a balance of \$339,363 as at December 31, 2020. It was established in 2020 by accumulating corporate savings from staffing vacancies which can then be used to support employee-based initiatives.

The impact of the salary grid for the 2022 tax levy supported Operating Budget is \$27,000. This amount can be funded by either the Tax Levy or the Human Resources Capacity Building Reserve. A salaries allocation review was done for the rate supported budgets such as Water & Wastewater and Building Department. Staff salaries are allocated to these budgets based on time supporting these departments. Increases from the new salary grid model and revised salary percentage allocations will be funded by these rate supported budgets. The Building department fees and the Water & Wastewater rate forecast in the BMA study should be sufficient to cover these increases.

It will take five years to fully implement the new salary grid model which will bring staff salaries to the maximum job rate. The average increase in the next four years



following 2022, is approximately a 0.5% Tax Levy increase. The Human Resources Capacity Building Reserve will be used to partially offset these increases over the four years following 2022 in the total amount of \$100,000 (\$40,000 for 2023; \$30,000 for 2024; \$20,000 for 2025 and \$10,000 for 2026).

### **Alternatives Reviewed:**

Council has three alternatives to the proposed course of action: do nothing, approve the creation of steps on the grid but not adjust salaries to the 55<sup>th</sup> percentile, or approve the steps on the grid with a compensation change to some level other than the 55<sup>th</sup> percentile of the comparator group. Doing nothing is not recommended as the Town can be expected to continue to lose key staff to better paying organizations. The other two options, while not recommended, are viable courses of action.

### **Strategic Plan Relationship: Strong Organization**

Implementing a fair and competitive wage structure satisfies one of Council's action items to support a strong organization. The proposed salary grid with a clear progression path provides cost certainty with respect to future budgets and insures both internal and external wage equity.

### **Consultation:**

This report and project was undertaken with contribution from all members of the senior leadership team, the human resources department and ML Consulting.

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

Appendix A – Proposed 2021 Salary Grid

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

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

**Pelham**  
**2021 Salary Grid (P55)**

Similar Value Group	Job Code	Job Title	Hours of Work	2021 Job Rate Annual	2021 Job Rate \$P.HR	2021 Proposed Salary Grid/4% Steps				
						Step 1 4%	Step 2 4%	Step 3 4%	Step 4 4%	Step 5 (Job Rate) \$P.HR
15	1	CAO	2,080	\$186,982	\$89.90	\$168,792	\$175,544	\$182,566	\$189,868	\$197,463
14						\$149,821	\$155,814	\$162,046	\$168,528	\$175,269
13	2	Director - Corporate Service/ Treasurer	2,080	\$146,187	\$70.28	\$130,848	\$136,082	\$141,526	\$147,187	\$153,074
13	3	Director - Fire Services/Fire Chief	2,080	\$146,187	\$70.28					
13	4	Director - RCW	2,080	\$146,187	\$70.28					
13	5	Director - Planning	2,080	\$146,187	\$70.28					
13	6	Director - Public Works	2,080	\$146,187	\$70.28					
13	7	Town Solicitor	2,080	\$146,187	\$70.28					
12	8	Town Clerk	2,080	\$134,672	\$64.75	\$115,782	\$120,414	\$125,230	\$130,239	\$135,449
11	9	Chief Building Official	2,080	\$114,875	\$55.23	\$105,177	\$109,384	\$113,759	\$118,310	\$123,042
11	10	Manager, Engineering	2,080	\$114,875	\$55.23					
11	11	Manager, IT	2,080	\$114,875	\$55.23					
11	12	Manager, Public Works	2,080	\$114,875	\$55.23					
11	13	Manager, Financial Services/Deputy Treasurer	2,080	\$106,365	\$51.14					
10	57	Human Resources Manager (proposed)	2,080			\$94,323	\$98,095	\$102,019	\$106,100	\$110,344
9	14	Deputy Clerk	1,820	\$96,556	\$53.05	\$80,199	\$83,407	\$86,743	\$90,213	\$93,821
9	15	Senior Planner	1,820	\$96,556	\$53.05					
9	20	Deputy Chief Building Official	1,820	\$96,556	\$53.05					
9	21	Training Officer	1,820	\$96,556	\$53.05					
9	22	Fire Prevention Officer	1,820	\$96,556	\$53.05					
9	24	Communications Specialist	1,820	\$91,191	\$50.10					
8	16	Supervisor, Beautification	2,080	\$96,556	\$46.42	\$73,835	\$76,789	\$79,860	\$83,055	\$86,377
8	17	Supervisor, Water/Wastewater	2,080	\$96,556	\$46.42					
8	18	Supervisor, Roads	2,080	\$96,556	\$46.42					
8	19	Supervisor, Recreational Programs and Facilities	2,080	\$96,556	\$46.42					
8	55	Policy Planner	1,820	\$91,191	\$50.10					
7	25	Building Inspector	1,820	\$84,436	\$46.39	\$70,335	\$73,148	\$76,074	\$79,117	\$82,282
7	29	Fixed Asset Accountant	1,820	\$78,182	\$42.96					
7	30	Planner	1,820	\$78,182	\$42.96					
6	31	Purchasing Coordinator	1,820	\$78,182	\$42.96	\$66,830	\$69,504	\$72,284	\$75,175	\$78,182

**Pelham**

**2021 Salary Grid (P55)**

Similar Value Group	Job Code	Job Title	Hours of Work	2021 Job Rate Annual	2021 Job Rate \$P.HR	2021 Proposed Salary Grid/4% Steps				
						Step 1 4%	Step 2 4%	Step 3 4%	Step 4 4%	Step 5 (Job Rate) \$P.HR
6	32	Senior By-law Enforcement Officer	1,820	\$78,182	\$42.96					
6	34	IT Support Technician	1,820	\$78,182	\$42.96					
6	27	Recreation Facilities Coordinator	1,820	\$84,436	\$46.39					
6	23	HR/Health and Safety Coordinator	1,820	\$91,191	\$50.10					
6	35	Active Living Programmer	1,820	\$78,182	\$42.96					
5	26	Senior Facility Operator	2,080	\$84,436	\$40.59	\$58,854	\$61,208	\$63,657	\$66,203	\$68,851
5	28	Executive Assistant to the CAO/Mayor	1,820	\$78,182	\$42.96	\$67,261	\$69,952	\$72,750	\$75,660	\$78,686
5	36	Asset Management Analyst	1,820	\$72,391	\$39.78					
5	37	By-law Enforcement Officer	1,820	\$72,391	\$39.78					
5	38	Water Billing Clerk	1,820	\$72,391	\$39.78					
5	39	Taxation Clerk	1,820	\$72,391	\$39.78					
5	40	Programmer - Festivals & Events	1,820	\$72,391	\$39.78					
5	43	Legislative and Committee Coordinator	1,820	\$67,029	\$36.83					
5	47	Payroll Clerk/Staff Accountant	1,820	\$67,029	\$36.83					
5	41	Programmer - Culture & Community Enhancement	1,820	\$72,391	\$39.78					
4	42	Accounts Payable Clerk	1,820	\$67,029	\$36.83	\$54,187	\$56,354	\$58,609	\$60,953	\$63,391
4	46	Building Intake Technician	1,820	\$67,029	\$36.83	\$61,927	\$64,404	\$66,980	\$69,660	\$72,446
4	33	Facility Operator	2,080	\$78,182	\$37.59					
3	49	Admin - Fire and By-law Services	1,820	\$62,063	\$34.10	\$50,881	\$52,916	\$55,032	\$57,234	\$59,523
3	50	Admin - Community Planning and Development	1,820	\$62,063	\$34.10					
3	44	Admin - Corporate Services	1,820	\$67,029	\$36.83					
3	45	Admin - Recreation Culture and Wellness	1,820	\$67,029	\$36.83					
3	54	Revenue Analyst	1,820	\$62,063	\$34.10					
3	51	Facility Rental Associate	1,820	\$62,063	\$34.10					
2	52	Cashier/AR	1,820	\$57,098	\$31.37	\$45,194	\$47,002	\$48,882	\$50,838	\$52,871

**Subject:** Public Works Tree Maintenance Policy S802-01**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0159;**

**AND THAT Council approve the proposed Public Works Tree Maintenance Policy S802-01;**

**AND THAT Council direct staff to become founding members and collaborative partners with the Vineland Research and Innovation Centre's Greening the Landscape Research Consortium in 2022;**

**AND THAT Council direct staff to explore the option of delegating the authority to the Niagara Region to enforce the Regional Municipal By-law No. 2020-79 on properties less than one (1) hectare in the Town of Pelham.**

**Background:**

On July 26<sup>th</sup>, 2021 Council referred Public Works report #2021-0128 back to staff to review and consider the information provided by the Pelham Tree Conservation Society (PTCS), and provide a cost breakdown with respect to their recommendations. This report serves to summarize the cost breakdown of increasing the level of service recommended by the PTCS as well as the policy improvements made in collaboration with the group.

**Analysis:**

Town of Pelham staff and members of the PTCS met on two occasions during the month of August to discuss the recommendations laid out in the group's response to the Town of Pelham Tree Maintenance Policy (Appendix A). The meetings were productive and led to a number of policy changes and improvements. The revised Tree Maintenance Policy S802-01 has been attached as (Appendix B).

Through meaningful dialog Staff and the PTCS worked to improve a number of sections within the policy. For example, the expansion of the tree canopy has been added to the Policy Statement as it relates to the tree replacement requirements.

Section 4.7 under General Provisions was added with the requirement that staff send an annual report to Council outlining tree works completed by the Public Works Department to improve transparency.

While there where a lot of areas of agreement, some compromises were required. The PTCS proposed that a Public Forestry Advisory Group be created to oversee sections 4.4 to 4.6 and any other issues with respect to trees on municipal property. The care and maintenance of municipal assets, including trees is a staff function, and such is carried out by appropriately qualified people, charged by the municipality to do so. These qualified people can be internal staff or third party contractors retained by the Town through the annual tree maintenance and tree planting projects. Staff do support the creation of a Volunteer Forestry Advisory Group with the purpose to promote the environmental benefit, as well as the proper care and maintenance of trees and forests within the Town of Pelham. That being said, Public Works staff are stretched thin and a staff appointment to a forestry advisory committee would place additional stress on the department.

The PTCS proposed an increase in the level of service with regards to pruning and inspection of boulevard trees from the seven (7) year cycle proposed in the policy to a three (3) to five (5) year cycle. Staff are not recommending this course of action; however, Council may decide to go forward with the increase in service level that would come at an operating cost increase.

Increasing the service level by shortening the pruning cycle will require additional budget allocation. A change from a seven (7) year to a five (5) year inspection and pruning cycle will require Beautification Operating budget increases of \$32,000 or 25% in contracted services, and an additional \$120,000 for a full time arborist and two (2) seasonal staff for seven months each year. In order to meet this service level capital investment will need to be made with respect to fleet and equipment. In addition, to the costs for labour and contracted services the department also requires \$300,000 in fleet capital that includes a forestry bucket truck, pick-up truck and a wood chipper. The maintenance and operation of this equipment also requires an estimated \$29,000 in the fleet operation budget. In summary, a change from a seven (7) year inspection and pruning cycle to a five (5) year pruning cycle will require an operating budget increase of approximately \$180,000 per year (including maintenance costs) as well as a capital investment of approximately \$300,000. Further, there is no capacity at the Operations Centre to accommodate the increase in staff or equipment.

The PTCS proposed a formula based tree replacement schedule for tree removals, where the number of trees replaced (TR) equaled the diameter of the removed tree (DRT) divided by the diameter of the nursery stock (DNS) or  $TR = DRT/DNS$ . Using

this formula, the removal of a typical large silver maple tree with a diameter of 1m, would require the replanting of twenty (20) 50mm trees. 50mm is the typical size of nursery stock used for replacements. The cost of supply and planting one (1) 50mm tree ranges from \$400 to \$750 depending on stock availability, species and contract price through the competitive bid process. The replanting of trees resulting from the removal of one large diameter tree could cost as much as \$15,000. The existing tree replacement budget is \$25,000.

In order to address the concerns of the number of trees being replanted, Staff have increased the number based on a sliding scale. Staff propose that two (2) trees be replanted for every tree removed up to 400mm in diameter, three (3) trees be replanted for every tree removed between 400mm and 900mm in diameter and four (4) trees be replanted for every tree removed over 900mm. The number of trees removed year over year is highly variable as it is based on tree health and condition; however, Staff estimate that this schedule will require a modest increase of \$7,500 in the tree replacement budget.

Through Public Works Report #2021-0128 Staff recommended that the Town of Pelham become collaborative partners with the Vineland Research and Innovation Centre's Research Consortium in 2022, and continue to explore the option of delegating the authority to the Niagara Region to enforce Regional By-Law No. 2020-79. Staff continue to recommend these items as previously reported.

### **Financial Considerations:**

Depending upon Council's preferences, it is entirely possible to spend more money to increase the level of service for the protection and maintenance of the municipal tree canopy and increase planting of trees on municipal property. Any proposed increases to spending in this area should be referred to the 2022 operating and capital budgets.

As per Public Works Report #2021-0128, becoming a founding member and collaborative partner with the Vineland Research and Innovation Centre's Greening the Landscape Research Consortium has a cost of \$5,000 per year with a 3-year Commitment.

Delegating the authority to the Niagara Region to enforce the Regional By-Law No. 2020-79 has no additional costs to the Municipality.

As per Public Works Report #2021-0128, an additional seasonal staff member to complete the tree inspection and inventory, and assist with tree pruning and

maintenance is estimated at \$15,000 annually. This is based on a seven (7) year inspection and pruning cycle.

As per Public Works Report #2021-0128, determining the tree canopy cover percentage within the urban boundary is estimated at \$7,000.

Increasing the tree replacement requirement based on the schedule set out in the proposed Tree Maintenance Policy is estimated at \$7,500.

Based on the attached Tree Maintenance Policy the proposed increases to the 2022 operating budget is estimated at \$34,500.

### **Alternatives Reviewed:**

No alternatives were considered in the preparation of this report.

### **Strategic Plan Relationship: Strong Organization**

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

### **Consultation:**

The Pelham Tree Conservation Society, the Supervisor of Beautification, the Town's Arborist, the Manager of Public Works, and the Director of Public Works all contributed to the improvements in the proposed Tree Management Policy.

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

Appendix A – PTCS Letter in response to the Tree Maintenance Policy

Appendix B – Tree Maintenance Policy S802-01

Public Works Report #2021-0097 June 7, 2021

Public Works Report #2021-0128 July 26, 2021

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

Ryan Cook, Dipl. M.M., CRS  
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





**RESPONSE TO TOWN OF PELHAM- TREE MAINTENANCE POLICY  
POLICY #S802-01, REVISION DATE-June 7, 2021**

TO: Mr. Ryan Cook, Manager of Public Works  
Ms. Holly Willford, Town Clerk

July 17, 2021

Dear Mr. Cook and Ms. Willford:

We, of the Pelham Tree Conversation Society (PTCS), are pleased to submit our comments and recommendations pertaining to the TOWN OF PELHAM- TREE MAINTENANCE POLICY, POLICY #S802-01, REVISION DATE-June 7, 2021. Our goals are to promote the preservation of our urban forest and help facilitate public discussion and education on the value of our trees. Today we find the trees still undervalued by the public, the town, and developments. We are determined to make positive change by increasing our tree canopy and lessen our Town's carbon footprint.

Firstly, we would like to thank Town of Pelham (TOP) Council and Staff for their efforts in addressing this matter and for the creation of the Revised Tree Maintenance Policy. After some 20 plus years of citizens advocating for a more comprehensive action plan to protect and grow Pelham's tree canopy and with what has essentially been up to this time two false starts to this end, we are gratified to discern that the Town administration now appears to be serious regarding the issue of caring for the remaining trees that grace our town. We submit this document in the spirit of cooperation and inclusiveness, and with the hoped for realization that TOP staff and Council understand that many citizens care about this issue and want to be part of the solution.

Of course, only time will tell if the Town will be willing to follow through on this new promise of a Tree Maintenance Policy. In this regard, in communication with Mr. Ryan Cook, Manager of Public Works, we have sought assurance that there will be follow through from Public Works in administering this policy. As noted on page 1 of the Policy, 1. Purpose, 2<sup>nd</sup> paragraph, it is stated; "The specific goals on 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....". We understand that an operational manual will be devised arising from this Policy and that there will be performance standards established, measurements taken and bench-marks set, this so Council will be able to assess and thus determine if the Policy is being properly and fully implemented. If it is not, then we would expect Council to act accordingly to rectify any short-comings. Although not formally addressed in the current Policy, we would strongly recommend that a yearly report be provided to Council from TOP Public Works so that Council (along with the citizens of Pelham), can undertake appropriate oversight to ensuring that the proposed Policy is being fully implemented.

In review of page 1, 1. Purpose, and the stated objectives of this new Policy (a to g), by and large we consider these to represent worthy and realistic objectives on which to guide the operational procedures for carrying out the Policy. However, there is one glaring deficiency and this relates to objective (a). One cannot imagine that any responsible person will want to see a net loss of trees on municipal property, even though it appears to many this has been the case in our recent past. Pertaining to the continuing statement in section (a), that being ".....and that every effort shall be made to increase tree planting and expand the tree canopy within the TOP", it is our opinion that this Policy does not in any way sufficiently address that objective. Again, in communication with Mr. Cook, he advised that expanding the TOP tree canopy was not an objective of this Maintenance Policy. He relayed that a Councilor has requested a study of the TOP tree canopy and he believes that the Planning Dept. will undertake this, but this has not been determined at this time. We believe the issue of expanding the tree canopy is a VITALLY important one and feel very strongly this is an issue Council

must address in the very near future. We will have more to say on this in the concluding section of this submission.

In review of the report of Mr. Cook titled; Subject: Review of the Proposed Tree Management Policy, it is stated the Town's tree canopy is a source of civic pride and a major component of Pelham's environmental health and future sustainability, and that the care and maintenance of municipal trees is a priority. Further it was stated in relation to the TOP Strategic Plan relationship, that the tree canopy within the municipal boundary is VITAL to the high quality of life within the TOP. Further, section 10.1 states "Public trees should be preserved whenever possible". The PTCS wholly endorses these tenants.

With the above principles in mind, we respectfully request that regarding the revised Policy S802-01 of June 7, 2021, that Council give the directive that utmost priority is for the preservation of municipal trees and that only highly compelling reasons (i.e. a dead or dying tree to be taken down, safety issues, unavoidable during construction, etc), will serve as over-riding guidance to TOP staff when a decision to remove a tree hangs in the balance. In other words, the bar must be set very high for the TOP to sanction tree removal.

In the following section, please find our commentary with respect to the the actual workings of the proposed Policy and our recommendations for wording changes and additions. These are highlighted in green. Our sole purpose in doing so is to make a good policy even better!

Town of Pelham: Public Works and Utilities

SUGGESTED REVISIONS by the Pelham Tree Conservation Society

Policy Name: Tree Maintenance Policy

Policy No: S802-01

## 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) *All trees* planted should be native trees including Carolinian species.
- e) *Complete a full tree inventory of all Town of Pelham municipal trees with a minimum caliper of 50mm at breast height.*
- 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 town council, staff, contractors, and 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, *expanding* and robust tree canopy within the Town of Pelham.

## 3. Policy Constraints

This *policy applies 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 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 *duly trained and appropriately qualified* town staff or contractor acting for the Corporation of the Town of Pelham.

4.2 All tree maintenance work shall be carried-out by trained persons (see 4.1) 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 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 *Town of Pelham and shall be in keeping with the town's Tree Policy.*

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 Town of Pelham.

4.6 *The Town of Pelham* 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 *and must be in keeping with the Town of Pelham Tree Policy*

4.7 *An annual report on the state of the Town of Pelham's municipal trees, including but not limited to inventories, reductions, and additions, should be compiled with the assistance of the Forestry Advisory Committee (\* SEE FURTHER RECOMMENDATIONS SECTION) and the Town's Arborist.*

#### **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 *may* 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, restore *and expand* 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 effects.

#### **6. Tree Inspection and Inventory**

6.1 Public trees within the urban boundary shall be inspected at least once *every five* 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 Moved to Construction Section**

## 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 *3-to-5-year* cycle. 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 optimize airflow within the trees canopy to maintain health and reduce infestation.*

C} To lighten crown loads when a structural defect is present.

D} To remove low hanging live branches to a height of 2.4m when they interfere with pedestrian traffic;

E} To remove low hanging live branches to a height of 4.3m when they interfere with vehicular traffic;

F} To remove branches that obscure clear vision of warning signs, traffic signs or traffic movement;

G} To avoid interference with street lights, overhead wires, roofs and other structures;

H} To reduce encroachments to sidewalks, roads, drainage structures and ditches;

I} 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. *A response from the Town of Pelham will be provided to that citizen within ten 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 with the Town of Pelham Municipal Engineering Design Manual. Carolinian and native species *should always* be selected.

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 *and cyclist* 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 *Town of Pelham.*

*8.9 Newly planted trees must be planted with techniques that adhere to an arborists approved process and must be inspected by the Town arborist upon completion of planting and within the first year to ensure its sustainability.*

8.10 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 *(under 50mm caliper size)* 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(s) shall be planted for every tree (*under 50mm caliper size*) 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 trees shall be planted on any other municipally owned land.

9.4 *Trees over 50mm must be replaced by more than 2 trees on a sliding scale following this formula:*  
**Number of replacement trees (#RT) = \*Diameter of Removed Tree / Diameter of Nursery Stock Tree (NST)**

*\*Diameter measured at breast height.*

9.5 The Town of Pelham *must* replace all trees removed within the following calendar year.

9.6 *The tree inventory should be updated with the numbers, species, and locations of all replacement trees.*

## **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 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 endeavors 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 endeavors to consider all invasive insect pests and disease when selecting tree species, and increasing tree diversity to minimize the effects.

## **13. Construction Activities**

13.1 Staff will perform ISA tree inspections and *update the inventory of trees in the construction zone (if not already inventoried) prior to draft plan approval at all construction projects and in locations prior to the initiation of any projects where trees may be affected.*

13.2 *Upon approval from the Town and the Forestry Committee*, 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.

13.3 Any trees designated for removal will be well marked at the trunk a minimum 30 days before scheduled removal. TOP will respond on a timely basis to citizen's request for information regarding reason(s) for tree removal and if any alternatives have been considered.



13.4 In TOP construction contracts, contract language should include the requirement that the contractor take utmost care and diligence as well as utilize appropriate construction techniques when working around living trees so as to minimize damage to the tree and its root system. This also applies to TOP staff performing construction/repair activities.

13.5 When a contractor has seriously damaged or destroyed a tree, the contractor will reimburse the TOP costs following the sliding scale (see section 9.4) for tree replacement.

13.6 Trees within or adjacent to a construction site must be protected during construction by means of a barrier installed and meet the following specifications:

- a. Tree protection barriers must be erected prior to the commencement of any construction activity that may injure a tree on the site and are to remain in place throughout the entire duration of the project. The applicant shall notify the appropriate Town department in writing prior to commencing any such activities to confirm that the tree protection barriers are in place.
- b. The tree protection barriers specified herein must remain in a condition satisfactory to the Town until all site activities including landscaping are complete.
- c. Authorization from the appropriate Town department must be obtained prior to the removal of tree protection barriers.
- d. If some fill or excavated material must be temporarily located near the tree protection barrier, a wooden barrier must be used to ensure no material enters the TPZ.
- e. A sign, provided by the Town will be paid for by the applicant and mounted on one side of a tree protection barrier for the duration of the project.

## **RATIONALE FOR THE CHANGES SUGGESTED**

1.d) All trees should be native species to ensure viability and to maintain our native forest.

1.e) Having an up to date and comprehensive inventory of our trees is a way to know where we are starting in this process and be able to grow our native forest, while maintaining accurate records of our successes and failures and to learn from our mistakes.

1.g) Not only do the citizens of the town need adequate education, but all people involved in the process of growing our canopy and making decisions towards this outcome can benefit from expanding their knowledge base.

2. We do not only wish to just maintain what we have. We need to take a proactive approach to expanding our canopy.

3. The policy should be focused in the present, and not a future idea.

4.1 It is of utmost importance that maintenance operations are performed by knowledgeable staff to ensure the sustainability of the trees.

4.4 Not all requests from citizens are what is best for the town and should be reviewed before being approved.

4.4, 4.5 and 4.6 require the approval for removal, replacement or pruning or procurement of a risk assessment related to trees on Municipal Property. Currently, The Director of Public Works or designate is identified in Policy S802 as the go-to person. We believe that this responsibility should rest with the Town of Pelham, because this activity is too time-consuming for a director or designate, and it can be perceived as too concentrated of power in one single individual. Plus, the currently designated individual may not have the required expertise to make decisions specified in the sections.

In the context of prevailing inclusivity, equality and fairness we propose that the Town of Pelham, through its arborist, in conjunction/consultation with the Town's Forestry Committee should handle all requests required under section 4.4 to 4.6, and any other related issues with respect to trees on Town property.

4.7 In order to establish transparency and keep the citizens aware of progress, an annual report is required.

6.3 Due to the nature of the ongoing construction issues regarding our trees, we felt this needed a section of its own.

7.1.b This is an established practice for tree health and should be included in reasons to prune.

7.5 A mechanism for citizens to have appropriate methods of recourse and discussion of options regarding trees in their town is necessary and expected.

8.2 All trees should be native species to ensure viability and maintain our native forest.

8.9 Due to the number of trees planted in the past few years that have not survived, it is our recommendation that planting is done by knowledgeable staff to ensure the sustainability of the trees.

9.1-4 A simple approach of 2 trees for every 1 lost was an adequate start, but given our ongoing global warming crisis, it is our feeling that a more proactive approach to canopy sustainability be taken by using parameters that reflect a better outcome of expansion. 9.4 specifies that all trees over 50 mm diameter must be replaced by the formula stated to satisfy their real value in terms of; a) habitat for wildlife, b) shading, and thus increasing resilience of town infrastructure (sidewalks, roadways), c) mitigating water absorption (flood control), d) land stabilization (erosion control), e) aesthetic value of a neighbourhood, and e) absorption of carbon dioxide and **THUS DECREASING THE CARBON FOOTPRINT OF THE TOWN**. Planting trees is one of the cheapest and fastest way of mitigating the increase in greenhouse gases. For instance, larger more mature trees absorb more carbon dioxide and solar radiation, and thus the standard replacement of two for one would actually cause our carbon footprint and heat generation to increase, which is the opposite of what we should be doing. Reduction of our carbon footprint is the **RIGHT** thing to do!

9.5 Timely replacement should not be optional. In fact, we would highly suggest a plan for being proactive by replacing trees in the planning stages **PRIOR** to the others coming down. This is more cost effective and creates better establishment of our urban forests.

13.1. To be proactive in planning it would be beneficial to know beforehand where there will be potential for loss of established forests.

13.2 Not all construction plans are what is best for the towns forests and should be reviewed before being approved.

13.5 The developers and contractors should be fiscally responsible for replacement trees as per the recommended sliding replacement scale.

13.6 Tree barriers used in construction are vital to maintaining trees that might be potentially damaged during the construction process.

## **FURTHER RECOMMENDATIONS**

We would like to recommend the proposal of allocated funds gained by various means to help with

education and enforcement of tree policy. Such means could be, but not limited to: Levies and fees, grants, donations, and legacy programs.

A Forestry Public Advisory Committee should be created to assist the TOP with the extra demands of maintaining and growing our tree canopy, inventory monitoring, policy and educational needs.

In an effort to increase the survival of our replanted trees, when a tree is planted on municipal land adjacent to someone's private property, that adjacent property owner should be offered the opportunity to be the custodian of that tree. They should be provided with the knowledge and educational materials needed to care for the newly planted tree.

The adjacent homeowner should be provided a choice of tree replacements that are appropriate for the site. If the homeowner has a choice of pleasing options and are more involved, then they may be more likely to care for said tree.

In the Policy we note there is no reference made to planning for replacement of aging trees. Especially in the older part of Town, we have many old trees and these will not last forever. Planning should commence for planting replacement trees where space permits.

On some TOP properties (3 Hurricane Road for instance), there exists very mature trees (likely well over a hundred years of age). We believe there should be a special category for such magnificent trees; designated say as "Heritage Trees", or the like. These trees should receive extra high priority for preservation in any development planning.

We request that a mechanism be put in place for citizens who have concerns about why a tree is being removed, to seek a second opinion (i.e. get another arborist's report, etc), and for an appeals process to be implemented. We recommend that Public Works be directed to keep and post a public list of trees slated for removal, list the reason(s) why, and for a period of 30 days accept and respond to inquiries from the public.

## IN CONCLUSION

We return to the issue of the tree canopy and stated TOP objective (a); **".....every effort shall be made to increase tree planting and expand the tree canopy within the TOP"**.

We respectfully request that Council place utmost priority to achieving this goal. Mr. Cook's reference to a study of the Pelham tree canopy it seems to us could be undertaken quickly given advances in technology. Then, as Councilor Olson has suggested, an appropriate target for increasing the tree canopy is required, say 30% as an initial target (and this could be revisited with a view to increasing the target, say every 4 years, this in keeping with the term of Council). Councilor Olson states that we need a target such as set by the Champion of Trees Award. He suggests this might come with the Town's membership in an accrediting body. We whole-heartedly support Councilor Olson's recommendations in such regard.

Further, just as we have been advised that the Region of Niagara is now in the throes of conducting a comprehensive study of exactly what lands they possess where trees could be planted, the TOP needs to expeditiously do the same. One would presume that given the Federal government's commitment to plant 2 billion more trees across Canada in this decade that any available public land in the TOP could be dedicated towards this objective. We strongly believe we ALL must devote our energies to grow the tree canopy and we ask our Council to step up now and demonstrate leadership on this issue.

However, growing the TOP tree canopy cannot simply rest with the Town administration, and as Councillor Olson refers to, a tree policy should build upon relationships with other government and NGOs, along with



agricultural enterprises and others. As to what “others”, we would also add the development industry. Many trees can be lost to development and their numbers are often not replaced. We need development to become part of the solution versus being part of the problem.

Further as to “others” that Councilor Olson references, the fact is that much of the land in the TOP is privately held. It is thus our opinion individual land-owners must also become part of the solution to preserving Pelham’s tree canopy. Just as many other communities in Ontario have undertaken (i.e. Niagara-On-The-Lake), it is our recommendation that a by-law be struck to govern the protection of trees on private lands while setting forth a procedure should residents have concerns/issues with a tree on their property.

We strongly believe this matter is extremely important and highly pertinent to what the Town has laid out in the recently released Climate Change Action Plan. This constitutes the “action” part of the Plan.

In conclusion, we of the PTCS, along with many other citizens of Pelham, are prepared to act boldly in protecting and growing the trees of Pelham. We therefore appeal to TOP staff and Council to join us in fermenting bold action! Let us together, in the spirit of cooperation and inclusiveness, make Pelham the greenest envy of the Niagara Region, and by doing so together leave a flourishing tree canopy that future generations can be proud of.

We kindly ask that the TOP acknowledge receipt of this document. Thank you.

Respectfully submitted,

Pelham Tree Conversation Society  
Acting Chairperson – Mike Jones

[Redacted signature block]



<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):	August 8, 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 and expand, a healthy and robust tree canopy within the Town of Pelham.



### **3. Policy Constraints**

This policy applies 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 appropriately qualified town staff, or contractors 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 and shall be in keeping with the Tree Maintenance Policy.

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.



4.7 Staff will prepare an annual report to Council outlining the results of the Tree Maintenance program including, but not limited to, the status of tree works and pruning programs, tree removals, tree planting, opportunities and emerging issues.

## **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.



6.4 The tree inventory will be updated on a continual basis to reflect tree removals and tree planting or replacement.

## **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;
- i) To optimize airflow within the trees canopy to maintain health and reduce infestation.

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 by contacting the requestor 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, or cyclist 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 with a diameter up to and including 400mm. The trees shall be replanted in the area of removal.



9.2 Three trees shall be planted for every tree removed with a diameter greater than 400mm and less than 900mm. The trees shall be replanted in the area of removal.

9.3 Four trees shall be planted for every tree removed with a diameter greater than 900mm. The trees shall be replanted in the area of removal.

9.4 When the Town of Pelham removes a tree and the replacement tree(s) cannot be relocated in the area of removal, the replacement tree(s) shall be planted on any other municipally owned land.

9.5 The Town of Pelham Public Works Department endeavours to replace all trees removed within the following calendar year.

9.6 The number of trees required for replanting may be reduced if a larger diameter tree can be sourced and spaded.

## **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.



THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW 4385(2021)

**Being a by-law to amend By-law No. 4299(2020) to  
establish 2021 Fees and Charges to be collected by the  
Corporation of the Town of Pelham;**

**And to Add Fees and Charges to the Corporate Services  
Schedule;**

**And to Add Fees and Charges the Clerks Department  
Schedule.**

WHEREAS the *Municipal Act, 2001, S.O 2001, c.25*, provides  
that a municipality may pass by-laws imposing fees or charges on any  
class of persons; and,

AND WHEREAS By-law No. 4299(2020) establishes the 2021  
Fees and Charges to be collected by the Corporation of the Town of  
Pelham;

AND WHEREAS the Corporation of the Town of Pelham  
deems it expedient to add Fees and Charges as they relate to new roll  
creation and ownership changes for the Town of Pelham;

AND WHEREAS the Corporation of the Town of Pelham  
deems it expedient to add Fees and Charges as they relate to the filing  
of Integrity Commissioner Complaint(s) for the Town of Pelham;

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

- (1) THAT the Corporate Services Schedule to By-law  
#4299(2020) be amended as follows, detailed in the  
attached schedule, as it relates to new rolls creation and  
ownership changes, as below listed:

Add – New Roll Creation - \$40.00  
Add – Ownership Change - \$100.00

- (2) THAT the Clerks Department Schedule to By-law  
#4299(2020) be amended as follows, detailed in the  
attached schedule, as it relates to the filing of Integrity  
Commissioner Complaint(s) per Term of Council, as below  
listed:

Add – First Complaint – No Fee  
Add – Second Complaint - \$100.00 Fee  
Add – Three or More Complaints - \$300.00  
Note: Please contact the Clerks Department for Application Exemptions

ENACTED, SIGNED AND SEALED THIS  
20<sup>h</sup> DAY OF September, 2021.

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MAYOR MARVIN JUNKIN

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TOWN CLERK, HOLLY WILLFORD



## Clerk's Department

	2021
<b>Integrity Commissioner Complaint Filing Fee(s) *Per Term of Council*</b>	
First Complaint	No Fee
Second Complaint	\$100.00
Three or More Complaints	\$300.00
*Please contact the Clerks Department for applicable exemptions	



## Corporate Services

	2021
<b>General Tax Services Fees</b>	
Statement of Tax Account	\$7.00
Reprint of Tax Bill	\$7.00
Tax Certificate – Mailed	\$50.00
Tax Certificate – Verbal	\$25.00
Interest and Penalty on Tax Arrears	1.25%
NSF Charge	\$30.00
New Roll Creation	\$40.00
Ownership Change	\$40.00
<b>Tax Registration Fees</b>	
Tax Sale Administration Fee	\$525.00
POA add to taxes	\$50.00
<b>General Accounts Receivable</b>	
Interest on Accounts Receivable	1.25%
NSF Charge on Accounts Receivable	\$30.00

THE CORPORATION OF THE  
T O W N   O F   P E L H A M  
BY-LAW #4386(2021)

**Being a by-law to authorize the Mayor and Clerk to enter  
into an Amending Agreement with the Regional  
Municipality of Niagara with respect to the Niagara  
Region's On-Demand Transit Service Pilot Project.**

WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to enter into an Amending Agreement with the Regional Municipality of Niagara with respect to the Niagara Region's On-Demand Transit Service Pilot Project;

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

- (1) THAT the Amending Agreement attached hereto and made part of this by-law between the Corporation of the Town of Pelham and the Regional Municipality of Niagara be and the same is hereby approved.
- (2) THAT the Mayor and Clerk be and are hereby authorized and instructed on behalf of the Corporation of the Town of Pelham to execute the said Agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.

ENACTED, SIGNED & SEALED THIS  
20th DAY OF SEPTEMBER, 2021.

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MAYOR, MARVIN JUNKIN

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TOWN CLERK, HOLLY WILLFORD

## AMENDING MEMORANDUM OF UNDERSTANDING

**THIS AMENDING AGREEMENT** made as of the \_\_\_\_ day of August, 2021 (the “**Amending Agreement**”)

**BETWEEN:**

**THE REGIONAL MUNICIPALITY OF NIAGARA**

(Hereinafter called “**Niagara Region**”)

- and -

**THE CORPORATION OF THE TOWN OF PELHAM**

(Hereinafter called “**Pelham**”)

**WHEREAS** by a Memorandum of Understanding dated the 10<sup>th</sup> day of August, 2020 (hereinafter called the “**MOU**”), Niagara Region and Pelham agreed to include Pelham in Niagara Region’s on-demand transit service pilot project;

**AND WHEREAS** the Parties hereto desire to amend the MOU to extend the term for a further one (1) year term.

**NOW THEREFORE** this in consideration of the sum of TWO DOLLARS (\$2.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The Parties hereto agree that the foregoing recitals are true in substance and in fact.
2. Pursuant to section 2.4(b) of the MOU, the MOU shall be renewed for a further term of one (1) year commencing on August 17, 2021 and ending on August 16, 2022 (the “**Renewal Term**”).
3. In accordance with Section 2.3(a) of the MOU which provides that if the MOU is renewed for a second year, payments in the second year shall be made on those dates being the anniversary date of each of the first year payments, Section 2.3 of the MOU is hereby amended by adding the following new paragraph (c):

(c) pay to Niagara Region the sum of \$179,780.00 each year during the **Renewal Term** divided into three equal instalments as follows:

1. the first instalment to be made no later than August 27, 2021, being the 10<sup>th</sup> day following the commencement of the **Renewal Term**;
2. the second payment to be made on January 29, 2022; and
3. the final payment to be made May 31, 2021,

which payment dates reflect the anniversary dates of each of the first year payments.

4. Except as otherwise provided in this Amending Agreement, all other terms and conditions of the MOU remain unchanged and continue in full force and effect. All capitalized words used in this Amending Agreement have the meaning ascribed to them in the MOU, unless this Amending Agreement states otherwise.

5. This Amending Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument. Counterparts may be executed in original, faxed or electronic form and the Parties adopt any signatures so received as original signatures of the Parties.
6. This Amending Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

**THE REGIONAL MUNICIPALITY OF NIAGARA**

Per:

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Name: Ron Tripp, P. Eng.  
Title: Acting Chief Administrative Officer

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Name: Todd Harrison, CPA, CMA  
Title: Commissioner Corporate Services/Treasurer

I have the authority to bind the Corporation.

**THE CORPORATION OF THE TOWN OF PELHAM**

Per:

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Name:  
Title:

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Name:  
Title:  
I/We have authority to bind the Corporation.

THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW 4387(2021)

**Being a by-law to amend By-law No. 4307(2021), being an Administrative Authority By-law to delegate certain powers and duties under the *Municipal Act, 2001, S.O. 2001, c. 25*, and other Acts as contained in the Scheduled hereto.**

WHEREAS section 23.1 of the *Municipal Act, 2001, S.O. 2001, c.25* (the Act) authorizes a municipality to delegate its powers and duties to a person or body, subject to certain restrictions;

AND WHEREAS the Council of the Corporation of the Town of Pelham enacted By-law No. 4307(2021) on January 11, 2021, being an Administrative Authority By-law;

AND WHEREAS the Council of the Corporation of the Town of Pelham considers it necessary to amend By-law No. 4307(2021) to delegate authority to the Chief Administrative Officer to approve and execute lease and licence agreements not exceeding \$10,000.00 and amending agreements for the acquisition of goods and services ordinary to the business of the Town not exceeding \$10,000.00;

AND WHEREAS the Council of the Corporation of the Town of Pelham considers it further necessary to amend By-law No. 4307(2021) to delegate authority to the Town Clerk to execute Transfer Payment Agreements received by the Municipality;

AND WHEREAS the Council of the Corporation of the Town of Pelham considers it further necessary to amend By-law No. 4307(2021) to delegate authority to the Treasurer to transfer funds to the appropriate reserves and reserve funds above what is listed in the Reserve and Reserve Fun Policy when funds are available;

AND WHEREAS the Council of the Corporation of the Town of Pelham considers it further necessary to amend By-law No. 4307(2021) to delegate authority to the Director of Public Works to enter into encroachment agreements on road allowances and over easements;

AND WHEREAS Council of the Corporation of the Town of Pelham considers it necessary to provide for housekeep amendments to By-law No. 4307(2021);

NOW THEREFORE BE IT RESOLVED that the Council for the Town of Pelham hereby enacts as follows:

1. THAT the Administrative Authority By-law No. 4307(2021) be amended by repealing and replacing:

- a. Schedule A - Chief Administrative Officer;
- b. Schedule B – Town Clerk;
- c. Schedule C – Corporate Services (Treasurer);
- d. Schedule F – Director of Public Works; and
- e. Schedule H - Town Solicitor.

ENACTED, SIGNED & SEALED THIS  
20<sup>th</sup> DAY OF SEPTEMBER, 2021

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M. JUNKIN, MAYOR

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HOLLY WILLFORD, TOWN CLERK



## Schedule A – Delegation of Powers and Duties

### Chief Administrative Officer

#	Delegation	Delegate(s)	Legislative Authority	Conditions/ Restrictions
1.	Approve execution of agreements for acquisition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions provided value of consideration does not exceed \$100,000	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor.
2.	Approve execution of agreements for disposition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$100,000	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor.
3.	Develop, approve and implement administrative policies, procedures and practices in the exercise of authority under section 229 of the Act.	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	Consultation and/or Delegation to Appropriate Department Director
4.	Pay Equity Adjustments, Grid Movement Approvals	Chief Administrative Officer; HR Specialist; Director	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	Consultation with Human Resources Specialist and Appropriate Department Director
5.	Negotiate and settle claims against the municipality within insurance deductible limit	Chief Administrative Officer; Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	Consultation with Appropriate Department Director
6.	Responsible for legislative requirements under the Ontario Health and Safety Act legislation.	Chief Administrative Officer; Director responsible for Health and Safety Committee; Human Resources; CEMC and/or Emergency Operations Committee	<i>Occupational Health and Safety Act, R.S.O. 1990, c. O.1</i>	
7.	Carry out annual performance evaluation of each Director and advise Council on performance and recommend to Council any appointment, promotion, demotion, suspension or dismissal of Directors reporting to him/her.	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	
8.	Appoint, employ, promote, demote, suspend,	Chief Administrative	<i>Municipal Act, 2001, S.O.</i>	

	discipline and dismiss all employees below the rank of Director of the Corporation.	Officer	2001, C. 25, as amended, s 23.1	
9.	Authority to approve temporary staff positions (2 year duration or less) or to adapt existing part-time positions to full-time positions, or the reverse, provided that: a) Funds are available within current budgetary allocations; b) All expenditures deemed essential for purpose of achieving objectives of the Town; c) Alternate methods of achieving objectives have been evaluated and proven more costly or less effective than staffing a position;	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	
10.	Authority to delegate authority when positions identified in the By-law are changed no longer exist.	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	
11.	Declaration of Internal Conflicts relating to Human Resources, Staff Code of Conduct, and Legal Issues	Chief Administrative Officer		
12.	Approval of all emergency expenditures deemed essential to mitigate the emergency incident.	Chief Administrative Officer; Consultation with Community Emergency Management Co-Ordinator and Treasurer.		
13.	Approve execution of leases and licenses and agreements to lease and license real property provided the value of consideration does not exceed \$10,000.00.	Chief Administrative Officer; Town Clerk	Municipal Act, 2001, S.O. 2001, C. 25, as amended, s23.1 and 270(1)	Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor
14.	Approve execution of Agreements and Amending Agreements for the acquisition of goods and services or other Town activities, works or services that are ordinary to the business of the Town provided the value of consideration does not exceed \$10,000.00.	Chief Administrative Officer; Town Clerk	Municipal Act, 2001, S.O. 2001, C. 25, as amended, s23.1 and 270(1)	Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor

## Schedule B – Delegation of Powers and Duties

### Town Clerk

#	Delegation	Delegate(s)	Legislative Authority	Conditions/ Restrictions
1.	Signing Authority for Agreements Under By-law and/or Pursuant to Tender Awards	Mayor Town Clerk		All Agreements Authorized by Municipal By-law; Affix Corporate Seal; Two Signatures Required Note: Deputy Mayor in Absence of Mayor; Deputy Clerk or Chief Administrative Officer in Absence of Clerk.
2.	Returning Officer, Responsible for Administration of all Municipal General Elections and All By-Elections for the Town of Pelham	Town Clerk	<i>Municipal Elections Act</i> , 1996, S.O. 1996, c. 32	Prepare and update forms and written procedures for all components of conducting an election.
3.	Designate an event as event of municipal significance for purpose of prescribing it as a special event occasion where an application has been made.	Town Clerk	<i>Liquor Licence Act</i> R.S.O. 1990, c. L. 19	Compliance with all applicable AGCO Regulations; Consultation with applicable Town and/or Regional approvals for licensing.
4.	Issuance of "Letters of No Objection" for temporary liquor licence extensions.	Town Clerk	<i>Liquor Licence Act</i> R.S.O. 1990, c. L. 19	Consultation with applicable Town Departments.
5.	Liquor Licence Municipal Clearance (Wet/Dry Status)	Town Clerk	<i>Liquor Licence Act</i> R.S.O. 1990, c. L. 19	Issue subject to municipal clearance by all Agencies/ Departments as per AGCO Regulations
6.	Issuance of "Tag Day" approvals for non-profit organizations.	Town Clerk		Repeals Policy S203-17
7.	Issuance of Lottery Licenses	Town Clerk	<i>Criminal Code</i> (Canada) Order-in-Council 1413/08 <i>Gaming Control Act</i> , 1992	Compliance with all applicable AGCO Regulations. Associated Policy Defines Criteria, S203-05.
8.	Records Management Oversight	Town Clerk	<i>Municipal Act</i> , 2001, S.O. 2001, C. 25, as amended, s. 254	By-law #3900(2017) or successor and associated Retention Schedule
9.	Freedom of Information and MFIPPA Co-ordinator; All powers and duties under said Act	Town Clerk	<i>Municipal Freedom of Information and Protection of Privacy Act</i> , R.S.O. 1990 as amended.	Associated Policy.
10.	By Virtue of Office: Division Registrar Commissioner of Oaths Marriage Officiant* Licensing of Marriage**	Town Clerk	<i>Commissioner for Taking Affidavits Act</i> , R.S.O. 1990, c. C. 17 <i>Marriage Act</i> , R.S.O. 1990, c. M. 3	*Marriage Officiant as Authorized by By-law 3712(2016) **Licensing of Marriage Authorized by By-law 3577(2015)

			<i>Vital Statistics Act, R.S.O. 1990, c. V.4</i>	
11.	Municipal Licensing	Town Clerk	Municipal By-laws Authorizing Licensing	Subject to all applicable By-laws and policies; consultation with applicable departmental authorities.
12.	Approval of Proclamations	Town Clerk*	Policy S201-17	*Initial Proclamation or Flag Raising Subject to Council Approval; Subsequent in accordance with Policy S201-17 Proclamations S203-14 – Flag Raising
13.	Approval of Flag Raisings	Town Clerk*	Policy S203-14	*Initial Proclamation or Flag Raising Subject to Council Approval; Subsequent in accordance with Policy S203-14 – Flag Raising
14.	Maintenance of Policy Manual	Town Clerk	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s. 270</i>	Update and maintain Policy Manual upon Council adoption; maintain supporting Procedural Manual
15.	Signing Authority for Transfer Payment Agreements (for grants and other funding being received by the municipality)	Mayor; Town Clerk; Treasurer		Application of Grant and / or Funding having been approved by Council resolution; Two Signatures Required Note: Deputy Mayor in Absence of Mayor; Deputy Clerk or Chief Administrative Officer in Absence of Clerk.

## Schedule C – Delegation of Powers and Duties

### Director, Corporate Services (Treasurer)

#	Delegation	Delegate(s)	Legislative Authority	Conditions/ Restrictions
<b>General Finance</b>				
1.	Disposition of Land Proceeds Where Not Council Specified for Use of Funds	Treasurer		
2.	Mediate and settle proceedings at the Assessment Review Board and Execute Minutes of Settlement of Assessment Review Board	Treasurer; Consultation with Tax Clerk		MoS must be in best interest of the Town, in opinion of signing officer
3.	Approval of Tax and/or Water Write-Offs and Increases relating to gross manifest errors	Treasurer		
4.	Authority to enter into agreements with the Municipal Property Assessment Corporation (MPAC) for electronic download of property assessment information.	Treasurer Consultation with Town Solicitor for Agreement		
5.	Authority to approve agreements entered into pursuant to the Town of Pelham Development Charge By-law	Treasurer; Consultation with Director of Planning and/or Public Works		
6.	Transfer funds to the appropriate reserves and reserve funds above what is listed in the Reserve and Reserve Fund Policy when funds are available	Treasurer		Note: Deputy Treasurer in Absence of Treasurer
<b>Purchasing/Procurement</b>				
1.	Oversight of Procurement of Goods and Services	Treasurer; Purchasing Co-Ordinator	By-law #3250(2012)	
<b>Information Technology</b>				
1.	Authority to enter into recurring annual agreements with respect to continuance of technical software support services, and or data licence agreements, subject to annual review and budget approval.	Information Technology Manager		Review with Treasurer for budget compliance
2.	Authority to enter into OEM Client/Supplier agreements for IT professional services or technical support, as required, subject to project requirements, budget availability and review by and in a form satisfactory to Town Solicitor; and authority to review, approve and release future software source code developed and owned by	Information Technology Manager		Review with Treasurer for budget compliance

	the Town to the Open Source community under appropriate licensing terms, where there is likely to be benefit to the corporation, partners and/or the community.			
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Schedule F – Delegation of Powers and Duties

Director of Public Works

#	Delegation	Delegate	Legislative Authority	Conditions/ Restrictions
<b>Beautification</b>				
1.	Authorization to close municipal parks due to seasonal restrictions, inclement weather, and emergencies which could affect the health and well-being of the community	Director of Public Works		
2.	Authorization to manage and perform maintenance, removals, and planting of trees within the Town's right-of-way and property	Manager of Public Works	Policy No. S802-01	
<b>Cemeteries</b>				
1.	Authorization to control and manage each cemetery under the jurisdiction of the Town of Pelham subject to the requirements and regulations set out in the Town's cemetery by-law and the <i>Cemeteries Act</i> .	Director of Public Works /Manager of Public Works	By-law 3091 (2010) Cemeteries Act	
2.	Authorization to enter into agreements for the sale of interment rights	Director of Public Works/Manager of Public Works	By-law 3091 (2010) Cemeteries Act	
<b>Engineering Services</b>				
1.	Authority to execute applications for new entrance permits and culvert installations; provide written confirmation to applicant of diameter of culvert required	Manager of Engineering or Manager of Public Works	Municipal Act, By-law and Fee Schedule	
2.	Enter into Front-Ending Agreements	Director of Public Works; Consultation with Director of Community Planning and Development		
3.	Authority to enter into water and waste-water service connection agreements	Manager of Engineering or Manager of Public Works	Municipal Act, By-law and Fee Schedule	
4.	Issuance of Road Occupancy Permits and Municipal Consent for utility maintenance and works within road right-of-way, and/or for Special Event Road Closures	Director of Public Works	Utility Franchise Agreements	
<b>Roads/Transportation Services</b>				
1.	May temporarily close any highway or portion of a highway:	Director of Public Works; Consultation with	By-law #1827(1996) or Successor Thereto	

	<ul style="list-style-type: none"> <li>a) For construction, repair or improvement of the highway or portion of the highway, or construction or repair of any works, under, over, along, across, or upon the highway or portion of highway;</li> <li>b) Social, recreational, community, athletic or cinematographic purpose, or combination thereof;</li> <li>c) For any request under emergency services;</li> <li>d) For construction purposes when public safety may be impacted</li> </ul>	Applicable Directors and/or External Agencies.		
2.	Designate construction zones where municipal permit involves construction or repair of a highway or works near a highway, including authority to designate a lower rate of speed for vehicles traveling in construction zones.	Director of Public Works	<i>Highway Traffic Act, R.S.O 1990, c. H.8</i>	
3.	Agreements, including cost sharing agreements between the Town of Pelham and Local Area Municipalities in Niagara Region, regarding road construction and/or road maintenance.	Director of Public Works		
4.	Temporary Reduction or Lifting of Load Limits on Highways, including designation of alternate routes where applicable.	Director of Public Works; Consultation with Fire Chief/Director of Fire and By-law Services	By-law 1272(1989)	
5.	Authority to declare a significant weather event in order to extend the response time to achieve Minimum Maintenance Standards	Director of Public Works	Ontario Regulation 239/02 minimum Maintenance Standards for Municipal Highways	
6.	Enter into Encroachment Agreements on road allowances and over easements	Director of Public Works; Consultation with By-law and Planning		Agreements acceptable to Town Solicitor; Conditional on conditions such as survey, covenants to protect the Town; <del>once satisfied submit By-law for Council approval.</del>
7.	Authority to sign agreements with Railway Authorities for cost sharing of warning systems and maintenance at level railway crossings	Director of Public Works		
8.	Authority to negotiate with the Region of Niagara for the installation and maintenance for traffic control signal and safety systems.	Director of Public Works		



9.	Authority to amend the schedules that regulate stopping prohibition, stop controlled intersections, parking prohibition, limited parking restrictions, parking meter zones, commercial vehicle load permits, loading prohibitions, yield signs, prohibited turns, one-way highways and speed limits on highways under the jurisdiction of the Town of Pelham.	Director of Public Works	By-law 89-2000	
10.	Authority to approve encroachment over easements with private property owners.	Director of Public Works		In consultation with Town Solicitor
11.	Authority to provide reciprocal assistance to Public Works Departments in other Local Area Municipalities	Director of Public Works	Mutual Aid Agreement between Local Area Municipalities in Niagara Region	
<b>Water and Wastewater</b>				
1.	Authority to sign applications to the Ministry of Environment and Climate Change under the Ontario Water Resources Act on behalf of the Town of Pelham	Director of Public Works	Ontario Water Resources Act	
2.	Delegation of authority to provide reciprocal assistance to Public Works Departments in other Local Area Municipalities	Director of Public Works	Memorandum of Understanding between the Region of Niagara and the Town of Pelham for Water and Wastewater servicing.	
3.	Authority to designate the Overall Responsible Operator (ORO) and the Drinking Water Quality Management System Representative for the Town's Water Distribution System	Director of Public Works in consultation with the Manager of Public Works	Town of Pelham DWQMS Operational Plan  <i>Safe Drinking Water Act, O.Reg. 170-03</i>	

## Schedule H – Delegation of Powers and Duties

### Town Solicitor

#	Delegation	Delegate(s)	Legislative Authority	Conditions/ Restrictions
1.	Commence any action, <b>application</b> or other legal proceeding on behalf of the Town where monetary value of claim is below \$100,000 excluding interest and costs.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Report to Council from time to time on all actions or other legal proceedings, including description of settlement
2.	Where monetary value of a claim is \$100,000 or more, excluding interest and costs, commence any action, <b>application</b> or other legal proceeding on behalf of the Town to ensure no limitation period or other time restriction expires before Council instructions can be obtained.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Obtain instructions of Council as soon as practicable thereafter.
3.	Take all steps necessary to defend any action, <b>application</b> or <b>other</b> legal proceeding commenced against the Town.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Report to Council from time to time on all actions or other legal proceedings, including description of settlement.
4.	Commence any counterclaim, cross-claim or third party claim as part of the Town's defense to any action or other legal proceeding	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Report to Council from time to time on all actions or other legal proceedings including description of settlement.
5.	Retain external counsel, any expert or other person to assist in an actual or potential action or other legal proceeding or to obtain legal advice on behalf of the Town.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Cost or retainer shall fall within approved Town budget.
6.	Accept service of any legal document on behalf of the Town.	Town Solicitor or Town Clerk or CAO	<i>Rules of Civil Procedure; or Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	
7.	Obtain standing or participate in any administrative proceeding on behalf of the Town.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Obtain instructions of Council as soon as practicable thereafter.
8.	Take all steps necessary to protect or pursue the rights of the Town in its capacity as an owner, occupier, landlord or tenant of property.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Report to Council from time to time on all actions or other legal proceedings, including description of settlement.
9.	Take all steps necessary to collect debts and outstanding accounts, enforce orders, decisions, awards and judgements made in favour of the Town, including commencement of claims or other legal proceedings.	Town Solicitor	Various Acts and Regulations, including <i>Courts of Justice Act, Rules of Civil Procedure and Small Claims Court Rules.</i>	Report to Council from time to time on all actions or other legal proceedings, including description of settlement.
10.	Enter into settlement with any person or entity on	Town Solicitor	<i>Municipal Act, 2001, S.O.</i>	Sufficient funds available within

	behalf of the Town where the monetary amount of the settlement is below \$100,000 inclusive of interest or costs or below Town deductible pursuant to current Insurance policy.		2001, C.25, as amended, section s 9, 11 and 23.1	approved budget. Report to Council from time to time on all actions or other legal proceedings, including description of settlement.
11.	Execute any agreement or other legal document on behalf of the Town that is necessary to carry out the Town Solicitor's authority as set out herein, including releases, receipts, waivers, indemnities and minutes of settlement.	Town Solicitor or Town Clerk	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
12.	Support Committee of Adjustment approvals before <b>Ontario Land Tribunal</b> where Town staff have no objections or are in support of the application.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
13.	Support Committee of Adjustment refusals before the <b>Ontario Land Tribunal</b> where Town staff support refusal of application.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
14.	Where Committee of Adjustment decisions are contrary to Town staff position, that staff attend before the <b>Ontario Land Tribunal</b> to request conditions, if any, only.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
15.	Where a Committee of Adjustment decision does not have significant impacts or broader implications, or where the parties are represented by lawyers and/or planners, that staff only attend before the <b>Ontario Land Tribunal</b> to request conditions, if any.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
16.	Where an appeal of a Committee of Adjustment matter results in a revised proposal or a settlement proposal that is supported by the parties and staff or there are no objections, that the <b>Ontario Land Tribunal</b> be advised that the Town supports the revised or settlement proposal.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
17.	Decision not to attend appeal hearing from a decision of the Committee of Adjustment where an appeal has been filed with the <b>Ontario Land Tribunal</b> .	Town Solicitor		In consultation with Director, Community Planning and Development; where there is significant inconsistency between C of A decision and staff recommendation, staff will report to Council for direction.
18.	Take all steps necessary to respond to appeals filed with the <b>Ontario Land Tribunal</b> in accordance	Town Solicitor and Director of Community	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended,</i>	

	with Council Decisions, including retention of external lawyers and experts, as required, and filing or responding to procedural matters as deemed necessary.	Planning and Development	section 23.1	
19.	Where time does not allow for obtaining Council authority, all steps necessary to respond to appeals before the <b>Ontario Land Tribunal</b> prior to expiry of any time restrictions or limitations periods be taken, in accordance with recommendations of CAO and Director of community Planning and Development.	Town Solicitor, CAO and Director of Community Planning and Development	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
20.	Participate in and/or give notice of intention to use mediation, conciliation or other dispute resolution techniques to all appellants <b>before the Ontario Land Tribunal</b> and to invite participants to dispute resolution process as deemed necessary.	Town Solicitor and Director of Community Planning and Development.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
21.	Approve execution of agreements for the acquisition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$50,000	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1 and 270(1)</i>	Terms and conditions of agreements and related documents must be acceptable to Town Solicitor.
22.	Approve execution of agreements for the disposition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$50,000.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1 and 270(1)</i>	Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor.
23.	Approve execution of agreements for the amendment, extension, renewal, and/or revival of leases and licenses on substantially the same terms and conditions of the original agreements	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor.
24.	Commence any legal proceeding or step in a legal proceeding in Small Claims Court, on behalf of the Town	Town Solicitor		
<del>25.</del>	<del>Commence any legal proceeding on behalf of the Town to ensure that no limitation period or other time restriction expires before instructions of Council can be obtained</del>	<del>Town Solicitor</del>		<del>Council instruction to be sought as soon as practicable thereafter</del>



THE CORPORATION OF THE  
TOWN OF PELHAM

BY-LAW NO. 4388(2021)

**Being a by-law to authorize the execution of a subdivision agreement with Hert Inc. and the Corporation of the Town of Pelham— Saffron Meadows Phase 3 Subdivision (Phase 2).**

**Hert Inc. and the Corporation of the Town of Pelham  
File No. 26T19-0218**

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**WHEREAS** at the Council meeting held on September 7, 2021 the Municipal Council of the Town of Pelham approved the Report Regarding the Execution of the Saffron Meadows Phase 3 (Phase 2) Subdivision Agreement, authorizing the entry into a Subdivision Agreement with Hert Inc. (the ‘Developer’) and the Corporation of the Town of Pelham detailing certain land conveyances, payments and dedications, and the conditions whereby development can occur; and,

**WHEREAS** it is deemed desirable to enter into a Subdivision Agreement for Saffron Meadows Phase 3 (Phase 2) with Hert Inc. in order to control development of lands as described in Schedule ‘A’ of the Subdivision Agreement which is attached hereto and forms part of this by-law;

**NOW THEREFORE** the Municipal Council of the Town of Pelham hereby enacts as follows:

1. **THAT** provided Hert Inc. first satisfies the requirements mentioned in the Agreement attached to and forming part of this by-law that are to be satisfied prior to or at the time of execution of the Agreement by Hert Inc. and the Corporation of the Town of Pelham, then the Mayor and Clerk are authorized to execute the Subdivision Agreement annexed hereto and once executed by all parties, the Agreement shall be registered upon the title to the lands described in Schedule ‘A’ of the said agreement.
2. **THAT** the conveyances, payments, and dedications

required by the said Subdivision Agreement, are authorized and approved.

3. **THAT** the Mayor and Clerk be and they are hereby authorized and directed to execute the Subdivision Agreement attached to and forming part of this by-law.
4. **THAT** in the event minor modifications to the Subdivision Agreement are necessary to effect the intent herein, the Clerk of the Town of Pelham is hereby authorized to complete same in consultation with the Town Solicitor.

ENACTED, SIGNED AND SEALED THIS  
20<sup>th</sup> DAY OF SEPTEMBER, 2021 A.D.

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MAYOR MARVIN JUNKIN

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CLERK HOLLY WILLFORD

**SAFFRON MEADOWS PHASE 3 (PHASE 2) SUBDIVISION  
AGREEMENT  
HERT INC.  
(SUBDIVISION FILE NO. 26T19-02018)**

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THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

BETWEEN:

**HERT INC.**

Hereinafter called the "Developer"

OF THE FIRST PART

- and –

**THE CORPORATION OF THE TOWN OF PELHAM**

Hereinafter called the "Town"

OF THE SECOND PART

**WHEREAS** the Developer warrants and represents that:

- a) it is the registered owner in fee simple in possession of the lands described in Schedule "A" annexed hereto;
- b) as of the date of execution of this Agreement and on the date of registration of this Agreement, the Developer shall be a valid and subsisting corporation in good standing duly incorporated under the laws of the Province of Ontario;
- c) as of the date of execution of this Agreement, registration of this Agreement and registration of the Plan of Subdivision, there will be no outstanding claims, liens, or encumbrances registered against the lands described in Schedule "A" annexed hereto all of which shall be postponed to this Agreement unless otherwise authorized by the Town in writing; and
- d) this Agreement shall take priority over any subsequent registrations against the Lands;

**AND WHEREAS** the Developer has applied to the Town for approval of a Plan of Subdivision of the Lands described in Schedule "A" annexed hereto;

**AND WHEREAS** the Town's "Conditions of Draft Plan Approval" require that all conditions must be fulfilled before the aforesaid Plan of Subdivision is given final approval, and the Developer must enter into a Subdivision Agreement with the Town to satisfy all its requirements, financial and otherwise, relating to the Lands being subdivided;

**AND WHEREAS** this Agreement is made to satisfy the said Conditions of Draft Plan Approval;

**AND WHEREAS** the Developer previously entered into an Agreement with the Town for Phase 1 of the Saffron Meadows Phase 3 Subdivision registered against the Lands as Instrument SN644813 on October 5, 2020;

**AND WHEREAS** subsection 51 (26) of the *Planning Act, 1990*, permits the registration of this Agreement against the lands to which it applies;

**AND WHEREAS** subsection 27 (1) of the *Development Charges Act, 1997*, permits the early payment of all or part of a development charge;

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the mutual covenants and agreements to be observed and performed by each of the Parties hereto, and in consideration of the sum of ONE (\$1.00) DOLLAR of lawful money of Canada now paid by the Developer to the Town, the receipt whereof is hereby acknowledged by the Town, the Parties hereto mutually covenant and agree as follows:

## 1. DEFINITIONS

In this Agreement:

- 1.1 **AGREEMENT** means this Subdivision Agreement.
- 1.2 **ASSUMPTION BY-LAW** means a by-law passed by the Town accepting all of the Works to be constructed hereunder.
- 1.3 **BLOCK** shall mean the whole of a parcel or tract of land create by the Plan of Subdivision.
- 1.4 **BUILDER** means the person engaged by the Developer or subsequent Owner to construct a Building or any other work on the Lot.
- 1.5 **BUILDING BY-LAW** means the Building By-law No. 2686 (2005) passed by the Town and amended from time to time.
- 1.6 **BUILDING** means any structure which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, and includes any structure as defined as a Building in the *Building Code Act* or in the Building By-law, but does not include any vehicles as defined herein.
- 1.7 **BUILDING PERMIT** means a permit issued by the Chief Building Official of the Town and required pursuant to the provisions of the *Building Code Act*, as amended, or any successor thereto and the Building By-law of the Town and amendments thereto.
- 1.8 **CHIEF BUILDING OFFICIAL** means the Chief Building Official of the Town as appointed by by-law of the Council, or their designate appointed pursuant to the *Building Code Act*, as amended, or any successor thereto.
- 1.9 **CLERK** means the Clerk of the Town.
- 1.10 **COMPLETION CERTIFICATE OF PRIMARY SERVICES** means the Certificate issued by the Director of Public Works upon satisfactory completion of the Primary Services for the Lands prior to commencement of the maintenance period for the Primary Services as installed.
- 1.11 **COMPLETION CERTIFICATE OF SECONDARY SERVICES** means the Certificate issued by the Director of Public Works upon satisfactory completion of the Secondary Services for the Lands prior to commencement of the maintenance period for the Secondary Services as installed.
- 1.12 **COST OF CONSTRUCTION** means the cost of construction approved by the Director of Public Works and may include engineering fees ancillary thereto.
- 1.13 **COUNCIL** means the Council of the Corporation of the Town of Pelham.
- 1.14 **DEVELOPER** shall mean the applicant for the approval of a Plan of Subdivision and the registered owner or owners in fee simple of the lands for which the Plan of Subdivision is proposed and their respective heirs, executors, administrators, successors and assigns. Wherever the singular is used herein it shall, where the context requires, include the plural.
- 1.15 **DEVELOPER'S CONSULTING ENGINEER** means the person or persons registered with the Professional Engineers of Ontario who are employed by the Developer, at its own expense, to provide engineering services for the Plan of Subdivision.
- 1.16 **DEVELOPMENT CHARGES** means the development charges imposed under the Town's Development Charge By-law No. 3527 (2014), or any successor by-law, as prescribed by the *Development Charges Act, 1997*, as amended, or any successor thereto.
- 1.17 **DIRECTOR OF COMMUNITY PLANNING AND DEVELOPMENT** means the

Director of Community Planning and Development for the Town, or their designate.

- 1.18 **DIRECTOR OF PUBLIC WORKS** means the Director of Public Works for the Town, or their designate.
- 1.19 **EASEMENTS** shall mean the easements described in Schedule "D" annexed hereto, which forms part of this Agreement.
- 1.20 **FINAL DEFAULT** means a situation where the Developer fails to remedy a default within such time as provided in the notice given by the Town, as provided in Section 39 hereof.
- 1.21 **FINAL CERTIFICATE OF COMPLETION OF SERVICES** means the certificate issued by the Director of Public Works after the end of the maintenance period certifying that all Works required by this Agreement are acceptable for assumption by the Town.
- 1.22 **FRONT LOT LINE** means the front lot line as defined in the Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- 1.23 **GRADING CONFORMANCE CERTIFICATE** means the Certificate identified in Section 29 hereof.
- 1.24 **LANDS** means the lands described in Schedule "A" annexed hereto, and forming part of this Agreement.
- 1.25 **LETTER OF CREDIT** means a standby municipal, irrevocable Letter of Credit issued by a major chartered bank or credit union, posted with the Town pursuant to the terms of this Agreement. The Letter of Credit shall be in form satisfactory to the Town and shall contain a clause that automatically renews it from year to year, unless the Town gives written notice that it does not require the Letter of Credit to be renewed.
- 1.26 **LETTER OF OCCUPANCY** means a Letter of Occupancy issued by the Chief Building Official subsequent to final inspection of a dwelling, as required by Section 35 hereof.
- 1.27 **LOCAL IMPROVEMENT** shall include utilities, fencing, sanitary sewers, storm sewers, sidewalks, curbs and gutters, pavements and such other local improvements as are defined by the *Local Improvements Act* or the *Municipal Act*, as amended, or any successor thereto.
- 1.28 **LOT** means a lot as defined in Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- 1.29 **LOT FRONTAGE** means lot frontage as defined in Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- 1.30 **LOT GRADING DEPOSIT** means a deposit of security as specified in Section 30 hereof.
- 1.31 **LOT GRADING PLAN** means a drawing showing grades, swales, and drainage patterns and may include catch basins and floor heights in relation to grades for each individual Building Lot or Block in the Plan of Subdivision.
- 1.32 **MAINTENANCE GUARANTEE** means an undertaking by the Developer to the Town that all Works constructed under this Agreement will function as designed and will not fail in any manner whatsoever so as to cause a risk to public safety or private lands, Building or structures within the Plan of Subdivision or immediately adjacent boundary lands, and that should the Works, or any of them, fail or not perform their intended function within the specified maintenance guarantee period, they will be replaced or repaired to the satisfaction of the Director of Public Works by the Developer at its cost.
- 1.33 **MAINTENANCE GUARANTEE PERIOD** means the period of time during

which the Developer is obliged to maintain the Works following approval of the Completion Certificate for Primary Services or Secondary Services, as the case may be, which period is defined in Section 38 hereof.

- 1.34 **ONTARIO LAND SURVEYOR** means a surveyor commissioned by the Province of Ontario and qualified to establish monuments that define the boundaries of a parcel or parcels of land and to prepare all necessary reference plans and surveys for the purpose of the Agreement.
- 1.35 **OWNER** means the applicant for a Building Permit for one of the Lots or Blocks and includes the person on whose behalf an application for a Building Permit is made.
- 1.36 **PARTY** shall mean a party to the Agreement and the successors or permitted assigns.
- 1.37 **PLAN OF SUBDIVISION** means the Plan of Subdivision of the Lands described in Schedule "A" approved for registration by the Town and registered on title pursuant to the provisions of the *Planning Act*.
- 1.38 **PLANS** means all drawings, plans, specifications, contracts and other documents providing for the installation, construction and erection of the Works approved by and filed in the office of the Director of Public Works prior to execution of this Agreement by the Town.
- 1.39 **PRE-SERVINCING** means the installation of Works prior to registration of this Agreement.
- 1.40 **PRIMARY SERVICES** means all private utilities and all municipal services including, without restricting the generality of the foregoing, shall include: storm sewers, storm water management, sanitary sewers, watermain, roads (including base coarse asphalt and curbs and gutters), footpaths, street lighting, and drainage works and swales (including hydroseeding and landscaping).
- 1.41 **PRIVATE UTILITIES** means telephone, hydro-electric systems, natural gas systems, and cable television systems.
- 1.42 **REGION** means the Regional Municipality of Niagara.
- 1.43 **REGIONAL PUBLIC WORKS DEPARTMENT** means the Regional Municipality of Niagara Public Works Department.
- 1.44 **RESERVE STRIP** shall mean a parcel of land conveyed by the Developer to the Town in fee simple, free of encumbrances, abutting a Street Line and separating the street from the next abutting lot or block, for the purpose of preventing legal access from said street to the said next abutting lot or block.
- 1.45 **SECONDARY SERVICES** means all works to be installed, constructed, or erected which are not Primary Services or private utilities, and without limiting the generality of the foregoing, shall include: top course roadway asphalt, paved driveway aprons, sidewalks, fencing, and sodding/hydroseeding, landscaping, and tree plantings of boulevards and hydroseeding, landscaping and tree plantings of park blocks and stormwater management blocks.
- 1.46 **SECTION**, when used in reference to a numbered part of the Agreement, means:
- a) a complete section including all its sections and subsections;
  - b) a particular subsection including its subsections; and
  - c) a particular subsection as the context may dictate or require.

- 1.47 **STORM WATER MANAGEMENT FACILITY** means a system of physical works including but not necessarily only, such things as storm water structures or ponds and infiltration trenches or pits located at the downstream end of a storm sewer conveyance system (including roof rain water leaders) that are designed to treat storm water and control pollution and control storm water runoff to predetermined levels prior to discharge to receiving surface water courses and subsurface ground water regimens.
- 1.48 **STORM WATER MANAGEMENT REPORT** means an approved storm water management report and specifications prepared by the Developer in accordance with Section 17 of this Agreement.
- 1.49 **STREET** means street as defined in the Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- 1.50 **STREET LINE** means Street Line as defined in Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- 1.51 **SUBDIVISION** means the division of a parcel of land into lesser parcels by means of a registered Plan of Subdivision.
- 1.52 **SUBDIVISION GRADE CONTROL PLAN** shall mean a plan for the purpose of controlling the overall drainage pattern through the establishment of relative surface elevations in accordance with good engineering and drainage practices as shown in Schedule "E", annexed hereto.
- 1.53 **SUPERVISION** means the full-time inspection and scrutiny of every phase of the Works for the express purpose of enforcing the provisions of this Agreement and certifying that the Works have been performed and completed to Town standards in the form prescribed for this purpose and "SUPERVISE" means to carry out such Supervision.
- 1.54 **TOWN** means The Corporation of the Town of Pelham.
- 1.55 **TREASURER** means the Director of Corporate Services for the Town, or their designate.
- 1.56 **UTILITY SERVICES** means physical plant including but not limited to pipes, valves, conduits, cables, terminals, transformers, etc. owned and operated by communications, television, hydro, gas and oil companies or any other utility companies.
- 1.57 **WORKS** shall jointly and severally mean and include all Primary Services and Secondary Services and all other matters, both internal and external, and all construction, erection, installation and engineering required to be completed or performed by the Developer pursuant to this Agreement.

## **2. LANDS TO BE SUBDIVIDED**

The Lands to be subdivided by the Plan of Subdivision are those lands described in Schedule "A" annexed hereto and the Plan of Subdivision shall be registered against all of such Lands.

## **3. GENERAL PROVISIONS**

- 3.1 Unless the context or any other collateral agreements between the Town or the Developer otherwise requires, where the Developer is obliged by this Agreement or the approved Plans to make payments or install or construct or carry out any services or action the provisions therefore contained herein shall be deemed to include the words "at the sole expense of the Developer".
- 3.2 The Developer hereby covenants, warrants and agrees to save harmless and keep the Town and its agents, contractors, employees and elected officials indemnified from and against all manner of actions, causes of actions, suits, claims and demands whatsoever which may arise directly or indirectly by reason of the design, installation, construction, or operation of any of the Works required under this Agreement, or by reason of the maintenance or lack

of maintenance of such Works by the Developer pursuant to the terms of this Agreement or by reason of any defect in workmanship or material.

- 3.3 The Developer and the Town acknowledge and agree that it is their intent that all terms, conditions and covenants contained herein:
- a) shall run with the Lands; and,
  - b) shall be binding upon the Developer, its heirs, executors, administrators, assigns and successors in title, from time to time; and,
  - c) the benefits of the said covenants shall enure to the Town, its successors and assigns in title, of all roads, streets, and public Lands forming part of or abutting on the Lands.
- 3.4 Any notices required or permitted to be given pursuant to the terms of this Agreement shall be given in the manner set out in Section 42.
- 3.5 This Agreement and everything herein contained shall enure to the benefit of and be binding upon the successors and assigns of the parties hereto and upon those persons and/or corporations hereafter acquiring title to all or any part of the Lands.
- 3.6 The Developer shall impose restrictions as set forth in Schedule "H" annexed hereto on all the Lands so that subsequent Owners will be made aware of and shall strictly adhere to the requirements of this Agreement.
- 3.7 The Schedules annexed hereto, being Schedules "A" to "H" inclusive, are deemed to be a part of this Agreement and are to be interpreted as if the contents thereof were included in this Agreement.
- 3.8 The Developer agrees to be bound by the penalty provisions set forth in Section 67 of the *Planning Act, 1990*, and amendments thereto.
- 3.9 In constructing, installing or providing the Works, the Developer shall comply with all statutes, laws, by-laws, regulations, ordinances, orders and requirements of any governmental or other public authorities having jurisdiction at any time from time to time enforced. Without limiting the foregoing, the Developer agrees to comply with and cause to be complied with, the provisions of the *Occupational Health and Safety Act*, the *Environmental Protection Act*, the *Ontario Water Resources Act*, the *Safe Drinking Water Act* and any regulations, policies and guidelines relating thereto. The Developer further agrees to handle and dispose of all materials in accordance with the foregoing legislation.
- 3.10 The Developer shall do, cause to be done, or refrain from doing any act or thing as directed by the Town if at any time the Town considers that any situation or condition is unsafe, damaging to the environment, or contrary to the provisions of any applicable laws. If the Developer fails to comply with such direction, the Town may take action to remedy the situation at the expense of the Developer and in this regard the Town shall also be entitled to draw upon any security filed by the Developer under this Agreement.
- 3.11 If any term of this Agreement shall be found to be *ultra vires* of the Town, or otherwise unlawful, such term shall conclusively be deemed to be severable and the remainder of this Agreement *mutatis mutandis* shall be and remain in full force and effect.
- 3.12 The Developer shall not call into question directly or indirectly, in any proceeding whatsoever in law or in equity, or before any court or administrative or other tribunal, the right of the Town to enter into this Agreement and to enforce each and every term, covenant and condition thereof and this provision may be pleaded by the Town in any such action or proceeding as a complete and conclusive estoppel of any denial of such right.
- 3.13 Time shall be of the essence of this Agreement.

- 3.14 Prior to execution of this Agreement by the Town, the Developer shall deliver to the Town a Certificate of Status issued by the Ontario Ministry of Government and Consumer Services verifying that the Developer is a company duly incorporated under the laws of the Province of Ontario and is in good standing.
- 3.15 The Developer hereby agrees to procure, register and provide to the Town any postponement agreements which the Town solicitor considers necessary to ensure that this Agreement shall have priority over any interest of a mortgagee in the Lands.
- 3.16 The Developer shall notify or cause to be notified each and every purchaser of a Lot or Lots or Block or Blocks of all Works contracted by the Developer, the Developer's obligations to maintain the Works and all other conditions covered by this Agreement by providing a complete and accurate summary of same and shall cause such information to be fully recorded in any Offer to Purchase or Agreement of Purchase and Sale entered into by the Developer.
- 3.17 In the event that a Mortgagee(s) exercises any rights as to sale, possession or foreclosure or takes any other steps to enforce its security against the Lands then such Mortgagee(s) agrees on behalf of itself, its heirs, executors, administrators, successors and assigns not to deal with the Lands as a subdivision or part thereof unless and until a new agreement in the same form, *mutatis mutandis*, as this Agreement has been entered into with the Town.
- 3.18 In the event that the Developer wishes to register more than one Plan of Subdivision over the Lands, the Developer shall first obtain the written consent of the Town to do so, which consent shall be conditional upon the Developer registering such Plans of Subdivision in such order as determined by the Town and upon registering such Plans of Subdivision concurrently. The Developer shall not register a Plan of Subdivision over part of the Lands without prior written consent of the Town.
- 3.19 Any and all of the Developer's obligations under this Agreement shall be joint and several.

#### **4. SERVICING PLANS AND SPECIFICATIONS**

- 4.1 All Plans and specifications must be approved in writing by the Director of Public Works prior to the execution of this Agreement by the Town and the Developer commencing construction of any of the Works.
- 4.2 The Developer shall submit to the Director of Public Works three (3) copies of each plan required to be submitted for approval with respect to the construction of the Works contemplated in this Agreement.
- 4.3 It is understood and agreed the Director of Public Works in their appraisal of the Plans and specifications will be guided by current requirements of the Province of Ontario, established specifications and standards adopted by the Town, or existing practices and standards as may from time to time be established or amended by the Town by its officials or agents. The Town may require, in writing, such variances from the Plans as it may deem appropriate due to conditions which may be disclosed as the work progresses and by sound engineering practices.
- 4.4 No approval by the Director of Public Works shall operate as a release by the Town of any liability of the Developer which, but for such approval, might exist or hereafter arise.
- 4.5 All Plans shall be prepared and stamped by a Consulting Engineer or an Ontario Land Surveyor licensed to practice in the Province of Ontario.

#### **5. DESIGN AND SUPERVISION OF CONSTRUCTION OF SERVICES**

- 5.1 The Developer shall employ, at its cost, a competent and qualified Consulting Engineer approved by the Director of Public Works, to:



- a) carry out all soil investigations to the satisfaction of the Director of Public Works;
- b) design all of the Works required to be completed by this Agreement;
- c) prepare plans, profiles and specifications for the Works and submit detailed plans, profiles and specifications to the Director of Public Works for approval prior to the installation or construction of such Works;
- d) obtain from the Director of Public Works the details regarding the form and scale of these drawings prior to their presentation;
- e) obtain and provide the Town with all necessary approvals prior to installation or construction of the Works and prior to execution of this Agreement;
- f) prior to execution of this Agreement, prepare and furnish the Director of Public Works with estimates of the cost of installation and construction of said Works;
- g) if required, prepare contract documents and call tenders for the installation and construction of the said Works;
- h) provide full-time resident supervision, inspection and contract administration of all Works covered by this Agreement including watermain commissioning;
- i) maintain all records for the installation and construction of the said Works and submit "as constructed" records in electronic form in AutoCad format (NAD 83 coordinates) and PDF format, and two (2) sets "as constructed" records shall be submitted in a reproducible form to the Director of Public Works, at the time of completion of Primary Services (including all street light and utility services) prior to approving the Completion Certificate for the Works.
- j) upon completion of the installation or construction of the Works, supply the Town with a certificate, in a form satisfactory to the Director of Public Works, that the Works were installed and constructed in accordance with the approved Plans and specifications;
- k) provide the Director of Public Works with individual record sheets for all sewer and water service locations and depths;
- l) when requested by the Director of Public Works, accompany them on inspections of the Works including a final inspection of the Works at the conclusion of the maintenance period herein specified and before the assumption of the Works by the Town;
- m) supervise the construction of all Works on a full-time basis including any remedial work which the Director of Public Works may require;
- n) test all services and verify to the Director of Public Works, in writing, that all testing has been completed in accordance with the appropriate requirements;
- o) provide building levels for construction purposes; and,
- p) certify, in writing, to the Director of Public Works, as to the actual cost of all Works completed, prior to the Town approving a Completion Certificate for such Works or reducing any Letter of Credit.

5.2 The Developer shall not install Works prior to the receipt, in writing, of the approval of the detailed Plans and specifications by the Director of Public Works.

5.3 All of the Primary, Secondary, and Utility Services to be installed or

constructed under this Agreement shall be installed, constructed, inspected and tested under the direct supervision of the Developer's Consulting Engineer at the sole expense of the Developer.

- 5.4 The Developer's Consulting Engineer shall conduct all testing of Works and materials to the complete satisfaction of the Director of Public Works. All sanitary and storm sewers must be inspected and videoed via closed circuit T.V. prior to final acceptance by the Town.
- 5.5 The Director of Public Works, or designate, shall have the right at any time and from time to time to request an inspection and re-inspection of any of the Works in progress to ensure such Works are being constructed in accordance with the Plans and specifications approved by the Director of Public Works. Such inspections may include testing and the method and time of testing shall be at the sole discretion of the Director of Public Works. Town inspections shall be in addition to inspections provided by the Developer's Consulting Engineer and shall in no way relieve the Developer or their Consulting Engineer of any responsibility with regard to design, construction, inspection, testing or proper completion of the Works.
- 5.6 The Director of Public Works shall have a discretionary right to order any work-in-progress stopped and such work shall not be recommenced without written authority from the Director of Public Works.

## **6. BY-LAW(S), DOCUMENTATION, AND REGISTRATION**

- 6.1 The Council may authorize Pre-Servicing (installation of Works) upon such terms and conditions it deems appropriate and/or necessary, which terms and conditions shall include, but not be limited to, posting all security set forth in Schedule "F" annexed hereto, obtaining and filing with the Director of Public Works all necessary and/or required approvals, consents, agreements and certificates, and having all Plans and specifications approved by the Director of Public Works.
- 6.2 Before this Agreement is executed by the Town, the appropriate authorizing By-law must be enacted by the Council of the Town.
- 6.3 The Developer shall provide the Town with two (2) paper copies and a PDF format copy each of the draft Plan of Subdivision (M-Plan) for the Lands and the Reference Plan (R-Plan) providing legal descriptions for Easements within or outside the Lands.
- 6.4 The Developer acknowledges that the Town may register an Inhibiting Order against the Lands and that the Town will not have the Inhibiting Order removed from title until the Developer has supplied all documents in compliance with this Agreement in a form satisfactory to the Town for registration and all other documents required to provide discharges, releases, and postponements with respect to any charges, mortgages or encumbrances with respect to the Lands that have been registered against title to the Lands.
- 6.5 Upon the Town being satisfied that all conditions of Draft Plan approval for the Plan of Subdivision have been satisfied by the Developer within the required time, the Town shall register the following documentations at the sole expense of the Developer as soon as practicable:
  - a) the approved Plan of Subdivision; and,
  - b) all other documentation related thereto, including without limitation, Cessations of Charge, Transfers, and Easements.
- 6.6 In the event the Plan of Subdivision is not registered within one (1) year from the date of registration on title of this Agreement, the Town may declare the Developer in Final Default.

- 6.7 The Developer shall not deal in any manner whatsoever with any Lot or Block shown on the Plan of Subdivision until this Agreement, the Plan of Subdivision and all other documentation (including Transfers, Easements, Cessation of Charge, Inhibiting Orders, Reference Plans, and Postponements of Charges) required by this Agreement and by the Town's solicitor have been delivered, approved and registered on title to the complete satisfaction of the Town's solicitor.

## **7. LAND FOR MUNICIPAL PURPOSES**

- 7.1 The Developer shall, at its own expense, convey to the Town in fee simple, free of all encumbrances, such lands as may be required for the development of the Lands in accordance with Schedule "B" annexed hereto.
- 7.2 All of the road allowances and road widenings shown on the Plan of Subdivision shall be dedicated by the Developer as public highways.
- 7.3 All road allowances shown on the Plan of Subdivision shall be named to the satisfaction of the Town.

## **8. EASEMENTS FOR MUNICIPAL PURPOSES**

- 8.1 The Developer covenants and agrees, at its sole expense, to obtain and/or grant to the Town such easements as may be required for the installation and construction of services or development of the Lands in accordance with Schedule "C" annexed hereto.
- 8.2 The Developer shall convey to the Town or to such public utility company or commission or cable television company as the Town may direct, easements required for utility and/or co-axial purposes in accordance with Schedule "D" annexed hereto. All such easements shall be prepared to the complete satisfaction of the Town, and if required by the Town, any such utility or cable television company.
- 8.3 The Developer shall undertake and complete all improvements in, over, along and upon such easement lands conveyed to the Town, including Primary Services, Secondary Services and Utility Services, in accordance with the terms of this Agreement and the Plans filed to the complete satisfaction of the Director of Public Works and shall keep such easement lands in a neat and tidy condition, free of all debris and trash until the Town has passed the Assumption By-Law.

## **9. GENERAL SERVICES**

- 9.1 Where the Plan of Subdivision is serviced by a secondary means of egress or emergency access to be constructed by the Developer, an existing road allowance, open or unopened, or any newly dedicated widening thereof, the Developer agrees such secondary means of egress or emergency access, road allowance and any widening thereof shall be deemed to form part of the Lands and be subject to the requirements related thereto specifically indicated in the approved Plans.
- 9.2 Where it is necessary to use a secondary means of egress or emergency access to be constructed by the Developer or an unopened road allowance to service all or any part of the Lands, the Developer shall, at its own expense, construct the necessary municipal services in accordance with the approved Plans.
- 9.3 The Developer shall not change, or do any work that will prejudicially effect, any natural watercourse or drainage ditch without making full and proper provisions satisfactory to the Director of Public Works, and the Developer shall be solely responsible for any damage caused thereby and the Developer hereby indemnifies and saves harmless the Town from any claim arising from such damage.
- 9.4 The Developer shall keep all portions of the development well, properly, and efficiently drained during construction and completion and will be held

responsible for all damage which may be caused or results from water backing up or flowing over, through, from or along any part of the Works, or which any of the Developer's operations may cause to flow elsewhere, and the Developer hereby indemnifies and saves harmless the Town from any claim arising from said damage.

- 9.5 The Developer covenants and agrees to carry out all Works necessary to service the Plan of Subdivision in such a manner as to prevent erosion and earth, debris and other material from being washed or carried in any manner onto any road, road allowance or highway whether opened or unopened, or onto the property of any other person or persons. If such earth, debris or other material is washed or carried onto such road, road allowance, whether opened or unopened, or onto the property of any person or persons, the Town, its servants or agents, may, at the Town's discretion, clean and remove such material, rectify any damage caused, and abate any nuisance created by the Developer in the development of the Plan of Subdivision. The cost of any such work performed by or at the instruction of the Town, shall be paid by the Developer on demand, and without limiting any of its remedies at law or in equity, the Town may enforce any security available to it to recover such costs or may collect such costs in like manner as municipal taxes as provided in the *Municipal Act* and with the same priorities as taxes that are overdue and payable.
- 9.6 The Developer shall be solely responsible for controlling dust nuisance in conjunction with the Works, both within the Plan of Subdivision and elsewhere.
- 9.7 All streets abutting on the Lands or used for access to the Lands during installation or construction of the Works or during construction of dwellings shall, at all times, be kept as dust free as possible and in a good and usable condition, and without restricting the generality of the foregoing, the Developer shall at the end of each day during such construction cause all such streets to be cleaned of all refuse, rubbish, waste, debris and other materials of any kind, whether the same resulted from installation and construction of Works or otherwise, and if such streets are damaged the Developer shall at its own cost restore same immediately to the Town's requirements and to the satisfaction of the Director of Public Works.
- 9.8 All trucks making deliveries to or taking materials from the Lands shall be adequately covered and not unreasonably loaded so as to scatter refuse, rubbish, dust or debris on abutting streets or properties. If at any time, in the opinion of the Director of Public Works, damage is being or is likely to be done to any street or any improvement thereon, other than such portions as are part of the Works, by the Developer's or its contractor's vehicles or other equipment, whether licensed or unlicensed, the Developer or its contractor shall on the direction of the Director of Public Works make changes in or substitutions for such vehicles or other equipment or shall alter loading or shall in some other manner satisfactory to the Director of Public Works remove the cause of such damage or nuisance. The Developer shall at its own cost repair any such damage immediately to the Town's requirements and to the satisfaction of the Director of Public Works.
- 9.9 The Developer shall inform all public utility companies having legal authority to install or construct utility systems (including without limitation Bell Canada, Enbridge Consumers Gas, Niagara Peninsula Energy, Hydro One Networks Inc., Cogeco Cable) of the approximate date of construction of the Works in order that such utility companies may place their work in accordance with their requirements and to the satisfaction of the Director of Public Works, and the Developer shall assume complete responsibility and make all necessary arrangements for the moving of hydro-electric, gas, telephone and co-axial cables, pipes, conduits, wires, pipe lines, or any other public utility works as necessary and as approved by the Director of Public Works, and the Developer shall be solely responsible for any damage caused to the said cables, pipes, conduits, wires, pole lines and other works.
- 9.10 The Town disclaims any responsibility or liability for the support and protection of sewers, drains, pipes, conduits, tracks or other utilities, services and

structures owned by the Town or any other public body, by companies, or any other person enjoying special franchises or occupying any portion of the streets or ways on or below or above the surface. The Developer is directed to carefully examine the location of the Works and to make special inquiry of the companies or persons owning, controlling or operating said pipes, conduits, tracks and other utilities, services and structures, and to determine the character, size, position and length of such pipes, conduits, tracks, utilities and structures, and to inspect the public records of the various Town Departments having recognizance and control of pipes, conduits and sewers, and to make such further personal inspection and investigation as is necessary to determine the correctness of the information so obtained. It is the Developer's responsibility to consult the companies concerned as to the exact location of said utilities, services and structures, and, where necessary, the Developer shall protect and support same to maintain their operation. In the event damage is done to a utility, service or structure the Developer thereof shall be notified immediately by the Developer and any costs arising from such damage shall be paid for by the Developer. A copy of such notice shall be sent to the Director of Public Works.

- 9.11 The Developer agrees to keep boulevards and Easements graded and free and clear of all material and obstructions which might interfere with the construction of telephone, co-axial, gas and hydro-electric installations, and other utility works.
- 9.12 The Developer shall remove from all road allowances in the Plan of Subdivision, any surplus or other material and obstructions and such trees and vines, as necessary and to the satisfaction of the Director of Public Works. In the event this clause is not complied with within fourteen (14) days of written notice delivered by the Town to the Developer, the Town may have such material removed and collect the cost thereof from the Developer, and without limiting its remedies at law or equity, the Town may enforce any security held by it to recover costs or may collect the costs in like manner as municipal taxes as provided in the *Municipal Act* and with the same priorities as taxes that are overdue and payable.
- 9.13 The Developer shall not add any fill to the Lands without first obtaining written approval from the Director of Public Works.
- 9.14 The Developer shall not remove any topsoil from the Lands without first obtaining written approval from the Director of Public Works.
- 9.15 All Works required to be installed or constructed by the Developer shall be installed and constructed in accordance with the Town's specifications therefor at the date of the commencement of the installation or construction of the Works and in accordance with the approved Plans.
- 9.16 The Developer acknowledges and agrees, notwithstanding the complete installation of services in the subdivision as authorized by the Town, that the Town will not be held liable for any stoppage or delay of the registration of the Plan or the issuance of Building Permits for the lots in the Plan.
- 9.17 The Developer acknowledges and agrees that in the event that the Lands are not maintained in an acceptable standard to the Town in regards to refuse, rubbish, dust or debris or if refuse, rubbish, dust or debris from the Lands are found on abutting streets or properties and are not removed in an acceptable standard to the Town that the Town may bill the Developer for the removal of refuse, rubbish, dust or debris from the Lands or on abutting streets or properties impacted by the development of the Lands.

## **10. SURVEY MONUMENTS TO BE PRESERVED**

- 10.1 The Developer agrees that all survey monuments or related markings established in connection with the installation of public utility and municipal services are to be preserved.
- 10.2 The Developer agrees if any survey monument or related marking is accidentally or deliberately damaged, destroyed or removed, to immediately

repair or replace such monuments or related markings under the direction of the person or persons responsible for establishing said survey monuments or related markings.

**11. TOWN’S RIGHT TO ENTER AND REPAIR**

- 11.1 The Town shall have the right to enter on the Lands at all times and from time to time and to carry out maintenance and repair of the Works:
- a) without notice to the Developer where, in the sole opinion of the Director of Public Works, danger to public safety or an emergency condition exists, or the streets have not been kept free of mud, dust and/or snow or to prevent damage or hardship to any persons or property; and,
  - b) where repairs to or maintenance of the said Works has not been completed within twelve (12) hours after written notice requiring such repairs or maintenance has been delivered to the Developer; and,
  - c) such repairs, remedial works or maintenance shall not be deemed acceptance of the Works by the Town or an assumption by the Town of any liability in connection therewith and shall not release the Developer from any of its obligations under this Agreement; and,
  - d) the cost of any repair or maintenance work (including professional fees) undertaken by the Town pursuant to the provisions of this Agreement shall be borne by the Developer and the amount thereof shall be paid to the Town within thirty (30) days after a statement of account therefor has been delivered to the Developer. If the Developer fails to pay the amount due to the Town within such thirty (30) day period, the Town may and is hereby expressly authorized by the Developer to deduct the amount owing to the Town for such repairs or maintenance from any monies or Letter of Credit deposited with the Town; and,
  - e) repairs or maintenance undertaken by the Developer pursuant to this subsection shall be completed in the presence of the Director of Public Works or their representative.

- 11.2 The Developer shall obtain from any Purchaser of any of the Lots or Blocks shown on the Plan of Subdivision, a license permitting the Developer and the Town to enter upon such Lands for a period of three (3) years after the transfer thereof in order to ensure compliance with the provisions of this Agreement and shall forward an executed copy of such license to the Town upon demand therefor.

**12. SERVICES TO BE COORDINATED**

The Developer agrees and acknowledges that the designs of all municipal and public utilities and services for the subdivision of the Lands must be co-ordinated with all adjacent developments to ensure secondary access, service main looping and other integration and co-ordination of utilities and services.

**13. INTERIM WORKS**

The Developer agrees and acknowledges that, until the Director of Public Works affixes their signature of approval to the Plans, all works which may be carried out in the interim are done solely and entirely at the Developer’s risk, and that changes to existing works or additional works may be required or reflected in the final approved Plans.

**14. ROADS**

- 14.1 The Developer agrees to construct, install, and complete all road Works required by this Agreement and the approved Plans and specifications to the

complete satisfaction of the Director of Public Works.

- 14.2 The Developer agrees to rough grade to the Town's specifications the full width of all road allowances as shown on the Plans prior to the installation or construction of the Works. Prior to the construction of any Works, the topsoil shall be stripped and shall be stockpiled during the period of construction at a location which is approved by the Director of Public Works and is conducive to the interim drainage requirements of the Plan of Subdivision. The topsoil so stockpiled shall be used to grade the Lots and boulevards after construction thereon in accordance with the Subdivision Grade Control Plan filed with and approved by the Director of Public Works.
- 14.3 The Developer shall restore any existing road damaged during the development of the Plan of Subdivision to the complete satisfaction of the Director of Public Works, prior to approval of the Completion Certificate for Primary Services.
- 14.4 The Developer shall install a minimum 3.5m wide, 2-way raised cycle track on the south side of Walker Road as follows:
  - a) The 3.5m cycle track allowance includes a striped pavement marking buffer;
  - b) The mountable concrete curb (OPSD 600.100) is exclusive of the 3.5m cycle track which includes a 100mm Ø sub-drain and separates the vehicle travel lanes.
  - c) Bicycle lanes shall be adjacent to the boulevard, and parking protected when, or if, curb-side parking is provided;
  - d) Pavement markings and signage prescribed in accordance with OTM Books 5 & 18.

The Walker Road bicycle facilities shall be to the satisfaction of the Director of Community Planning & Development and the Director of Public Works.

## **15. SANITARY SEWER SYSTEM**

- 15.1 If required by the Town, and prior to execution of this Agreement by the Town, the Developer shall undertake a review of the existing downstream sanitary sewer system to ensure the capacity of the system is sufficient for the increase in flows from the Plan of Subdivision. In the event the downstream system is inadequate for the flow increase from this Subdivision, upgrading of those facilities will be the financial responsibility of the Developer and the Work required and/or necessary to upgrade such facilities shall be completed by the Developer as part of development of this Plan of Subdivision to the complete satisfaction of the Director of Public Works.
- 15.2 The Developer shall construct a sanitary sewer system, including service laterals from the sewer main to the Street Line and other appurtenances, to adequately service the Lands. All sanitary sewers, including upgrading of downstream facilities if deemed necessary by the Town, shall be constructed according to the approved Plans and specifications. Plans must be approved by the Director of Public Works, the Region of Niagara Public Works Department and the Ministry of the Environment, and the construction and materials used therein shall be in accordance with the Town's most recent specifications therefor.
- 15.3 All sanitary sewer Works shall be flushed and cleaned by high velocity sewer flushing equipment:
  - a) after placement of the base course asphalt upon the streets in the Plan of Subdivision; and,
  - b) upon receipt of any written notice from the Director of Public Works.
- 15.4 All sanitary sewer Works shall be tested, and if necessary re-tested, and the method and time of testing shall be to the satisfaction of the Director of Public Works.

- 15.5 All sanitary sewer Works shall be inspected and videoed via closed circuit TV to the satisfaction, and upon any written notice from, the Director of Public Works and prior to assumption of the sanitary sewer Works by the Town. In the event the results are not satisfactory in the sole opinion of the Director of Public Works, the Developer shall take such remedial steps as may, in the sole opinion of the Director of Public Works, be required.
- 15.6 Prior to the Director of Public Works approving the Completion Certificate for Primary Services, the Developer shall supply the Director of Public Works with “as constructed drawings” showing the location and depth of the sanitary sewer lateral constructed to service each Lot.
- 15.7 Prior to registration of the Plan, the Region shall confirm that adequate sanitary sewage allotment is available.
- 15.8 The Developer agrees to perform and complete all sanitary sewer Works required by this Agreement and the approved Plans and specifications to the complete satisfaction of the Director of Public Works.
- 15.9 The Developer agrees to decommission any existing water services to the satisfaction of the Director of Public Works.

## **16. STORM DRAINAGE SYSTEM**

- 16.1 The Developer shall construct a storm drainage and storm water management system to adequately service the Lands and all or any portion of the ultimate drainage area in which the Lands are located. This system shall be constructed in accordance with the Plans approved by the Director of Public Works, the Region of Niagara Planning & Development Department, the Niagara Peninsula Conservation Authority, and the Ministry of the Environment, and the construction and materials used therein shall be in accordance with the Town’s most recent specifications therefor.
- 16.2 All storm sewer Works shall be flushed and cleaned by high velocity sewer flushing equipment:
  - a) after placement of the base course asphalt upon the streets in the Plan of Subdivision; and,
  - b) upon receipt of any written notice from the Director of Public Works.
- 16.3 All storm sewer Works shall be inspected and videoed via closed circuit TV to the satisfaction of, and upon any written notice from, the Director of Public Works and prior to assumption of the storm sewer Works by the Town. In the event the results are not satisfactory in the sole opinion of the Director of Public Works, the Developer shall take such remedial steps as may, in the sole opinion of the Director of Public Works, be required.
- 16.4 Prior to the Director of Public Works approving the issuance of the Completion Certificate for Primary Services, the Developer shall supply the Director of Public Works with “as constructed drawings” showing the location and depth of the storm sewer lateral constructed to service each Lot.

## **17. STORMWATER MANAGEMENT FACILITIES**

- 17.1 The Developer agrees that prior to the Town executing this Agreement the Developer shall prepare and provide a Storm Water Management Report which shall be submitted for approval by the Director of Public Works, the Region of Niagara Planning & Development Department, the Ministry of the Environment, the Niagara Peninsula Conservation Authority and the Region of Niagara Public Works Department, indicating the following:
  - a) the manner in which storm water will be conveyed across the Lands in both major and minor storms, using storm water management techniques that are in accordance with the Provincial guidelines contained in “Storm Water Management Practices Planning & Design Manual - June 1994” (Ministry of Environment) and the latest revision



thereof or such more stringent standards as may be applicable;

- b) an assessment of downstream and upstream constraints and how these constraints can be addressed (at a minimum the storm water management system must provide Level 1 protection for downstream fisheries and resources); and,
- c) an Erosion and Sediment Control Plan for the development of the Lands whereby erosion and sediment and their effects will be minimized on site during and after construction in accordance with the "Ontario Guidelines on Erosion and Sediment Control for Urban Construction Sites" May 1987 and the latest revision thereof or such more stringent standards as may be applicable.

17.2 The Developer shall prepare and provide a Subdivision Grading Plan in accordance with Section 28 hereof indicating the existing and proposed grades as well as the means whereby major system flows will be conveyed across the Lands. The 100-year flood level shall be plotted on the Plan to ensure that all structural development will be located above this elevation.

17.3 The Developer agrees to implement the Niagara Peninsula Conservation Authority's approved Storm Water Management Plan including the approved grading and drainage, any required erosion and flood protection works, and all Niagara Peninsula Conservation Authority approvals.

17.4 The Developer agrees to carry out or to have carried out all storm water management techniques and Works necessary and/or required to convey storm water runoff from the Lands in accordance with the approved Subdivision Grading Plan and Storm Water Management Plan to the complete satisfaction of the Director of Public Works and the Region of Niagara Planning & Development Department.

17.5 Immediately prior to assumption the Developer will:

- a. Remove all sediment deposits from the Stormwater Management Facility;
- b. Prepare and submit a Final Stormwater Management Report;
- c. Restore the Stormwater Management Facility to a condition where it meets all of the performance requirements set out within the Final Stormwater Management Report submission and the approved drawings in accordance with the Final Stormwater Management Report as reviewed and accepted by the Director of Public Works; and
- d. Undertake all maintenance to correct all deficiencies such as erosion, restoration of plantings or vegetation which has not been taken, has died, or was removed as part of the sediment removal process in accordance with the Final Stormwater Management Report as reviewed and accepted by the Director of Public Works.

## **18. WATER DISTRIBUTION SYSTEM**

18.1 The Developer shall construct a complete water supply and distribution system, including valves, valve boxes, fire hydrants, service connections, curb stops and boxes, blow offs and ground hydrants as may be required, for the purpose of servicing the Plan of Subdivision. The water distribution system shall be constructed in accordance with the Plans approved by the Director of Public Works, the Region of Niagara Public Works Department and the construction and materials shall be in accordance with Town's most recent specifications therefor. All work on water distribution system shall be performed in accordance with Ontario Regulation 170/03 made under the *Safe Drinking Water Act*, 2002, S.O. 2002, c.32, as amended and the Town's DWWP and DWWL. The Developer shall install, charge, test and maintain fire hydrants as required by the approved Plans and specifications in accordance with this Agreement to the complete satisfaction of the Town of Pelham Fire Department and the Director of Public Works.

- 18.2 The Developer shall install, charge, test, and maintain fire hydrants as required by the approved Plans and specifications in accordance with this Agreement to the complete satisfaction of the Town of Pelham Fire Department and the Director of Public Works.
- 18.3 The water supply and distribution system shall be designed to accommodate residential and fire flows with the minimum size of 150 mm in diameter.
- 18.4 All water mains shall be flushed, chlorinated, pressure tested, and bacterial tested in accordance with Town standards and to the satisfaction of the Director of Public Works prior to approval of the Completion Certificate for Primary Services.
- 18.5 The operation of valves which cause the water mains within the Plan of Subdivision to be charged from existing municipal water mains SHALL ONLY be carried out by Town Staff. All work on water distribution system shall be performed in accordance with Ontario Regulation 170/03 made under the *Safe Drinking Water Act*, 2002, S.O. 2002, c.32, as amended and the Town's DWWP and DWWL. The Town has an approved Quality Management System for the Pelham Distribution System and the Developer and its contractors shall be aware and informed of the Quality Management System.
- 18.6 The Developer shall, prior to the Director of Public Works approving the issuance of the Completion Certificate for Primary Services, supply the Director of Public Works with "as constructed drawings" showing the location and depth of the water connections constructed to service each of the Lots.

## **19. SIDEWALKS**

- 19.1 The Developer shall, at its sole expense, construct, install and complete concrete sidewalks in accordance with the approved Plans filed and specifications therefor.
- 19.2 All sidewalks shall be deemed to be Secondary Services for the Plan of Subdivision and shall be completed within six (6) months of occupancy of each dwelling, except between November 15<sup>th</sup> and April 15<sup>th</sup> at which time the sidewalks must be installed as soon as possible, at the locations shown on the Plans and in accordance with the approved Subdivision Grade Control Plan or as amended by the Director of Public Works. The sidewalks are to be constructed in their entirety in block long sections.

## **20. DRIVEWAY APPROACHES**

- 20.1 Each Lot and Block shall be serviced with a driveway approach constructed in accordance with the Plans filed to the complete satisfaction of the Director of Public Works.
- 20.2 The Developer shall provide driveway curb cuts and granular driveway access on the boulevard prior to occupancy of any Building. It shall be the responsibility of the Developer to ensure that driveway access is maintained at all normal times during the construction or maintenance of the Works.
- 20.3 All driveway approaches (aprons) between the curb line and the sidewalk, or in the absence of a sidewalk between the curb line and the Street Line, shall be installed and paved by the Developer by no later than the 1<sup>st</sup> day of November in the year after the year in which the Buildings served by the driveway approaches are occupied in accordance with the approved plans and specifications therefor prior to the Director of Public Works approving the Completion Certificate for Secondary Services.
- 20.4 All driveway approaches shall be constructed to the satisfaction of the Director of Public Works prior to the assumption of the Plan of Subdivision and no curbstops shall be allowed in driveways.
- 20.5 All driveway approaches are to conform to OPSD 351.010. The Developer shall be responsible for ensuring all approaches conform to this until the Town

assumes all works in the subdivision.

## **21. FENCING**

- 21.1 The Developer shall, at its sole expense, construct fencing in accordance with the approved Plans filed and specifications therefor.
- 21.2 No gates shall be permitted in fencing that abuts Blocks 178, 179 and 180.

## **22. STREET AND TRAFFIC SIGNS**

- 22.1 The Developer shall erect and maintain temporary traffic signs and such other traffic control devices to the satisfaction of the Director of Public Works during the construction period.
- 22.2 The Developer shall pay for all permanent street pavement markings, traffic signs and other traffic control devices as required by the approved Plans, in accordance with OTM Books 5 & 18 and to the satisfaction of the Director of Public Works, in accordance with Schedule "F" annexed hereto.

The Town shall be responsible to supply and install all permanent street and traffic control signs to the current standards of the Town.

## **23. ELECTRICAL DISTRIBUTION SYSTEM AND STREET LIGHTING**

- 23.1 The Developer shall arrange with Niagara Peninsula Energy/Hydro One Networks Inc. for the design provision and installation of all electrical transmission and distribution system and street lighting system required to service all of the Lots shown on the Plan with electrical power in accordance with the plans and specifications therefor approved by Niagara Peninsula Energy/Hydro One Networks Inc. and the Director of Public Works. All such facilities shall be installed underground unless specific external systems are approved by Niagara Peninsula Energy/Hydro One Networks Inc. and the Director of Public Works. The cost of providing such facilities shall be borne by the Developer.
- 23.2 The Developer shall arrange with Niagara Peninsula Energy/Hydro One Networks Inc. for local electrical supply connections and appurtenances thereto from the distribution system to terminals on abutting private property. The wiring for such service connections shall be underground. The cost of providing such service connections and appurtenances shall be borne by the Developer and the Developer shall pay the cost thereof to Niagara Peninsula Energy/Hydro One Networks Inc. upon receipt of a statement of account therefor.
- 23.3 The Developer shall design and provide a decorative street lighting system to the satisfaction of the Director of Public Works and the Director of Community Planning and Development.
- 23.4 Prior to the Director of Public Works approving the Certificate of Final Acceptance for Primary Services, the Developer shall deliver to the Town satisfactory proof of installation and construction of the aforesaid electrical transmission and distribution system and the street lighting system, which shall have been approved and/or accepted by a utility supplier satisfactory to the Town, and upon Council passing the Assumption By-law the Town will assume the street lighting system into the Town's street light inventory. Energizing of the street lights will be undertaken by Town staff.

## **24. UTILITY SERVICES**

- 24.1 All Utility Services required to service the Plan of Subdivision, including, without restricting the generality of the foregoing, gas, electrical, telephone cables and coaxial cables, shall be installed underground from the source with pad-mounted transformers.
- 24.2 The Developer shall be responsible for providing, at its sole expense, Utility Services to each Lot and Block in accordance with the approved Plans. All Utility Services shall be installed and constructed prior to the Director of Public

Works approving the Completion Certificate for Primary Services.

- 24.3 The Developer shall, prior to the Director of Public Works approving the issuance of the Completion Certificate for Primary Services, supply the Director of Public Works with “as constructed drawings” showing the location of all Utility Services required to service the Plan of Subdivision.

## **25. TREE PLANTINGS**

- 25.1 In order to maintain a high standard of amenity and appearance, the Developer, its heirs, executors, administrators, successors and assigns hereby undertake and agree to retain the maximum number of trees within the lands consistent with good design and conservation practices and the East Fonthill Secondary Plan Area Urban Design Guidelines and to provide tree plantings in accordance with the approved Streetscaping Plan to the satisfaction of the Director of Public Works in accordance with the following:
- a) one (1) tree per Lot and two (2) trees per side yard flankage shall be planted in the sodded/hydroseeded portion of the street allowance between the Front Lot Line and the roadway in accordance with the Plans. Trees shall be sound, healthy, vigorous and free from disease with normally healthy root systems; and,
  - b) trees should be 50mm caliper, balled and burlapped at planting.
- 25.2 In accordance with Schedule “F” annexed hereto, prior to registration of this Agreement by the Town, the Developer shall provide security in the form of a Letter of Credit to the Town for Tree Planting within the subdivision, for the cost of replacing and maintaining trees within the Plan.
- 25.3 The Developer shall be solely responsible for acquiring and planting trees in accordance with the terms of this Agreement and in accordance with the approved Streetscaping Plan to the satisfaction of the Director of Public Works and shall deliver written notice to the Town that such work has been completed. All trees shall be planted within nine (9) months of occupancy on each respective lot.
- 25.4 The Developer shall be solely responsible for maintaining all tree plantings in a healthy state on boulevards until such time as Council passes an Assumption By-law.
- 25.5 Provided, however, that in the event the Developer does not plant trees in accordance with the provisions of this Agreement or within the prescribed time or to the complete satisfaction of the Director of Public Works, then the Town may, at its sole discretion, plant or replace or replant trees in accordance with the provisions of this Agreement and apply the above mentioned security against the Town’s costs and/or collect such costs in like manner as municipal taxes.

## **26. LANDSCAPING**

- 26.1 The Developer shall grade and place a minimum of one hundred (100) millimetres of topsoil with No. 1 nursery sod/hydroseed on all portions of road allowances in the Plan of Subdivision not covered by asphalt or sidewalks and along all sides of the Plan of Subdivision abutting on adjacent existing streets. All streetscaping shall be in accordance with the approved Plans to the satisfaction of the Director of Public Works. All sodding/hydroseeding as herein described shall be considered as part of the cost of construction of Secondary Services for the Plan of Subdivision and shall be completed at the time of or within three (3) months after the final sodding/hydroseeding of any Lot in accordance with the approved final lot grading certificate and prior to the Director of Public Works approving the Completion Certificate for Secondary Services. The Developer shall maintain all sod/hydroseed until Council passes the Assumption By-law.
- 26.2 The Developer is responsible for ensuring that each Lot or Block within the Plan of Subdivision is:

- a) fine graded in accordance with the approved individual Lot Grading Plans for each lot; and,
  - b) sodded with No. 1 nursery sod or hydroseeded within six (6) months of initial occupancy of the Building, in all areas of the Lot or Block including front yards, side yard and rear yards not covered by structure, driveway or walkway; and that all sodding/hydroseeding is maintained until it has become established.
- 26.3 All drainage ditches, major overland flow drainage swales and depressions within the Plan of Subdivision shall be fine graded and hydroseeded and landscaped according to the East Fonthill Secondary Plan Area Urban Design Guidelines in accordance with the approved Channel Plans prior to the Town issuing any building permits. Prior to and during construction, silt traps are to be put in place until vegetation is established to prevent erosion and sedimentation, to the satisfaction of the Director of Public Works.
- 26.4 Unless exempted by the Director of Public Works, all lands conveyed to the Town (including but not limited to parks, channels, and stormwater management facilities) shall be serviced, hydroseeded, and landscaped in accordance with the approved Streetscaping, and Landscaping Plans. The improvements are considered as part of the Secondary Services of the Plan of Subdivision. Once the lands have been hydroseeded and landscaped and approved by the Director of Public Works the Town will maintain the lands.

## **27. EROSION AND SEDIMENTATION CONTROL**

- 27.1 The Developer agrees to implement the approved erosion and sedimentation and control plans and lot grading and drainage plans to the satisfaction of the Town, Regional Municipality of Niagara, and Niagara Peninsula Conservation Authority.
- 27.2 The Developer agrees to re-vegetate or otherwise restore all disturbed areas immediately upon the completion of on-site grading to the satisfaction of the Town and the Niagara Peninsula Conservation Authority.

## **28. SUBDIVISION GRADING AND DRAINAGE**

- 28.1 Unless otherwise approved or required by the Town, the Developer, its heirs, executors, administrators, successors and assigns hereby irrevocably undertake not to alter the grades or remove trees or other vegetation from the Lands until such time as:
- a) the Town has agreed in writing to such alteration or removal; and,
  - b) the Town has approved the Subdivision Grading Plan pursuant to the terms of this Agreement and the Town's Lot Grading and Drainage Policy and amendments thereto; and,
  - c) prior to execution of this Agreement by the Town or commencing any phase of development, and in accordance with the Town's Lot Grading and Drainage Policy and amendments thereto, the Developer shall prepare and provide the Town, as part of the engineering drawings, a Subdivision Grading Plan for the purpose of controlling the overall drainage pattern in the Plan of Subdivision. The Subdivision Grading Plan shall be prepared in conformance with the Town's Lot Grading and Drainage Policy and amendments thereto.
- 28.2 Unless otherwise approved or required by the Town, the Developer, their heirs, executors, administrators, successors and assigns hereby irrevocably undertake not to alter the grades or remove trees or other vegetation from the Lands described in Schedule "A" until such time as the Director of Public Works has agreed in writing to such alteration or removal and the Director of Public Works has approved a Subdivision Grade Control Plan pursuant to the terms of this Agreement.

- 28.3 The following grading works shall be completed prior to the issuance of any Building Permits:
- a) construction and hydroseeding of all major overland flow drainage swales and other erosion control devices to the satisfaction of the Director of Public Works for the Plan of Subdivision, subject to weather conditions; and,
  - b) rough grading of all Lots to generally conform to the Subdivision Grading Plan.
- 28.4 If drainage problems arise which are as a result of non-compliance with the requirements of the Town's Lot Grading and Drainage Policy and amendments thereto, the Developer shall within forty-eight (48) hours of receiving notice thereof correct the problems. Without limiting its remedies at law or in equity, the Town may enter upon the Lands to remedy any such problem and may use the Subdivider's Grading Deposit to cover the costs of any remedial works deemed necessary. Any costs of these remedial works in excess of the amount of the Subdivider's Grading Deposit shall be the responsibility of the Developer, and if not reimbursed to the Town forthwith after being incurred by the Town, the Town may collect such costs in like manner as municipal taxes as provided in the *Municipal Act* and with the same priorities as taxes that are overdue and payable.
- 28.5 The Developer shall deposit with the Town as security for carrying out the provisions of the Subdivision Grading Plan, in accordance with Schedule "F" annexed hereto, a Subdivider's Grading Deposit as required by the Town's Lot Grading and Drainage Policy and amendments thereto.
- 28.6 Upon completion of the Works and acceptance by the Town of a Subdivision Grading Conformance Certificate prepared and signed by an Ontario Land Surveyor or Professional Engineer, the Developer may apply in writing for release of the Subdivider's Grading Deposit, less any cost for remedial work undertaken by the Town.
- 28.7 The Developer shall register the following covenant on all Lots and Blocks contained within the Lands described in Schedule "A" and such registration shall occur at the time of or immediately after registration of the Agreement and shall submit proof to the Town that such covenant has been registered on all the Lots and Blocks within the Subdivision:

*"No one shall interfere with the drainage swales or surface drainage pattern on a lot or block without explicit written permission from the Town's Director of Public Works. All swales are for storm water management purposes and it shall be the responsibility of the Owner to maintain the drainage across the lot or block in accordance with the approved grading plan. Should the Town find it necessary to enter upon the Lands to undertake any inspection of or any Works with regard to any drainage or storm water management works, the Town shall have such rights as are prescribed by the Subdivision Agreement dated the \_\_\_\_\_ day of \_\_\_\_\_, 2021 and registered the \_\_\_\_\_ day of \_\_\_\_\_, 2021."*

## **29. LOT GRADING AND DRAINAGE**

- 29.1 Prior to the issuance of a Building Permit for a Lot or Block, the Owner or the Building Permit applicant shall submit to the Town three copies of a proposed Lot Grading Plan prepared by a Professional Engineer or an Ontario Land Surveyor and shall conform to the Subdivision Grading Plan.
- 29.2 Prior to issuance of a building permit for a Lot or Block, the Owner or the Building Permit applicant shall submit to the Town as security for carrying out the provisions of the Lot Grading Plan a Lot Grading Deposit in the amount of \$1,000.00 per Lot or Block.

- 29.3 Upon acceptance of the Grading Conformance Certificate by the Town, the Owner or the Building Permit applicant may apply in writing for release of the Lot Grading Deposit, less any cost of remedial work performed by the Town.
- 29.4 The grading of a Lot or Block shall be considered complete when the building has been erected and such Lot or Block has been graded and sodded or hydroseeded. Sodding or hydroseeding shall be done within two months after occupancy of the dwelling or by the next June 1st following occupancy should occupancy take place after November 1st.
- 29.5 Upon completion of the grading, prior to landscaping or fencing, the Developer shall submit to the Town one copy of the Lot Grading Plan which shall indicate the finished elevation as shown on the proposed Lot Grading Plan. This "as constructed" Lot Grading Plan shall be prepared and certified by a Professional Engineer or Ontario Land Surveyor.
- 29.6 Once the "as constructed" grading of a Lot has been certified and signed by an Ontario Land Surveyor or Professional Engineer to be in conformance with the latest revision of the Subdivision Grading Plan, the Lot Grading Plan if approved by the Town, shall be accepted and dated by the Town, as the "Grading Conformance Certificate."
- 29.7 The Developer, its heirs, executors, administrators, successors and assigns hereby irrevocably undertake to maintain the grading and drainage schemes as established and verified by the Grading Conformance Certificate and not to alter or revise the grading or drainage without the express written consent of the Director of Public Works or the Chief Building Official.
- 29.8 The Developer agrees that foundation drains shall be pumped by a sump pump in each house discharging via storm laterals. The Developer covenants and warrants that foundation drains will not be connected to the sanitary sewer system.
- 29.9 The Developer agrees that roof water drainage from any structure or building shall be directed via downspouts discharging via splash pads (concrete or other suitable material) to grass surfaces. These splash pads shall extend a distance at least 1.2 metres away from the structure and must direct the flow away from the building, not onto walks or driveways, and not towards adjacent property.
- 29.10 If required, the Developer agrees to submit a plan for approval to the Director of Public Works, detailing the basement control elevations for individual dwellings or structures within the Plan of Subdivision and to ensure compliance with approved basement control elevations.

### **30. PRIMARY SERVICES AND COMPLETION CERTIFICATE FOR PRIMARY SERVICES**

- 30.1 The Developer shall proceed with the installation or construction of the work required hereunder with all reasonable dispatch and shall complete all of the Primary Services within one (1) year after the date of the registration of the Plan of Subdivision. The Director of Public Works may extend the time for the completion of the Primary Services or any of them for such length of time as they may deem expedient upon the written application of the Developer.
- 30.2 Primary Services installation will not be considered complete by the Town until an inspection has been made by the Director of Public Works, or designate, and the Completion Certificate for Primary Services has been issued by the Director of Public Works. The Director of Public Works shall be accompanied during their inspection by the Developer's Consulting Engineer. The Works shall be inspected and all deficiencies rectified to the complete satisfaction of the Director of Public Works, prior to the approval of the Completion Certificate for Primary Services.
- 30.3 The performance by the Developer of its obligations hereunder to the satisfaction of the Director of Public Works shall be a condition precedent to the acceptance by the Town of the Works or any of them.

- 30.4 Prior to the Director of Public Works approving the Completion Certificate for Primary Services, the documentation listed in Sections 30.5, 30.6, 30.7 must be provided to the Director of Public Works in a single submission package. Only one reduction shall be permitted prior to issuance of the final completion certificate.
- 30.5 The Developer's Consulting Engineer shall provide to the Director of Public Works:
- a) certificate(s) verifying that all Primary Services were installed and constructed in accordance with approved plans and specifications;
  - b) certificate(s) stating that all water mains have been flushed, chlorinated and pressure tested in accordance with Town standards;
  - c) certificate(s) stating that all water main tracer wires have been tested and the new water distribution system can be traced;
  - d) certificate(s) stating that all fire hydrants servicing the development have been tested by a qualified hydrant testing agent;
  - e) copies of the hydrant test reports and fire flow test reports;
  - f) certificate(s) stating that all storm and sanitary sewers have been flushed after placement of base course asphalt, air pressure tested, and inspected and videoed via close circuit T.V.;
  - g) copies of the storm and sanitary sewer inspection video tape(s) and documentation;
  - h) certificate stating that the approved Tree Preservation Plan, if required, has been complied with including a Clearance Letter from the Region;
  - i) certificate(s) stating that all utility services required to service the Plan of Subdivision are installed & constructed or a letter of commitment to complete the utility services from utility companies;
  - j) certificate (Overall Grading Certificate ) stating that rough grading and major drainage works or swales have been completed in accordance with the Subdivision Grade Control Plan;
  - k) the original drawings showing each of the said works "As Constructed" together with electronic drawing files in AutoCAD format and PDF format using Town of Pelham Drafting Standards; and,
  - l) plans (cards) showing the location and depth of each sanitary sewer lateral, storm sewer lateral and water service lateral constructed to service each of the Lots or Blocks.
- 30.6 The Developer shall provide the Director of Public Works with:
- a) a Statutory Declaration from the Developer in a form satisfactory to the Director of Public Works setting out the Works completed and verifying:
    - 1. all such works have been completed in accordance with the terms of this Agreement and the approved plan and specifications;
    - 2. all accounts have been paid for installation, construction, inspection, repair and maintenance of such Works; and,
    - 3. that there are no outstanding debts, claims, or liens in respect of such works.
- 30.7 The Developer shall provide the Town with the Maintenance Guarantee, as required by Section 38 hereof.
- 30.8 Subject to Sections 30.5, 30.6, 30.7 hereof, upon receipt of the required documentation and the Director of Public Works' satisfaction that the installation and construction of all Primary Services related to Town land has been completed in accordance with this Agreement and approved Plans, the



Director of Public Works, shall date and approve the Completion Certificate for Primary Services.

### **31. SECONDARY SERVICES AND COMPLETION CERTIFICATE FOR SECONDARY SERVICES**

- 31.1 With the exception of the asphalt surface course and the sodding/hydroseeding required by Sections 26.1 and 26.2, all Secondary Services, including hydroseeding and landscaping required by Sections 26.3 and 26.4, shall be completed within eighteen (18) months after the date of the registration of the Plan of Subdivision. The Director of Public Works may extend the time for completion of the Secondary Services or any of them for such length of time as they may deem necessary upon the written application of the Developer.
- 31.2 The final asphalt surface course shall be completed no sooner than twenty-four (24) months and no later than thirty-six (36) months after issuance of the Completion Certificate for Primary Services or as directed by the Director of Public Works.
- 31.3 Secondary Services installation will not be considered complete by the Town until an inspection has been made by the Director of Public Works or designate and the Completion Certificate for Secondary Services has been issued by the Director of Public Works. The Director of Public Works shall be accompanied during their inspection by the Developer's Consulting Engineer. The Works shall have been inspected and all deficiencies rectified to the complete satisfaction of the Director of Public Works, prior to the approval of the Completion Certificate for Secondary Services.
- 31.4 The Town may withhold approval of a Completion Certificate if, in the sole opinion of the Director of Public Works, the Developer is in default of its obligations pursuant to this Agreement or the approved Plans.
- 31.5 Prior to the Director of Public Works approving the Completion Certificate for Secondary Services, the documentation listed in Sections 31.5 and 31.6 must be provided to the Director of Public Works in a single submission package. Only one reduction shall be permitted prior to issuance of the final completion certificate.

The Developer's Consulting Engineer shall provide to the Director of Public Works:

- a) certificate(s) verifying that all secondary services have been installed, fully completed, repaired and maintained in accordance with approved plans and specifications; and,
  - b) if required, the original Drawings showing each of the said works" as constructed" together with electronic drawing files in AutoCAD format and PDF format using Town of Pelham Drafting Standards.
- 31.6 The Developer shall provide the Director of Public Works with a Statutory Declaration from the Developer in a form satisfactory to the Director of Public Works setting out the Works completed and verifying:
- a) all such works have been completed in accordance with the terms of this Agreement and the approved plan and specifications;
  - b) all accounts have been paid for installation, construction, inspection, repair and maintenance of such Works; and,
  - c) that there are no outstanding debts, claims or liens in respect of such works.
- 31.7 Subject to Sections 31.5 and 31.6 hereof, upon receipt of the required documentation and the Director of Public Works' satisfaction that the installation and construction of all Secondary Services has been completed in accordance with this Agreement and approved Plans, the Director of Public Works shall date and approve the Completion Certificate for Secondary Services.

## 32. MAINTENANCE OF THE SUBDIVISION

- 32.1 Until the Town issues the Final Certificate of Completion of Services, the Town agrees to provide only snow plowing and sanding services on paved roads connected by paved road to a public roadway. The Developer shall provide all other services including, but not limited to, maintenance and repairs of sewers, water mains and appurtenances, storm water management facility, fencing (including silt fencing and control structures) and overland drainage systems. The Developer agrees that any service provided by the Town prior to actual acceptance of the roads by the Town shall not be deemed acceptance of the roads.
- 32.2 The Developer shall, at its own expense and to the satisfaction of the Director of Public Works, repair and maintain all Primary Services and other private services herein required to be installed or constructed for a minimum period of three (3) years from the date of issuance of the Completion Certificate of Primary Services or until the date of issuance of the Final Certificate of Completion of Services, whichever is later.
- 32.3 The Developer shall guarantee all Secondary Services including any repairs and maintenance performed by it pursuant to Section 32.2 or by the Town pursuant to Section 11.1 for a minimum period of twelve (12) months from the date of completion of said services, notwithstanding that the three (3) year period of maintenance provided under Section 32.2 may have elapsed.
- 32.4 The Developer shall be responsible for the general tidy appearance of the entire Lands until completion of all building, and carry out all weed cutting and maintenance on all unsold lands and all unassumed roads to the satisfaction of the Director of Public Works.
- 32.5 The Developer shall adequately maintain all roads, sidewalks and pedestrian walkways within the Plan of Subdivision free from mud, debris, building materials, and other obstructions, to the satisfaction of the Director of Public Works until Council passes an Assumption By-Law.
- 32.6 The Developer shall be responsible to control weeds and to maintain vacant lands free from debris, waste building materials, tree stumps, discarded boulders, and other refuse, and shall notify any purchaser, in writing, to refrain from dumping on such vacant lands, including lands dedicated by it to the Town for municipal purposes.
- 32.7 Should the Developer, for any reason, fail to carry out the repairs or maintenance, including weed control, when requested by the Town, the Director of Public Works, at their sole option, after giving the Developer twelve (12) hours written notice, may perform the repairs or maintenance and all costs, charges and expenses so incurred shall be borne by the Developer. The decision of the Director of Public Works shall be final as to the necessity of repairs or of any work done or required to be done. Any costs incurred by the Town not reimbursed by the Developer forthwith may be collected by the Town in like manner as municipal taxes as provided in the *Municipal Act* and with the same priorities as taxes that are overdue and payable.
- 32.8 The Developer's obligation to maintain the Works as aforesaid shall commence on the approval date of the Final Certificate of Completion of Services and extend for a minimum of one (1) year or until the Director of Public Works approves the Final Certificate of Completion of Services whichever occurs last (this period is herein referred to as the "Maintenance Guarantee Period").
- 32.9 The Maintenance Guarantee Period for Primary Services shall commence on the date the Director of Public Works approves the Completion Certificate for Primary Services. The Developer shall, at its own expense and to the satisfaction of the Director of Public Works, repair and maintain all Primary Services and other private services herein required to be installed or constructed for a minimum period of three (3) years from the date of issuance

of the Completion Certificate for Primary Services or until the date of issuance of the Final Certificate of Completion of Services, whichever is later.

- 32.10 The Maintenance Guarantee Period for Secondary Services shall commence on the date the Director of Public Works approves the Completion Certificate for Secondary Services. The Developer shall guarantee all Secondary Services including any repairs and maintenance performed by it pursuant to Section 32.2 or by the Town pursuant to Section 11.1 for a minimum period of twelve (12) months from the date of completion of the said services, notwithstanding that the three (3) year period of maintenance provided under Section 32.2 may have elapsed.

### **33. CERTIFICATE OF FINAL ACCEPTANCE**

- 33.1 After the expiry of the maintenance period provided for in Section 32.3 hereof, the Town shall, subject to the compliance by the Developer with Section 33.3 hereof, issue a Final Certificate of Completion of Services upon written application by the Developer provided, however, that the Town may withhold the issuance of the Final Certificate of Completion of Services if, in the sole opinion of the Director of Public Works, the Developer is in default of its obligations to repair, construct or maintain any of the Works pursuant to this Agreement. Upon expiration of the three year Maintenance Guarantee Period for Primary Services or the one year Maintenance Guarantee Period for Secondary Services and upon receipt of written application by the Developer, the applicable Works will be inspected by the Director of Public Works, and provided all deficiencies have been rectified to his satisfaction and the Developer is not in default of the terms of this Agreement, the subject Works shall be accepted by the Town and the Director of Public Works shall approve the Certificate of Final Acceptance prepared by the Developer's Consulting Engineer provided the requirements of the Certificate of Final Acceptance have been met.
- 33.2 The Developer is required to submit a certificate from a registered Ontario Land Surveyor certifying they have found and/or replaced all standard iron bars (SIB's) shown on the registered Plan of Subdivision as of a date not earlier than seven days prior to the Director of Public Works approving the Certificate of Final Acceptance for Secondary Services.
- 33.3 The application, in writing, by the Developer for the Final Certificate of Completion of Services shall include the following:
- a) a statutory declaration in a form satisfactory to the Director of Public Works that all accounts for the installation, construction and maintenance of all the Works required to be installed or constructed hereunder have been paid and that there are no outstanding debts, claims or liens in respect of the Works of any of them; and,
  - b) a Certificate in a format acceptable to the Director of Public Works signed by the Developer's Consulting Engineer certifying that all the Works including any repairs and deficiencies have been fully completed, inspected, tested and maintained in accordance with the provisions hereof and the standards and specifications of the Town and the Plans as approved by the Director of Public Works.
- 33.4 If upon inspection of the Works all deficiencies have not been rectified to the complete satisfaction of the Director of Public Works, the Maintenance Guarantee Period shall be extended until such time as all deficiencies have been rectified and the Certificate of Final Acceptance has been approved by the Director of Public Works.
- 33.5 The Director of Public Works may withhold approval of a Certificate of Final Acceptance for Primary or Secondary Services, if, in the sole opinion of the Director of Public Works, the Developer is in default of its obligations to inspect, repair, construct, or maintain any of the Works pursuant to this Agreement and the approved Plans.

- 33.6 The issuance by the Town of the Final Certificate of Completion of Secondary Services may be withheld until eighty-five percent (85%) of the Lots have been built upon with Buildings completed to the *Building Code Act* occupancy requirements and the final grading certificates for the Lots have been approved by the Director of Public Works.
- 33.7 Upon the issuance of the Final Certificate of Completion of Primary and Secondary Services, the Director of Public Works shall recommend to Council that the Town assume by By-law the Primary and Secondary Services within the Plan of Subdivision as required to be constructed or installed under this Agreement.

#### **34. ASSUMPTION OF MUNICIPAL SERVICES**

The Developer hereby acknowledges that upon assumption by the Town of the municipal services required to be installed and constructed by this Agreement and the approved Plans, all such municipal services shall wholly vest in the Town without payment therefor, free and clear of all claims and liens and the Developer shall have no right, title or interest therein. Municipal services shall be assumed by the Town by Council passing an Assumption By-law after the Director of Public Works approves the Certificate of Final Acceptance for Primary Services and the Certificate of Final Acceptance for Secondary Services.

#### **35. BUILDING PERMITS AND OCCUPANCY**

- 35.1 The Developer/Owner covenants and agrees not to apply for building permits until:
- a) all Primary Services (including roadways to base asphalt and curbs) have been completed and are operational and a Completion Certificate for Primary Services has been approved to the satisfaction of the Director of Public Works;
  - b) the Town has on file an approved Subdivision Grading Plan;
  - c) the Developer has completed the following grading works:
    - i) rough grading of all Lots and Blocks to generally conform to the Subdivision Grading Plan;
    - ii) construction and hydroseeding of all major overland flow drainage swales and other erosion control devices deemed necessary by the Town for the Lands;
  - d) the Town has on file an approved Proposed Lot Grading Plan;
  - e) the Town is in receipt of all applicable fees and deposits including, without limiting the generality of the foregoing:
    - i) development fees at the prevailing rate as prescribed by the Town's Development Charges By-Law 3527 (2014) and amendments thereto;
    - ii) the Lot Grading Deposit;
    - iii) Building Permit application fee;
    - iv) Plumbing Permit application fee;
    - v) water meter fee;
    - vi) service main connection application and fee, if applicable; and,
    - vii) any other fees, deposits or payments required under this Agreement or as otherwise provided for under any other executed agreement between the Town and the Developer;

- f) the Town's Fire Department has confirmed that an adequate water supply for firefighting operations and satisfactory access for firefighting equipment is available to service the Lands;
  - g) the Town is satisfied all terms and conditions of this Agreement have been complied with insofar as they apply at that point in time;
  - h) the Developer/Owner has paid or otherwise satisfied all development charges required by the Development Charges By-Law of the Town of Pelham, and the Development Charges By-Law of the Regional Municipality of Niagara, and the Development Charge of the Niagara District Catholic School Board; and,
  - i) the Developer/Owner has otherwise complied with all applicable law.
- 35.2 The Developer/Owner agrees to comply with the East Fonthill Secondary Plan Area Urban Design Guidelines. The building's licensed Architect/Designer shall provide their stamp and a statement on the submitted plans that indicates the building complies with the East Fonthill Secondary Plan Area Urban Design Guidelines.
- 35.3 Notwithstanding anything herein contained, the Town may refuse to issue building permits if there is an existing default in any of the provisions of this Agreement.
- 35.4 Prior to making any connections, if required, to existing municipal services the Developer/Owner shall submit to the Town, completed Connection Permit applications and applicable fees for connection to existing sewer or water mains. No connection shall be made until the Connection Permits are approved by the Town's Public Works Department.
- 35.5 The Developer acknowledges and confirms that all charges, payments, Works to be constructed or installed, studies to be carried out and all other obligations contained in this Agreement or the cost thereof (except where a charge is referred to herein as "a development charge" are characterized as:
- a) services installed or provided at the expense of the Developer within the Plan of Subdivision, as a condition of approval under Section 51 of the *Planning Act*; or
  - b) services denoted on approved Plans or specifically noted in the Agreement for which the Developer is making no claim for credits under the Development Charge By-law except as otherwise provided for under other agreements between the Town and the Developer; and,
  - c) are not charges related to development within the meaning of the *Development Charges Act, 1997* except as otherwise provided for under other agreements between the Town and the Developer.
- 35.6 Except as otherwise provided for under other agreements between the Town and the Developer, the Developer hereby releases and forever discharges the Town from any and all claims for credit against development charges payable hereunder or payable at the issuance of a building permit or permits for construction within the Plan of Subdivision and the Developer hereby waives all such claims for credits except for the credits that may be specified in any schedule forming part of this Agreement. Any such credits so specified herein and the calculation thereof shall be deemed to be conclusive and binding on the Developer.
- 35.7 The Developer/Owner may construct 20 model units once the following Primary Services are completed: roads (base coat asphalt), watermain, and sanitary sewers.
- 35.8 Unless otherwise determined by the Chief Building Official, no dwelling, including model units, shall be occupied:

- a) until the Director of Public Works has approved the Completion Certificate for Primary Services;
- b) until the Town has on file a Grading Conformance Certificate for the Lot; and,
- c) until a final inspection has been completed and a Letter of Occupancy is issued by the Chief Building Official.

35.9 The Developer/Owner agrees to pay all applicable permit fees and unless otherwise satisfied pursuant to the terms of other agreements between the Town and the Developer, any development charges for the buildings or structures constructed as model units, and shall otherwise comply with Section 35 herein, prior to a Letter of Occupancy being issued for said units.

35.10 All new homes constructed shall be equipped with water meters at the sole expense of the Developer/Owner.

### **36. TENDERS, INSURANCE, AND BONDING**

36.1 If required by the Town, the Developer shall call for tenders for the Works in accordance with the Town's Procurement Policy. Where the Town requires the Developer to call for tenders, any tender proposed to be accepted by the Developer shall not be accepted until same has been approved in writing by the Director of Public Works.

36.2 Prior to commencement of any Works, the Developer shall, at its own expense, provide the Town with:

- a) a certified copy of the Developer's third party All Perils and Liability Insurance Policy naming the Town as an additional insured in a form satisfactory to the Town as follows:
  - (i) a limit of liability of not less than five million dollars (\$5,000,000.00) or such greater amount as the Director of Public Works deems advisable;
  - (ii) inclusion of the Town, its agents and servants and the Regional Municipality of Niagara as additional named insureds;
  - (iii) a provision for cross liability in respect of the named insureds;
  - (iv) non-owned automobile coverage with a limit of at least five million dollars (\$5,000,000.00) including contractual non-owned coverage;
  - (v) completed operations coverage;
  - (vi) that sixty (60) days prior notice, of any alteration, cancellation or change in policy terms which reduces coverage, shall be given in writing to the Town; and
  - (vii) owner's protective coverage.
- b) a Certificate from the Worker's Safety Insurance Board certifying the contractor is in good standing with the Board; and,
- c) satisfactory evidence the contractor is qualified, experienced and has the equipment to successfully complete the Works.

### **37. SECURITY DEPOSITS AND REFUNDS**

#### **Security Deposits**

37.1 The Developer shall be responsible for the full amount of the cost for the design, construction, installation, servicing and maintenance of the Works for

the Plan of Subdivision together with all Town inspection charges, administrative and consulting fees, engineering and legal costs and in order to guarantee compliance with all conditions contained herein, the Developer shall be required to post security and cash payments, in a form satisfactory to the Town, on accounts of aforesaid costs, charges and fees in accordance with Schedule "F" annexed hereto prior to execution of this Agreement by the Town. The security should be in the form of a standby Letter or Letters of Credit with **automatic renewal provision**, in a form approved by the Town. The Developer covenants and agrees that the Letter of Credit shall be kept in full force and effect and that it will pay all premiums as the Letter of Credit becomes due or until such time as the Town returns the Letter of Credit in accordance with the provisions of this agreement.

- 37.2 The Developer acknowledges and agrees that should there be a deficiency in or failure to carry out any work or matter required by any provision of this Agreement, whether or not such work or matter is specifically secured by way of Letter of Credit, and the Developer fails to comply within seven (7) days of being given written notice with a direction to carry out such work or matter, the Town may draw on the Letter of Credit and enter onto the Lands and complete all outstanding works or matters, and pay all costs and expenses incurred thereby from the proceeds so drawn.
- 37.3 The Developer acknowledges and agrees that the Town reserves the right to draw on and use the proceeds from the Letters of Credit to complete any work or matter required to be done by the Developer pursuant to this Agreement. The Developer further acknowledges and agrees that, notwithstanding any provision to the contrary in this Agreement specifying the reduction or release of security, in the event that the Town determines that any reduction in the Letter of Credit would create a shortfall with respect to securing the completion of any work or matter remaining to be carried out by the Developer pursuant to this Agreement, the Town will not be obligated to reduce or release the Letter of Credit as by the particular provision until such time as such work is satisfactorily completed, or the Town has sufficient security to ensure that such work will be completed.
- 37.4 Whenever in this Agreement a Letter of Credit is required to be filed with the Town, the Developer may instead deposit cash or a certified cheque to be cashed in an amount equal to the Letter of Credit and such deposit shall be held by the Town as security in accordance with this Agreement provided that no interest shall be payable on any such deposit.
- 37.5 The Developer acknowledges that upon the transfer of any ownership of the Lands, the Town will not return any Letters of Credit or cash deposit required under this Agreement until the new Developer files a substitute Letter or Letters of Credit or cash or certified cheque in the required amounts with the Town.
- 37.6 The Developer acknowledges that for the purpose of determining the amount of security to be posted prior to execution, the Developer's Engineer shall provide the Town with an estimate of the cost of design, construction, supervision, inspection and maintenance of all Works. Security to be posted for Primary Services and Secondary Services and to cover Town inspection charges, engineering, administrative, legal, and consulting fees shall be calculated, in a manner satisfactory to the Director of Public Works, on the basis of the Developer's Engineer's estimated cost of design, construction, supervision, inspection and maintenance of all Works as set out in Schedule "F" annexed hereto. If in the opinion of the Town the cost estimate does not reflect current costs, the Town reserves the right to modify the estimate.
- 37.7 From time to time, upon written request, the Developer's Engineer shall be required to certify in writing the actual cost of design, construction and maintenance of all Works installed and constructed to date, and the estimated cost of all outstanding Works, and the Director of Public Works may adjust the amount of security required if the actual cost of construction of all Works, installed and constructed to date or the estimated cost of all outstanding Works exceeds the original estimated costs as set out in Schedule "F" annexed

hereto by twenty percent (20%) of the original estimates or tender costs and the Developer shall be required to obtain, and the Developer hereby covenants to obtain, an amendment to the security to give effect thereto. In the event the Developer fails to increase the amount of security within fourteen (14) days of receipt of aforesaid written notice, then the Developer shall be deemed to be in Final Default of the terms and conditions of this Agreement.

**Cash Payments**

- 37.8 Prior to the execution of this Agreement by the Town, as security for payment of services to be rendered by the Town and its agents as required by this Agreement, and for presently outstanding payments owing to the Town, the Developer shall, in accordance with Schedule "F" annexed hereto, deposit with the Town cash payment and cash security as set out in Schedule "F", which security shall include, but not be limited to the following:
- a) a cash amount to secure the Town's engineering, administrative consulting and legal costs for this Agreement, approval of the Plans, and enactment of by-laws in accordance with the Town's applicable Fees and Charges By-law.
  - b) a cash amount to cover the Town's cost to supply and install street name and traffic control signage at the rate of five hundred dollars (\$500.00) per sign; and
  - c) a cash amount to cover all arrears of taxes and all current taxes and all local improvement charges assessed against the Lands described in Schedule "A" annexed hereto.

**Letters of Credit**

- 37.9 Before commencing any of the Works provided for in this Agreement, the Developer will deposit with the Town a Letter of Credit drawn upon a chartered bank in favour of the Town and in a form satisfactory to the Treasurer, in an amount approved by the Director of Public Works and/or Director of Community Planning and Development, which Letter of Credit shall be sufficient to guarantee the satisfactory completion of the Works or any portion of the Works as established by the Town in its sole discretion, and payments or any part thereof required to be made by this Agreement, and will, without restricting the generality of the foregoing, guarantee the following:
- (1) payment of twenty percent (20%) of the approved estimated costs of the construction of the Primary Services to service the Lands, plus one hundred and twenty percent (120%) of the approved estimated construction costs of the Secondary Services upon the Lands as shown in Schedule "F" annexed hereto; and,
  - (2) payment of one hundred percent (100%) of any other payments or Works as may be required of the Developer by the Town pursuant to this Agreement.
- 37.10 The amount of the Letter of Credit required hereunder shall not be reduced unless all of the conditions of this Agreement are complied with and the estimated costs of rectifying any outstanding deficiencies, as estimated in the sole discretion of the Director of Public Works, plus one hundred and twenty percent (120%) of the estimated costs of the completion of all outstanding Primary Services and Secondary Services plus all other outstanding costs payable under this Agreement, plus the Maintenance Guarantee as required under Section 38 of this Agreement, plus any *Construction Lien Act* requirements are all, in total, less than the amount of the Letter of Credit held by the Town. In such an instance, the amount of the Letter of Credit may, at the sole discretion of the Director of Public Works be reduced to an amount equal to the total of all amounts set out above. Only one reduction shall be permitted prior to issuance of the final completion certificate. Such reduction shall be based on the following:



- (1) progress certificates from the Developer's Consulting Engineer setting forth the cost of the Works completed and paid to date and the cost of unfinished Works;
- (2) a request for reduction in the amount of the Letter of Credit in a form approved by the Director of Public Works and/or Director of Community Planning and Development; and,
- (3) proof of payment in a form satisfactory to the Director of Public Works and/or Director of Community Planning and Development of the amounts paid on account of the completed Works to the date of the application for reduction.

37.11 Notwithstanding anything herein contained, the amount of the Letter of Credit shall at all times be sufficient to cover the balance of the costs of the completion of the unfinished Works, including Works deferred for extended periods and the requirements of the *Construction Lien Act*.

37.12 The Developer shall pay the cost of the Works and the fees of the Developer's Consulting Engineer and the Ontario Land Surveyor.

### **38. MAINTENANCE GUARANTEE**

- 38.1 The Letter of Credit deposited by the Developer pursuant to Section 37 hereof may, upon the completion of the Primary Services, and prior to the assumption of the Works by the Town, at the Director of Public Works discretion, be reduced to an amount equal to ten percent (10%) of the completed Works (Schedule "F") plus one hundred and twenty per cent (120%) of the value, as estimated by the Director of Public Works, of any uncompleted Works and such Letter of Credit shall be retained by the Town as a Maintenance Guarantee to guarantee the workmanship and materials of the Works until such time as the maintenance guarantee periods as provided for in Sections 32.2 and 32.3 have both expired.
- 38.2 The Letter of Credit may be realized upon by the Town if the Developer defaults in any payment or condition contained herein.
- 38.3 The Developer shall be conclusively deemed to be in breach of the covenant if, in the case of the cost of the Works or the fees of the Owner's/Developer's Consulting Engineer and the Ontario Land Surveyor, a lien against the Lands or any part thereof is preserved pursuant to the *Construction Lien Act* and if, in the case of any other payment required to be made under this Agreement, a notice to that effect is forwarded to the Developer by the Director of Public Works in accordance with Section 39.2 hereof.

### **39. DEFAULT**

- 39.1 Upon breach by the Developer of any covenant, term, condition or requirement of this Agreement, or upon the Developer becoming insolvent or making an assignment for the benefit of creditors, the Town, at its option, may declare that the Developer is in default.
- 39.2 Notice of such default ("Notice of Default") shall be given by the Town and if the Developer does not remedy such default within such time as provided in the notice, the Town may declare that the Developer is in final default under this Agreement and shall then forthwith give notice of final default ("Notice of Final Default") thereof to the Developer.
- 39.3 Upon Notice of Default having been given, the Town may require all work by the Developer, their servants, agents, independent contractors, and sub-contractors to cease (other than any work necessary to remedy such default) until such default has been remedied and in the event of final default, may require all work as aforesaid to cease.
- 39.4 Upon Notice of Final Default having been given to the Developer, the Town may, at its option, adopt or pursue any or all of the following remedies, but shall not be bound to do so:

- a) enter upon the Lands shown on the Plan of Subdivision by its servants, agents and contractors and complete any work, services repairs or maintenance wholly or in part required herein to be done by the Developer and collect the cost thereof from the Developer and/or enforce any security available to it;
- b) make any payment which ought to have been made by the Developer and upon demand collect the amount thereof from the Developer and/or enforce any security available to it;
- c) retain any sum of money heretofore paid by the Developer to the Town for any purpose and apply the same in payment or part payment for any work which the Town may undertake;
- d) assume any work or services at its option, whether the same are completed or not, and thereafter the Developer shall have no claim or title hereto or remuneration therefore;
- e) bring action to compel specific performance of all or any part of this Agreement or for damages;
- f) add any costs incurred by the Town to the tax collector's roll for the Lands and collect such costs by action or in like manner as municipal real property taxes; or,
- g) exercise any other remedy granted to the Town under the terms of this Agreement or available to the Town in law.

39.5 Developer shall be deemed to be in Final Default if:

- a) the Town receives written notice from the Bank of its intension to not renew the Letter of Credit;
- b) the Developer has not made provision for renewal at least thirty (30) days prior to the date of maturity of any Letter of Credit posted;
- c) the Town receives written notice from the insurance company or the Developer's agent that any insurance policy filed by the Developer with the Town is being altered, cancelled, or allowed to lapse;
- d) the Developer has not made provision for renewal at least thirty (20) days prior to the date of expiry of any insurance policy, Performance and Maintenance Bond, or Labour and Material Payment Bond;
- e) upon sale of the Lands the new Developer has not delivered to the Town, replacement security deposits; or,
- f) the Developer fails to increase security as required by the provisions of this Agreement.

#### **40. INDEMNIFICATION**

Until the Town passes a By-law assuming the Streets shown on the Plan, the Developer, on behalf of itself, its successors and assigns, including its successors in title of the Lands in the Plans of Subdivision, hereby releases and discharges and indemnifies the Town from and against all actions, causes of action, suits, claims and demands whatsoever which may arise by reason of:

- a) any alteration of the existing grade or level of any Street or Streets on the Plan to bring the said grade or level in conformity with the grade or level required by the Director of Public Works; and,
- b) any damage to the Lands abutting on any Street or Streets shown on the Plan or to any Building erected thereon arising from or in consequence of any such alteration of grade or level; and,

- c) any damages or injuries (including death) to persons or damage to property occurring or arising on any Street or Streets on the Plan however caused.

#### **41. COVENANTS THAT RUN WITH THE LAND**

The Developer and the Town acknowledge and agree that it is their intent that all the terms, conditions and covenants contained herein shall be covenants that run with the land and that the burden of such covenants shall be binding upon the Developer, their successors and assigns, and successors in title, from time to time, of the Lands described in Schedule "A" of this Agreement and any part or parts thereof and that the benefits of the said covenants shall enure to the Town, its successors and assigns in title of all roads, Streets and public lands forming part of or abutting on the Lands described in Schedule "A".

#### **42. NOTICE**

All notices required or permitted to be given by one party to the other shall be given in writing either by prepaid registered mail or delivered personally addressed, in the case of the Town to:

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

and in the case of the Developer to:

Hert Inc.  
Attn: Richard DeKorte  
PO Box 549  
Fonthill, ON L0S 1E0

or at such other addresses as may be given by either of them to the other in writing from time to time, and such notices shall be deemed to have been received, if mailed, on the third day following that on which it was so mailed and if delivered, on the day of such delivery.

#### **43. SCHEDULES**

The Schedules annexed hereto, being Schedules "A" to "I" inclusive, are a part of this Agreement. All Schedules are to be interpreted as if the contents thereof were included in the Agreement.

#### **44. SPECIAL PROVISIONS**

The Developer shall undertake and complete all other special provisions to this Agreement, as outlined in Schedule "H" which forms part of this Agreement.

#### **45. NUMBER AND GENDER**

In this Agreement, unless there is something in the subject-matter or context inconsistent therewith:

- a) Words in the singular number include the plural and such words shall be construed as if the plural had been used;
- b) Words in the plural include the singular and such words shall be construed as if the singular had been used; and,
- d) Words importing the use of any gender shall include all genders where the context or party referred to so requires, and the rest of the sentence shall be construed as if the necessary grammatical and terminological changes had been made.

46.BINDING EFFECT

This Agreement and everything herein contained shall enure to the benefit of and be binding upon the successors and assigns of the Parties hereto and upon those persons and/or corporations hereafter acquiring title to all or any part of the Lands.

IN WITNESS WHEREOF THE Parties hereto have executed this Agreement as of the date and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

) **HERT INC.**  
)  
)  
) Print Name: \_\_\_\_\_  
)  
)  
) Signature: \_\_\_\_\_  
)  
) ☐ I have authority to bind the Corporation.  
)  
)

) **THE CORPORATION OF THE TOWN OF**  
) **PELHAM**  
)  
)  
) \_\_\_\_\_  
) Marvin Junkin, Mayor  
)  
)  
) \_\_\_\_\_  
) Holly Willford, Clerk

***SCHEDULE "A"***

***LEGAL DESCRIPTION***

PART of PIN 64067-0384 (LT)

Part of Township Lots 171 and 172 Thorold Township, as laid out on plan of subdivision and being Part of PIN 64067-0384 (LT) prepared by \_\_\_\_\_  
O.L.S. of Kirkup Mascoe Ure Surveying dated \_\_\_\_\_, 2021;

SUBJECT TO AN EASEMENT IN GROSS OVER PART 2 59R-16196 AS IN  
SN560564;

SUBJECT TO AN EASEMENT IN GROSS OVER PART 2 59R-16196 AS IN  
SN560567;

Town of Pelham, Regional Municipality of Niagara

***SCHEDULE "B"***

***LANDS CONVEYED FOR PUBLIC PURPOSES***

All references to Blocks and Lots relate to 59M-\_\_\_\_\_.

The Developer shall convey free and clear of all encumbrances and at its own expense the following lands to The Corporation of the Town of Pelham:

1. Blocks 178 and 179 for stormwater management and park purposes.
2. Blocks 152 - 158 for 0.3 metre reserve.

## ***SCHEDULE "C"***

### ***REQUIRED MUNICIPAL EASEMENTS***

All references to Parts, Blocks, and Lots relate to 59R- \_\_\_\_\_.

The Developer shall convey free and clear of all encumbrances and at its own expense, an easement to The Corporation of the Town of Pelham; over, under and through:

1. Part 1, part of Lot 21, for storm water purposes
2. Part 2, part of Lot 22, for storm water purposes
3. Part 3, part of Lot 23, for storm water purposes
4. Part 4, part of Lot 36, for storm water purposes
5. Part 5, part of Lot 37, for storm water purposes
6. Part 6, part of Lot 39, for storm water purposes
7. Part 7, part of Lot 40, for storm water purposes
8. Part 8, part of Lot 42, for storm water purposes
9. Part 9, part of Lot 43, for storm water purposes
10. Part 10, part of Lot 45, for storm water purposes
11. Part 11, part of Lot 46, for storm water purposes
12. Part 12, part of Lot 71, for storm water purposes
13. Part 13, part of Lot 72, for storm water purposes
14. Part 14, part of Lot 74 for storm water purposes
15. Part 15, part of Lot 75 for storm water purposes
16. Part 16, part of Lot 78 for storm water purposes
17. Part 17, part of Lot 79 for storm water purposes
18. Part 18, part of Lot 83 for storm water purposes
19. Part 19, part of Lot 119 for storm water purposes
20. Part 20, part of Lot 120 for storm water purposes
21. Part 21, part of Lot 123 for storm water purposes
22. Part 22, part of Lot 125 for storm water purposes
23. Part 23, part of Lot 126 for storm water purposes
24. Part 24, part of Lot 128 for storm water purposes
25. Part 25, part of Lot 129 for storm water purposes
26. Part 26, part of Block 136 for storm water purposes
27. Part 27, part of Block 137 for storm water purposes
28. Part 28, part of Block 138 for storm water purposes
29. Part 29, part of Block 139 for storm water purposes
30. Part 30, part of Block 140 for storm water purposes
31. Part 31, part of Block 141 for storm water purposes
32. Part 32, part of Block 144 for storm water purposes
33. Part 33, part of Block 145 for storm water purposes
34. Part 34, part of Block 147 for storm water purposes
35. Part 35, part of Block 159 for storm water purposes
36. Part 38, part of Block 165 for storm water purposes
37. Part 39, part of Block 166 for storm water purposes
38. Part 40, part of Block 167 for storm water purposes
39. Part 41, part of Block 167 for storm water purposes
40. Part 42, part of Block 171 for storm water purposes
41. Part 43, part of Block 172 for storm water purposes
42. Part 44, part of Block 173 for storm water purposes

***SCHEDULE "D"***

***REQUIRED UTILITY EASEMENTS***

All references to Parts, Blocks, and Lots relate to 59R- \_\_\_\_\_.

The Developer shall convey free and clear of all encumbrances and at its own expense, an easement to N/A; over, under and through:



## ***SCHEDULE "E"***

### ***LIST OF APPROVED DRAWINGS***

1. Saffron Meadows Phase 3 General Servicing Plan 1, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-GSP1, or the latest revision thereof.
2. Saffron Meadows Phase 3 General Servicing Plan 2, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-GSP2, or the latest revision thereof.
3. Saffron Meadows Phase 3, Samuel Avenue Plan and Profile 1, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-PP1, or the latest revision thereof.
4. Saffron Meadows Phase 3, Saffron Way & Swan Avenue Plan and Profile 3, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-PP2, or the latest revision thereof.
5. Saffron Meadows Phase 3, Acacia Road STA 0+130 to STA 0+360 Plan Profile 4, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-PP3, or the latest revision thereof.
6. Saffron Meadows Phase 3, Acacia Road Plan STA 0+360 to STA 0+538.74 and Profile 4, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-PP4, or the latest revision thereof.
7. Saffron Meadows Phase 3, William Street Plan and Profile 5, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-PP5, or the latest revision thereof.
8. Saffron Meadows Phase 3, Arsenault Crescent Plan and Profile 6, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-PP6, or the latest revision thereof.
9. Saffron Meadows Phase 3, Klager Avenue Plan and Profile 7, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-PP7, or the latest revision thereof.
10. Saffron Meadows Phase 3, Klager Avenue Plan and Profile 8, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-PP8, or the latest revision thereof.
11. Saffron Meadows Phase 3, Marie Street Plan and Profile 9, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-PP9, or the latest revision thereof.
12. Saffron Meadows Phase 3 Walker Road Plan and Profile 10, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-PP10, or the latest revision thereof.
13. Saffron Meadows Phase 3 Walker Road Plan and Profile 11, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-PP110, or the latest revision thereof.
14. Saffron Meadows Phase 3 Walker Road Plan and Profile 11, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-PP110, or the latest revision thereof.
15. Saffron Meadows Phase 3 Channel Plan and Profile 1, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-CH1, or the latest revision thereof.

16. Saffron Meadows Phase 3 Channel Plan and Profile 2, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-CH2, or the latest revision thereof.
17. Saffron Meadows Phase 3 Channel Plan and Profile 2, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-CH2, or the latest revision thereof.
18. Forest Park/Saffron Meadows Phase 3 Channel Plan and Profile 3, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-CH3, or the latest revision thereof.
19. Saffron Meadows Phase 3, Grading Plan 1, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-GP1, or the latest revision thereof.
20. Saffron Meadows Phase 3, Grading Plan 2, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-GP2, or the latest revision thereof.
21. Saffron Meadows Phase 3, Grading Plan 3, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-GP3, or the latest revision thereof.
22. Saffron Meadows Phase 3 Stage 2, Streetlighting System, prepared by RTG Systems Inc., dated August 9, 2021, as Drawing No. SL-1, or the latest revision thereof.
23. Saffron Meadows Phase 3 Stage 2, Streetlighting System, prepared by RTG Systems Inc., dated August 9, 2021, as Drawing No. SL-2, or the latest revision thereof.
24. Saffron Meadows Phase 3, Streetscape Plan, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 25, 2021, as Drawing No. 1541-SS, or the latest revision thereof.
25. Saffron Meadows Phase 3, Roundabout and Bike Lane Details, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 25, 2021, as Drawing No. 1541-BIKE, or the latest revision thereof.
26. Saffron Meadows Phase 3, General Notes and Details 1, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-GND1, or the latest revision thereof.
27. Saffron Meadows Phase 3, General Notes and Details 2, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-GND2, or the latest revision thereof.
28. Saffron Meadows Phase 3, General Notes and Details 3, prepared by Upper Canada Consultants, dated August 17, 2021, printed August 17, 2021, as Drawing No. 1541-GND3, or the latest revision thereof.

SCHEDULE "F"

FINANCIAL OBLIGATIONS AND COST OF CONSTRUCTION

PRIMARY SERVICES				
General clearing, topsoil stripping and earthworks			\$202 288.50	
Sanitary system			\$854 953.70	
Water system			\$1 030 672.00	
Storm system			\$1 780 455.85	
Block #49 Channel Works			\$467 198.10	
Preliminary Roads			\$1 566 501.00	
Street lights			\$697 700.00	
Subtotal for Primary Security Purposes			\$6 599 769.15	
Contingencies (5%)			\$329 988.46	
Engineering (10%)			\$655 976.92	
Subtotal Primary Servicing, Engineering and Contingency			\$7 545 734.53	
TOTAL PRIMARY SERVICES COST			\$7 545 734.53	
Letter of Credit for Primary Services (20%)			\$1 509 146.91	(1)
SECONDARY SERVICES				
Hot mix asphalt including clearing and sweeping, flushing, removal of filets, padding and adjustments of manholes, water valves and appurtenances			\$285 326.50	
Concrete sidewalk including wheelchair ramps			\$567 745.60	
Tactile warning strips			\$19 345.00	
Curb and gutter at catchbasins			\$16 900.00	
Fencing – Rear Lots 117-123			\$31 525.00	
Topsoil and Sod Boulevards			\$96 780.00	
Asphalt Driveway Aprons			\$325 000.00	
Boulevard Trees	271	Each \$320	\$86 720.00	
Line painting – Walker Road			\$7 000.00	
Roundabout Island Landscaping			\$12 000.00	
Subtotal for Secondary Security Purposes			\$1 448 342.10	
Contingencies (5%)			\$72 417.11	
Engineering (10%)			\$144 834.21	
Subtotal Secondary Servicing, Engineering and Contingency			\$1 665 593.42	
TOTAL SECONDARY SERVICES COST			\$1 665 593.42	
Letter of Credit for Secondary Services (120%)			\$1 998 712.10	(2)
Parkland Dedication (5% of Land Dedicated through Block 180)			\$0	(3)
TOWN FEES				
Town Administration Fee- Subdivision Agreement Fee			\$332 068.48	(4)
Singer’s Drain Allotment	19.11 ha	\$1 200 /ha	\$22 932.00	(5)
Street Signs	17	each \$500	\$8 500.00	(6)
Traffic Signs- stop signs	16	each \$500	\$8 000.00	(7)
Regulatory/Warning Signs – Walker Road	36	each \$500	\$18 000.00	(8)
Benches, Waste Receptacles and Signage for Trail			\$22 000.00	(9)
SUMMARY			\$411 500.48	
LETTER OF CREDIT REQUIRED (1)+ (2) + (3)			\$3 507 859.30	
CASH PAYMENT REQUIRED (4) + (5) + (6) + (7) + (8) + (9)			\$411 500. 48	

## **SCHEDULE "G"**

### **SPECIAL PROVISIONS**

1. All references to Lots and Blocks in this Agreement are to be the Plan of Subdivision (59M - \_\_\_\_\_) and all references to Easements in this Agreement are to be the Compiled Easement Plan (59R- \_\_\_\_\_).
2. The Developer acknowledges and agrees to insert into all offers and agreements of purchase and sale the following clause:  
  
***"All Works within the Subdivision, including but not limited to storm sewers, sanitary sewers, watermain, roads, curbs and gutters, street lighting and drainage works and swales, are contracted by the Developer. The Developer is obligated to maintain the Works in accordance with the Agreement and Plans registered on title."***
3. The Developer acknowledges and agrees to insert into all offers and agreements of purchase and sale the following clause:  
  
***"The lands in the Subdivision are subject to the payment of development charges which are payable prior to the issuance of a building permit."***
4. The Developer acknowledges and agrees to insert into all offers and agreements of purchase and sale the following clause:  
  
***"All building roof downspouts and sump pump discharge within this subdivision shall discharge only to ground surface via splash pads to either side or rear yards, with no direct connection to the storm sewer or discharge directed to the driveway or roadway."***
5. The Developer acknowledges and agrees to insert into all offers and agreements of purchase and sale the following clause:  
  
***"Public sidewalk construction at the Developer's expense shall be in accordance with the terms of the Subdivision Agreement and the approved plans on file at the Town."***
6. The Developer acknowledges and agrees that all offers and agreements of purchase and sale the following clause:  
  
***"The Developer shall be responsible for installing paved driveway aprons (maximum 6.0m wide) from curb to the property line or from the curb to the sidewalk within municipal road allowances."***
7. The following warning clause regarding all the lots within the subdivision shall hereby be registered on title to the lands:  
  
***"All persons intending to acquire an interest in the real property by purchase or lease on this development are advised of the presence of a storm water management facility which will be subject to storm water flows and periodic flooding due to seasonal rainfall and snowmelt. Portion of these lands may be impacted by fast flowing water, ponding, insect and animal habitat and odours associated with their designed use."***
8. The Developer shall co-ordinate the preparation of an overall utility distribution plan and make arrangements to the satisfaction of all affected authorities for the provision of underground utility services internal and external to this development.
9. The Developer shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in

accordance with the standards of the Town of Pelham. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.

10. The Developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
11. The Developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential home owners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post, and the location of sidewalks and land uses within the subdivision.
12. The Developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected home owners of any established easements granted to Canada Post to permit access to the Community Mail Box.
13. The Developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
14. The Developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
  - a) A concrete pad(s) (consult Canada Post for detailed specifications); and,
  - b) Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications).
15. That the Developer shall convey land in the amount of 5% of the land included in the plan to the Town of Pelham for park purposes as permitted in Section 51.1 of the Planning Act R.S.O. 1990, c. P.13. Alternatively, the Town may accept cash-in-lieu of the conveyance and under the provisions of Section 51.1 (3) of the Planning Act R.S.O. 1990, c.P.13.
16. That the Developer shall provide fence, gates and / or landscaping details for the rear lot lines of lots 117-123 flanking Block 180 to the satisfaction of the Director of Community Planning & Development.
17. That the design of all municipal and public utility services for the Subdivision be coordinated with adjacent development.
18. That prior to registration of this plan, the Developer must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks for sewer and storm water management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Developer must submit Ministry of Environment, Conservation and Parks 'Form 1' Record of Watermain.
19. Prior to final approval for registration of this plan, the Developer shall submit the design drawings (with calculations) for the sanitary and storm drainage systems required to service this development and obtain Environmental Compliance Approval from the Ministry of Environment and Climate Change under the Transfer of Review Program to the satisfaction of the Regional Municipality of Niagara Planning and Development Services Department. (Note: Any new storm sewer outlet to a creek or storm water management

scheme designed for quantity control/quality improvement will require the direct approval of the Ministry of the Environment and Climate Change – Approvals Branch, Toronto Office).

20. That the Developer shall realign, revegetate and dedicate Blocks 178 – 179 to the Town of Pelham, free and clear of any mortgages, liens and encumbrances as a storm water management facility (watercourse), to the satisfaction of the NPCA.
21. That the Developer constructs and conveys to the Town of Pelham, a 6 m wide multi-use trail on Blocks 178 – 179. The path shall be constructed to the standards and satisfaction of the Town.
22. That the Developer shall dedicate Blocks 154 – 158 to the Town of Pelham, free and clear of any mortgages, liens and encumbrances as 0.3 m Reserves.
23. That the Developer will not negatively impact trees on neighbouring properties.
24. That the Developer agrees to provide curb side parking in accordance with the East Fonthill Secondary Plan Area Urban Design Guidelines to the satisfaction of the Director of Community Planning & Development and the Director of Public Works.
25. That prior to any construction taking place within the Town road allowance, the Developer shall obtain a Town of Pelham Temporary Works Permit. Applications must be made through the Department of Public Works.
26. That the Subdivision Agreement contain the following clause:  
  
*“Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Units of the Ontario Ministry of Tourism, Culture and Sport in London (519-675-7742) and Detritus Consulting Ltd. shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Businesses and Consumer Services in Toronto (416-326-8392), the Ministry of Tourism, Culture and Sport, and the owner’s licensed archaeological consultant.”*
27. That the owner submits a Landscape Planting Plan, prepared by a full member of the Ontario Association of Landscape Architects (OALA), to the Region for review and approval to illustrate how Blocks 178 and 179 (watercourse) will be adequately vegetated with riparian plantings. It is recommended that the Plan also consider plantings, perhaps native thorny species, within the woodland buffer along the boundary of Block 182 to further discourage human intrusion into the woodland. The owner agrees to implement the Landscape Planting Plan(s).
28. The owner agrees that no construction activity shall be allowed to occur during the month of June (bat maternity roosting season) in any year, within 30 m of the forest edge to reduce disturbance of rare bat species.
29. That prior to site alteration and construction, the owner shall install filter fabric and construction / safety wire fencing at the 10 m setback from the dripline of the woodland edge along Block 182.
30. That the owner provides a 1.5 metre tall, permanent black chain link fence along the rear lots of Blocks 153, 155-156 adjacent to the woodland edge. Gates are prohibited and this will be entrenched within the Subdivision Agreement.
31. That the owner agrees to install appropriate signage along the perimeter of Block 182 which states the cutting of vegetation within the woodland is

prohibited, as are the presence of pets.

32. That the applicant submit a Functional Servicing Review signed and stamped by a Professional Engineer (for stormwater management control confirmation) to the Region for review and approval.
33. That prior to approval of the final plan or any on-site grading, the owner shall submit the following plans designed and sealed by a qualified Professional Engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Regional Municipality of Niagara Planning & Development Services department for review and approval:
  - Detailed Lot Grading, Servicing and Drainage Plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - Detailed erosion and sedimentation control plans.

Note: The above plans and drawings shall also implement the design mitigation measures and construction mitigation measures (e.g. Grading Plan, Surface Water Control Plan, Sediment and Erosion Control Plan and permanent / temporary fencing) contained in the Environmental Impact Study prepared by Beacon Environmental Limited (dated January 2019), to the satisfaction of Regional Municipality of Niagara Environmental staff.
34. The owner shall ensure that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara Corporate Policy and Corporate Procedure for Waste Collection, and by-laws relating to curbside waste collection.
35. That the owner shall register temporary easements for waste collection to the satisfaction of the Regional Municipality of Niagara.
36. That the owner shall provide temporary turnaround facilities for waste collection purposes at the proposed termini of Acacia Road, Walker Road, Marie Street and William Street, until such time as the adjacent subdivision is developed and / or through passage is enabled. The required temporary turnaround facilities shall have a minimum curb radius of 12.8 metres, and shall be subject to easements in favour of the Region if located on private property.
37. That the owner provides a written acknowledgement to Regional Municipality of Niagara Planning & Development Services stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
38. That the owner provides a written undertaking to Regional Municipality of Niagara Planning & Development Services stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the Subdivision Agreement between the owner and the Town.
39. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings (with calculations) for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks Compliance Approval under the Transfer of Review Program to the satisfaction of Regional Municipality of Niagara Planning & Development Services.
40. That the owner shall provide documentation for review and approval to the

Region, confirming that all private septic systems currently on the subject lands have been decommissioned.

41. That the subdivision agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved stormwater-related plans, as required by clause 46.
42. That the Developer obtain work permits from the NPCA prior to beginning any work related to realigning and crossing the watercourse. In support of the Work Permit application, the following information is required:
  - a) Landscape Plan demonstrating adequate riparian planting to ensure a naturalized watercourse corridor.
  - b) Detailed natural channel design plans.
  - c) Any other information as may be determined at the time a Work Permit application is submitted to the NPCA.
43. That the Developer submit to the NPCA for review and approval, a detailed Grading and Construction Sediment & Erosion Control Plan(s).
44. That the Developer provide a 1.5 metre tall, black chain link fence along the boundaries of:
  - a) Block 179 between Lots 1-10, and Block 177;
  - b) Block 178 between Lots 108-116, and Block 1;to the satisfaction of the NPCA.
45. The Developer agrees to pay its allotment for the Singer's Drain improvements at a rate of \$1 200 /ha for a total payment of \$22 932.00.



## ***SCHEDULE "H"***

### ***BUILDING RESTRICTIONS***

(To be included in all Deeds)

The Developer shall cause to be Registered against all Lots in the Subdivision the transfer restrictions and restrictive covenants outlined below.

According to the nature of the annexed instrument, the words "Vendor", "Purchaser" and "Land" shall have the following meaning:

- (a) "VENDOR" means and includes also a grantor, transferor or seller and the heirs, successors and assigns of the Vendor.
- (b) "PURCHASER" means and includes also a grantee, transferee or buyer and the heirs, successors and assigns of the Purchaser.
- (c) "LAND" means and includes the land intended to be sold, conveyed or transferred by such instrument.

The Purchaser shall, in respect of the herein described land, adhere to and comply with the Lot grading plan attached to the subdivider's agreement registered in the Land Titles Office for Niagara South and, in particular, shall do nothing to interfere with or impede the drainage patterns shown thereon. All grade elevation shown on the said Lot grading plan shall be maintained after construction of any building or structure upon the herein described land in accordance with the Town's Lot Grading Control Policy. In the event that the Purchaser fails to maintain such elevations, or to maintain the proper grades and levels herein referred to, or in the event that the Purchaser impedes any drainage system or pattern on the herein described Lands or neighbouring lands, the Purchaser shall be responsible for the immediate rectification and alteration of the land to conform with the drainage system or patterns laid out in the subdivider's agreement for any consequential damages, costs, expenses or other loss caused by the failure to maintain such grades or drainage patterns.

The Purchaser shall, in the event of requiring a different driveway entrance from that installed by the Vendor, relocate services/utilities at purchaser's expense, cut and reconstruct the concrete curb where necessary on the roadway adjacent to the land herein described. He/she shall install, keep and maintain his driveway entrance or entrances from the travelled portion of the roadway to the Lot line in good condition until the concrete sidewalk, concrete curbs and/or asphalt roadways for the said Subdivision are constructed.

The Purchaser shall, within nine (9) months of being able to occupy the home in accordance with the *Ontario Building Code* and to the satisfaction of the Chief Building Official, pave or cause to be paved the driveway upon the Lot. Paving shall consist of a hard surface such as asphalt, concrete, paving stones, paving bricks or other similar materials. Crushed brick is not a suitable alternative.

The Purchaser shall, within twelve (12) months of being able to occupy the home in accordance with the *Ontario Building Code* and to the satisfaction of the Chief Building Official, sod/hydroseed the lot.

The Purchaser shall maintain the road allowance between the Lot line and the curb nearest thereto in good condition and free from weeds and shall cut the grass thereon at frequent intervals.

The Purchaser will not remove any topsoil or strip the Lot of vegetation prior to commencing construction of a home on the Lot. Only then will the Purchaser strip and excavate to the limit approved by the Town.

## ***SCHEDULE "H"***

### ***BUILDING RESTRICTIONS***

(To be included in all Deeds)  
(Continued)

The Purchaser shall not occupy the dwelling on the Lot concerned until the Chief Building Official for the Town has certified that such of the following services, as are applicable to the property, have been installed and are operating adequately to serve the dwelling, or in the case of telephone services, are at least available to houses within the Plan: hydro, gas, water services, sanitary sewers and telephone.

The Purchaser shall not impede by the placing of fill, Buildings or other structures or Works any natural watercourse, swale, ditch, etc. which exists on the property.

The Purchaser shall not discharge by direct connection to a sanitary or storm sewer any discharge from eavestroughing, downspouts or swimming pools.

The Purchaser shall not erect any free standing tower, radio antenna, communication tower or similar structure.

THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW #4390(2021)

**Being a by-law to adopt, ratify and confirm the actions of  
the Council at its regular meeting held on the 20<sup>th</sup> day of  
September 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 20th day of  
September, 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 20th DAY OF SEPTEMBER 2021 A.D.

\_\_\_\_\_  
MAYOR MARVIN JUNKIN

\_\_\_\_\_  
TOWN CLERK HOLLY WILLFORD