

REGULAR COUNCIL AGENDA

C-16/2021 - Regular Council

Monday, October 4, 2021

5:30 PM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

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

www.youtube.com/townofpelham/live and subsequent publication to the Town's website at www.pelham.ca.

Pages

1. Call to Order and Declaration of Quorum

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 Hatiwendaronk, 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. Joint Accessibility Advisory Committee ("JAAC")

8 - 17

Rhys Evans and Ann Villalta

4.2.2. Turkstra Mazza Associates re: Kunda Park and Forest Park

18 - 36

Scott Snider, Turkstra Mazza Associates

4.3. Report of Regional Councillor

5. Adoption of Minutes

5.1. SC-15/2021 - Special Council Meeting - September 20, 2021

37 - 40

5.2. c-15/2021 - Regular Council Meeting - September 20, 2021

41 - 62

6. Business Arising from Council Minutes

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

8. Consent Agenda Items to be Considered in Block

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

8.2. Minutes Approval - Committee

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

8.3.1.	Renaming of Human Resources and Health and Safety Department, 2021-0171-Chief Administrator Officer	63 - 65
8.3.2.	Town Policy Regime Requiring Staff Vaccination, 2021-0169-Chief Administrator Officer	66 - 91
8.4.	Action Correspondence of a Routine Nature	
8.4.1.	Appointment to Peninsula West Power Inc. Board of Directors - Councillor Hildebrandt	92 - 92
8.4.2.	Women's Place of South Niagara Proclamation and Flag Raising Request - International Day for the Elimination of Violence Against Women	93 - 95
8.5.	Information Correspondence Items	
8.5.1.	Deborah Caldwell-McLellan's Comments re Speeding on Pelham Street	96 - 97
8.5.2.	City of Welland Resolution re: Support for Loan to Niagara Central Dorothy Rungeling Airport Commission	98 - 99
8.6.	Regional Municipality of Niagara - Action Items	
8.7.	Committee Minutes for Information	
8.7.1.	Committee of Adjustment Minutes	100 - 144
	April 7, 2021	
	May 4, 2021	
	June 1, 2021	
	July 6, 2021	
	August 3, 2021	
9.	Items for Separate Consideration, if Any	
10.	Presentation & Consideration of Reports	
10.1.	Staff Reports Requiring Action	
10.1.1.	2022 Council Meeting Schedule, 2021-0166-Clerks	145 - 148

10.1.2. Town of Pelham Wastewater Model and GIS Update, 2021-0157-Public Works 149 - 157

10.1.3. Kunda Park and Forest Park Road Network and Crossing of Steve Bauer Trail, 2021-0168-Planning 158 - 169

10.2. Reports from Members of Council:

10.2.1. Councillor Hildebrandt

Update on Regional Waste Collection

11. Unfinished Business

12. New Business

13. Presentation and Consideration of By-Laws 170 - 185

1. By-law 4391(2021) - Being a by-law to authorize the execution of a Development Agreement for the lands located at 614 Metler Road. Timothy Isaac Sinke & Laura Rose-Marie Sinke. File No. DA-02-21

2. By-law 4392(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 Public Works Schedule.

14. Motions and Notices of Motion

14.1. Councillor Olson - Remembrance Day

Mover: Councillor Olson

Seconder: Mayor Junkin

WHEREAS the Town of Pelham is committed to the preservation of community heritage by way of recognizing and commemorating Remembrance Day;

AND WHEREAS on November 11, 2021, the Town of Pelham will join in the nationwide day of Remembrance to mark the sacrifice of the many who have fallen in the service of their country and acknowledge the courage, valor and sacrifice of

the military personnel who have served and continue to serve;

AND WHEREAS the Canadian Warplane Heritage Museum historically hosts the largest annual indoor Remembrance Day service and second largest attended Remembrance Day service in Canada which has been suspended due to the COVID-19 pandemic;

AND WHEREAS the Canadian Warplane Heritage Museum is committed to the recognition of Remembrance Day thereby proposing a community Cenotaph flyover traversing Hamilton and participating communities with the Lancaster and B25 vintage military aircraft;

AND WHEREAS the Canadian Warplane Heritage Museum has called upon communities within the Golden Horseshoe for monetary support to facilitate a community Cenotaph flyover;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Town of Pelham pledge a contribution of \$2,500.00 to offset the expense of operating the vintage military aircraft to be used within the 2021 Remembrance Day service and ensure the Town's inclusion in this act of Remembrance;

AND THAT staff are authorized and directed to make said contribution from the Special Events account and provide the payment to the Canadian Warplane Heritage Museum forthwith.

14.2. Councillor Olson - 2022 Year of the Garden Proclamation

Mover: Councillor Olson

Seconder: Councillor Wink

WHEREAS the Year of the Garden celebrates the Centennial of Canada's horticulture sector;

AND WHEREAS gardens and gardening contribute to the quality of life of our municipality and create safe and healthy places where people can come together;

AND WHEREAS gardens and gardening have helped us face the challenges of the COVID pandemic;

AND WHEREAS the Year of the Garden will highlight and celebrate the important contributions of our local gardening organizations and horticulture professionals and businesses;

AND WHEREAS Communities in Bloom in collaboration with the Canadian Garden Council, invites all municipalities to celebrate the Year of the Garden;

NOW THEREFORE BE IT RESOLVED THAT the Town of Pelham hereby proclaims 2022 as the Year of the Garden in celebration of the contribution of gardens and gardening to the development of our country, our municipality and the lives of our citizens in terms of health, quality of life and environmental challenges;

AND THAT the Saturday before Father's Day, June 18, 2022, be recognized as Garden Day in the Town of Pelham as a legacy of Canada's Year of the Garden 2022;

AND THAT the Town of Pelham is committed to be a Garden Friendly Town supporting the development of its garden culture;

AND THAT all municipalities across Canada be invited to proclaim 2022 to be the Year of the Garden in their respective municipalities, and that a copy of this Proclamation be provided to the FCM, AMO, and sent to MP Dean Allison for that purpose.

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 (3 item); and

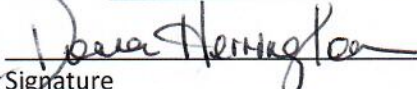
(f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose; (i) - a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; j) - a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; and (k) - a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (1 item)

18. Rise From In Camera

19. Confirming By-Law

186 - 186

20. Adjournment

Name: Joint Accessibility Advisory Committee	
Address: c/o The Herrington Group - 53 Greenmeadow Court, St. Catharines ON	
Postal Code: L2N 6Y7	Telephone #: 905-380-4782
Email Address: donna@theherringtongroup.ca	
The Council Chambers Is equipped with a laptop and projector. Please Check your audio/visual needs: <input checked="" type="checkbox"/> Laptop <input checked="" type="checkbox"/> Speaker <input type="checkbox"/> Internet Connection	
<p>PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION: Regular Council: 1st and 3rd Monday of the month; 5:30 p.m. (except summer schedule)</p> <p>DATE: <u>October 4, 2021</u></p>	
<p>Please identify the desired action of Council that you are seeking on this issue: An update on JAAC activities and priorities for Council.</p> <hr/> <hr/> <hr/>	
<p>I have never spoken on this issue before. Key points of my deputation are as follows: (Presentation must accompany the request) The composition of the JAAC - welcoming a new member - the City of Port Colborne An update on the activities currently being done by the Committee - municipal audits, the We Are Accessible Campaign Reminding Council the deadline for compliance is fast approaching - 2025 An invitation to Council to use the JAAC as a resource for its accessibility concerns and decisions</p> <hr/> <hr/>	
<p>In accordance with the Procedure By-law, Requests to Appear before Council with respect to a matter already on Council's Agenda shall submit a written request to the Clerk no later than 12:00 noon, eight business days prior to the meeting of Council. Delegation requests to address Council on matters not already on the Agenda of Council must be submitted at least fourteen (14) days before the date and time of the Meeting of Council. Delegations shall only be heard at regular Meetings of Council, unless specifically invited by Council to a Meeting of a Committee of Council.</p> <p>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.</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. I also understand that as a participant of this meeting, I will be recorded and further understand that this recording will be posted to the Town of Pelham's YouTube Channel.</p> <p>I also understand that presentation materials must be submitted with this deputation form. Electronic presentations must be e-mailed to hwillford@pelham.ca in accordance with the deadlines outlined above.</p>	
 Signature	<u>August 20, 2021</u> Date

THE JOINT ACCESSIBILITY ADVISORY COMMITTEE

PRESENTATION TO COUNCILS 2021

HISTORY OF JAAC

- In 2003, six municipalities came together to create the Joint Accessibility Advisory Committee. The committee includes:
 - The Town of Lincoln
 - The Township of West Lincoln
 - The Town of Pelham
 - The City of Thorold
 - The Town of Niagara-on-the-Lake and
 - The Town of Grimsby

COMMITTEE EXPANSION

- In 2021, the committee expanded
- We are now joined by the City of Port Colborne
- We welcome Port Colborne and will assist the City to ensure compliance with the AODA. We will work to develop positive relationships within the local community

COMMITTEE ACTIVITIES

- Audits of municipal facilities
- Training modules for staff to ensure AODA compliance
- Committee branding: we have a new logo, a community flag and a Facebook page



JOINT ACCESSIBILITY ADVISORY COMMITTEE

**LINCOLN, WEST LINCOLN, PELHAM, THOROLD, NIAGARA-ON-THE-LAKE
GRIMSBY & PORT COLBORNE**

ACTIVITIES CONTINUED

- We continue to promote our Accessibility Award
- We use an audit checklist in each business
- If the business scores 80% or higher they receive the We Are Accessible Award
- To date, 10 businesses have received the award throughout our catchment area

2025


- Currently 22% of the Canadian population has a disability
- The deadline for full accessibility in the municipality is fast approaching. This means goods and services will need to be accessible (customer service, information and communications, new facilities and services).

2025 CONT'D

- We will continue to work with staff and council to ensure compliance with the AODA and are available to answer questions or concerns and to review site plans.

WE ASK

- We ask Council to assist us in ensuring the municipality meets the 2025 deadlines
- We ask Council to promote our We Are Accessible Award to local businesses
- We ask Council to continue to communicate with us about their accessibility concerns and decisions
- We thank you for the opportunity to present to Council

Name: Scott Snider, Turkstra Mazza Associates, Lawyers ("TMA") (Please include client, planner and transportation expert as delegates for questions as per email)	
Address: 15 Bold Street Hamilton, ON	
Postal Code: L8P 1T3	Telephone #: 905.529.3476
Email Address: ssnider@tmalaw.ca	
The Council Chambers Is equipped with a laptop and projector. Please Check your audio/visual needs: <div style="text-align: center;"> <input type="checkbox"/> Laptop <input type="checkbox"/> Speaker <input checked="" type="checkbox"/> Internet Connection </div>	
<p>PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION: Regular Council: 1st and 3rd Monday of the month; 5:30 p.m. (except summer schedule)</p> <p>DATE: <u>Monday, October 4th, 2021 at 5:30 p.m.</u></p>	
<p>Please identify the desired action of Council that you are seeking on this issue: On behalf of Sterling Realty (Niagara) Inc. ("Sterling"), we will be seeking the following action of Council for Town of Pelham:</p> <div style="border: 1px solid black; padding: 2px;"> (1) An exemption from the January 11, 2021 Town Trail System Resolution to permit 1 road crossing over the Steve Bauer Trail; and </div> <div style="border: 1px solid black; padding: 2px;"> (2) To permit approval of a by-law to deem the relevant portion of the Steve Bauer Trail as a public highway. </div>	
<p>I have never spoken on this issue before. Key points of my deputation are as follows: (Presentation must accompany the request) Points will reflect the July 5, 2021 TMA letter and R.V. Anderson (RVA) Report provided for Council's information (08.23.21 agenda; received 09.07.21):</p> <div style="border: 1px solid black; padding: 2px;"> (1) Sterling made applications for the Forest Park and Kunda Park - extension 4 Subdivisions in Fonthill which straddle the Trail; </div> <div style="border: 1px solid black; padding: 2px;"> (2) After the Trail Resolution and staff consultation, Sterling considered 3 alternatives to the proposed 2 trail road crossings; </div> <div style="border: 1px solid black; padding: 2px;"> (3) RVA expert transportation analysis found the preferred option was 1 trail road crossing at William Street. Sterling agrees; </div> <div style="border: 1px solid black; padding: 2px;"> (4) RVA preferred this option over no crossing or a south PSW crossing for traffic operations, trail operations/safety and natural environmental impacts. </div>	
<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>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.</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. I also understand that as a participant of this meeting, I will be recorded and further understand that this recording will be posted to the Town of Pelham's YouTube Channel.</p> <p>I also understand that presentation materials must be submitted with this deputation form. Electronic presentations must be e-mailed to hwillford@pelham.ca in accordance with the deadlines outlined above.</p>	
<div style="text-align: center;">  _____ Signature </div>	<div style="text-align: center;"> _____ September 21, 2021 Date </div>

DEPUTATION PROTOCOLS:

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

Before:

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

During:

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

After:

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

In Addition:

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

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

Supporting a Steve Bauer Trail Road Crossing

Turkstra Mazza Delegation on behalf of Sterling Realty (Niagara) Inc.

With Upper Canada Consultants and R.V. Anderson Associates

Monday, October 4, 2021

Overview:

Supporting a Steve Bauer Trail Road Crossing

- Forest Park and Kunda Park (extension 4) subdivision applications
- January 11, 2021 Council Trail System Resolution
- Consideration of 3 alternative options to 2 trail crossings
- RVA comparative expert transportation analysis
- Preferred Option 1 – 1 trail road crossing over Steve Bauer Trail
- Request of Council to permit:
 - 1 road crossing over the Steve Bauer Trail
 - Approval of a by-law to deem portion of Steve Bauer Trail a public highway

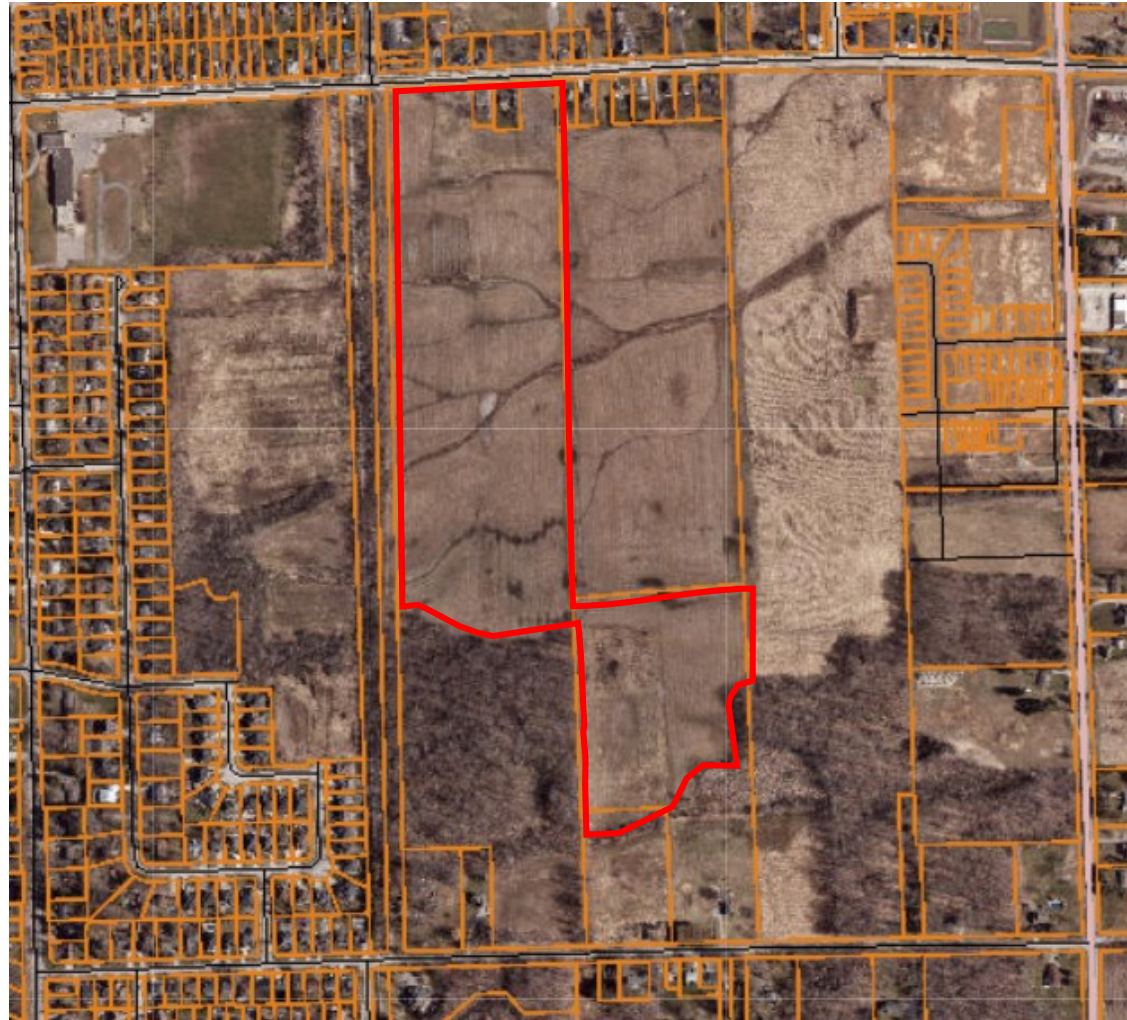
Forest Park Subdivision

Address: Pt. Thorold Twp. Lt. 171-172, Part 1 on RP59R-728

Area: 17.07 Hectares

Developable Area: 16.4 Hectares

Density: 27 UPH



Kunda Park Extension 4

Address: Pt. Thorold Twp. Lt. 173

Ward: 3

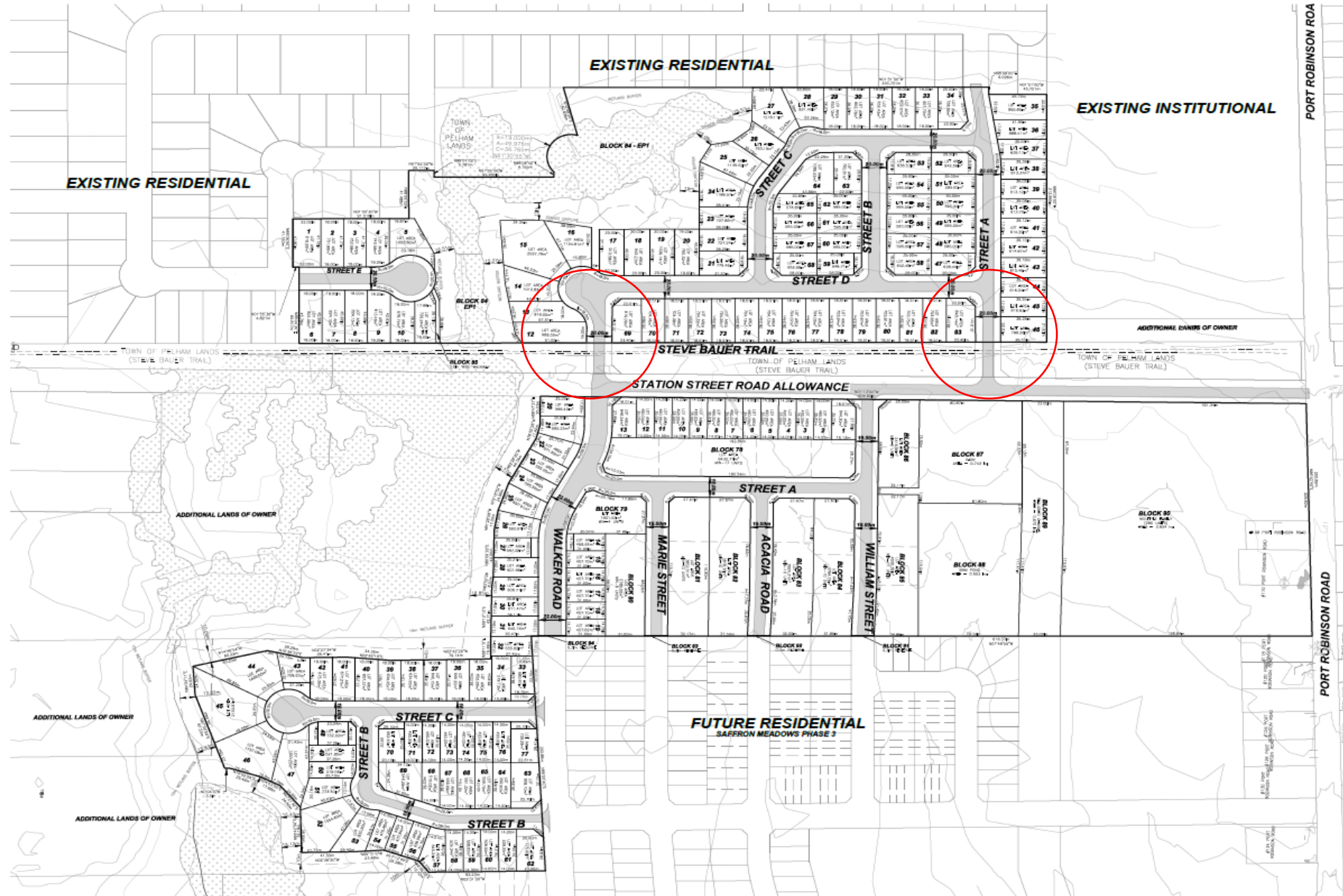
Area: 11.1 Hectares

Developable Area: 6.2 Hectares

Density: 9.7 UPH



KUNDA PARK / FOREST PARK PELHAM



January 11, 2021 Town of Pelham Trail System

- Town recognized value in protecting Steve Bauer Trail and Gerry Berkhout Trail
- January 11, 2021 Council Trail System Resolution
- Council Resolved
 - No new road crossings over Steve Bauer or Gerry Berkhout Trails
 - Shall not dedicate any portion of either trail as a public highway
 - Council endorsed preservation of the trails as they currently exist
- Sterling also endorses and values preservation of the trails but seeks an exemption to the Resolution

Exploring 3 Alternative Options

Option 1: 1 road connection to Station St., Road crossing trail; No PSW extension

Option 2: No road connection to Station St., EMS access crossing trail; No PSW extension

Option 3: No road connection to Station St., Walkway crossing trail; PSW road extension

[illegible]

LEGAL DESCRIPTION

PART OF LOT 172 & LOT 173
GEOGRAPHIC TOWNSHIP OF THOROLD
NOW IN THE TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE PRESENTS COMRADE, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THE DRAFT PLAN OF
SUBMISSION TO THE TOWN OF PELHAM
FOR APPROVAL.

J. R. L. JANUARY 8, 2017
JCHS EE-512, STERNO REALTY (NIAGARA) INC. DATE

SURVEYOR'S CERTIFICATE

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

William H. Kiesel FEBRUARY 15, 2012
KIESEL-WASCOOT-SHE SURVIVING LTD. DUE

REQUIREMENTS OF SECTION 51(17)
OF THE PLANNING ACT

a) SEE PLAN	e) SEE PLAN	i) SILTY SAND
b) SEE PLAN	f) SEE PLAN	j) SEE PLAN
c) SEE PLAN	g) SEE PLAN	k) FULL SERVICE
d) SEE PLAN	h) MUD/PAV. WATER	l) SEE PLAN

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	1-84	84	6.218	65.98
ENVIRONMENTAL PROTECTION	BLOCK 85		2.829	23.65
3.5m WIDE MAINTENANCE ROADWAY	BLOCK 86		0.015	0.14
			2.244	20.21
TOTAL	86	84	11.104	100.00
DEVELOPABLE AREA = 8.475 ha				
DEVELOPABLE DENSITY = 9.91 units/ha				

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOTS 7-77	77	4.764	27.87
STREET TOWN RESIDENTIAL	BLOCK 78-86	87	5.037	29.68
MULTIPLE FAMILY RESIDENTIAL	BLOCK 87-93	289	3.924	23.84
	BLOCK 97	743	0.743	4.36
SWM POND	BLOCK 88	8	0.929	5.46
WATERCOURSE	BLOCK 89	8	0.670	3.93
0.5m RESERVE	BLOCK 91-94	0	0.002	0.01
ROADWAY			2.178	14.53
TOTAL	94	444	17.032	100.00

DEVELOPABLE AREA = 16.367 ha (EXCLUDES WATERCOURSE)
DEVELOPABLE DENSITY = 27.14 units/ha

0	ISSUED FOR REVIEW	2021-02-23	M/K
#	REVISION	DATE	INIT



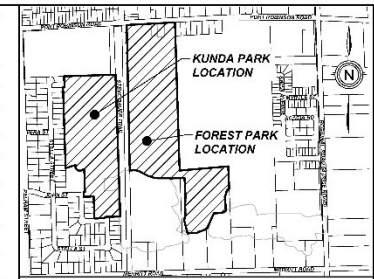
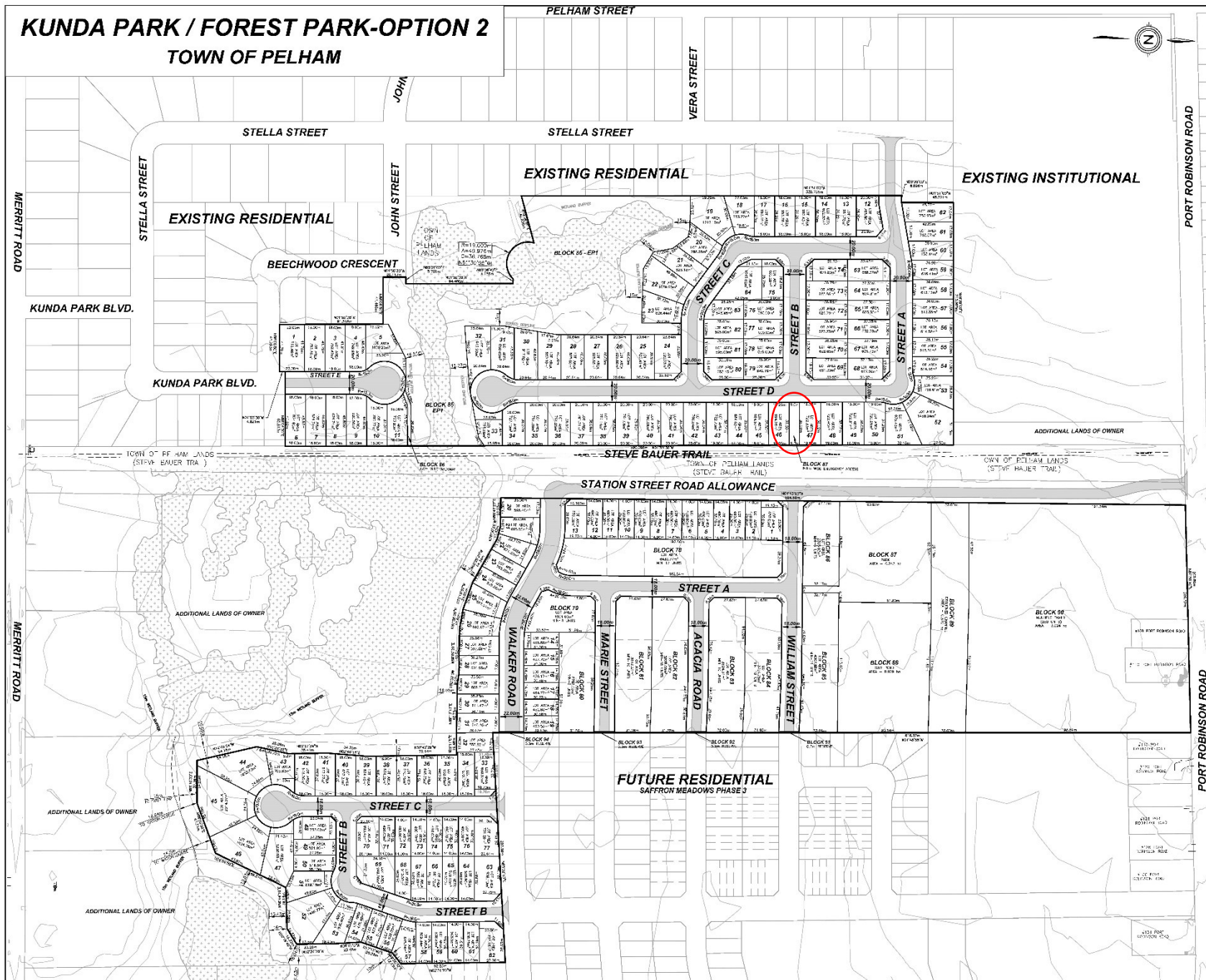
DRAWING TITLE
**KUNDA PARK /
FOREST PARK
OVERALL DRAFT PLAN
OF SUBDIVISION
(OPTION 1)**

N	DRAFTING	TA/MK
	DATE	JANUARY 18, 2021
	PRINTED	FEBRUARY 23, 2021
	SCALE	1:1500
	DWG No.	1995-OP1

Option 1

- **Community Interconnection:** Interconnection of both subdivisions via an extension of William Street across the Steve Bauer Trail. The trail crossing is a proposed 8.5-metre-wide roadway with accommodation for all modes including boulevards, sidewalks, and street illumination.
- **PSW Impacts:** Kunda Park Boulevard is discontinuous at the Provincially Signification Wetland (PSW) located near the south end of the subdivision. No road extension is proposed through PSW areas.

MERRITT ROAD



DRAFT PLAN OF SUBDIVISION

PART OF LOT 172 & LOT 173
GEOGRAPHIC TOWNSHIP OF THOROLD
NOW IN THE TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA

BEING THE PRESIDENT OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSTRUCTS TO
PROPOSE AND OBTAIN THIS DRAFT PLAN OF
SUBDIVISION TO THE TOWN OF PELHAM
FOR APPROVAL.

SURVEYOR'S CERTIFICATE

THE LANDS TO BE SUBSIDIZED ARE
CORRECTLY SHOWN.

William R. Mascoe FEBRUARY 15, 2020
KING-S-MASCOE-LIFE SURVIVING LTD. DUE

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

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	1-84	84	8.263	26.10
ENVIRONMENTAL PROTECTION I	BLOCK 85		2.629	23.88
3.0m WIDE WALKWAY	BLOCK 88		0.015	0.14
8.0m WIDE EMERGENCY ACCESS	BLOCK 87		0.024	0.30
ROADWAY			2.183	19.48
TOTAL	87	84	11.104	100.00
DEVELOPABLE AREA = 8.475 ha DEVELOPABLE DENSITY = 9.91 units/ha				

LAND USE	LOT/ BLOCK	# OF UNITS	AREA(ha)	AREA(m ²)
SINGLE FAMILY RESIDENTIAL	LOT 7 - 77	77	4.764	27.97
STREET TOWN RESIDENTIAL	BLOCK 78-86	77	3.637	20.66
MULTIPLE FAMILY RESIDENTIAL	BLOCK 90	280	3.924	22.04
PARK	BLOCK 87	0	0.743	4.36
ENV FOND	BLOCK 88	0	0.929	0.46
WATERCOURSE	BLOCK 89	0	0.670	3.93
DRAINAGE	BLOCK 91-94	0	0.002	0.01
ROADWAY			2.478	14.55
TOTAL	94	444	17.032	100.00
DEVELOPABLE AREA = 16.362ha (EXCLUDES WATERCOURSE)				
DESIGNABLE DENSITY = 27.14 units/ha				

0	ISSUED FOR REVIEW	2021-02-23	N/A
#	REVISION	DATE	INIT



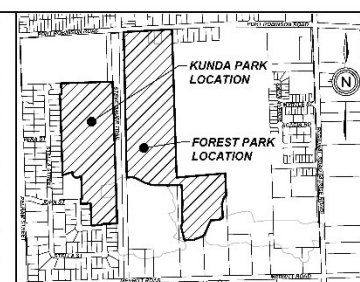
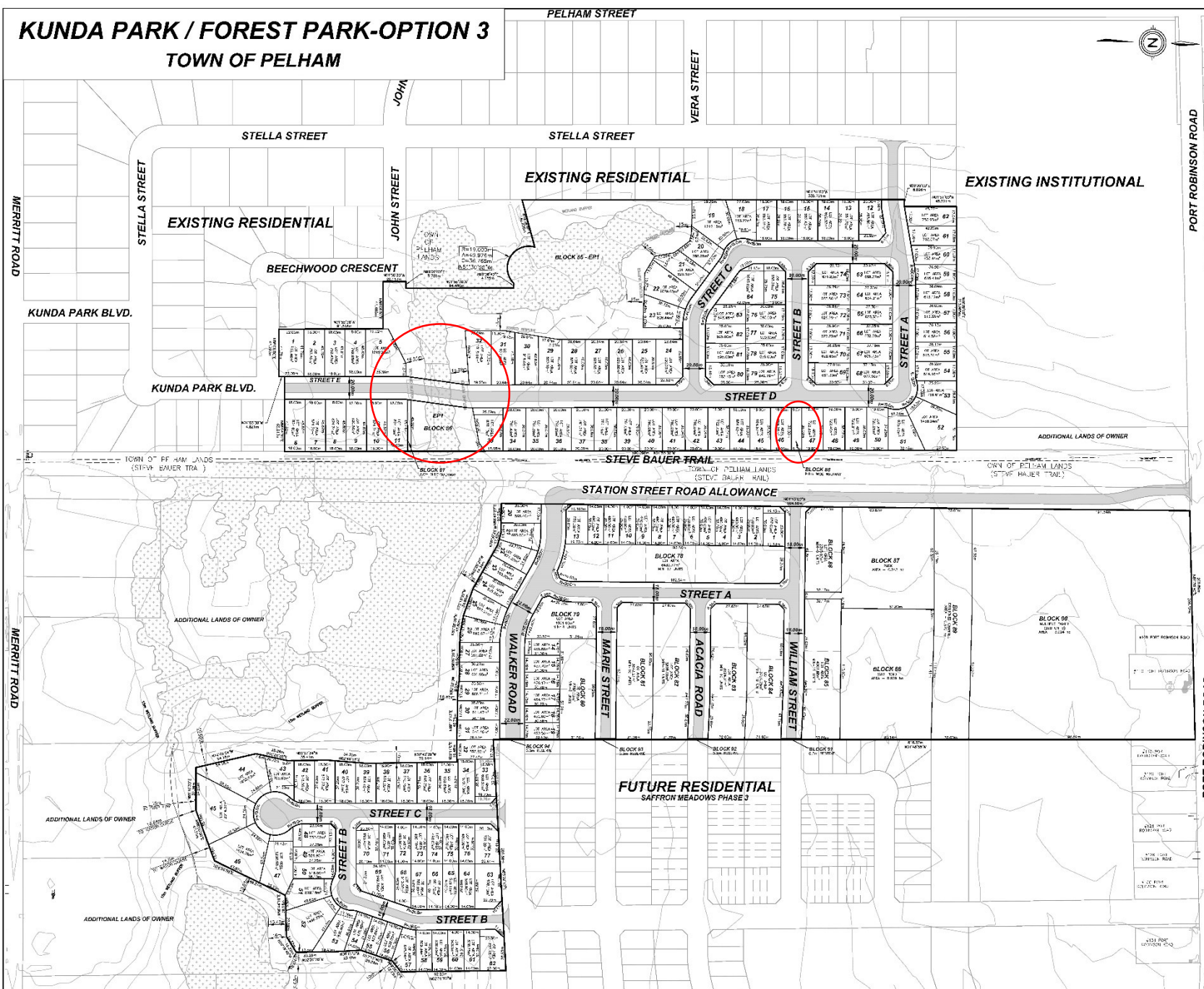
DRAWING TITLE
**KUNDA PARK /
FOREST PARK
OVERALL DRAFT PLAN
OF SUBDIVISION
(OPTION 2)**

DRAFTING	TA/MK
DATE	JANUARY 18, 2021
PRINTED	FEBRUARY 23, 2021
SCALE	1"=10'
DWG No.	1995-OP2
REV	0

Option 2

- **Community Interconnection:** Interconnection of both subdivisions does not exist for all modes. A paved 9-metre-wide emergency access connecting Station Street Road Extension to Street D in the Kunda Park Subdivision would be in place. The access would require paving of the trail at the crossing point for emergency vehicles. The emergency access would be gated at each end and would require emergency personnel to exit their vehicles and unlock the gate prior to proceeding. Pedestrians and cyclists could utilize the access for connectivity to the Steve Bauer Trail and the subdivisions. The access would be aligned with the proposed William Street and Station Street intersection and would not be illuminated.
- **PSW Impacts:** Kunda Park Boulevard is discontinuous at the PSW located near the south end of the subdivision. No road extension is proposed through PSW areas.

KUNDA PARK / FOREST PARK-OPTION 3
TOWN OF PELHAM



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION
PART OF LOT 173 & LOT 175
GEORGIAN TOWNSHIP OF THE OLD
NOW IN THE TOWN OF PELHAM
REGIONAL MUNICIPALITY OF YAMANA

OWNER'S CERTIFICATE
I, the undersigned, being the owner of the land described in the foregoing, do hereby certify that the same is correctly shown on the plan hereof.

SURVEYOR'S CERTIFICATE
I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the plan hereof is a true and correct copy of the original filed in my office.

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-64	84	6.349	27.18
ENVIRONMENTAL PROTECTION	BLOCK 85-88		2.512	22.62
3.0m WIDE MAINTENANCE	BLOCK 87		0.015	0.14
9.0m WIDE EMERGENCY ACCESS	BLOCK 89		0.034	0.30
ROADWAY			2.184	19.78
TOTAL	88	84	11.104	100.00

DEVELOPABLE AREA = 8.592ha
DEVELOPABLE DENSITY = 9.78 units/ha

LAND USE SCHEDULE - KUNDA PARK

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOTS 1-77	77	4.764	27.97
STREET TOWN RESIDENTIAL	BLOCK 78-86	87	3.532	20.68
MULTIPLE FAMILY RESIDENTIAL	BLOCK 90	280	3.924	23.84
PARK	BLOCK 87		0.743	4.36
SWM FOND	BLOCK 88		0.929	5.40
WATERCOURSE	BLOCK 89		0.070	3.83
0.3m RESERVE	BLOCK 91-94		0.002	0.01
ROADWAY			2.478	14.55
TOTAL	94	444	17.032	100.00

DEVELOPABLE AREA = 16.367ha (EXCLUDES WATERCOURSE)
DEVELOPABLE DENSITY = 27.14 units/ha

REV	DESCRIPTION	DATE	BY
0	ISSUED FOR REVIEW	2021-02-23	M/K

UPPER CANADA CONSULTANTS
ENGINEERS / PLANNERS

DRAWING TITLE
KUNDA PARK / FOREST PARK
OVERALL DRAFT PLAN OF SUBDIVISION
(OPTION 3)

DRAFTING TA/MK
DATE JANUARY 18, 2021
PRINTED APRIL 1, 2021
SCALE 1:1500
DWG No. 1995-OP3
REV 0

DRAWING FILE: P:\1995\Engineering\2021\KUNDA PARK CROSSING OPTIONS\KUNDA PARK DRAFT PLAN OPTION 3\KUNDA PARK-HIGHWAY PARK-HIGHWAY OPTION 3 (plan) PLOTTED: Nov 01, 2021 - 10:05am PLOTTED BY: mark

Option 3

- **Community Interconnection:** Interconnection of both subdivisions does not exist for all modes. A paved 3-metre-wide walkway connecting Station Street Road Extension to Street D in the Kunda Park Subdivision would be in place for use by pedestrians and cyclists. The walkway would be aligned with the proposed William Street and Station Street intersection and would not be illuminated.
- **PSW Impacts:** Kunda Park Boulevard would be extended southerly across the PSW area impacting the environment.

RVA Multi-Criteria Evaluation of Road Network Options

Table 2: Evaluation Criteria

CRITERIA	DESCRIPTION
Traffic Operations	
Neighbourhood Connectivity	Number and accessibility of road network connections provided between the site and the external road network.
Emergency Medical Services (EMS) Access	Degree of accessibility for emergency vehicles to access the site from the external road network
Intersection Operations	Anticipated traffic operational impacts of the site generated traffic on surrounding intersections
Trail Operations and Safety	
Road/Trail Crossings	Number of road-trail crossing proposed
Trail Access	Degree of accessibility for trail users accessing the trail
Illumination	Level of additional trail illumination proposed
Natural Environment Impacts	
Vegetation Impacts	Variation in vegetation impacts (i.e., tree removals) between the options
PSW Impacts	Variation in PSW impacts between the options

RVA Multi-Criteria Evaluation – Preferred Road Network Option



OPTION 1 IS THE PREFERRED ROAD NETWORK OPTION, FOR THE FOLLOWING KEY DISTINGUISHING FACTORS:



• **TRAFFIC OPERATIONS:** THIS OPTION MAXIMIZES ROAD NETWORK CONNECTIVITY AND EMS ACCESSIBILITY WITH MULTIPLE ROAD CONNECTION OPTIONS PROVIDED AND OFFERS THE BEST DISPERSION OF TRAFFIC TO THE SURROUNDING COLLECTOR AND ARTERIAL ROAD NETWORK WITH THE LEAST ANTICIPATED IMPACTS TO INTERSECTION OPERATIONS FOR ALL MODES AND SERVICES.



• **TRAIL OPERATIONS AND SAFETY:** THIS OPTION PROPOSES A ROAD-TRAIL CROSSING THAT PROVIDES AN ADDITIONAL ACCESS POINT FOR TRAIL USERS VIA WILLIAM STREET, WITH ADDITIONAL ILLUMINATION PROPOSED AT THE SUBJECT CROSSING; AND



• **NATURAL ENVIRONMENT:** THE LEVEL OF VEGETATION IMPACTS ASSOCIATED WITH THE PROPOSED TRAIL CROSSING IS GENERALLY NOMINAL AS PER THE BEACON ENVIRONMENTAL TREE LOSS ASSESSMENT REPORT, WITH NO MEASURABLE DIFFERENCE IN TREE LOSS IF AN EMS ACCESS TO THE TRAIL WAS PROPOSED INSTEAD OF THE WILLIAM STREET CROSSING, AND FURTHERMORE NO PSW IMPACTS ARE PROPOSED.

Conclude:

Supporting a Steve Bauer Trail Road Crossing

- 1 trail road crossing at William Street is the best solution for the Town
- Key considerations: Traffic operations, trail operations & safety and natural environmental impact
- The Trail remains protected and crossing enhances access and safety
- Request of Council to permit an exception to the Trail Resolution:
 - 1 road crossing over the Steve Bauer Trail
 - Approval of a by-law to deem portion of trail a public highway
- Client will continue work with staff on Forest Park and Kunda Park

Thank you for your time and consideration of this request.

The following people are available for questions:

- Scott Snider, Turkstra Mazza Associates (legal counsel)
- Matt Kernahan, Upper Canada Consultants (planner)
- Nick Palumbo, R. V. Anderson Consultants (transportation)
- John Delisio, Sterling Realty (Niagara) Inc. (owner)

SPECIAL COUNCIL MINUTES

Meeting #: SC-15-2021
Date: Monday, September 20, 2021, 4:30 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Marvin Junkin
Lisa Haun
Bob Hildebrandt
Ron Kore
Wayne Olson
Marianne Stewart
John Wink

Staff Present David Cribbs
Bob Lymburner
Jason Marr
Teresa Quinlin
Vickie vanRavenswaay
Barbara Wiens
Sarah Leach
Holly Willford
Brianna Langohr

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 4:30 pm.

1.1 Land Recognition Statement

The Mayor read the Pelham Land Recognition Statement into the record.

2. Approval of the Agenda

Moved By Ron Kore
Seconded By John Wink

BE IT RESOLVED THAT the agenda for the September 20, 2021 Special Meeting of Council be adopted as circulated.

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

Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

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 or local board employees; (d) labour relations or employee negotiations; and (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose (1 item)

	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)		

5. Rise From In Camera

Moved By Wayne Olson
Seconded By Bob Hildebrandt
BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise: With No Report.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	

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

6. Confirming By-law

Moved By Lisa Haun

Seconded By Marianne Stewart

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

Being a By-law No. 4389(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 20th day of September, 2021.

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

7. Adjournment

Moved By Wayne Olson

Seconded By Ron Kore

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

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

Marianne Stewart	X	
John Wink	X	
Results	7	0
		Carried (7 to 0)

Mayor Marvin Junkin

Town Clerk, Holly Willford

REGULAR COUNCIL MINUTES

Meeting #: C-15/2021 - Regular Council
Date: Monday, September 20, 2021
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

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

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Teresa Quinlin
Vickie vanRavenswaay
Barbara Wiens
Holly Willford
Sarah Leach
Brianna Langohr
Ryan Cook

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 6:00pm.

1.1 Land Recognition Statement

The Mayor read the Pelham Land Recognition Statement into the record.

2. Approval of Agenda

Moved By Wayne Olson
Seconded By Ron Kore

BE IT RESOLVED THAT the agenda for the September 20, 2021 Regular meeting of Council be adopted.

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

THAT Council amend the agenda to move item 4.2.2 – Niagara Central Dorothy Rungeling Airport to be considered after item 4.2.3, Marianne Love, ML Consulting Delegation;

AND THAT Council further amend the agenda to move item 14.1 – Councillor Haun’s Motion – Niagara Central Dorothy Rungeling Airport – Support Capital Financing Strategy to be considered immediately after the Airport’s Delegation.

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

Main Motion as Amended: Moved By Lisa Haun
Seconded By Bob Hildebrandt

THAT the agenda for the September 20th regular Council meeting be adopted, as amended.

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

3. Disclosure of Pecuniary Interests and General Nature Thereof

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

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.1.1 COVID-19 Pandemic Update - CEMC

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

Moved By Lisa Haun
Seconded By John Wink

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

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

4.1.2 COVID-19 Pandemic Update - CAO

Mr. David Cribbs, CAO, stated the Town of Pelham’s EOC team finalized the Town’s Mandatory Vaccination Policy with respect to COVID-19. He stated an information report would be brought to Council at the next upcoming meeting.

Moved By Bob Hildebrandt
Seconded By Marianne Stewart

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

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

Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

4.2 Delegations

4.2.1 Beautification Committee re Legacy Project Initiatives

Ms. Jennifer Pilzecker, Chair of the Beautification Committee provided Council a presentation with respect to potential legacy project initiatives that could be implemented by the Town of Pelham. A copy of the said presentation is on file with the Clerk.

Moved By Ron Kore
Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive the presentation from Jennifer Pilzecker, Chair of the Beautification Committee, regarding legacy project initiatives, for information.

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

4.2.2 Marianne Love, ML Consulting

Ms. Love indicated a related staff report was on the agenda for Council consideration. Ms. Love answered questions of Council.

Moved By Marianne Stewart
Seconded By Wayne Olson

BE IT RESOLVED THAT Council receive the presentation from Marianne Love, ML Consulting, regarding elected official compensation, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	

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

4.2.3 Niagara Central Dorothy Rungeling Airport

Councillor Haun introduced Mr. John MacLellan, Wainfleet Councillor and Chair of the NCDRA.

Chair MacLellan provided Council an overview of the proposed loan from the City of Welland to the NCDRA to construct 10 hangers. Chair MacLellan answered various questions of Council.

Moved By John Wink
Seconded By Wayne Olson

BE IT RESOLVED THAT Council receive the presentation from Wainfleet Councillor and Chair of the NCDRA, John MacLellan regarding the NCDRA Commissions capital financing strategy, for information.

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

4.3 Councillor Haun - Niagara Central Dorothy Rungeling Airport - Support Capital Financing Strategy

Throughout Council discussion various Councillor’s called Points of Orders with respect to being able to ask questions or comments which were made. In response, the Mayor allowed all members of Council to ask questions prior to calling the vote.

Moved By Lisa Haun
Seconded By Ron 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.

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

4.4 Report of Regional Councillor

5. Adoption of Minutes

Moved By Marianne Stewart
Seconded By Bob Hildebrandt

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

- 1. SC-14/2021 - Special Council Meeting - September 7, 2021;**
- 2. C-14/2021 - Regular Council Meeting - September 7, 2021; and**
- 3. SCOW-06/2021 - Budget Open House Special Committee of the Whole.**

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

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

Moved By Lisa Haun
Seconded By Wayne Olson

BE IT RESOLVED THAT the Consent Agenda items as listed on the September 20, 2021 Council Agenda be received and the recommendations contained therein be approved:

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

- 1. SCOW-06/2021 - Budget Open House - Special Committee of the Whole - September 13, 2021

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

8.3.1. Tax Write-Off Under Municipal Act, Section 357 & 358

BE IT RESOLVED THAT Council receive the Taxes Written-Off Report from the Corporate Services Department; and

THAT Council approve the Taxes Written-Off Report in the amount of \$1,431.34 as per the Municipal Act, Sections 357 and 358.

8.5. Information Correspondence Items

8.5.1. Peninsula West Power Inc. - Notice of Annual General Meeting of Shareholders

BE IT RESOLVED THAT Council receive the Peninsula West Power Inc. - Notice of Annual General Meeting of Shareholders, for information.

8.5.2. Niagara Region Correspondence

8.5.2.1. COVID-19 Vaccination Policy Update

BE IT RESOLVED THAT Council receive correspondence from Niagara Region regarding COVID-19 Vaccination Policy Update for information.

8.5.2.2. Update on Niagara Official Plan - Further Draft Policy Development

BE IT RESOLVED THAT Council receive correspondence from Niagara Region regarding Niagara Official Plan - Further Draft Policy Development for information.

8.5.2.3. Proposed Land Use Compatibility Guideline

BE IT RESOLVED THAT Council receive correspondence from Niagara Region regarding Proposed Land Use Compatibility Guideline, for information.

8.5.2.4. Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update

BE IT RESOLVED THAT Council receive correspondence from Niagara Region regarding Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update, for information.

8.5.3. Pelham Tree Conversation Society re: Tree Policy

BE IT RESOLVED THAT Council receive the correspondence from Pelham Tree Conversation Society, regarding the proposed Tree Policy, for information.

8.7. Committee Minutes for Information

8.7.1. Committee of Adjustment Minutes

BE IT RESOLVED THAT Council receive the Committee of Adjustment minutes dated March 2, 2021 and March 16, 2021, for information.

8.7.2. Pelham Seniors Advisory Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Seniors Advisory Committee minutes dated April 15, 2021 and May 13, 2021, for information.

8.7.3. Pelham Library Board Minutes

BE IT RESOLVED THAT Council receive the Pelham Library Board minutes dated March 24, 2021 and April 28, 2021, for information.

8.7.4. Pelham Art Advisory Committee Minutes

BE IT RESOLVED THAT Council receive the Pelham Art Advisory Committee minutes dated May 19, 2021, for information.

8.7.5. Cannabis Control Committee Minutes

BE IT RESOLVED THAT Council receive the Cannabis Control Committee minutes dated May 5, 2021 and May 26, 2021, for information.

8.7.6. MCC User Group Roundtable Minutes

BE IT RESOLVED THAT Council receive the MCC User Group Roundtable Committee minutes dated January 21, 2021, for information.

8.7.7. Pelham Finance and Audit Committee

BE IT RESOLVED THAT Council receive the June 9, 2021 Pelham Finance and Audit Committee minutes, for information.

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

9. Items for Separate Consideration, if Any

10. Presentation & Consideration of Reports

10.1 Reports from Members of Council:

10.2 Staff Reports Requiring Action

10.2.1 Accommodation Policy S100-13 Update, 2021-0155-Clerks

Moved By Bob Hildebrandt

Seconded By John Wink

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.

	For	Against
Marvin Junkin	X	

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

10.2.2 **Proposed 2022 Council Meeting Schedule , 2021-0122- Clerks**

Moved By Wayne Olson
Seconded By John Wink

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 for Council consideration.

Moved By Ron Kore
Seconded By John Wink

BE IT RESOLVED THAT Council refer the report back to staff;

AND THAT Staff report back to Council by June 2022.

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

10.2.3 Dedication Program Report, 2021-0140-Public Works

Moved By Marianne Stewart

Seconded By Ron Kore

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.

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

O

10.2.4 Ontario Trillium Foundation Community Building Grant, 2021-0158-Corporate Services

Moved By John Wink

Seconded By Ron Kore

**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.

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

Carried (7 to 0)

10.2.5 Council Compensation Review, 2021-0161-Chief Administrator Officer

Moved By Lisa Haun

Seconded By Bob Hildebrandt

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.

Moved By Bob Hildebrandt

Seconded By Marianne Stewart

BE IT RESOLVED THAT Council refer the report back to staff;

AND THAT Staff report back to Council by spring or summer of 2022.

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

10.2.6 Staff Compensation Review, 2021-0149-Chief Administrator Officer

Moved By Wayne Olson
Seconded By Marianne Stewart

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 80th 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 55th 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.

	For	Against
Marvin Junkin	X	
Lisa Haun		X

Bob Hildebrandt		X
Ron Kore		X
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	4	3
Carried (4 to 3)		

11. Unfinished Business

11.1 Tree Maintenance Policy S802-01, 2021-0159-Public Works

Councillor Haun requested the motion be divided.

Moved By John Wink
Seconded By Lisa Haun

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.

Moved By John Wink
Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive Report #2021-0159.

	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)		

Moved By John Wink
Seconded By Lisa Haun

THAT Council approve the proposed Public Works Tree Maintenance Policy S802-01.

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

Moved By John Wink
Seconded By Lisa Haun

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.

	For	Against
Marvin Junkin	X	
Lisa Haun		X
Bob Hildebrandt		X
Ron Kore		X
Wayne Olson	X	
Marianne Stewart		X
John Wink	X	
Results	3	4
Defeated (3 to 4)		

Moved By John Wink
Seconded By Lisa Haun

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.

	For	Against
Marvin Junkin	X	
Lisa Haun		X
Bob Hildebrandt		X
Ron Kore		X
Wayne Olson	X	
Marianne Stewart		X
John Wink	X	
Results	3	4
		Defeated (3 to 4)

12. New Business

13. Presentation and Consideration of By-Laws

Councillor Hildebrandt requested the motion be divided to consider by-law 4386(2021) separately.

Multiple Points of Orders were called by Councillors with respect allowing another Councillor to speak. In response, the Mayor allowed the Councillor to speak prior to the vote being taken.

Moved By Ron Kore

Seconded By Wayne Olson

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. 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).

Moved By Ron Kore
Seconded By Wayne Olson

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:

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.

	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)

Moved By John Wink
Seconded By Wayne Olson

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.

	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)

Moved By Ron Kore
Seconded By Wayne Olson

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. 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.

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).

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

14. Motions and Notices of Motion

14.1 Councillor Wink re: Council Advisory Committee Recordings

Moved By John Wink

Seconded By Wayne 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.

	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)

- 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**

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

Moved By John Wink
Seconded By Ron Kore

BE IT RESOLVED THAT Council defer the in camera session to the next regular Council meeting.

	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)

- 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. 4390(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 20th day of September, 2021.

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

20. Adjournment

Moved By Bob Hildebrandt

Seconded By Marianne Stewart

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for October 4, 2021 at 5:30 pm.

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

Mayor: Marvin Junkin

Town Clerk: Holly Willford

Subject: Renaming the Human Resources and Health and Safety Department**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-0171 – Renaming the Human Resources and Health and Safety Department, for information purposes.

Background:

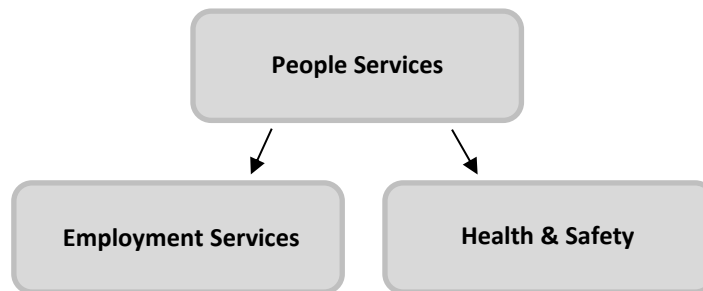
The Town of Pelham has made several changes to the reporting structure of the Human Resources function and also the Health and Safety function. In late 2019 those functions were transferred from Corporate Services to report directly to the Office of the Chief Administrative Officer. With time and perspective, it has become appropriate to change the titles applied to the work.

As terminology goes, “Human Resources,” while not rude, is falling out of favour amongst progressive organizations. In recent years a number of organizations (including for example the City of Toronto, Town of Caledon, University of Toronto, KPMG, Phillips, Red Cross) have moved away from the term, wanting their staff to feel like they are more than merely resources to be exploited. During this time of change, Town administration would like to rebrand the Department to “People Services”, and operate the Health and Safety and traditional human resource functions under that banner. This change is limited to a paper exercise and will have no costs associated thereto.

Analysis:

The proposed new Department would become known as “Human Services”, which would constitute the “Employment Services Department” and the “Health and Safety Department”. The entity would be overseen (managed) by the Manager, People Services. Because there is only one full time staff member who divides her time between these functions, it will have no practical impact at this time, but does have symbolic importance. The various services will continue to have separate budgets within the Operating budget.

A graphical representation of the new structure is as follows:



As an aside, Town administration is likely to engage in a broader renaming and realignment exercise early into the next Council's mandate. While some of those changes may be structural, the changes discussed in this report are purely symbolic. One of the issues that is eventually hoped to be addressed is the terminology utilized in this corporation. As an observation, it is confusing to operate Departments which in turn contain smaller Departments. The terms "Division" or "Operating Group" or "Team" are likely to replace some use of the word Department, so that when utilized it is clear what "Department" means. The change discussed in this report is a trial/precursor to the potentially larger changes to come.

Financial Considerations:

There is no cost associated with this initiative.

Alternatives Reviewed:

The alternative is the status quo.

Strategic Plan Relationship: Strong Organization

Symbolically it is good to suggest that staff are something more than resources to be exploited. As a service corporation, the Town of Pelham is highly reliant upon its staff and referring to them as people is a good step towards acknowledging their importance. Any changes which can be made to improve morale and productivity benefit both the corporation and the community.

Consultation:

The Human Resources and Health and Safety Coordinator was consulted in the drafting of this report.

Other Pertinent Reports/Attachments:

None.

Prepared and Submitted by:

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

Subject: Town Policy Requiring Staff Vaccination**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-0169 – Town Policy Requiring Staff Vaccination, for information purposes.

Background:

The law and appropriate employer and public health responses to the Covid-19 pandemic continues to evolve. At time of writing, hundreds of Ontario municipalities and other large public and private sector employers have adopted corporate policies, which require staff to be double vaccinated if they do not qualify for one of the two exemptions established by Charter Rights. While there is some variation across Ontario in how employers are addressing non-compliance with policy, a general consensus has emerged that vaccination is necessary for a return to pre-Covid socialization norms, and so supports strong employer reaction. The Town's policy provides staff with time to become compliant, and provides the legally mandated exemptions for health and creed, but ultimately treats non-compliance, other than exemption, as a disciplinary matter.

This policy has been drafted in a manner so as to not apply to elected officials. Given that elected officials are not employees, it was felt that in this instance treating elected officials as if they are members of the public would be most appropriate.

Analysis:

The Town's Emergency Operations Centre ("EOC" - involving about a dozen staff and Pelham Library leadership) and the Emergency Control Group ("ECG" – a smaller and more specialized group of municipal leaders) have both reviewed the various policy options available to the Town of Pelham. Specifically, policies from the Region of Niagara, City of Hamilton, Peel Region, City of St. Catharines, City of London, City of Brampton and City of Toronto were reviewed.

The Ontario Human Rights Tribunal ("OHRT") has issued a position paper indicating its general theoretical approach to the question of mandatory vaccinations. In

essence, the OHRT accepts that mandatory vaccinations are a proportionate response to a public health crisis, that there is not a blanket right not to be vaccinated, and that two exemptions, if applicable, will generally be accepted as basis not to vaccinate: medical exemption whereby being vaccinated will cause harm to human health, and the exemption of creed, which is a sincerely held belief at the core of one's being, most commonly (but not necessarily) expressed as religious belief. The Town's mandatory vaccination policy allows for the two aforementioned exemptions. Where exemptions are provided, the staff involved must still ensure the health and safety of both themselves and their colleagues. The Town will require weekly proof of negative Covid-19 tests from exempt staff for them to attend at work. This testing will be at staff expense.

After adapting some of the language to be appropriate to the Town of Pelham, the EOC and ECG both concluded that addressing non-exempt, non-compliance as a disciplinary matter was in keeping with staff expectations. The policy was enacted on Monday, September 20, 2021. At time of writing there have been no complaints, challenges or staff protests. Several staff have indicated strong support for the Town's policy position on this issue.

This policy does not apply to elected officials who are not considered employees. Members of council will be treated like any other member of the public: when seeking admission to the MCC elected officials will be required to show the same levels of vaccination, unless an exemption applies. Admission to other Town facilities does not currently require proof of vaccination; however, business is to be conducted promptly. If Council wishes other treatment than what is described above, please bring a motion to address same.

Financial Considerations:

There are virtually no costs associated with this report. During the transitional period the employer will pay for testing of employees who are not vaccinated or not yet fully vaccinated. After December 10, 2021, staff will have to personally obtain negative Covid-19 test results on a weekly basis, at their own expense, to continue to be able to attend Town facilities and work.

Alternatives Reviewed:

Several variations of the attached policy were considered. Not having a policy or permitting staff to be unvaccinated was deemed not acceptable to either the EOC or ECG. Given that most patrons of the MCC must be double vaccinated, it would also be hypocritical to apply a lesser standard to Town staff who work in the building.

Strategic Plan Relationship: Strong Organization

The attached policy regime is meant to keep all staff and members of the public healthy. As a service organization, staff are the Town's key asset and any course of action which increases their health and thereby capacity to serve strengthens the organization.

Consultation:

Externally, various senior staff have participated in reviews and discussions of the merits of policy options on this topic, including but not limited to the Municipal Law Department Association of Ontario, the Ontario Municipal Administrators Association, the Niagara CAO working group, the Niagara Region EOC, Niagara Region Fire Departments and the Ontario Municipal Human Resource Association. All member of the Town's Senior Leadership Team, as well the Human Resources Co-ordinator/Health and Safety Co-ordinator, the Communications Specialist, the Manager of Public Works and the acting CEO of the Pelham Public Library were involved in the creation of this policy.

On a documentary level, equivalent policies from several municipal organizations were reviewed/consulted, as was medical guidance from both the Province and Niagara Public Health.

Other Pertinent Reports/Attachments:

The policy, frequently asked questions and the documentation for exemptions have been attached to this report.

Prepared and Submitted by:

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



Policy Name: COVID-19 Vaccination Policy	Policy No: S101-22
Committee approval date:	September 20, 2021
Council approval date:	-
Revision date(s):	-
Department/Division:	Health and Safety

1. Purpose

This policy is designed to maximize COVID-19 vaccination rates among Town employees as one of the critical control measures for the hazard of COVID-19. Vaccination is effective in reducing COVID-19 virus transmission and protecting vaccinated individuals from severe consequences of COVID-19, including from current variants.

This policy recognizes that those who are unvaccinated or not fully vaccinated pose a significantly increased risk of becoming seriously ill from COVID-19 and also of spreading the virus to others in the workplace. Ensuring workers, contractors, unpaid students, and volunteers are fully vaccinated against COVID-19 not only contributes to a safer workplace, but is a critical protection for other members of the community, and sets a positive example for others to follow as we work together to increase our vaccination rate and drive down infections. Given the criticality of the municipal services provided by the Town, vaccination is also an important measure to support workplace continuity.

2. Policy Statement

The health and safety of Town employees is a priority. The Town of Pelham is committed to taking every precaution reasonable in the circumstances for the protection of the health and safety of workers from the hazard of COVID-19. To this end, this policy requires all Town of Pelham workers, contractors, unpaid students, and volunteers to be fully vaccinated against COVID-19, and provide proof thereof. All new workers, contractors, unpaid students and such volunteers will be subject to this policy as a condition of their employment or placement with the Town.

The Town supports workers in obtaining their COVID-19 vaccination. If operationally feasible and with the permission of their immediate supervisor,



Town staff can be released on work time to be vaccinated while on-duty, either in the work location or at a designated vaccination site, without loss of compensation or the requirement to use vacation, sick, or lieu time, to a maximum of one day (one shift).

Workers who remain unvaccinated due to a bona fide medical or Human Rights Code exemption shall be subject to the Town's accommodation processes and required to take additional infection and prevention control measures, including submitting to regular COVID-19 antigen testing and providing proof of a negative test result.

Information collected pursuant to this policy, including related to an individual's proof of vaccination shall be collected, protected and disposed of in accordance with privacy legislation. This information will only be used to the extent necessary for implementation of this policy, including providing statistical reporting on compliance, and for administering related infection and prevention control measures and health and safety protocols in the workplace.

The Town will continue to actively monitor all COVID-19 workplace safety measures in place, including this policy, in light of the evolving public health and legislative context and advice from Public Health experts and make any amendments necessary, which may include additional or alternate precautions to protect the health and safety of all workers and maintain healthy and safe workplaces.

3. Definitions

Fully Vaccinated: means having received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines approved by the World Health Organization (WHO) (e.g., two doses of a two-dose vaccine series, or one dose of a single-dose vaccine series) or the National Advisory Committee on Immunizations; and having received the final dose of the COVID-19 vaccine series at least 14 days prior, and as may be amended from time to time (i.e. the approval of a booster).

Human Rights Code Exemption: for the purposes of this policy and procedure, is the protected ground of Creed (i.e. Religion) under the Human Rights Code being practices, beliefs and observances that are part of a faith or religion that shall be determined in accordance with the COVID-19 Vaccine Creed Exemption Form. It does not include personal, moral, ethical, or political views.



Medical Exemption: means the medical conditions as outlined in the Medical Exemption to Decline the COVID-19 Vaccine Form.

Proof of Vaccination: documentation issued by the Ontario Ministry of Health, other province or territory or international equivalent indicating individual immunization status against the COVID-19 virus.

Unpaid Student: means any of the following:

- a. A secondary student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled; or
- b. A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university or other post-secondary institution.

Worker: for the purpose of this policy and procedures means any of the following, but does not include unpaid students and Elected Officials:

- a. A person who performs work or supplies services for monetary compensation;
- b. A person who receives training from an employer, but who under the Employment Standards Act, 2000, is not a worker for the purposes of that Act because the conditions set out in subsection 1(2) of that Act have been met; or
- c. Such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation ("travailleur").

Volunteer: anyone giving their time to assist the Town willingly and without the expectation of compensation including community clean up members, recreational program assistants, special events crews, and senior VIP ambassadors.

Workplace: any location that a worker, contractor, unpaid student, or volunteer performs tasks, jobs and projects on behalf of the Town of Pelham, and includes, but is not limited to, facilities, parks and job sites (field work). For the purpose of this policy, it does not include one's own residence.

4. General Provisions

Vaccination status must be disclosed to the Town in accordance with the established operating procedure by no later than October 18, 2021.

Those who remain unvaccinated will need to show proof of their first dose by no later than November 1, 2021. As of December 10, 2021 proof of receiving the



first and second doses of a COVID-19 vaccine (or one single dose vaccine) is required. Employees must update their vaccination status in accordance with the established operating procedure as they obtain each dose of COVID-19 vaccine.

Employees may also be required to disclose their vaccination status by law or to otherwise give effect to this policy, including, but not limited to, situations where employees are directed to stay home as a result of the daily screening tool in order to comply with the clearance criteria to return to work (e.g. after experiencing symptoms, a COVID-19 exposure, or a travel quarantine exemption).

Exemptions

All those who are not able to obtain a COVID-19 vaccine for a reason related to a protected ground must do one of the following:

- i. Provide written proof of a medical reason documented by a physician or nurse practitioner using the Medical Exemption to Decline the COVID-19 Vaccine Form; OR
- ii. Provide written proof of a bona fide Human Rights Code exemption using the COVID-19 Vaccination Creed (i.e. Religion) Exemption Request Form

Workers who do not comply with this policy or provide false documents related to being vaccinated or as part of a bona fide medical or Human Rights Code exemption may be subject to discipline, up to and including termination of employment.

5. Attachments

COVID-19 Vaccination Operating Procedure C19-09

Medical Exemption to Decline the COVID-19 Vaccine Form

COVID-19 Vaccination Creed (i.e. Religion) Exemption Request Form



Operating Procedure	
Procedure Name:	COVID-19 Vaccination Operating Procedure
Procedure Number:	C19-09
Creation Date:	September 20, 2021
Revision Date(s):	-

1. Purpose

This procedure outlines the requirements for workers, contractors, unpaid students, and volunteers to provide proof of COVID-19 vaccination, or a bona fide medical or Human Rights Code exemption.

2. Hazards

The Town of Pelham will continue to closely monitor its COVID-19 risk mitigation strategy as outlined in this procedure and the evolving public health information and context, to ensure that it continues to optimally protect the health and safety of employees in the workplace and the public that they serve.

To that end, and in consultation with Niagara Region Public Health, the Town will continue to assess other available workplace risk mitigation measures, and additional precautions that are necessary, to deploy new measures (including at an individual level) to protect employees and the public from COVID-19, and may amend this procedure accordingly and/or communicate the required precautions to impacted employees.

3. Requirements

3.1. All Town of Pelham workers, unpaid students, and volunteers are required to comply with one of the following:

- i. Show proof to Human Resources they are fully vaccinated as defined in the policy against COVID-19 by October 18, 2021.
- ii. Provide written proof of a medical reason documented by a physician or nurse practitioner, using the Medical Exemption to Decline the COVID-19 Vaccine Form that sets out:
 - a documented medical reason for not being fully vaccinated against COVID-19, and



- the effective time-period for the medical reason (i.e. permanent or time-limited; if time-limited the individual must provide proof of vaccination in accordance with this procedure within 30 days of the medical reason expiring); OR
- iii. Written proof of a bona fide Human Rights Code exemption using the COVID-19 Vaccination Creed (i.e. Religion) Exemption Request Form which includes:
- Documented evidence to confirm the requirements for a Creed (i.e. Religion) exemption for the COVID-19 vaccine, and
 - Certification from a Creed / Religious Leader
- 3.2.** Those who have not been fully vaccinated or who do not disclose their vaccination status and have not provided proof of a bona fide medical or Human Rights Code exemption under Section 3.1 of this procedure by October 18, 2021 will need to adhere to additional infection and prevention control measures as provided herein.
- In addition, those unvaccinated workers will then need to provide proof of a first dose of a WHO-approved COVID-19 vaccine by no later than November 1, 2021; and a second dose so that they are fully vaccinated by no later than December 10, 2021.
- The Town of Pelham will comply with its obligations under the Human Rights Code and accommodate workers who are legally entitled to accommodation in accordance with the Town's established procedures.
- 3.3.** Unpaid students and volunteers must be fully vaccinated against COVID-19 prior to the start of their placement or volunteer work, including as at the effective date of this policy and procedure.
- 3.4.** Contractors must ensure that all their employees accessing the Town of Pelham facilities and buildings are fully vaccinated or meet the testing requirements. The Contractor COVID-19 Vaccination Policy Compliance form must be completed and returned to Human Resources by October 18, 2021. Individuals not compliant with this requirement will not be allowed to access Town of Pelham facilities and buildings.
- 3.5.** All newly hired workers are required to be fully vaccinated against COVID-19 as a condition of being hired, or provide proof of a bona fide medical or



Human Rights Code exemption, in accordance with the policy and procedure.

- 3.6.** Where a worker does not provide proof of being fully vaccinated against COVID-19, but instead provides proof of a bona fide medical or Human Rights Code exemption as described at Section 3.1 of this procedure, the worker shall:
- i. Submit to regular COVID-19 antigen testing and demonstrate a negative result to Human Resources. Such test results will be considered valid provided they are completed 72 hours prior to your next scheduled shift, and to be provided no later than the start of that shift, and at a minimum of once every seven days; and
 - ii. Provide verification to Human Resources of the negative test result at the intervals described above, that enables the Town of Pelham to confirm the result.
- 3.7.** Workers who do not comply with this policy and procedure or who provide false documents related to being vaccinated or as part of a bona fide medical or Human Rights Code exemption, may be subject to disciplinary action, up to and including termination of employment.
- 3.8.** Human Resources is responsible to collect, maintain and disclose statistical (non-identifiable) documentation that includes:
- i. The number of workers that provided proof of being fully vaccinated against COVID-19.
 - ii. The number of workers that provided a documented medical reason for not being fully vaccinated against COVID-19.
 - iii. The total number of the workers to whom this policy applies.
 - iv. Upon request, disclose the statistical information to the Corporation in a manner and within the timelines specified in the request and any additional non-identifiable details requested by the Corporation. The Corporation may further disclose this statistical information (i.e. to Town Council) and may make it publicly available for purposes of reporting on compliance and implementation of the policy.
- 3.9.** Notwithstanding any arrangements that occurred prior to this policy and procedure, reasonable arrangements will be made to allow for workers to attend COVID-19 vaccination clinics during work time where operationally feasible subject to the following:



- i. Supervisor approval is required in advance of attending a vaccination clinic during paid work time.
- ii. All efforts will be made to use time at the beginning or end of a work day or an extended lunch or break time as operationally feasible, to attend vaccination clinics, as approved by the worker's Supervisor.
- iii. Where workers are unable to attend a vaccination clinic during regularly scheduled work time, subject to Supervisor approval the Town will compensate up to a period of 30 minutes outside of work time to receive a vaccination, and also subject to any limitations under a collective agreement or policy.

3.10. Information collected pursuant to this procedure, including related to an individual's proof of vaccination shall be collected, protected and disposed of in accordance with privacy legislation. This information will only be used to the extent necessary for implementation of this procedure, including providing statistical reporting on compliance, and for administering related infection and prevention control measures and health and safety protocols in the workplace.

- i. Except in the case of new hires, copies of proof vaccination itself shall not be retained, however a record of vaccination status with such information as may be necessary for the purpose of ensuring compliance with this procedure shall be maintained in accordance with applicable privacy legislation.
- ii. The record of vaccination status will be created and retained in a form and manner satisfactory to the Chief Administrative Officer and Human Resources to facilitate the reporting outlined in Section 3.8 of this procedure and in compliance with Corporate Records Retention requirements.

4. Operating Guidelines/ Best Practices

Roles and Responsibilities

4.1 Workers:

- 4.1.1 Must continue to adhere to and practice all health and safety protocols at all times while in the workplace, including handwashing, physical distancing, wearing appropriate face coverings and personal protective equipment, regardless of vaccination status.
- 4.1.2 Must comply with this policy and procedure and/or any department specific procedures that apply to them.



- 4.1.3 Workers unable to be vaccinated against COVID-19 due to a medical reason, must provide a completed Medical Exemption to Decline the COVID-19 Vaccine Form to Human Resources for review and retention.
- Human Resources will work with those who receive an exemption to ensure they are connected with the appropriate resources to develop a reasonable accommodation plan.
 - If the Medical Exemption request is denied, individuals may be required to resubmit the request or further information, otherwise are required to become fully vaccinated.
- 4.1.4 Workers unable to be vaccinated against COVID-19 due to a Creed (i.e. Religion) exemption under the Human Rights Code, R.S.O. 1990, c. H.19., must complete the COVID-19 Vaccination Creed (i.e. Religion) Exemption Request Form and provide it to Human Resources for their review of eligibility.
- Human Resources will work with those who receive an exemption to ensure they are connected with the appropriate resources to develop a reasonable accommodation plan.
 - If the Creed (i.e. Religion) Exemption request is denied, individuals may be required to resubmit the request or further information, otherwise are required to become fully vaccinated.
- 4.1.5 Unvaccinated workers with a bona fide medical or Human Rights Code exemption must:
- 4.1.5.1 Make all reasonable efforts to schedule COVID-19 antigen testing outside of regularly scheduled work time, unless approved otherwise by their Supervisor, testing may be scheduled at the beginning or end of a work day or an extended lunch or break time. Any costs associated with testing will be the responsibility of the worker.
- 4.1.5.2 Follow any other safety and infection prevention and control measures directed by the Town as indicated by the most recent Public Health guidelines or required pursuant to their individual accommodation plan.

4.2 Unpaid Students and Volunteers

Must be fully vaccinated against COVID-19 prior to their placement or volunteer work including as at the effective date of this procedure and parent policy.

4.3 Supervisors

- 4.3.1 Must continue to enforce workplace health and safety protocols that limit the spread of the COVID-19 virus.



- 4.3.2 Must communicate this procedure to all of their direct reports covered by the scope of this policy and procedure.
- 4.3.3 Must ensure that all of their direct reports comply with this policy and procedure, including consultation with Human Resources on any compliance matters as required.
- 4.3.4 Must facilitate that all of their direct reports have provided to Human Resources, proof they are fully vaccinated against COVID-19, or are subject to bona fide medical or Human Rights Code exemptions as outlined in this procedure.
- 4.3.5 Engage with Human Resources to resolve any questions or concerns pursuant to Section 3.1.
- 4.3.6 Where operationally feasible, support paid time off from regular duties for workers to attend COVID-19 vaccination clinics, in accordance with relevant collective agreement language or policy.
- 4.3.7 Where all reasonable efforts have been made to schedule COVID-19 antigen testing outside of regular working hours, for those with an approved bona fide medical or Human Rights Code exemptions, where operationally feasible support paid time off from regular duties to obtain testing.
- 4.3.8 Implement and support any approved bona fide medical or Human Rights Code exemptions; with assistance from Human Resources.

4.4 Joint Health & Safety Committee or Health & Safety Representatives

Must support the regular review of this procedure in light of the evolving public health and legislative context and advice from Public Health experts; and make any amendments necessary, which may include additional or alternate precautions to protect the health and safety of all workers and maintain healthy and safe workplaces

4.5 Human Resources

- 4.5.1 Where required, assist with the implementation and administration of this procedure.
- 4.5.2 Ensure all new employment or placement contracts for workers, contractors, unpaid students and volunteers includes proof of COVID-19 vaccination/compliance with this policy and procedure as a condition of their employment/engagement with the Town.
- 4.5.3 Assist management with any labour relations and/or health and safety issues arising from the application of this policy and procedure.

CONTRACTOR COVID-19 VACCINATION POLICY COMPLIANCE FORM

Note for Contractors – Please Read Carefully

The Town of Pelham requires all contractors providing work or services to the Town and their employees to be fully vaccinated against COVID-19 and to provide proof of vaccination in order to access any Town facility or building. The Town will accommodate persons with valid vaccination exemptions who submit to regular COVID-19 testing as outlined in the Town's COVID-19 Vaccination Policy and Operating Procedure.

Section 3.4 of the COVID-19 Vaccination Operating Procedure requires contractors to ensure that all their employees accessing Town facilities are fully vaccinated or meet the testing requirements. Contractors must confirm compliance with the COVID-19 Vaccination Policy and Operating Procedure by completing this form.

Please note that the information collected on this form regarding the vaccination status of contractors and their employees is being collected and used solely for purposes of determining compliance with the COVID-19 Vaccination Policy and Operating Procedure and will be retained in a confidential file.

CONFIRMATION OF CONTRACTOR COMPLIANCE WITH TOWN OF PELHAM COVID-19 VACCINATION POLICY AND OPERATING PROCEDURE	
Contractor:	
Name of Person Completing Form:	
Job Title:	
Date:	
<p>The Contractor acknowledges that the Town of Pelham requires contractors and their employees to be fully vaccinated against COVID-19 in order to access any Town facility or building, other than persons with a valid vaccination exemption who submit to regular COVID-19 testing as outlined in the Town's COVID-19 Vaccination Policy and Operating Procedure.</p> <p>The Contractor confirms that all persons who access a Town facility or building to provide work or services to the Town on behalf of the Contractor are fully vaccinated against COVID-19 or hold a valid vaccination exemption and submit to regular COVID-19 testing.</p> <p>The Contractor will not direct or permit persons to access any Town facility or building on behalf of the Contractor except in accordance with the Town of Pelham COVID-19 Vaccination Policy and Operating Procedure.</p>	
Signature:	<div style="border-bottom: 1px solid black; height: 20px; width: 100%;"></div> <p>I have authority to bind the Corporation.</p>

PLEASE RETURN THIS COMPLETED FORM:

Human Resources – blangohr@pelham.ca

COVID-19 Vaccination Creed (i.e. Religion) Exemption Request Form

To protect the health and safety of all workers and maintain healthy and safe workplaces, the Town of Pelham is making COVID-19 vaccination a requirement for all workers.

The Town of Pelham will accommodate bona fide exemptions, based on Creed (i.e. Religion) as a protected ground under the Human Rights Code to the point of undue hardship. Requests for Exemption and Accommodation on this basis shall be submitted utilizing only this form.

PLEASE READ CAREFULLY:

- Requests for accommodation by reason of a Creed (i.e. Religion) exemption pursuant to the Human Rights Code will be considered upon submission of this completed form, which includes a self-attestation and certification by Creed/Religious Leader.
- The Town reserves the right to request further confirmation and information as may be necessary to verify the exemption from time to time.
- To continue to protect the health and safety of all workers and maintain healthy and safe workplaces, workers with approved bona fide exemption, will cooperate in the development of an individualized accommodation plan which may include measures other than being granted access to Town facilities.
- Incomplete exemption requests will not be reviewed.
- Information collected as a part of this form regarding your reason for not receiving the COVID-19 vaccination is being collected and used solely for purposes of determining compliance with the Town's COVID-19 Vaccination Policy including providing statistical reporting on compliance and developing an appropriate accommodation plan as needed to ensure the health and safety of the workplace and will be retained in your confidential employee file.

SECTION 1: APPLICANT ATTESTATION	
Submit this form to Human Resources once completed	
Worker First and Last Name	
Department	
Job Title	
Work Location	
Manager/Supervisor	
<p>I attest and say as follows:</p> <ul style="list-style-type: none"> • I am electing to decline the COVID-19 vaccine, on the basis of Creed (i.e. Religion) under the Human Rights Code that is integrally linked to my identity, self-definition and fulfilment; • My Creed (i.e. Religion) is (please insert): _____ • Immunization against COVID-19 conflicts with my sincerely, freely and deeply held Creed (i.e. Religion) 	
<p>I acknowledge that COVID-19 vaccine is required pursuant to the Town's applicable COVID-19 Policies and Procedures and that I am assuming the risks associated with not receiving the required COVID-19 vaccine which may include; acquiring an infection, transmitting an infection, experiencing complications/severe illness from an infection, and/or having to undergo medical treatment after an infection exposure.</p> <p>I authorize the Town of Pelham to speak to my Creed (i.e. Religious) leader and to request from them, additional information or documentation that confirms my request for accommodation based on a Creed (i.e. Religion) exemption under the Human Rights Code for the COVID-19 vaccine.</p> <p>I certify that the information I have provided is accurate and complete as of the date of this submission. I understand that I may be subject to disciplinary action up to and including termination if any of the information is provided in support of this exemption is found to be false or misleading.</p>	
Signature	
Date	
Name of Witness	
Signature of Witness	
<p>If there are any additional details you wish to provide regarding the basis of your Creed (i.e. Religion) accommodation request, please provide them below.</p>	

SECTION 2: COMPLETED BY A CREED/RELIGIOUS LEADER

To protect the health and safety of the workforce, the Town of Pelham is making COVID-19 vaccination a requirement for its workers, subject to a bona fide Human Rights code exemption, including on the basis of Creed (i.e. Religion)

First and Last Name of applicant requesting a Creed (i.e. Religion) exemption from being vaccinated from COVID-19

PLEASE PROVIDE BELOW, DETAILS ON **EACH** OF THE FOLLOWING:

1. The basis of the applicant's faith/beliefs which are contrary to being vaccinated against COVID-19

2. How long the applicant has been a member of the Creed (i.e. Religion), and attended related services if applicable.

3. Confirmation that (and the description of how) the Creed (i.e. Religion) beliefs:

a) are connected in some way to an organization or community that professes a shared system of belief

b) are part of a particular and comprehensive, overarching system of belief that governs one's conduct and practices

- c) address ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a Creator and/or a higher or different order of existence

4. Any other relevant information

SECTION 3: CERTIFICATION

I certify that the applicant's faith/beliefs are contrary to being vaccinated against COVID-19 and I support the request for accommodation under the Human Rights Code based on a Creed (i.e. Religion) exemption from the COVID-19 vaccine requirement.

CREED/RELIGIOUS LEADER INFORMATION

Name of Creed/Religious Leader	
Title	
Name of Creed/Religious Organization	
Address	
Email	
Phone Number	
Date	
Signature	

SECTION 4: FOR HUMAN RESOURCES USE ONLY

Based on the information and supporting documentation for this COVID-19 vaccine exemption request please complete the following:

Is there a link between the protected/prohibited ground of Creed (i.e. Religion) exempting the applicant from receiving the COVID-19 vaccine?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the applicant provided adequate information/documentation that supports an exemption and accommodation from obtaining the COVID-19 vaccine?	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION 5: DESCRIPTION OF ANY ACCOMODATION MEASURES

Requirement(s) or task(s) requiring accommodation	
Objective of the accommodation	
Accommodation strategies and tools to facilitate task(s)	

SECTION 6: ROLES AND RESPONSIBILITIES

Assigned to		
Title		
Date		
Timeline		
Start Date:	End Date:	Review Date:
Manager Name		
Manager Signature		Date:
Applicant Name		
Applicant Signature		Date:
HR Representative Name		
HR Representative Signature		Date:

MEDICAL EXEMPTION TO DECLINE THE COVID-19 VACCINE

Note for Workers – Please Read Carefully

The Town of Pelham will accommodate bona fide medical exemptions to the point of undue hardship. Requests for Exemption and Accommodation on this basis shall be submitted utilizing this form.

Please note that information collected as a part of this form regarding your medical reason for not receiving the COVID-19 vaccination is being collected and used solely for purposes of determining compliance with the Town's COVID-19 Vaccination Policy including providing statistical reporting on compliance and developing an appropriate accommodation plan to ensure the health and safety of the workplace, and will be retained in a confidential file.

By submitting this form you acknowledge that the COVID-19 vaccine is required pursuant to the Town's applicable COVID-19 Vaccine Policy and Operating Procedure and that you are assuming the risks associated with not receiving the required COVID-19 vaccine which may include; acquiring an infection, transmitting an infection, experiencing complications/severe illness from an infection, and/or having to undergo medical treatment after an infection exposure.

SECTION 1: WORKER TO COMPLETE		
Worker Name:	Department:	Home or Mobile Number:
Job Title:	Work Location:	Supervisor Name:
SECTION 2: WORKER TO COMPLETE – Authorizations for Release of Information		
I hereby authorize my treating Health Professional (name) _____ to release the information requested on this Form. The information provided, with exception of the nature of the current illness/injury will be disclosed to my responsible manager/supervisor and/or Human Resources to certify my entitlement to medical benefits, ensure my safety, assist in proper job placement and to accommodate a disability. A photocopy of this authorization will be considered as the original.	<div style="border-bottom: 1px solid black; height: 40px; margin-bottom: 5px;"></div> Worker Signature:	
	<div style="border-bottom: 1px solid black; height: 30px; margin-bottom: 5px;"></div> Date:	
If clarification regarding what is recorded on this Form is required to avoid a delay or disruption in benefits or return to work, I authorize Human Resources to contact my health professional for such clarification. A photocopy of this authorization will be considered as the original. No new medical information is to be requested pursuant to this paragraph.	<div style="border-bottom: 1px solid black; height: 40px; margin-bottom: 5px;"></div> Worker Signature:	
	<div style="border-bottom: 1px solid black; height: 30px; margin-bottom: 5px;"></div> Date:	

Voluntary Consent – I hereby authorize my treating Health Professional (name) _____ to release any relevant medical information **related to my current absence** to Human Resources and I also authorize Human Resources to contact my above-noted Health Professional to discuss this medical information. A photocopy of this authorization will be considered as the original.

Employee Signature: _____ Date: _____

This consent may be signed by the Employee but will only be used if Human Resources requires additional information not contained in this medical certificate. Please identify below if you wish for Human Resources to notify you that additional information is being requested (**check one**):

- ☐ It is not necessary to notify me OR
☐ Call me and leave a message at _____ if I am not available (only one phone call will be made). OR
☐ Call me at _____ but do not leave a message if I am not available (no further calls will be made).

SECTION 3: TO BE COMPLETED BY A PHYSICIAN OR NURSE PRACTITIONER

_____ has a medical exemption for the COVID-19 Vaccine in relation to a condition below.
Printed Name of Worker

The following conditions are the only absolute medical exemptions from the COVID-19 vaccine:

1. Documented anaphylaxis to a previous dose of COVID vaccine or documented anaphylaxis to one of the vaccine components authorized, available COVID-19 vaccines:

Vaccine Product	Potential allergen included in the vaccine or its container
Pfizer-BioNTech COVID-19 vaccine	Polyethylene glycol (PEG)
Moderna COVID-19 vaccine	PEG Tromethamine (trometamol or Tris)
AstraZeneca COVID-19 vaccine	Polysorbate 80

Ref: see [NACI's Recommendations on the use of COVID-19 vaccines](#), Table 4 for complete details

Note: These recommendations are in accordance with the guidance expressed by the National Advisory Committee on Immunizations (NACI) as of July 2, 2021 on non-medical ingredients of authorized, available COVID-19 vaccines that have been associated with allergic reactions to other products.

2. Individuals with a history of myocarditis and/or pericarditis

Note: Worker should discuss the risks and benefits of receiving an mRNA vaccine or, alternately, the risks and benefits of receiving a viral vector vaccine (AstraZeneca) with their treating physician and/or primary care provider.

This medical exemption is in place from _____ until _____
Date Date

Physician or Nurse Practitioner Name:

Signature: _____ Phone Number: _____

Date: _____ Fax Number: _____

PLEASE RETURN THIS COMPLETED FORM:

Human Resources – blangohr@pelham.ca

COVID-19 Vaccination Policy and Procedure

Frequently Asked Questions

Who does this policy and procedure apply to?

This policy and procedure applies to all workers, contractors, unpaid students, and volunteers attending functions and facilities within Town operations.

Does this policy and procedure apply to those who are still working from home?

Yes. It is understood that those working from home have always been required to attend a Town workplace as required by their Supervisor, including in the future where those currently working from home may return to the workplace on a more routine basis in a hybrid work model according to Policy S600-41 Off-Site Work Arrangement Policy.

Why is this policy and procedure being put into place?

The Province of Ontario, through *the Occupational Health and Safety Act*, requires that employers ensure a safe workplace environment for all workers.

Full vaccination has been shown to be effective in reducing COVID-19 transmission and protecting vaccinated individuals from severe consequences of COVID-19 and related variants including the Delta variant currently circulating in Ontario.

Given the continuing spread of COVID-19 within Ontario, the compelling data demonstrating a higher incidence of COVID-19 among the unvaccinated population and the increasing levels of contact between individuals as businesses, services, and activities have reopened, it is important for Town staff to be vaccinated to help ensure our workplace remains safe.

To help reduce the risk of COVID-19 transmission, this policy is an important measure that compliments other current workplace health and safety measures in place, which currently includes daily health screening, mandatory face coverings, physical distancing, hand hygiene and enhanced cleaning.

The health and safety of all our staff and all members of the public remain a top priority and the Town is committed to doing our part to help mitigate any future waves of COVID-19. This policy and procedure contributes to those efforts.

When do I have to be fully vaccinated by?

You are required to disclose and provide proof of vaccination status by **October 18, 2021**. For those who remain unvaccinated, you will then need to provide proof of your first dose no later than **November 1, 2021**.

As of **December 10, 2021** you will be required to have received your first and second doses of a COVID-19 vaccine (or one dose of single dose vaccine)

The Town will comply with its human rights obligations and accommodate workers and paid students who are legally entitled to accommodation based on a bona fide medical or Human Rights Code exemption.

I am vaccinated but I don't feel I should have to disclose my vaccination status to the employer. Do I still have to do anything?

By no later than October 18, 2021 you are required to disclose and show proof of vaccination status. The Town requires this information in order to determine whether the COVID-19 Vaccination Policy and Procedure are being followed. Information collected by the Town pursuant to the Policy will be protected in accordance with privacy legislation. Should you choose not to disclose then you will be subject to the same consequences of non-compliance as individuals who are not vaccinated. Failure or refusal to adhere to the terms of the policy and/or procedure may result in discipline up to and including termination of employment.

What type of proof of vaccination will I have to provide?

Proof of vaccination is considered any documentation used by the Ontario Ministry of Health, other province or territory or international equivalent, or a health care provider indicating individual immunization status against the COVID-19 virus including the effective date.

What is the process to disclose vaccination status?

Proof of vaccination or proof of a bona fide medical or Human Rights Code exemption must be sent to Human Resources at blangoehr@pelham.ca. Exemption requests must be made using the appropriate form, available through Human Resources.

When will the Town begin requiring proof of vaccination?

No later than October 18, 2021 you are required to disclose and provide proof of vaccination status, or proof of a bona fide medical or Human Rights Code exemption.

Will the Town be retaining proof of my vaccinations?

Copies of the proof of vaccination itself shall not be retained, except for newly hired workers, students or volunteers required to provide proof as a condition of offer of employment or placement.

Do I stop coming into work or delay my return to office if I am not fully vaccinated?

This depends on the circumstances. Please see Human Resources as soon as possible to discuss your options.

All Town staff are required to disclose and provide proof of their vaccination status by October 18, 2021. If you have not been vaccinated or provided proof of vaccination, or provided proof of a bona fide medical or Human Rights Code exemption you will be

required to take additional infection and prevention control measures, including submitting to regular COVID-19 antigen testing and providing proof of a negative test result.

I haven't received both vaccination doses yet. Am I still able to get vaccinated while on work time?

If operationally feasible and with the permission of their immediate supervisor, Town staff can be released on work time to be vaccinated while on-duty, either in the work location or at a designated vaccination site, without loss of compensation or the requirement to use vacation, sick, or lieu time, to a maximum of one day (one shift).

Does being vaccinated exempt me from wearing a mask and/or physical distancing while in my workplace?

No. Vaccination is an additional measure that complements health and safety protocols/policies already in place to further control the spread of COVID-19. You must continue following all workplace health and safety policies and directions, including handwashing, physical distancing, wearing appropriate face coverings and personal protective equipment, regardless of vaccination status.

Can I request a reassignment or transfer so that I don't have to work with someone who is not yet vaccinated?

No. The best course of action in this situation is to continue to follow all of the health and safety precautions and speak to your supervisor and/or Human Resources about your concerns.

Will vaccination status of a worker be disclosed to another worker?

The vaccination status is being collected and maintained in accordance with privacy legislation. This information will only be used to the extent necessary for implementation of this policy, health and safety protocols and infection prevention and control measures in the workplace. Only those staff required to review this information for those purposes and to determine policy compliance will be able to access this information. Workers should not inquire about the vaccination status of another worker.

What if there is a reason that I am not able to get the vaccine?

The Town will comply with its human rights obligations and accommodate workers and paid students who are legally entitled to a bona fide medical or Human Rights Code exemption. Under the Human Rights Code, the Town has an obligation to conduct an individualized assessment of accommodation requests. To be entitled to accommodation, a request must fall within one of the protected grounds listed in the Code.

All accommodation requests require written proof of the need for accommodation. In the case of a medical exemption, the **Medical Exemption to Decline the COVID-19 Vaccine** form is to be completed and provided to Human Resources for their

review and retention.

Accommodation requests for staff who are not able to obtain a COVID-19 vaccine due to a Religion/Creed exemption under the Human Rights Code, R.S.O. 1990, ch.19. must be made by completing the **COVID-19 Vaccine Creed (i.e. Religion) Exemption Request** form and submitting to Human Resources.

Philosophical, personal, moral, ethical or political objections are not a protected ground under the Human Rights Code.

Who sees my medical information related to an exemption request?

The Town will maintain this information in accordance with all privacy legislation. This information will only be used to the extent necessary for implementation of this policy, health and safety protocols, and infection and prevention control measures in the workplace. Only Human Resources will review this information for the purposes of determining policy compliance will see this information.

Will I lose my job if I decide not to get vaccinated?

The focus is on getting the workforce fully vaccinated, subject to bona fide medical and Human Rights Code exemptions. Failure or refusal to adhere to the terms of the policy and/or procedure may result in discipline up to and including termination of employment.

Why can't we just submit to regular testing if we don't want to be vaccinated?

Testing is only another screening tool and has its limitations. Mandatory vaccines focus on primary prevention by eliminating the risk.

The Town has approved my accommodation request under the Human Rights Code. Do I have to submit to additional COVID-19 antigen testing?

Yes, where a bona fide medical or Human Rights Code exemption has been approved, COVID-19 antigen testing and submission of a negative test result is required at regular intervals.

In addition you are required to follow any other safety, infection prevention and control measures directed by your Supervisors as indicated by the most recent Public Health guidelines or required pursuant to your individual accommodation plan.

How do fully vaccinated work with staff who are not vaccinated?

All of the existing health and safety protocols will remain in place to reduce the

risk of transmission in the workplace. This includes screening, physical distancing, face coverings, personal protective equipment and hand hygiene.

Will the Town also be making vaccination mandatory for the clients that we serve in person?

The Town cannot mandate that all of the residents and visitors we serve are vaccinated. That would need to come in the form of a provincial mandate. The Town, for the most part provides essential services to clients or residents in Pelham. When serving clients, all parties must continue to follow all workplace health and safety policies and directions, including handwashing, physical distancing, wearing appropriate face coverings and personal protective equipment, regardless of vaccination status.

If I don't want to get vaccinated, can I just continue to work from home?

No. You need to be vaccinated in accordance with the Policy. All staff are being treated the same, subject to any additional department-specific requirements.

Will new hires to the Town also need to be vaccinated?

Yes, all new hires will be required to be fully vaccinated against COVID-19 as a condition of being hired in accordance with the policy and procedure.

Can we expect more COVID-19 protection measures to come?

The Town will continue to actively monitor all COVID-19 workplace safety measures in place, including this policy and procedure, in light of the evolving public health and legislative context and advice from Public Health experts, and make any amendments necessary, which may include additional or alternate precautions to protect the health and safety of all workers and maintain healthy and safe workplace.

From: [REDACTED]
To: [Holly Willford](#)
Cc: [Bob Hildebrandt](#)
Subject: Appointment of Director to Board of Peninsula West Power Inc.
Date: Wednesday, September 15, 2021 12:34:47 PM

Holly

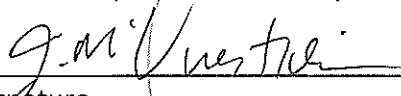
The term of Bob Hildebrandt on the Board of Directors of Peninsula West Power Inc. expires on December 31, 2021

Would you please ask Council to make a nomination for this position and forward the name to me by December 2, 2021 in order that I may take it to our Board for ratification.

The maximum term is 5 years under the Ontario Business Corporations Act.

Thank you for your assistance in this matter.

Regards,
Brian Walker,
President, PWPI

Organization Name: Women's Place of South Niagara	
Contact Name: Jennifer McQuestion, Community Engagement Manager	
Address: 8903 McLeod Rd	
City: Niagara Falls	Postal Code: L2H 3S6
Phone: 905-356-3933 x 239	Email Address: jmcquestion@wpsn.ca
Proclamation Requested: International Day for the Elimination of Violence Against Women	
Date(s) of Proclamation: November 25, 2021	
Purpose of Proclamation: In support of the Ontario Association of Interval and Transition Houses' (OAITH) annual "Wrapped in Courage" campaign and in recognition that November 25 is recognized worldwide as the first day of the 16 Days of Activism Against Gender-Based Violence, Women's Place requests that the Town of Pelham recognize November 25, 2021 as the International Day for the Elimination of Violence Against Women.	
Description of Organization <i>(Please provide a brief description. Additional information may be attached to this form)</i> Women's Place provides vital services and support for survivors of gender-based violence and their children in South Niagara, including residents of the Town of Pelham. Our services include 24-hour support lines, emergency shelter, counselling, legal support, transitional housing support, child and youth workers and many other services. For more information, visit womensplacesn.org .	
Has the same or a similar proclamation been requested <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No of the Town of Pelham Council in past years?	
You must provide the draft wording for your proclamation in order to receive an official signed proclamation from the Mayor.	
Personal information on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of processing your request. Question about this collection should be directed to the Town Clerk, 20 Pelham Town Square, P.O. Box 400, Fonthill, ON, L0S 1E0, 905-892-2607 Ext. 315.	
Please complete and submit your completed form at least two weeks in advance of the occasion.	
 Signature	September 21, 2021 Date

International Day for the Elimination of Violence Against Women

November 25th, 2021

WHEREAS, violence continues to be the greatest gender inequality rights issue for women, girls and gender-diverse individuals; and

WHEREAS, November is Woman Abuse Prevention Month in Ontario; and

WHEREAS, gender-based violence is a human right issue which our community must work together to address, prevent and address through public awareness and education; and

WHEREAS, 1 in 3 women will experience gender-based violence in their lifetime and these numbers increase exponentially for Black, Indigenous and Women of Colour; and

WHEREAS, the COVID-19 pandemic has increased barriers to support and services for survivors of gender-based violence and their children; and

WHEREAS, last year in Ontario, every 13 days a woman or child was killed by a man known to them, with the majority being their current or former intimate partner;

WHEREAS, this month and throughout the 16 Days of Activism Against Gender-Based Violence, we acknowledge our community's support of the Wrapped in Courage campaign and commitment to ending gender-based violence;

THEREFORE, BE IT RESOLVED THAT the Corporation of the Town of Pelham does hereby proclaim November 25th, 2021 as International Day for the Elimination of Violence Against Women.

DATED AT the Town of Pelham this 04th day of October, 2021.



Mayor Marvin Junkin, Town of Pelham

Community Flag Pole Request

Requests must be received a minimum of four (4) weeks prior to the date the flag is to be flown. Please refer to the Flag Protocol policy for related guidelines. Requests should be directed to the Town Clerk, 20 Pelham Town Square, PO Box 400, Fonthill, ON L0S 1E0 or emailed to njbozzato@pelham.ca. Telephone enquiries should be directed to the Clerk's office (905) 892-2607, ext. 322. Please Refer to Community Flag Pole protocols on reverse.

Details of Flag Request:

Name of Organization:		Women's Place of South Niagara	
Nature of Organization:		Reg. #	
<input type="checkbox"/> Charitable Organization		<input checked="" type="checkbox"/> Not-For-Profit Organization	
		Reg. # 131135717 R001	
Jurisdiction of Organization:			
<input type="checkbox"/> International <input type="checkbox"/> National <input type="checkbox"/> Provincial <input checked="" type="checkbox"/> Local			
Description of associated event: To raise awareness of the 16 Days of Activism Against Gender-Based Violence, Women's Place is requesting that Pelham raise a "wrapped in Courage" flag to raise awareness of violence against women and promote gender equality.			
Date(s) of event:			
November 25 - December 10			
Date Community Flag to be Raised:		Number of Days to be Flown:	
December 2, 2021		7	
Flag Details (please include a photo/diagram of the flag):			
Flag measures 36 x 72. Image attached in original email request.			

Contact Information:

Contact Name:		Date Submitted:	
Jennifer McQuestion		Sept. 22, 2021	
Contact Address:			
8903 McLeod Rd.			
Contact City/Province:		Contact Postal Code:	
Niagara Falls ON		L2H 3S6	
Contact Daytime Telephone:		Contact E-mail Address:	
905-356-3933 x239		jmcquestion@wpsn.ca	

From: Steve McLellan [REDACTED]
Sent: Wednesday, September 15, 2021 12:13 PM
To: Holly Willford <HWillford@pelham.ca>
Subject: Re: speeding on Pelham

The Mayor, Town Council and Town Clerk,

Now that construction and paving of Pelham Street is finally done, I am sending this concern to you regarding the continual speeding on Pelham Street, particularly Hurricane and Short Hills area. We live in a townhouse, end unit where we see and hear speeding often! There is an electronic speed sign to which NO ONE pays attention! If you are coming up the hill you have basically past the sign before you notice it. The speeders are at various times of the day and night including unlicensed and unplatd ATV's and off road motorcycles...this dangerous driving has included stunt driving, such as two motorcycles recently doing wheelies as people walked on the sidewalks. With Covid people have to move to the road to accommodate others on the sidewalk. With children and pets walking along there throughout the day and evening, it is astounding no one has been hurt yet. Can something please be done to prevent a horrible accident, like speed bumps, or police radar over a few days or nights. Thank you for your consideration in this matter of safety.

Sincerely,
Deborah Caldwell-McLellan
[REDACTED]

On Wed, Sep 15, 2021 at 10:38 AM Holly Willford <HWillford@pelham.ca> wrote:

Ms. Caldwell-McLellan,

Thank you for your below correspondence.

My name is Holly Willford and I am the Town Clerk. To formally provide your comments / feedback / concerns to Council I suggest you provide me written correspondence addressed to: The Mayor, Town Council and the Town Clerk. I will be happy to place the correspondence on the up-coming Council Agenda. Council will then formally consider the correspondence on the consent agenda for information. The next Council meeting is October 4th and the deadline to submit comments is noon September 22nd.

Alternatively, if you wish, you can submit a Request to Appear Before Council. You would then be invited to speak to Council at an up-coming Council Meeting. You will have 10 minutes to verbally address Council with your concerns. I have attached a copy of the form should you wish to proceed this way.

Hoping this is helpful,

Holly Willford

TOWN OF PELHAM CONFIDENTIALITY NOTICE

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

-----Original Message-----

From: noreply@pelham.ca <noreply@pelham.ca> On Behalf Of Debbie Caldwell-McLellan
Sent: Wednesday, September 15, 2021 10:31 AM
To: Holly Willford <HWillford@pelham.ca>
Subject: speeding on Pelham

I was advised by Mayor Junkin re phone to send you a copy of my concerns with the speeding on Pelham Street now that construction is done! Could you please advise the best way to contact the Mayor and Council with this concern again so they have it in writing as well. Thank you!

Origin: [https://www.pelham.ca/Modules/contact/search.aspx?
s=2uLtzJt5lA5HlngAojQI5lA5H6JTjAeQuAleQuAl](https://www.pelham.ca/Modules/contact/search.aspx?s=2uLtzJt5lA5HlngAojQI5lA5H6JTjAeQuAleQuAl)

This email was sent to you by Debbie Caldwell-McLellan [REDACTED]
through <https://www.pelham.ca/>.



City of Welland
Corporate Services
Office of the City Clerk
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2159 | **Fax:** 905-732-1919
Email: clerk@welland.ca | www.welland.ca

September 22, 2021

File No. 13-50

SENT VIA EMAIL

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

Attention: Ms. Holly Willford, Town Clerk

City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Attention: Ms. Amber LaPointe, City Clerk

Township of Wainfleet
P.O. Box 400
31940 Highway #3
Wainfleet, ON L0S 1V0

Attention: Mr. William Kolasa, Town Clerk

Dear Mr. Kolasa:

Re: September 14, 2021 – WELLAND CITY COUNCIL

At its meeting of September 14, 2021, Welland City Council passed the following motion:

“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

September 22, 2021

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

Yours truly,

A handwritten signature in blue ink that reads "T. Stephens". The signature is stylized with a large, looped initial "T" and a cursive "Stephens".

Tara Stephens
City Clerk

TS:cap

Committee of Adjustment**Minutes**

Meeting #: CofA 06/2021
Date: Tuesday, June 1, 2021
Time: 4:30 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 Holly Willford
Sarah Leach
Shannon Larocque
Derek Young
Kenny Ng

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 4:30 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. Sarah Leach, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

5. Applications for Minor Variance

5.1 A20/2021P - 50 Canboro Road

Purpose of the Application

Application for relief of Section 14.2(d) “Minimum Front Yard” – to permit a minimum front yard of 4 metres whereas the by-law requires 6.5 metres; and Section 14.2(e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 2.3 metres whereas the by-law requires 3 metres where there is no carport or garage attached; and Section 14.2(g) “Minimum Rear Yard” – to permit a minimum rear yard of 6.5 metres whereas the by-law requires 7.5 metres.

Representation

The Applicants, Mr. Jack Sykes and Mrs. Barbara Sykes were electronically present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works Department
3. Town of Pelham Building Department
4. Leila Murray

Applicant's Comments

The Applicant, Mrs. Sykes, stated that the intent of the application is not to expand the building extraordinarily or create an income property; it is to create a forever home for their family in Fonthill. A Member concurred that the present home is tight and will benefit from the proposed.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 4:43 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

Moved By John Klassen
Seconded By Bernie Law

THAT the public portion of the meeting is closed.

Carried

Members Comments

A Member stated that the proposal would add value to the existing dwelling.

A Member sought clarification with reference to the existing dwelling being illegal non-complying. A Member provided insight into the meaning of legal non-complying, noting that the applicants are trying to bring their property into compliance through the proposed minor variances. Given the explanation, the Member voiced no objection to the application.

Moved By John Klassen
Seconded By Bernie Law

Application for relief of Section 14.2(d) “Minimum Front Yard” – to permit a minimum front yard of 4 metres whereas the by-law requires 6.5 metres; is hereby: GRANTED;

Application for relief of Section 14.2(e) “Minimum Interior Side Yard” – to permit a minimum interior side yard of 2.3 metres whereas the by-law requires 3 metres where there is no carport or garage attached, is hereby: GRANTED;

Application for relief of Section 14.2(g) “Minimum Rear Yard” – to permit a minimum rear yard of 6.5 metres whereas the by-law requires 7.5 metres, is hereby: GRANTED;

The above decisions are based on the following reasons:

- 1. The variance is minor in nature as the impact on the subject property and adjacent properties is minimal given the lot context and as no negative impacts are anticipated by the adjacent neighbors.**

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 allow for improved living arrangements and usage of the existing legal non-complying dwelling.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. No objections were received from commenting agencies or abutting property owners.
7. 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 decisions are subject to the following conditions:

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

Prior to Building Permit:

1. To the Satisfaction of the Director of Public Works
 1. Submit for approval, an overall Lot Grading and Drainage Plan demonstrating that the drainage does not negatively impact, nor rely on neighbouring properties.

Carried

6. Applications for Consent

6.1 B19/2021P - 950 Balfour Street

Purpose of the Application

Application for consent to convey 4.16 hectares of land (Part 1), to be added to the abutting property to the north (Part 3), for agricultural use. Part 2 is to be retained for continued agricultural use.

Representation

The Authorized Agent, Mark Shoalts, and Applicant, John Langendoen, were electronically present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works Department
3. Town of Pelham Building Department
4. Niagara Region
5. Bell
6. ~~Alice Orczy~~

Applicant's Comments

The Agent, Mr. Mark Shoalts, stated that the subject property is home to Willowbrook Nurseries. Mr. Shoalts stated that the greenhouse produces an abundance of landscape material on great soil. He further explained that a portion of the property to the west is subject to clay soil. Mr. Shoalts stated that the intent of the proposal is to move approximately 10 acres of land from 950 Balfour Street to 1000 Balfour Street, leaving a parcel for the continued, legally conforming use of a kennel. He stated the proposal would permit the growing of plant material within valuable soil. He also referenced the existing microclimate, making the proposal appropriate for the use. To conclude, Mr. Shoalts stated that the proposal would ensure the continued use as specialty agricultural land in the future.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer, indicated that the pre-registered member of the public, Ms. Alice Orczy, withdrew her request to speak. Ms. Leach checked the clerks@pelham.ca email address at 4:55 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the

application could be closed. The Committee agreed to close the public portion or the meeting and deliberate.

Moved By Bernie Law

Seconded By John Klassen

THAT the public portion of the meeting is closed.

Carried

Members Comments

A Member sought clarification as to whether a new lot was being created. In response, Mr. Shoalts, stated that the applicant purchased the adjacent property with the intent of a boundary adjustment and has a pending sale on the kennel property. Mr. Shoalts confirmed that no new lots are proposed. He further confirmed that the use of the lands would remain as a nursery operation and kennel.

A Member provided insight that an approved boundary adjustment would ensure the existing agriculture operation does not need to be moved or leased; noting it would become part of Willowbrook Nurseries. Mr. Shoalts responded that a portion had already been leased to Willowbrook Nurseries for this purpose.

A Member expressed support of the application, noting that agriculture is a strong asset in the Town of Pelham.

Moved By Bernie Law

Seconded By John Klassen

Application for consent to convey 4.16 hectares of land (Part 1), to be added to the abutting property to the north (Part 3), for agricultural use. Part 2 is to be retained for continued agricultural use, is hereby: GRANTED;

The above decision is subject to the following conditions:

To the Satisfaction of the Chief Building Official

1. That a Demolition Permit be obtained, prior to the demolition of existing non-agriculture accessory structures that exceed 10 m² in area.

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 north (Part 3 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.
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. 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

Moved By Donald Cook
Seconded By Bernie Law

That the Committee of Adjustment minutes of March 2, 2021 and March 16, 2021 be approved.

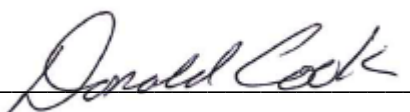
Carried

8. Adjournment

Moved By John Klassen
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 June 23rd, 2021 at 4:00 pm.

Carried

A handwritten signature in black ink, appearing to read "Donald Cook", written over a horizontal line.

Don Cook, Chair

A handwritten signature in blue ink, appearing to read "Holly Willford", written over a horizontal line.

Holly Willford, Secretary-Treasurer

Committee of Adjustment**Minutes**

Meeting #: CofA 04/2021
Date: Wednesday, April 7, 2021
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Donald Cook
Sandra Marsh
Brenda Stan

Members Absent John Klassen
Bernie Law

Staff Present Nancy Bozzato
Holly Willford
Sarah Leach
Derek Young
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 to the Committee of Adjustment advised the Committee that the applicant for file B11/2021P – 1419 Station Street has requested an adjournment in order to make a slight amendment and re-circulate the application.

The Agent, Mr. Stephen Kaiser confirmed the applicant is requesting an adjournment to amend the application and re-circulate. Mr. Kaiser requested the re-circulation fee be waived.

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT application B11/2021P – 1419 Station Street be adjourned, sine die;

AND THAT the recirculation fee of \$253.00 be waived

Carried

5. Applications for Minor Variance

5.1 A18/2021P - 879 Foss Road

Purpose of Application

Application for relief of Section 7.3 (e) “Minimum Side Yard” – to permit a minimum rear yard of 11.5m whereas the by-law requires 15m; and Section 7.3 (g) (i) “Supplementary Setback Distance” – to permit a supplementary setback distance (to dwelling on adjacent lot) of 36m whereas the by-law requires 45m.

Representation

The Applicant and Authorized Agents, Rhea Davis and Heather Sewell from NPG Planning Solutions were electronically present. Consultant, High Fraser, was present via telephone.

Correspondence Received

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

5. NPCA
6. NPG Planning Solutions Presentation

Public Comments

1. Flowers Canada Ontario
2. Sunrise Greenhouses
3. Willowbrook Nurseries Inc.
4. United Floral Distributors
5. Jan and Kitty VanZanten
6. Dave Jones
7. The Clark Family
8. Jessica Dreyer
9. The Hultink Family

Applicants Comments

The Agent, Ms. Rhea Davis, provided a brief presentation to further explain the application. A copy of the presentation is on file with the Clerk.

Public Comments

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 4:22 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.

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT the public portion of the meeting be closed.

Carried

Members Comments

A Member sought clarification for the proposed condition of a scoped lot grading and drainage plan suggested by the Public Works Department. The Manager of Engineering, Mr. Derek Young, responded that a scoped lot grading and drainage plan is only applicable to the area being disturbed as part of construction, as opposed to the entire lot.

The Member further expressed concern with regard to drainage on the property; suggesting that an overall lot grading and drainage plan be submitted for the entire property. The Member recommended the word

“scoped” be removed from the condition. Mr. Young stated that Town Engineering Staff believe there is currently sufficient drainage on this site.

Mr. Young identified that the driveway at the easterly end of the property was not installed by Town Staff. In response, a Member suggested adding a condition to obtain approval for a Driveway Entrance and Culvert Permit for the easterly existing driveway entrance. The Members discussed the proposed condition and through consensus agreed to add the additional condition regarding the driveway entrance. The Agent requested clarification on the revised proposed conditions. Mr. Young provided further clarification and the Agent indicated she understood the requirement.

A Member sought clarity whether a condition requiring an overall lot grading and drainage plan could be imposed at site plan approval. Assistant Secretary-Treasurer, Ms. Willford indicated that although this may be a condition, the Committee cannot impose a condition of site plan approval.

Mr. Young confirmed that Engineering Staff would be satisfied with the Committee removing the word “scoped” from the condition. He noted that the submission of an existing lot grading and drainage prior to building permit would alleviate the condition.

Moved By Sandra Marsh

Seconded By Brenda Stan

Application for relief of Section 7.3 (e) “Minimum Rear Yard” – to permit a minimum rear yard of 11.5m whereas the by-law requires 15m, is hereby: GRANTED; and

Application for relief of Section 7.3 (g) (i) “Supplementary Setback Distance” – to permit a supplementary setback distance (to dwelling on adjacent lot) of 36m whereas the by-law requires 45m, is hereby: GRANTED

The above decision is based on the following reasons:

- 1. The variance is minor in nature as the greenhouse expansion is relatively benign 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 it will allow for improved usage of the existing agricultural parcel.
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.

Prior to Building Permit:

1. To the Satisfaction of the Director of Public Works
 1. Submit for approval, an existing Lot Grading & Drainage Plan demonstrating that storm runoff does not negatively impact, nor rely upon neighbouring properties
 2. Obtain approval for a Driveway Entrance and Culvert Permit for the easterly existing driveway entrance. Installation of driveway entrances shall be in accordance with Town standards and the applicant shall bear all costs associated with such.

Carried

6. Applications for Consent

6.1 B11/2021P - 1419 Station Street

Application was adjourned.

6.2 B12/2021P - 87 Port Robinson Road

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT Files B12/2021P, B12/2021P and B14/2021P be heard concurrently.

Carried

Purpose of Application

Applications B12/2021P, B13/2021P and B14/2021P were heard concurrently.

Application B12/2021P is made for consent to partial discharge of mortgage and to convey 432.7 square metres of land (Part 1), for construction of one unit of a three-unit townhouse. Application B13/2021P is made for consent to partial discharge of mortgage and to convey 296.0 square metres of land (Part 2), for construction of one unit of a three-unit townhouse. Application B14/2021P is made for consent to partial discharge of mortgage and to convey 426.3 square metres of land (Part 3), for construction of one unit of a three-unit townhouse. 1,285.4 square metres of vacant land (Part 4) is to be retained.

Representation

The Agent, Ms. Jennifer Vida, from Hummel Properties Inc. was electronically present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Bell
5. NPCA

Applicants Comments

The Agent, Ms. Jennifer Vida, provided a brief presentation to further explain the application. A copy of the presentation is on file with the Clerk.

Public Comments

Ms. Holly Willford, Assistant Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 4:54 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

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT the public portion of the meeting be closed.

Carried

Members Comments

The Agent, Ms. Vida noted that due to a zoning issue, Phase 2 applications for consent will be brought forth separately.

A Member asked the Manager of Engineering, Mr. Young, to clarify the ownership of the existing culvert running along the north property line. Mr. Young confirmed that the existing drainage ditch it is not a municipal drain and must be maintained by property owners. Mr. Young continued to note that because this tributary is not maintained by the Town, blockage or flooding upstream is a dispute between neighboring properties.

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT Application B12/2021P made for consent to partial discharge of mortgage and to convey 432.7 square metres of land (Part 1), for construction of one unit of a three-unit townhouse. 1,285.4 square metres of vacant land (Part 4) is to be retained, is hereby: GRANTED;

AND THAT Application B13/2021P made for consent to partial discharge of mortgage and to convey 296.0 square metres of land (Part 2), for construction of one unit of a three-unit

townhouse. 1,285.4 square metres of vacant land (Part 4) is to be retained, is hereby: GRANTED;

AND THAT Application B14/2021P made for consent to partial discharge of mortgage and to convey 426.3 square metres of land (Part 3), for construction of one unit of a three-unit townhouse. 1,285.4 square metres (Part 4) is to be retained, is hereby: GRANTED.

The above decisions are subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. Submit a drawing confirming that no existing utilities cross the proposed lot line. Should any service(s) cross this lot line, the applicant will be responsible for costs associated with their relocation and/or removal.**

To the Satisfaction of the Secretary-Treasurer

- 1. That application for consent, file B12/2021P receive final certification of the Secretary-Treasurer concurrently with applications B13/2021P and B14/2021P.**
- 2. 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.**
- 3. 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

6.3 B13/2021P - 89 Port Robinson Road

Application B13/2021P was heard concurrently with applications B12/2021P and B14/2021P. See application B12/2021P for minutes and decision.

6.4 B14/2021P - 91 Port Robinson Road

Application B14/2021P was heard concurrently with applications B12/2021P and B13/2021P. See application B12/2021P for minutes and decision.

7. Minutes for Approval

None.

8. Appointment of Secretary-Treasurer

Moved By Donald Cook

Seconded By Sandra Marsh

THAT Holly Willford, be and is hereby appointed as Secretary-Treasurer of the Committee of Adjustment for the Town of Pelham, effective April 19th, 2021;

AND THAT Nancy Bozzato, be and is hereby appointed as Assistant Secretary-Treasurer of the Committee of Adjustment for the Town of Pelham, effective April 19th, 2021.

Carried

9. **Adjournment**

Moved By Sandra Marsh

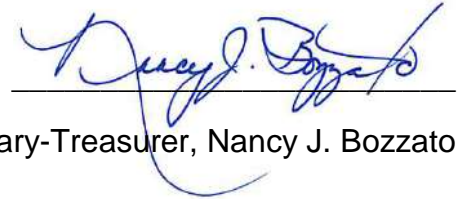
Seconded By Brenda Stan

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

Carried

A handwritten signature in black ink, appearing to read "Don Cook", written over a horizontal line.

Don Cook, Chair

A handwritten signature in blue ink, appearing to read "Nancy J. Bozzato", written over a horizontal line.

Secretary-Treasurer, Nancy J. Bozzato

Committee of Adjustment
Minutes

Meeting #: CofA 07/2021
Date: Tuesday, July 6, 2021
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present John Klassen
 Sandra Marsh
 Brenda Stan

Members Absent Donald Cook
 Bernie Law

Staff Present Holly Willford
 Sarah Leach
 Shannon Larocque
 Kenny Ng
 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 Klassen called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Requests for Withdrawal or Adjournment

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

5. Applications for Minor Variance

5.1 A19/2021P - 1000 Effingham Street

Purpose of Application

Application for relief of Section 7.7 (a) "Maximum (Accessory) Lot Coverage" – to permit a maximum (accessory) lot coverage of 1.5% whereas the by-law allows for 1% provided the maximum lot coverage of all buildings does not exceed 10% and Section 7.7 (d) "Maximum Building Height" – to permit a maximum building height of 5m whereas the by-law allows 3.7m.

Representation

The Agent, Mr. Ethan Laman from Upper Canada Consultants and Applicants, Gerald and Jennifer DeHaan were electronically present.

Correspondence

1. Town of Pelham Planning
2. Town of Pelham Building
3. Town of Pelham Public Works
4. Niagara Region
5. Randy Beres

Applicants Comments

The Agent, Mr. Laman, provided a short presentation to further explain the application. A copy is available through the Clerk.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer confirmed there were no pre-registered members of the public and indicated she checked the clerks@pelham.ca email address at 4:20 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach 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 Members indicated they had no comments or objections.

Moved By Sandra Marsh

Seconded By Brenda Stan

Application for relief of Section 7.7 (a) “Maximum (Accessory) Lot Coverage” – to permit a maximum (accessory) lot coverage of 1.5% whereas the by-law allows for 1% provided the maximum lot coverage of all buildings does not exceed 10%; is hereby: GRANTED;

Application for relief of Section 7.7 (d) “Maximum Building Height” – to permit a maximum building height of 5m whereas the by-law allows 3.7m; is hereby: GRANTED;

The above decisions are based on the following reasons:

- 1. The variance is minor in nature as the impact on the subject property and adjacent properties is minimal.**
- 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 the accessory building reuses a formal building footprint on the property as well as employs a typical rural built form, which demonstrates and maintains the rural character of the property.**
- 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. That all necessary building permits are required for the constructed accessory building, to the satisfaction of the Chief Building Official.**
 - 1. Ensure no plumbing or living spaces be provided within the accessory building at the time of building permit.**

Prior to Building Permit:

- 1. To the Satisfaction of the Director of Community Planning and Development**
 - 1. Ensure that the accessory building meets the minimum setback distance derived from the Minimum Distance Separation (MDS) Formula if the building is to be used for housing livestock.**

Carried

6. Applications for Consent

6.1 B20/2021P - 3 Hurricane Road (Part 1)

Purpose of Application

Application for consent to partial discharge of mortgage and consent to convey 1,606 square metres of land (Part 1), for future construction of a single detached dwelling. 2,428 square metres of land (Part 2) is to be retained for continued residential use of the dwelling known municipally as 3 Hurricane Road.

Representation

The Applicant, Al Heywood, was electronically represent.

Correspondence

1. Town of Pelham Planning
2. Town of Pelham Building
3. Town of Planning Public Works
4. Hydro One

5. Nancy Bellantino and Peter Moffat

Pre-Registered Members of the Public

~~1. Nancy Bellantino~~

Applicants Comments

The Applicant, Mr. Heywood voiced support of the recommendation report and rationale. He explained that this property was recently rezoned to a site-specific Residential 1 ("R1") Zone. Mr. Heywood expressed concern regarding the wording of condition three to the satisfaction of the Secretary-Treasurer, which requests that consent file B16/2021P, B17/2021P and B18/2021P receive final certification, concurrently. Ms. Holly Willford, Secretary-Treasurer explained that the intent of the condition is that file B16/2021P, B17/2021P and B18/2021P receive final certification prior to file B20/2021P receiving final certification. The Applicant agreed to accept the condition with this understanding.

Mr. Heywood requested that the condition of a Tree Savings Plan be removed. He indicated that the Tree/Landscape Review for 3 Hurricane Road supports this request. A Member responded that the Tree/Landscape Review speaks only from a landscape point of view. The Member further commented that developing a plan to save trees was a reasonable request. Mr. Heywood responded that this was once a landscaped property and does not contain endangered species. Mr. Heywood also noted that the size of the lot is 2.3 times larger than the minimum requirement within the R1 Zone. He stated that the severance line had been strategically placed to allow for the preservation of two large trees.

Mr. Heywood stated, in his opinion, that the condition requiring a Tree Savings Plan is inconsistent, as it was not previously requested for consent file B16/2021P, B17/2021P or B18/2021P. A Member emphasized that each application is considered independently.

To address the public comment concerning drainage, Mr. Heywood reiterated that a Lot Grading and Drainage Plan was required pursuant to the proposed conditions of consent. Mr. Heywood discussed the passage of water and grading that effects the neighboring property. A Member stated that the Town's Public Works staff must be satisfied with the submitted Lot Grading and Drainage Plan. The Member was satisfied that the public complaint would be addressed through this condition.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated that the pre-registered member of the public, Ms. Nancy Bellantino, withdrew her request to speak. Ms. Leach noted she checked the clerks@pelham.ca email address at 4:46 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

A Member stated that the second written submission from Ms. Nancy Bellantino and Mr. Peter Moffat in lieu of their attendance was received and addressed by the Applicant.

Members Comments

The Members indicated they had no comments.

Moved By Brenda Stan

Seconded By Sandra Marsh

**Application made for consent to partial discharge of mortgage and consent to convey 1,606 square metres of land (Part 1), for future construction of a single detached dwelling. 2,428 square metres of land (Part 2) is to be retained for continued residential use of the dwelling known municipally as 3 Hurricane Road; is hereby:
GRANTED;**

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. That the applicant obtains a Driveway Entrance and Culvert Permit from the Public Works department for the construction of all new or modification of existing driveways or entrances. Installation and/or modification of all entrances shall be completed in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.**
- 2. Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be**

responsible for costs associated with their relocation and / or removal.

3. Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.

To the Satisfaction of the Director of Community Planning & Development

1. That the applicant undertake a Tree Savings Plan identifying trees to be retained to the satisfaction of the Director of Community Planning and Development.
2. Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.

To the Satisfaction of the Secretary-Treasurer

1. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That the final certification fee of \$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.
3. That consent files B16/2021P, B17/2021P and B18/2021P receive final certification, from the Secretary-Treasurer, concurrently.

This decision is based on the following reasons:

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

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

Carried

7. **Minutes for Approval**

April 7, 2021

May 4, 2021

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT the Committee of Adjustment minutes dated April 7th, 2021 and May 4th, 2021, be approved.

Carried

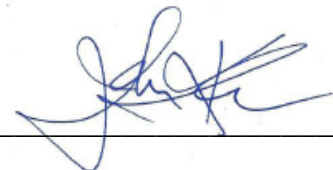
8. **Adjournment**

Moved By Sandra Marsh

Seconded By Brenda Stan

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for August 3rd, 2021 at 4:00 pm.

Carried

A blue ink signature of John Klassen, written in a cursive style, positioned above a horizontal line.

John Klassen, Chair

A blue ink signature of Holly Willford, written in a cursive style, positioned above a horizontal line.

Secretary-Treasurer, Holly Willford

Committee of Adjustment**Minutes**

Meeting #: CofA 08/2021
Date: Tuesday, August 3, 2021
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present John Klassen
Sandra Marsh
Bernie Law

Members Absent Donald Cook
Brenda Stan

Staff Present Holly Willford
Sarah Leach
Shannon Larocque
Kenny Ng
Derek Young
Jacquie Miller

1. Attendance

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

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

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

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Requests for Withdrawal or Adjournment

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

5. Applications for Minor Variance

5.1 A31/2021P - 282 Canboro Road

Purpose of Application

Application for permission pursuant to Section 45(2)(a)(ii) of the *Planning Act* to permit a change of use to the legal-non conforming use, in order to convert the existing single detached residential dwelling into a commercial business office.

Representation

The Agent, Mr. Ethan Laman from Upper Canada Consultants and Applicant, Matt Dam were electronically present.

Correspondence

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Linda and Jim Addario

Applicants Comments

The Agent, Mr. Ethan Laman stated that this is a technical request related to the use of the property. He confirmed that from a physical site perspective, there will be no noticeable change. Mr. Laman stated that alterations will be limited to the interior of the building, with the exception of exterior window additions.

A Member stated that the proposal is a nice addition to Ridgeville, referencing the sites ample parking and visually pleasing exterior. The Member reinforced a need for office space outside of Downtown Fonthill.

A Member asked if additional parking will be required or if parking could be facilitated within the existing space. The Member further asked if increased traffic is anticipated. The Applicant, Mr. Dam confirmed that there is ample parking on-site and access to public parking would not be required. Mr. Dam stated that traffic flow will not be busy.

A Member confirmed with Planning that any expansion to the commercial use would require a Site Plan Agreement.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated there were no pre registered members of the public to speak and she checked the clerks@pelham.ca email address at 4:15 pm and confirmed no e-mails had been received with regard to the subject application. Ms. Leach 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 Members indicated they had no further comments or objections.

Moved By Sandra Marsh

Seconded By Bernie Law

THAT Application for permission pursuant to Section 45(2)(a)(ii) of the Planning Act to permit a change of use to the legal-non conforming use, in order to convert the existing single detached residential dwelling into a commercial business office, is hereby: GRANTED;

The above decision is based on the following reasons:

- 1. The application satisfies the Planning Act and Town Policy E2 – Non-Conforming Uses.**
- 2. That the similar change of use to a commercial business office is more in keeping with the goals of the Official Plan and the intent of the Zoning By-law.**
- 3. That the similar change in use is not expected to generate any unreasonable negative impacts for adjacent uses or the community at large than what is currently permissible.**
- 4. This application is granted without prejudice to any other application in the Town of Pelham.**
- 5. No objections were received from commenting agencies or abutting property owners.**

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:

To the Satisfaction of the Chief Building Official

1. **That the Applicant apply for and receive Building Permit for the proposed interior alterations and change of use.**

Carried

6. Applications for Consent

6.1 B21/2021P - 588 Chantler Road

Purpose of Application

Application for consent to partial discharge of mortgage and consent to convey 16,941 square metres of land (Part 1) as surplus farm dwelling for residential use. Part 2 is to be retained for continued agricultural use.

Representation

The Applicants, John and Joyce Sonneveld were electronically present.

Correspondence

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. Hydro One
6. NPCA

Applicants Comments

The Applicants, Mr. and Mrs. Sonneveld voiced support of the recommendation report and indicated they had no comments.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated there were no pre registered members of the public to speak and she checked the

clerks@pelham.ca email address at 4:27 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach 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 reaffirmed that the proposed Agricultural Purposes Only lot would be prohibited from a residential build. Another Member supported the intent of the application.

Moved By Bernie Law

Seconded By Sandra Marsh

THAT Application for consent to partial discharge of mortgage and consent to convey 16,941 square metres of land (Part 1) as surplus farm dwelling for residential use. Part 2 is to be retained for continued agricultural use; is hereby: GRANTED;

The above decision is subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. Obtain a Driveway Access and Culvert Permit, issued through the Public Works department, construct a new access to serve Part 2. Installation and/or modification of new entrances shall be completed in accordance with Town Standards prior to-final certification and the Applicant shall bear all costs associated with the works.**
- 2. Submit a comprehensive overall Lot Grading and Drainage Plan, to demonstrate that the drainage does not negatively impact nor rely on neighbouring properties, to the satisfaction of the Director of Public Works, or designate.**
- 3. Confirm no existing utilities cross the proposed new property line. Should any services cross this new property line, the Applicant will be responsible for the cost associated with their relocations and/or removal.**

To the Satisfaction of the Director of Community Planning & Development

- 1. Obtain final approval for a site-specific Zoning By-law Amendment to rezone Part 2 as Agricultural Purposes Only**

(APO), to ensure that new residential dwellings are prohibited on Part 2 in perpetuity, to the satisfaction of the Director of Community Planning and Development.

2. Address any necessary zone deficiencies resulting from the lot's creation through the Zoning By-law Amendment to the satisfaction of the Director of Community Planning and Development.

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 applicant is aware rezoning and additional zoning amendments are required.
2. 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.
3. 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.
4. No objections to this proposal were received from commenting agencies or neighboring property owners.
5. Committee is satisfied that the application conforms to the criteria for the severance of a Surplus Farm Dwelling
6. 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.

6.2 B22/2021P - 93 Port Robinson Road

Purpose of Application

Applications B22/2021P, B23/2021P and B24/2021P were heard concurrently.

Application B22/2021P for consent to partial discharge of mortgage and consent to convey 426.5 square metres of land (Part 1), for future construction of a three-unit townhouse. Application B23/2021P for consent to partial discharge of mortgage and consent to convey 296.2 square metres of land (Part 2), for future construction of a three-unit townhouse. Application B24/2021P for consent to partial discharge of mortgage and consent to convey 431.3 square metres of land (Part 3), for future construction of a three-unit townhouse. Part 4 is to be retained for future development with Part 5.

Representation

The Agent, Ms. Jennifer Vida, from Hummel Properties Inc. 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. Terry Soucie

Pre-Registered Members of the Public

1. Terry Soucie

Applicants Comments

The Agent, Ms. Vida stated that consent files B22/2021P, B23/2021P and B24/2021P form the second phase of development on Port Robinson Road. She indicated that the neighboring block of three townhouses are currently under construction. Ms. Vida stated satisfaction with the proposed conditions.

Public Comments

Ms. Sarah Leach, Assistant Secretary Treasurer indicated that the pre-registered member of the public has withdrawn both their written correspondence and request to speak.

Ms. Leach, indicated she checked the clerks@pelham.ca email address at 4:38 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach 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 concern regarding increased traffic on Port Robinson Road. Another Member indicated that traffic concerns would be addressed by the Town, if warranted.

Moved By Sandra Marsh

Seconded By Bernie Law

THAT Application B22/2021P for consent to partial discharge of mortgage and consent to convey 426.5 square metres of land (Part 1), for future construction of a three-unit townhouse. Part 4 is to be retained for future development with Part 5, is hereby: GRANTED;

AND THAT Application B23/2021P for consent to partial discharge of mortgage and consent to convey 296.2 square metres of land (Part 2), for future construction of a three-unit townhouse. Part 4 is to be retained for future development with Part 5, is hereby: GRANTED;

AND THAT Application B24/2021P for consent to partial discharge of mortgage and consent to convey 431.3 square metres of land (Part 3), for future construction of a three-unit townhouse. Part 4 is to be retained for future development with Part 5, is hereby: GRANTED.

To the Satisfaction of the Director of Public Works

- 1. Confirm that no existing utilities cross the proposed new property lines. Should any services cross the new property lines, the applicant will be responsible for costs associated with their relocation and/or removal.**
- 2. Obtain a Driveway Entrance and Culvert Permit from the Public Works department for the construction of all new or modification**

of existing driveways or entrances. Installation and/or modification of all entrances shall be completed in accordance with Town Standards prior to consent and the applicant shall bear all costs associated with these works.

3. Ensure that the new lot is to be individually serviced with a 20mm diameter water service and 125mm diameter sanitary sewer lateral in accordance with Town of Pelham Engineering Standards. Installation of all services will require a Temporary Works Permit obtained through the Public Works Department. These works are to be completed prior to final certification and the applicant shall bear all costs associated with these works. Locate cards are to be provided to the Town once works are complete.

To the Satisfaction of the Secretary-Treasurer

1. That application for consent, file B22/2021P receive final certification of the Secretary-Treasurer concurrently with applications B23/2021P and B24/2021P.
2. 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.
3. 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. 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

6.3 B23/2021P - 95 Port Robinson Road

Application B23/2021P was heard concurrently with applications B22/2021P and B24/2021P. See application B22/2021P for minutes and decision.

6.4 B24/2021P - 97 Port Robinson Road

Application B24/2021P was heard concurrently with applications B22/2021P and B23/2021P. See application B22/2021P for minutes and decision.

7. Minutes for Approval

Through unanimous consent the Committee approved the minutes of June 1, 2021 and July 6, 2021.

That the Committee of Adjustment minutes of June 1, 2021 and July 6, 2021 be approved.

Carried

8. Adjournment

Moved By Bernie Law

Seconded By Sandra Marsh

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for September 8, 2021 at 4:00 pm.

Carried



John Klassen, Chair



Secretary-Treasurer, Holly Willford

Committee of Adjustment
Minutes

Meeting #: CofA 05/2021
Date: Tuesday, May 4, 2021
Time: 4:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present John Klassen
 Sandra Marsh
 Brenda Stan

Members Absent Donald Cook
 Bernie Law

Staff Present Holly Willford
 Sarah Leach
 Shannon Larocque
 Tolga Aydin

1. Attendance

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

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

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

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Requests for Withdrawal or Adjournment

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

5. Applications for Minor Variance

None.

6. Applications for Consent

6.1 B11/2021P - 1419 Station Street

Purpose of Application

Application for consent to partial discharge of mortgage and to convey 11,322 square metres of land (Parts 2 and 3 on sketch), to be added to the abutting properties to the east (Part 4 on sketch).

Representation

The Agent, Stephen Kaiser, was electronically present.

Correspondence Received

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Bell

Applicants Comments

The Agent, Mr. Kaiser indicated he had no comments.

A member asked if Mr. Kaiser has determined how the site will handle stormwater. In response, Mr. Kasier indicated he had and for clarification stated that water on the severed property will flow to the stormwater pond on the corner of Rice Road and Port Robinson Road.

Public Comments

Ms. Holly Willford, Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 4:17pm 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

No comments.

Moved By Sandra Marsh

Seconded By Brenda Stan

THAT application B11/2021P for consent to partial discharge of mortgage and to convey 11,322 square metres of land (Parts 2 and 3 on sketch), to be added to the abutting properties to the east (Part 4 on sketch), is hereby: GRANTED;

The above decision is subject to the following conditions:

To the Satisfaction of the Chief Building Official

- 1. Remove the existing accessory building on Part 3, if the structures exceeds 10 m² area. If the removal is required then a Demolition Permit is shall be obtained and completed.**
- 2. Remove or relocate the existing accessory building on Part 1 to achieve zoning compliance if the structure exceeds 10 m² in area. If the removal is required, a Demolition Permit shall be obtained and completed. If the structure is to be relocated, then a Building Permit shall be obtained and completed.**

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.**
- 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.**

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 4 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.

2. 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.
3. 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.

The 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

6.2 B16/2021P - 3 Hurricane Road (Part 1)

Purpose of the Application:

Applications B16/2021P, B17/2021P and B18/2021P were heard concurrently.

Application B16/2021P is made for consent to partial discharge of mortgage and consent to convey 623 square metres of land (Part 1).

Application B17/2021P is made for consent to partial discharge of mortgage and consent to convey 666 square metres of land (Part 2).

Application B18/2021P is made for consent to partial discharge of mortgage and consent to convey 730 square metres of land (Part 3).

Representation:

The Owner, Allan Heywood, was electronically present.

Correspondence Received:

1. Planning Department
2. Public Works Department
3. Building Department
4. Hydro One

Pre-Registered Members of the Public

1. Laurie Kukulewich

Applicants Comments:

The Owner, Mr. Heywood, supported the Planning Staff Report and proposed conditions.

Public Comments:

Ms. Laurie Kukulewich acknowledged that she is on record at the November 9, 2020 Public Meeting Under the Planning Act as being in approval of the proposed severance on the subject property. Ms. Kukulewich indicated that her property borders 3 Hurricane Road on the east. She stated that she would like to present four considerations as provisions to the pending approval. Firstly, she requested that the grading of the land and development of the lots does not exceed current grade height. She indicated that her property and neighboring properties have

experienced severe flooding during heavy rainfall. Ms. Kukulewich raised concern that increased grading would exacerbate the current problematic situation. Ms. Kukulewich further requested that the development of the building lots include a sufficient parking allowance. In addition, she asked that a timeline be established to ensure that building occurs within a reasonable period, being one to two years. Ms. Kukulewich indicated that prolonged construction could lead to stagnant water, attracting pests and bacteria. Lastly, Ms. Kukulewich asked that the perimeter trees be kept and maintained.

Ms. Holly Willford, Secretary Treasurer indicated she checked the clerks@pelham.ca email address at 4:31pm 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.

In response to the public comments, Mr. Heywood indicated that he has hired Upper Canada Consultants to prepare a servicing and grading plan to be approved by the Town Building department. He stated that there is more than adequate parking for the site in the R1 zone. Mr. Heywood identified that once the severed lots are sold, there is no control over building permit issuance or lack of. He further indicated that the Town's property standards complaint process would address a property in disrepair. With regard to old growth trees, Mr. Heywood stated that a tree/landscape review was conducted on the subject property, concluding that the existing plant material is overgrown and ornamental in nature. Mr. Heywood noted that the Town of Pelham does not have a tree by-law in effect. He affirmed that the lots are large to preserve as many trees as possible outside of the building envelope.

Members Comments:

A Member asked if the curbs on the subject property had been cut in anticipation of severance approval. The Member further asked whether the Town or Applicant would be responsible for re-stalling the curbs if the applications were unsuccessful. Mr. Heywood stated that he requested the curbs cut during the reconstruction of Hurricane Road in anticipation of severance approval. All costs associated with curb cutting were borne by the Applicant.

A Member expressed satisfaction that the Applicant addressed all public comments.

Moved By Brenda Stan

Seconded By Sandra Marsh

THAT Application B16/2021P for consent to partial discharge of mortgage and consent to convey 623 square metres of land (Part 1), is hereby: GRANTED;

THAT Application B17/2021P for consent to partial discharge of mortgage and consent to convey 666 square metres of land (Part 2), is hereby: GRANTED;

THAT Application B18/2021P for consent to partial discharge of mortgage and consent to convey 730 square metres of land (Part 3), is hereby: GRANTED;

The above decisions are subject to the following conditions:

To the Satisfaction of the Director of Public Works

- 1. Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.**
- 2. Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The applicant shall bear all costs associated with these works.**
- 3. Submit a comprehensive overall Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.**

To the Satisfaction of the Director of Community Planning & Development

- 1. Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.**

To the Satisfaction of the Secretary-Treasurer

1. **Receive Final Certification of consent files B16-2021P, B17-2021P & B18-2021P, from the Secretary – Treasurer, concurrently.**
2. **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.**
3. **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.**

The decisions are based on the following reasons:

1. **The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
2. **This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
3. **The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

Carried

6.3 B17/2021P - 3 Hurricane Road (Part 2)

Application B17/2021P was heard concurrently with applications B16/2021P and B18/2021P. See application B16/2021P for minutes and decision.

6.4 B18/2021P - 3 Hurricane Road (Part 3)

Application B18/2021P was heard concurrently with applications B16/2021P and B17/2021P. See application B16/2021P for minutes and

decision.

7. Appointment of Assistant Secretary-Treasurer

Moved By John Klassen

Seconded By Sandra Marsh

THAT Sarah Leach, be and is hereby appointed as Assistant Secretary-Treasurer of the Committee of Adjustment for the Town of Pelham, effective immediately;

AND THAT Nancy Bozzato, be removed as Assistant Secretary-Treasurer of the Committee of Adjustment for the Town of Pelham, effective immediately.

Carried

8. Minutes for Approval

Moved By Sandra Marsh

Seconded By John Klassen

THAT the Committee of Adjustment Hearing minutes of September 29, 2020 and October 6, 2020, be approved.

Carried

9. Adjournment

Moved By Brenda Stan

Seconded By Sandra Marsh

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for June 1, 2021 at 4:30 pm.

Carried



John Klassen, Chair



Secretary-Treasurer, Holly Willford

Subject: 2022 Council Meeting Schedule**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-0166 – Clerks – 2022 Council Meeting Schedule;

AND THAT the 2022 Council Meeting Schedule as provided in Appendix A to this Report be approved;

AND THAT Staff be directed to publish the 2022 Council Meeting Schedule to the Town of Pelham Website.

Background:

Council's Procedural By-law No. 4107(2019), as amended, provides for Regular Meetings of Council and the Policy and Priorities Committee on the first Monday of every month, and for Regular Meetings of Council and Committee of the Whole on the third Monday of every month. Public Meetings under the *Planning Act* are to be scheduled on the second Monday of the month. The Procedural By-law provides for a summer schedule by reducing the frequency to one Council meeting per month, with no Committee meetings scheduled during July or August. There are provisions for the calling of special meetings and topic-specific public meetings.

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, should the COVID-19 pandemic be declared over and Council reinstates Committee meetings.

On September 20, 2021 Council was presented Report No. 2021-0122 – Clerks – Proposed 2022 Council Meeting Schedule, proposing four procedural by-law amendments, as follows: 1) call for Tuesday Regular Council Meeting, 2) addition of a third meeting within the summer schedule, 3) decommission Policies and Priorities Committee, and 4) establish a Committee of the Whole standing item with Regular Council Meetings. Council deferred consideration of this staff report to the summer of 2023. As such, the appended 2022 Council Meeting Schedule aligns specifically with the Procedural By-law 4107(2019), as amended.

Analysis:

The importance of business continuity is taken into consideration when scheduling meetings of Council that also recognize Statutory Holidays, Religious Holidays and various conferences where attendance by Members of Council and senior leadership is anticipated.

In an effort to strengthen the corporation's commitment to building a strong, diverse and inclusive community, the 2022 Council Meeting Schedule recognizes various World Religious Holiday and provides for an alternative meeting date where necessary.

Financial Considerations:

Adopting the 2022 Council Meeting Schedule does not have direct financial implications.

Alternatives Reviewed:

The 2022 Council Meeting Schedule has been prepared in accordance with the Procedural By-law No. 4107(2019), as amended.

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:

Appendix 'A' – 2022 Council Meeting Schedule

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 Policies and Priorities
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 Policies and Priorities
Tuesday, February 15, 2022 <small>*To accommodate Valentine's day</small>	Public Meeting Under the Planning Act (if required)
Tuesday, February 22, 2022 <small>*To accommodate Family Day</small>	Council and Committee of the Whole
March	
Monday, March 7, 2022	Council and Policies and Priorities
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 Policies and Priorities
Monday, April 11, 2022	Public Meeting Under the Planning Act (if required)
Tuesday, April 19, 2022 <small>*To accommodate Easter Monday</small>	Council and Committee of the Whole
May	
Tuesday, May 3, 2022 <small>*To accommodate Eid al-Fitr</small>	Council and Policies and Priorities
Monday, May 9, 2022	Public Meeting Under the Planning Act (if required)
Monday, May 16, 2022	Council and Committee of the Whole
June	
FCM Annual Conference – June 2-5, 2022	
Tuesday, June 7, 2022 <small>*To accommodate Pentecost</small>	Council and Policies and Priorities
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 11, 2022	Public Meeting Under the Planning Act (if required)
Monday, July 25, 2022	Council
August	
Monday, August 15, 2022	Public Meeting Under the Planning Act (if required)
2022 AMO Annual Conference – August 14, 2022 – August 17, 2022	

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.

Monday, August 22, 2022	Council
September	
Tuesday, September 6, 2022 <small>*To accommodate Labour Day</small>	Council and Policies and Priorities
Monday, September 12, 2022	Public Meeting Under the Planning Act (if required)
Monday, September 19, 2022	Council and Committee of the Whole
October	
Monday, October 3, 2022	Council and Policies and Priorities
Tuesday, October 11, 2022 <small>*To accommodate Thanksgiving</small>	Public Meeting Under the Planning Act (if required)
Monday, October 17, 2022	Council and Committee of the Whole
Monday, October 24, 2022 – Municipal Election	
November	
Monday, November 7, 2022	Council and Policies and Priorities
Monday, November 14, 2022	Public Meeting Under the Planning Act (if required)
Monday, November 21, 2022	Council and Committee of the Whole
December	
Monday, December 5, 2022	Inauguration
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
- Saturday, December 31, 2022 – ½ day New Year’s Eve

2022 Religious Holidays Observed:
 February 14, 2022 – Valentine’s Day
 May 2, 2022 – Eid al-Fitr
 June 6, 2022 – Pentecost

*The Council/ Public Meeting dates listed have been moved to the following day in recognition

Subject: Town of Pelham Wastewater Model and GIS Update

Recommendation:

BE IT RESOLVED THAT Council receive Report #2021-0157 – Town of Pelham Wastewater Model and GIS Update;

AND THAT Council APPROVE the award of the engineering assignment to GM Blue Plan Engineering in the amount of \$75,500 plus HST to complete the update.

AND THAT the Town of Pelham Wastewater Model and GIS Update be funded through capital accounts WST 01-20 (Sanitary I&I Study) and WST 03-21 (Sanitary I&I Study Program – Planned Replacements and Rehabilitation).

Background:

In 2017, staff retained GM Blue Plan through a competitive Request for Proposal (RFP) process to complete an engineering assignment to build a hydraulic model of the Pelham wastewater system and use the model to conduct a baseline system characterization analysis.

The model developed by GM Blue Plan is used to identify deficiencies in the wastewater system and assist staff in forecasting wastewater flows and impacts to the Town's system with respect to proposed developments.

The original assignment completed in 2017 included the following scope of work:

- 1) Update of the wastewater system GIS Flow monitoring of the system.
- 2) Flow monitoring of the Town's wastewater system.
- 3) Update of the wastewater system model.
- 4) Review of Town Closed Circuit Television (CCTV) inspection data and development of work plan to address defects in the system, and
- 5) Development of a rehabilitation plan for the wastewater system aimed at reducing wet weather flows.

The cost to complete the 2017 assignment was \$78,440 plus HST.

The work completed in 2017 requires an update in order for staff to identify deficiencies in the waste water system, forecast future flows and identify capacity issues for new developments, plan and prepare capital works repairs and replacements, and to provide meaningful data on the condition of the wastewater system in accordance with the Town's Asset Management Plan (AMP).

Analysis:

In July, staff requested a proposal from GM Blue Plan Engineering to undertake a Wastewater Model and GIS update for the Town's wastewater collection system. (See Appendix A – GM BluePlan Engineering Wastewater Model and GIS Update Proposal).

It has been almost five (5) years since the model was developed and the previous engineering assignment was completed. Since that time, there has been considerable growth in the Town including new developments in East Fonthill as well as many infill projects in established neighborhoods. Staff are of the opinion that an update to the wastewater collection model and GIS mapping is now required in order to get an accurate inventory of the wastewater assets; determine the condition of the existing assets; and to prepare a model that will be used to evaluate future developments and the impacts that these developments have on the Town's wastewater collection system.

In terms of the project drivers and components the assignment scope is intended to:

- Update the town's mapping of the wastewater system to allow operations and engineering staff to respond to plan maintenance of the system effectively and address emergency outages in a timely and effective manner. This will include the provision of both digital and paper based map books to staff, which are essential in their day-to-day activities. This will also support tangible capital asset reporting.
- Fulfill the requirements of ONTARIO REGULATION 588/17 - ASSET MANAGEMENT PLANNING FOR MUNICIPAL INFRASTRUCTURE . The town is required to report on the condition of its core infrastructure systems by July 2022 to the Provincial Government. More specifically this project will address the requirement for the Town to report on the condition of its wastewater collection system and address any data gaps in future years.

- Examination of the condition information will allow the Town to mitigate potential structural failures in the system via the development of a rehabilitation plan based on the condition (CCTV) information. This will provide the basis for subsequent budgets.
- The modelling and flow monitoring components of the study will ensure that the Town can effectively manage the capacity of the system and accommodate development as it occurs and avoid the potential for impacts to existing customers, basement flooding, and or the environment, overflows. This will also provide the basis for expansion of the system and/or reduction in wet weather flows to ensure that the Town can accommodate development and intensification both now and in the future.
- The corridor capital planning deliverables will aggregate all condition information for core infrastructure in the right of way to ensure that coordinated and appropriately sequenced replacements and or rehabilitation can be performed. This avoids the common issue of roads being reconstructed over mediocre or failing underground storm, sanitary and water infrastructure. This ensures that Town budget dollars are used effectively for the best possible benefit.

GM BluePlan has the experience and the specific knowledge to be able to deliver this assignment successfully. GM BluePlan brings significant efficiencies and cost savings to this project given:

- GMBP's in-depth knowledge of the Town's wastewater system; they are the original authors of the Town's existing WW model. GM BluePlan have no learning curve associated with this assignment.
- GMBP is currently delivering the Region of Niagara Water Wastewater Master Plan Update, and can therefore leverage works under that project to bring efficiencies and cost savings to this project.
- The staff team proposed for this project is the same team that delivered on the 2017 project for the Town.
- Wastewater modelling and system state of good repair management are GM BluePlan's core services.

Based on GM BluePlan's previous experience with the Town and considering they have developed and completed the current wastewater model it is staff's recommendation that the update assignment be awarded to GM BluePlan in the amount of \$75,500 plus HST. This is intended to be a project upset limit and actual

costs will be in accordance with the Town's standard engineering agreement on a time and material basis.

Financial Considerations:

Council approved two capital sanitary sewer projects (WST 01-20 and WST 03-21) in 2020 and 2021, respectively. The purpose of these capital projects are to identify deficiencies in the wastewater collection system and to complete necessary repairs and replacements to ensure that the sanitary sewer collection system remains efficient while reducing the amount of unwanted inflow and infiltration (I&I). The approved budget for the Sanitary I&I projects is as follows:

1) WST 01-20	\$100,000
2) WST 03-21	<u>\$100,000</u>
Total Budget	\$200,000

To date, the above capital projects have not had any actual costs charged to them and have the full budget allotment remaining in each.

Town staff are currently completing two capital projects (Pelham Street North Reconstruction and Pelham Street South Phase 2 Reconstruction) in which the above sanitary wastewater accounts will be used to install concrete isolation rings around manholes located within the roadway. In doing so, these manholes will become more structurally sound and watertight and will be less prone to premature failure, which eventually allows unwanted storm water to enter the wastewater collection system. The committed costs associated with completing the concrete isolation manholes is \$104,700 plus HST for both capital projects. As a result, there is \$95,300 of available funds from WST 01-20 and WST 03-21 to undertake the Wastewater Model and GIS Update assignment.

As this engineering assignment relates directly to the operation of the Town's wastewater collection system staff's recommendation is that the Wastewater Model and GIS Update project be funded from the above sanitary capital accounts.

Alternatives Reviewed:

Council may direct staff to complete the assignment under the Town's procurement policy with respect to the issuance of a Request for Proposal. In this particular instance, staff do not recommend this approach because GM BluePlan has the specific experience and knowledge to complete this assignment in an efficient cost effective manner. GM BluePlan completed the initial wastewater model and GIS

mapping for the Town in 2017. As a result, they have a firsthand knowledge of the Town's wastewater collection system. In addition, GM BluePlan is currently delivering the Water and Wastewater Master Plan Update for Niagara Region and therefore can leverage works under that project to bring efficiencies and cost savings to this project.

Strategic Plan Relationship: Strong Organization

Completing this assignment will provide staff with a reliable tool to determine deficiencies with the wastewater collection system, provide opportunities to identify and repair damaged areas within the system, assist in making informed decisions with respect to growth and development in the Town and provide valuable information critical to a robust asset management plan.

Consultation:

There was consultation with Corporate Services and the Asset Management Analyst in the preparation of this report.

Other Pertinent Reports/Attachments:

Appendix A – GM BluePlan Engineering Proposal for the Wastewater Model and GIS Update.

Prepared and Recommended by:

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

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



GUELPH | OWEN SOUND | LISTOWEL | KITCHENER |
LONDON | HAMILTON | GTA

1266 SOUTH SERVICE ROAD, UNIT C31,
STONE CREEK, ON L8E 5R9 P: 905-643-
6688 WWW.GMBLUEPLAN.CA

July 26, 2021

Our File: 621101-P

Jason Marr, P.Eng.,
Director of Public Works
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill ON L0S 1E0

Re: Wastewater Model and GIS Update

Dear Jason

Please consider this as a proposal for the works discussed during our most recent conversations. We understand that this assignment will provide an update to the original model / GIS build and condition assessment project(s) that we completed in the fall of 2017.

This project will involve the following key tasks aimed at providing tools and data to assist the Town in the management of the capacity, growth, and condition, state of good repair, and fulfillment of the requirements of O Reg 588 with respect to their wastewater system:

1. Updating of the Town's wastewater collection GIS to reflect any omissions in the data from three primary data sources:

- Niagara Region Pelham WW collection system GIS data*
- Pelham WW collection system GIS data*
- Additional information, new developments and or subdivision servicing that is not reflected in the preceding.

*Note that we have this data in our possession which shows a reasonable correlation, however, there appear to be inconsistencies between both data sets and gaps in each data set.

It should be noted that GMBP has been tasked with updating the Town's wastewater system geometry and calibration via Region supplied GIS and SCADA data respectively, as part of the *2021 Niagara Region Water / Wastewater Master Plan*. This is at no direct cost to the Town. The work described here will not overlap with that effort and will serve as an enhancement.

The update will comprise the following tasks:

- Review of geometry and attribution for errors and any significant gaps.
- Addition of data not evident in the sources not within our possession.
- Verification of the topology and attribution of the GIS.

This analysis will provide a reference quality data set for the Town's reference for operational, maintenance, TCA, capital planning and asset management activities. We will endeavour to harmonize the GIS created with the all pipe hydraulic model developed for the purposes of the Master Plan. Where data cannot be inferred nor sourced, we will flag gaps for later resolution.

In addition to the GIS, and as a value-added deliverable, GMBP will provide an indexed pdf file of Town wastewater system mapping to allow the Town to distribute new mapping books for operations staff. These can either be distributed as paper map books or digitally on a suitable mobile device or laptop. This data set will allow for the attachment of condition data on a pipe segment basis.

Deliverable: Updated GIS and attributes data set, PDF system map book.
Cost: XXX

2. Review and update of system condition data to support O Reg 588 and system renewal planning

GMBP is now in receipt of the Close Circuit Television Inspection data conducted by the Town's contractor for 2016 to the present day. These records appear to have been completed in accordance with Pipeline Assessment Certification Program (PACP) standard over the past 5 years as per GMBP recommendations resulting from a previous project.

A detailed examination of the CCTV information submitted has revealed that the database reporting requirements for the contract may not have been met for the 2016 – 2017 inspections which will impact the level of effort for this task.

This task will involve the analysis of the CCTV information submitted, our analysis shows approximately 300 manhole to manhole sections of new information, and connection of the following to the extent of the available information:

- Removal and clean up of legacy inspections that are no longer valid due to pipe replacements and or new inspection information.
- Assignment of pipe structural scope – PACP.
- Assignment of pipe operating score – PACP.
- Risk score by pipe based on condition, likelihood of failure and consequence of failure, to allow for analysis of investment need on a priority basis.

The resulting data set will provide an overview of system condition to the extent of the information available. For the pipe sections without information, we will perform a cohort analysis which will involve the assignment of pipe condition based on common age, material of construction etc.. Inferred values will be clearly flagged for future inspection. We will also provide a staged multiyear plan complete with costs to allow for inspection of any pipes without condition data.

Analysis of the aggregate of the data supplied will provide the basis for a short form technical memorandum which will outline system repair priorities complete with budget level costs.

Deliverables: Updated GIS with condition scores applied. Updated plan to fill gaps in inspection record. Short form tech memo outlining priority repairs.

Cost: XXX

3. Optional – Detailed Model Calibration via In System Flow Metering

The current model calibration process for the Niagara MSP models is predicated upon the use of SCADA data at pump station and plant sites. Whilst valid for master planning, high level, this calibration may not support other Town centric initiatives such as inflow and infiltration identification and prioritization of catchments for extraneous flow removal.

It is understood that the Town has recognized some significant development in the intervening 5 years since the last model calibration and flow monitoring effort.

This task would involve the installation of approximately 5 flow meters within the Town's wastewater collection system to define the following:

- Current dry weather flow loading inclusive of groundwater infiltration.
- Wet weather flow analysis to discretize rainfall derived inflow and infiltration.
- Available capacity based on the preceding.

This effort will result in a series of flow monitoring tech memos, dependent upon the monitoring period, and refinement of the existing InfoSwmm model beyond that provided by the MSP. It will also serve to prioritize catchments for additional investigations as to inflow and infiltration. The period for flow metering would be limited to the measurement of at least one month of dry weather data and the measurement of at least 3 critical rainfall events with measured precipitation of 25 mm or more and a peak hour intensity of 5mm/hour or more. This will ensure that the wet weather calibration in the model reflects the actual wet weather performance of the system.

Deliverables: Installation of 5 flow meters for a period of 3 months or 3 critical rainfall events. Recalibration of the Town's model and a short form tech memo prioritizing catchments for extraneous flow removal.

Cost: XXX

4. Optional – Corridor Capital Planning

This optional deliverable would involve the aggregation, distillation and analysis of available road, water and wastewater system condition and performance data on a corridor, intersection to intersection, basis to develop a 10-year prioritized renewal listing. Costing would be completed in conjunction with Town staff. Supporting data for this analysis is as follows:

- Watermain break record as a proxy for condition
- Road Pavement Condition Index



- Sewer CCTV
- Planned / Committed Capital

Deliverables: High level sequenced and scheduled 10-year capital prioritization of infrastructure works on a corridor basis.

We believe that the core tasks as presented fulfill the project requirements that we initially discussed and the optional services would provide significant value from an overall wastewater system collection system capacity and state of good repair perspective.

Yours truly,
GM BLUEPLAN ENGINEERING LIMITED
Per:

David Watt, Vice President
david.watt@gmblueplan.ca

Subject: Kunda Park and Forest Park Subdivisions Road Network and Crossing of Steve Bauer Trail**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-0168 – Kunda Park and Forest Park Subdivision Road Network and Crossing of Steve Bauer Trail, for information;

AND THAT COUNCIL allow an exception to its motion restricting road crossings over the Steve Bauer Trail by adopting Option #1 in this report which contemplates and allows one road crossing with pedestrian access over the Steve Bauer Trail to connect the proposed Kunda Park Phase 4 subdivision and the proposed Forest Park subdivision;

AND THAT COUNCIL direct staff to prepare the By-law to dedicate the proposed Steve Bauer Trail crossing as a public road allowance for Council's consideration.

Background:

In May 2020 Sterling Realty (Niagara) Inc. filed subdivision and zoning by-law amendment applications with the Town for the proposed Kunda Park Phase 4 subdivision and Forest Park subdivision. The Kunda Park Phase 4 application was a resubmission and revision of an earlier application, the original application having been made in May 2002 and is still pending. Both subdivisions are proposed residential developments that are to be integrated from an infrastructure perspective and provide for a variety of residential housing units consisting of 84 single detached residential units in the Kunda Park Phase 4 plan and 77 single detached residential units, 86 street townhouse units and 280 multi-residential units, along with a park block, stormwater management block and a watercourse channel in the Forest Park subdivision plan. The one stormwater management facility proposed in the Forest Park subdivision is proposed to serve both subdivisions.

A public meeting for the Kunda Park Phase 4 subdivision was held on October 13, 2020 and the public meeting for the Forest Park subdivision has held on November 23, 2020. The applications have also been circulated for review and comment to various Town departments and agencies for feedback and input with respect to draft plan of subdivision conditions of approval and comments on the proposed zoning by-law applications.

On January 11, 2021 Council passed a motion that no new road crossings over the Steve Bauer Trail or Gerry Berkhout Trail be permitted, the Town shall not dedicate any portion of the Steve Bauer Trail or Gerry Berkhout Trail as a public highway and the Pelham Town Council endorses the preservation of the Steve Bauer Trail and Gerry Berkhout Trail as they currently exist. Council passed this motion without the benefit of a staff report that would have outlined the pros and cons of such action. Lacking the benefit of staff reports, including third party agency input, Council has only heard from members of the public opposed to trail crossings and so not heard both sides of the issue. Respectfully, it is the position of the Town's planning department that there are some genuine reasons to consider an exception to the newly passed Town policy, with a number of conditions and safeguards, in this instance. The choice of whether or not to do so lies solely with Council.

In response to Council's January 11, 2021 motion, the applicant retained the services of a third part engineering consulting firm that specializes in transportation planning and transportation engineering design, R.V. Anderson Associates Limited (RVA), to undertake a technical review and evaluation of three road network options and provide a recommendation of a preferred road network option. The applicant undertook this work so that Council could make a better informed decision as it relates to potential road crossings or no road crossings over the Steve Bauer Trail in particular. The applicant provided Council with RVA's Memorandum that included their findings and recommendation and this information was included on the August 23rd and September 7th Council meeting agendas and Council received this new information. This report is Staff's position and review of the three options outlined in the RVA Memorandum.

Analysis:

Town Planning and Public Works staff have had the opportunity to review RVA Memorandum and material supplied with it and concur with the findings of the report that one fully integrated pedestrian and vehicular crossing over the Steve Bauer Trail is preferred.

The RVA Memorandum reviewed 3 options being:

1. A fully integrated crossing between the proposed Kunda Park Phase 4 and Forest Park subdivisions that provides for both pedestrian and vehicular crossing of the Steve Bauer Trail.
2. A 9m wide paved emergency access crossing with pedestrian crossing of the Steve Bauer Trail providing emergency access and pedestrian crossing only between the Kunda Park Phase 4 and Forest Park subdivisions.
3. A 3m wide pedestrian only crossing of the Steve Bauer Trail between the Kunda Park Phase 4 and Forest Park subdivisions and road crossing the Provincially Significant Wetland (PSW) in the Kunda Park Phase 4 subdivision.

The Steve Bauer Trail in this area is located on a former railway right-of-way and between Port Robinson Road and Merritt Road is just over 1km in length and is paved. The railway right-of-way varies in width and is 33.2m (109 feet) wide at Port Robinson Road and narrows to 20.7m (68 feet) wide at Merritt Road. The paved portion of the trail is 3m (9.8 feet) wide and is located within the west half of the former railway right-of-way. The trail is currently uninterrupted between Port Robinson and Merritt Roads and is tree lined and at the Port Robinson Road trail head there is a small gravel parking area that provides parking for 4 cars.

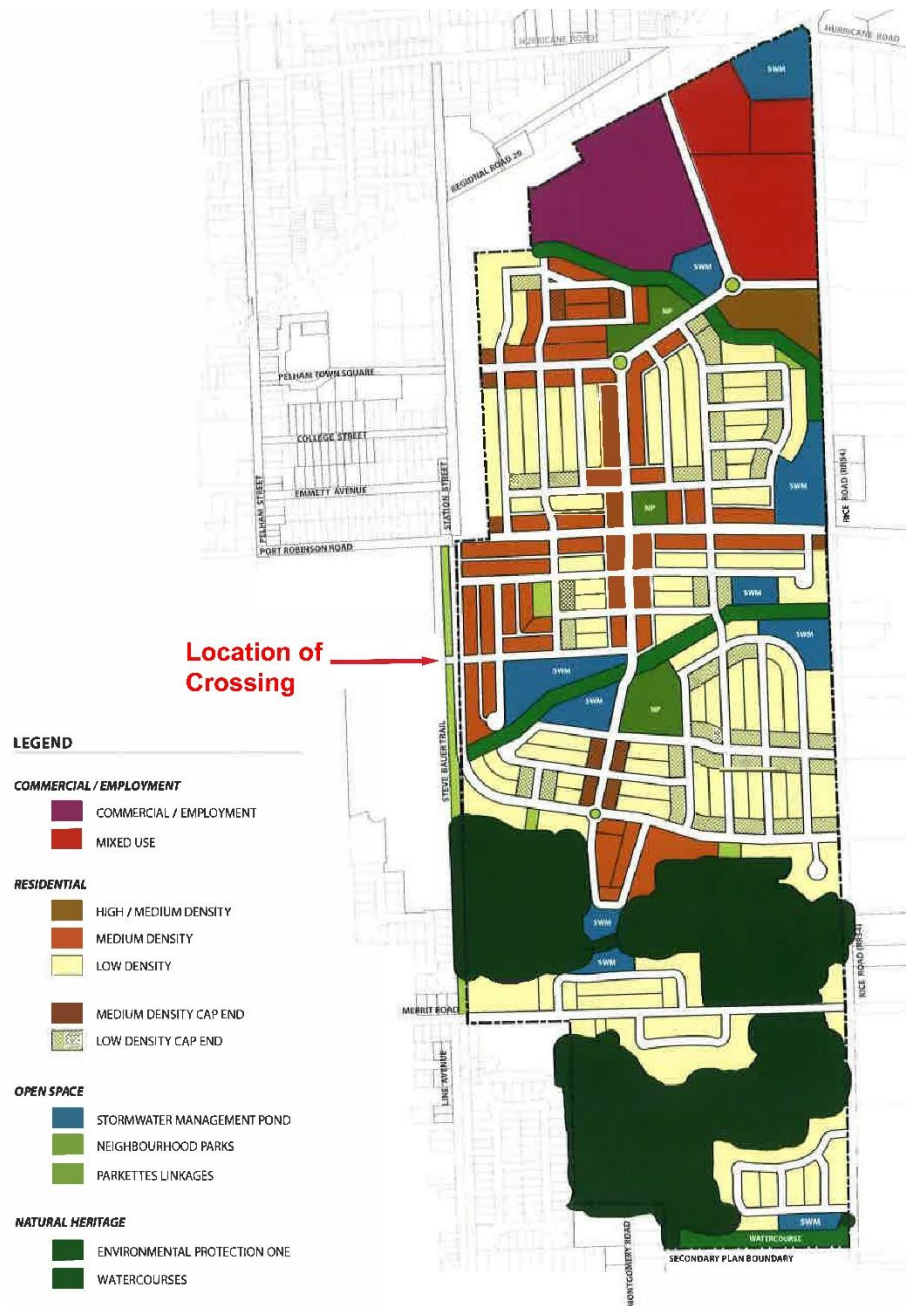
There are a number of existing safety concerns with this portion of the Steve Bauer Trail due to its length, lack of access and tree/shrub coverage. For example, should a user of the trail have a medical emergency part-way along the trail, there is limited opportunity for EMS to reach that user which results in unnecessary delay in response time. Also, the long uninterrupted length of the trail is not safe for vulnerable users of the trail and the speed of some cyclists using the trail causes safety concerns for those that are walking on the trail. The lack of visibility due to the dense underbrush along the trail also increases safety concerns for vulnerable users of the trail. Providing for an additional crossing would provide an additional access/egress point to enter/exit the trail and will provide an opening to provide some lighting along the trail which generally would improve safety aspects for all users of the trail.

Many members of the public expressed concern that a vehicular crossing would cause safety concerns for the trail users. The crossing itself can also be designed to give pedestrian and trail users the priority over vehicles crossing the trail as well as providing enhanced safety of trail users. Many members of the public stated that there is nowhere else along the Steve Bauer Trail that a roadway crossing has been allowed. A roadway crossing over the Steve Bauer Trail was permitted with the approval of the Timber Creek subdivision on the east side of Line Avenue, south of

Merritt Road and to date, Staff have not received concerns from the trial users with respect to safety concerns with this crossing.

The opportunity for a vehicular crossing over the trail and connecting the Kunda Park neighbourhood with the East Fonthill neighbourhood is also important from a traffic management perspective. The vehicular crossing provides the opportunity for traffic dispersal over a number of streets which will help ease congestion on Pelham Street and Port Robinson Road. Also, having travel route options helps reduce travel time and can contribute to reducing greenhouse gas emissions. The alternative of no vehicular connection will mean that more traffic is directed to Pelham Street and Port Robinson Road, which will add to congestion on these roads which increases travel time, greenhouse gas emissions, driver frustration, and also minimize efficiencies for transportation related services such as waste collection, school bus routing, deliveries, etc.

An objective of the Town Official Plan is to ensure that new development areas are integrated into the fabric of the existing community in conformity with the approved Secondary Plans. The demonstration plan for the East Fonthill Secondary Plan that was approved in 2014 does illustrate one street connection over the Steve Bauer Trail into the Kunda Park Phase 4 subdivision. One street connection over the Steve Bauer Trail has been something that has been contemplated for a number of years.



Other objectives of the Town Official Plan are to *encourage the establishment of an integrated transportation system, including active transportation, that safely and efficiently accommodates the broadest number of transportation modes and to establish a street pattern that provides appropriate and easy access to residents throughout the Town and which is integrated with existing public roads and open space wherever possible.* The East Fonthill Secondary Plan also has an objective to *develop a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate*

transportation routes to most destinations. The provision of one fully integrated street connection is consistent with and in conformity with the approved East Fonthill Secondary Plan and the objectives of the Town Official Plan that are to provide for an integrated transportation system with existing areas and open space and to provide alternate transportation routes. The alternative of having no crossings is not consistent with the approved Secondary Plan or the Town Official Plan objectives.

From a community planning, community building and community resiliency perspective it is also desirable to physically connect neighbourhoods for both pedestrian and vehicular networks. Connected neighbourhoods provide for greater ability for social interaction and inclusion. Being physically connected provides greater opportunity for people to check in on and support one another particularly during emergency situations. Physically connected neighbourhoods allows for daily and spontaneous interactions that reduces isolation particularly for seniors, single parents, people with disabilities and other people for whom it is harder to connect with other kinds of community and minimizes the need to plan with people who live further away. Physically connected neighbourhoods are generally more safe versus neighbourhoods that are isolated or not connected to one another. In addition, physically connected neighbourhoods are generally more walkable and have higher walkability scores. This leads to improved physical and mental health benefits for residents living in connected neighbourhoods.

The proposed Kunda Park Phase 4 and Forest Park subdivisions are also integrated from an infrastructure perspective as well, by having one stormwater management facility to service both developments. This provides for a more efficient use of land and resources and minimizes the amount of infrastructure that the Town will ultimately assume. This helps to minimize long term maintenance costs on the Town. A fully integrated street crossing will also mean there is the ability to better provide integrated infrastructure between the two developments.

A significant amount of public input was received during the public meeting for the Kunda Park Phase 4 subdivision, that construction access for this development should not be via Stella Street. Many members of the public supported the extension of Station Street and crossing the Steve Bauer Trail to access the Kunda Park Phase 4 subdivision via the Station Street extension vs. having the access via Stella Street. A fully integrated street crossing would mean that construction access for the Kunda Park Phase 4 subdivision could be via the extension of Station Street and would avoid Stella Street. If there is no fully integrated street crossing over the Steve Bauer Trail and the majority of the traffic for the Kunda Park Phase 4 subdivision will be via Stella, John and Vera Streets, this will mean that that these streets will also require reconstruction from their semi-urban cross section to an urban cross section much sooner than what is currently anticipated in the 20-year

capital budget which will result in a significant financial burden to the municipality. Also, Stella Street is heavily used by students to access Glenn A. Green Public School during the school year and not all of them utilize the sidewalks. Construction vehicle access on Stella Street will cause conflicts and safety issues with students utilizing Stella Street. A fully integrated street connection will mean less traffic will utilize Stella Street to access the Kunda Park Phase 4 subdivision than compared with no street connection.

A significant amount of public input has been received objecting to the tree removal that would be required to provide for an integrated access over the Steve Bauer Trail. The Steve Bauer Trail is located on a former railway-right-of-way and the tree cover located within the right-of-way provides for shade and cooling of the trail particularly during the summer months and provides for habitat for a variety of wildlife including birds and small mammals. However, it is important to note that the trees located along the trail are in the form of a hedgerow that is secondary successional growth typically associated with the natural regeneration of abandoned farm fields with a significant amount of scrub and invasive species, i.e. buckthorn, present with only a limited number of high quality specimen trees. The hedgerow also contains a number of ash that are dying or in decline due to the emerald ash bore. The hedgerow is not considered to be a significant natural heritage feature, therefore alteration to the hedgerow can occur with minimal impact from a natural heritage perspective.

A number of public concerns were also raised with regards to tree and shrub removal on the east side of the hedgerow that is associated with the need for an open channel to convey overland storm flows from the Kunda Park Phase 4 subdivision to the stormwater management facility in the Forest Park Subdivision. This over land channel is preferred over a piped system that could potentially retain a greater number of trees as it will provide a natural system of conveying stormwater that utilizes low impact development design consideration, is better for the natural environment, will be naturalized and will become a feature as well.

An overview of aerial imagery from 1934-2018 illustrates how the tree/hedgerow has evolved over the years from virtually no trees in 1934 to the current condition.

1934 Aerial Image



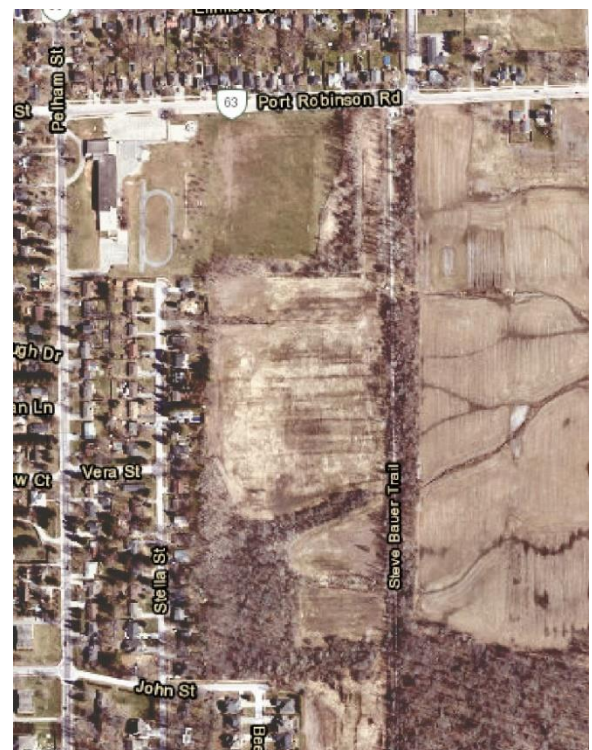
1965 Aerial Image



2006 Aerial Image



2018 Aerial Image



*Note: Aerial Imagery source Brock University Niagara Air Photo Collection

It is clear from the aerial imagery that tree cover along the Steve Bauer Trail has occurred over the last 50+ years and the trees are located on both the former railway right-of-way and the unopened road allowance east of the railway right-of-way. While an integrated street crossing will remove some trees, the vast majority of the trees will remain and the retention of as many as trees possible and respecting the natural environment while balancing the development requirements has always been the developer's objective. It is estimated that less than 2% of the land area of the Steve Bauer Trail area is required for one street crossing. The developer completed Environmental Impact Assessment Reports (EIS) prepared by a professional Ecologist and Environmental Planner for both the Forest Park and Kunda Park Phase 4 subdivision applications and neither report identified concerns from a natural heritage resource perspective with regards to tree/shrub removal to accommodate full street crossings over the Steve Bauer Trail. (Note: when the EIS Reports were completed, two crossings were proposed, but in light of Council's clear preferences and community input the developer is now only proposing one crossing).

It is also important to note that the option of having no crossing will necessarily result in a road crossing through a Provincially Significant Wetland (PSW). This option will have a far greater impact on natural heritage resources of the PSW than in comparison to the impacts of tree removal required to accommodate the crossing over the Steve Bauer Trail will have on the hedgerow. The PSW is by far a more important natural heritage resource feature and should be given a higher priority for protection than the hedgerow from a natural heritage perspective. Crossing the PSW will also involve a bridge crossing which is costly and then becomes infrastructure that the Town will assume. The lifecycle costs of the bridge are significantly higher in maintenance and upkeep for the Town than compared with the lifecycle costs of a conventional street crossing over the Steve Bauer Trail; this will add a further financial burden for the Town.

Some members of the public have commented that the developer has other options instead of crossing the PSW such as using other lands owned by the developer adjacent to the east side of Glenn A. Green School for a road access to Port Robinson Road. These other lands owned by the developer contain significant archaeological resources that would require unknown, but likely hundreds of thousands of dollars to mitigate and would also result in a very awkward intersection with Station Street, Port Robinson Road and the Station Street extension that is far less desirable and would be difficult to support from a transportation perspective.

In order to provide for an aligned intersection with Station Street and Port Robinson Road, the developer is proposing that the Station Street extension required for the Forest Park subdivision utilize part of the east half of the former railway right-of-

way for approximately 40m in length. This is desirable for intersection alignment purposes to provide for a safe intersection and will mean that a small portion of the former railway right-of-way will be required to become road allowance in the future. This is typically an engineering design detail that is addressed as part of a draft plan condition.

The option that was presented in the RVA Memorandum that contemplated a fully integrated street connection utilized the proposed William Street in the Forest Park subdivision for the location of this crossing as this is the general location that the street connection is shown in the demonstration plan for the East Fonthill Secondary Plan. Staff do support a fully integrated street connection over the Steve Bauer Trail for the reasons cited in this report, however, in reviewing this, staff feel that having the integrated street connection with Walker Road may be more desirable as Walker Road contains the dedicated cycle track in the road design and it would be appropriate for cyclists using this cycle track to intersect with the Steve Bauer Trail. Further the location of a Walker Road intersection with the Steve Bauer Trail is more proximate to being halfway in this long uninterrupted length of the Steve Bauer Trail which is generally preferred.

The option of having an emergency access connection and pedestrian connection, is less desirable as this option does not align with the Town Official Plan with regards to providing an integrated transportation system, reduces transportation route options, will add congestion to Port Robinson Road and Pelham Street and only offers limited opportunities for connecting the Kunda Park neighbourhood with the East Fonthill community which is less desirable from a community planning, building and resiliency perspective. Nevertheless this option partially addresses some of the concerns raised in this report.

The option of having only a pedestrian crossing over the Steve Bauer Trail is the least preferred option as it too does not align with the Town Official Plan, does not contribute to providing an integrated and connected transportation system, will lead to more congestion on Pelham Street and Port Robinson Road that increases travel time, contributes to green gas emissions, provides for inefficient travel routes and offers only limited opportunities for connecting the Kunda Park neighbourhood with the East Fonthill neighbourhood which is less desirable. Staff feel is the absolute minimum approach that Council should adopt.

Financial Considerations:

There are no financial considerations with respect to this report at this time. Any decision by Council which concentrates future traffic flows to a limited number of streets will have increased maintenance and capital costs for the municipality in the long-term, particularly the construction of a bridge over the ESA.

Alternatives Reviewed:

Town staff have reviewed the alternatives of two road and pedestrian crossings as originally proposed by the subdivision applications, and the one road and pedestrian crossing, an emergency access and pedestrian crossing, and no road crossing and only a pedestrian crossing as detailed in the RVA Memorandum. In order to be consistent with the Town approved Official Plan and for the reasons cited in this report Staff support one fully integrated vehicular and pedestrian crossing over the Steve Bauer Trail. When all things are taken into consideration, on balance one vehicular and pedestrian crossing is appropriate and preferred over the options presented.

The developer is seeking approval for one fully integrated crossing over the Steve Bauer Trail. If Council were to allow for an exception to their motion to allow for one such crossing, the developer will revise their subdivision applications for both the Forest Park and Kunda Park Phase 4 subdivision and resubmit them for review and circulation.

Alternatively, should Council not support an exception to their motion to permit a fully integrated road crossing over the Steve Bauer Trail, the developer will revise their subdivision applications for both subdivisions so that would they do not provide for a street connection between the two subdivisions meaning that the two developments will not be connected by a street and the access to the Kunda Park subdivision will be via Stella Street and Kunda Park Boulevard and there will be a crossing through the PSW. Council should also be aware that Town staff and the Region were reviewing the Kunda Park Phase 4 subdivision and Forest Park subdivision applications concurrently and given the interconnections that were being proposed with them, staff were willing to blend the density requirements over the two development plans. If there is no interconnection with the two developments and they are not connected and isolated from one another, this could mean that the density in the Kunda Park Phase 4 subdivision will likely have to increase. This is not what the developer was hoping to achieve as the developer was wanting to providing a lot fabric and density in the Kunda Park Phase 4 subdivision that was more reflective of the existing lot fabric and density of the Kunda Park neighbourhood.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Having well designed, safe, connected and integrated communities help to achieve the goal of building strong communities. It is important for neighbourhoods to be connected so that there is a sense of belonging and it reduces isolation. Having well connected neighbourhoods reduces travel time, minimizes greenhouse gas

consumption, and provides opportunities to disperse traffic, thereby minimizing traffic congestion. Having additional vehicular and pedestrian connections to the Steve Bauer Trail also will provide increase opportunity for more residents to access this trail and supports the importance of this asset. The crossings can be designed to give priority to the pedestrians and include safety measures for trail users.

Consultation:

The Director of Public Works and Manager of Engineering were consulted during the preparation of this report.

Other Pertinent Reports/Attachments:

RVA Memorandum attached to August 23, 2021 and September 7, 2021 agenda.

Information Report #2020-0132 dated October 13, 2020 and #2020-0173 dated November 23, 2020

Prepared and Recommended by:

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

Prepared and Submitted by:

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

The Corporation of the
T o w n o f P e l h a m

By-Law No. 4391(2021)

Being a by-law to authorize the execution of a Development Agreement for the lands located at 614 Metler Road.

**Timothy Isaac Sinke & Laura Rose-Marie Sinke
File No. DA-02-21**

WHEREAS the Owner is the registered owner of the lands located in the Town of Pelham described in Schedule "A" and has applied to the Town of Pelham Committee of Adjustment for consent under applications B5/2021P and B6/2021P and has obtained such consent subject to conditions;

AND WHEREAS the Town requires the Developer, before final approval of the consents, to agree to be bound by the terms and conditions of the Development Agreement for which approval is sought;

WHEREAS at the Council meeting held on the 4th day of October 2021, Council of the Town of Pelham authorized the Mayor and Clerk to enter into a Development Agreement with Timothy Isaac Sinke & Laura Rose-Marie Sinke; and

WHEREAS it is deemed desirable to enter into a Development Agreement in order to control the lands as described in Schedule 'A' of the Document General 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** the Mayor and Clerk be and they are hereby authorized and directed to execute the Agreement to this by-law hereto attached as Schedule 'A' in order to effect the Development Agreement with Timothy Isaac Sinke and Laura Rose-Marie Sinke for the lands described in Schedule 'A' of the Document General.
2. **THAT** in the event minor modifications to the Development 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 & sealed this
4th Day of October, 2021.

Mayor: Marvin Junkin

Clerk: Holly Willford

Development Agreement

Timothy Isaac Sinke and Laura Rose-Marie Sinke

614 Metler Road

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THIS AGREEMENT made this _____ of _____, 2021.

BETWEEN:

**TIMOTHY ISAAC SINKE,
LAURA ROSE-MARIE SINKE**

Hereinafter called the "Owner"

OF THE FIRST PART

- and -

THE CORPORATION OF THE TOWN OF PELHAM

Hereinafter called the "Town"

OF THE SECOND PART

WHEREAS the Owner is the registered owner of the lands located in the Town of Pelham described in Schedule "A" and has applied to the Town of Pelham Committee of Adjustment for consent under applications B5/2021P and B6/2021P and has obtained such consent subject to conditions;

AND WHEREAS the Town requires the Developer, before final approval of the consents, to agree to be bound by the terms and conditions of the Development Agreement for which approval is sought;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the Town approving the said proposed development, and in consideration of the sum of One Dollar (\$1.00) of lawful money of Canada now paid by the Owner to the Town (the receipt thereof is hereby acknowledged), the Parties hereto mutually covenant and agree as follows:

1. Definitions

In this Agreement:

- (a) **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.
- (b) **Chief Building Official** shall mean the Chief Building Official of the Corporation of the Town of Pelham.
- (c) **Clerk** shall mean the Clerk of the Corporation of the Town of Pelham.
- (d) **Committee Of Adjustment** shall mean the Committee of Adjustment of the Town of Pelham in accordance with the provisions of Sections 48 and 49 of The Planning Act.
- (e) **Council** shall mean the Council of the Corporation of the Town of Pelham.
- (f) **Developer** means Timothy Isaac Sinke and Laura Rose-Marie Sinke, its

successors and assigns, and includes its successors in title to the Lands or a Lot described in Schedule "A" attached hereto.

- (g) **Development Plan** means the Lot Grading and Drainage Plan attached hereto as Schedule "B" over the Lands pursuant to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended, or any successor thereto.
- (h) **Director of Community Planning & Development** shall mean the Director of Community Planning & Development of the Corporation of the Town of Pelham.
- (i) **Director of Public Works** shall mean the Director of Public Works of the Corporation of the Town of Pelham.
- (j) **Facilities and Works** shall mean and includes those facilities and works which are shown on or referred to in any one or more of the plans, drawings and schedules to this Agreement.
- (k) **Lands** shall mean the lands described in Schedule 'A' attached hereto.
- (l) **Owner** means either Timothy Isaac Sinke and Laura Rose-Marie Sinke or the applicant for a Building Permit for one of the Lots and includes the person on whose behalf an application for a Building Permit is made.
- (m) **Professional Engineer** shall mean a Professional Engineer registered in good standing with the Association of Professional Engineers.
- (n) **Surveyor** shall mean an Ontario Land Surveyor registered in good standing with the Association of Ontario Land Surveyors.

2. Lands Affected

The Lands to be subdivided are those Lands described in Schedule "A" attached hereto and the Development Agreement shall be registered against all of such Lands.

3. General Provisions

- (a) The Owner shall develop and maintain the Lands only in accordance with the terms and conditions contained herein and any other applicable by-law of the Town.
- (b) Unless the context otherwise requires, where the Owner is obligated by this Agreement or the approved plans to make any payments or install, 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 Owner".
- (c) The Owner shall not perform any construction or installation on the Lands except in accordance with the terms and conditions contained herein and to the reasonable satisfaction of the Town.
- (d) The Owner shall obtain the required Driveway Entrance & Culvert Permit in

accordance with Section 8, prior to any building permit issuance and any construction works taking place within the Town road allowance.

- (e) During construction, the Owner shall ensure all construction related vehicles that are not carrying out the works are parked on the subject lands and are not parked within the municipal road allowance.
- (f) All delivery / construction trucks taking materials from the subject lands included within this Agreement shall be adequately covered and not unreasonably loaded so as to scatter refuse, rubbish, dust or debris on neighbouring properties or public roadways.
- (g) Should deeply buried archaeological remains / resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism & Culture Industries (416-212-8886) and the Owner's archaeology consultant is required to carry out an archaeological assessment in accordance with the *Ontario Heritage Act* and the *Standards and Guidelines for Consultant Archaeologists*.

In the event that human remains are encountered during construction, all activities must cease immediately and the local Police as well as the Cemeteries Regulation Unit of the Ministry of Government & Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MTCS should also be notified to ensure that the site is not subject to unlicensed alterations which would be in contravention of the *Ontario Heritage Act*.

- (h) The Owner grants to the Town, its servants, agents, and assigns permission to enter upon the Lands for the purpose of inspection of any Facilities and Works referred to in this Agreement and for the purpose of the completion of any Facilities and Works in accordance with this Clause and this Agreement.
- (i) The Owner will, at all times, indemnify and save harmless the Town from all loss, costs, damages and injuries which the Town may suffer or be put to for or by reason of the construction, maintenance, or existence of any Facilities and Works done by the Owner, its contractors, servants or agents on the Lands or which the Town may suffer or be put to for, or by reason of the completion by the Town of any of the required Facilities and Works in accordance with this clause and this Agreement.
- (j) The Owner and the Town acknowledge and agree that it is their intent that all terms, conditions and covenants contained herein:
 - i. Shall run with the subject lands on title;
 - ii. Shall be binding upon the Owner, its heirs, executors, administrators, assigns and successors in title, from time to time; and
 - iii. The benefits of said covenants shall ensure to the Town, its successors and assigns in title, of all roads, streets, and public lands forming part of the subject lands.
- (k) 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 20.

- (l) The Owner shall not call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative tribunal the right of the Town to enter into this Agreement and to enforce each and every term, covenant, and condition herein contained and this Agreement may be pleaded as an estoppel against the Owner in any such proceeding.
- (m) 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 subject 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 development 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.
- (n) Any lands required to be conveyed by the Owner in accordance with the provisions hereof shall be in a neat and tidy condition, free of all debris and trash, and the Owner shall complete all services for the lands in accordance with the terms of this Agreement.
- (o) Notwithstanding the provisions of this Agreement, the Owner shall be subject to all of the Town's By-laws and all Provincial and Federal government statutes and / or regulations and amendments thereto affecting the site's development and installation of municipal services.

4. Lot Grading and Drainage

- (a) The Developer shall be responsible for providing, at their expense, a Comprehensive Overall Lot Grading & Drainage Plan for the land described in Schedule "A" attached hereto; said plan must demonstrate that drainage does not negatively affect, nor rely on neighbouring properties, to the satisfaction of the Director of Public Works, or designate. This Plan, attached hereto as Schedule "B", shall be approved by the Director of Public Works and Director of Community Planning & Development prior to the execution of this Agreement.
- (b) 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 Public Works and the Director of Community Planning & Development.

5. Sanitary Sewage System

- (a) A new private sewage system shall be installed for all parcels on the land described in Schedule "A" attached hereto, said system shall meet all requirements of the Ontario Building Code, as well as the implementation of the recommendations of the Hydrogeological Assessment, prepared by Terra Dynamics Consulting Inc. (dated November 11, 2020).
- (b) All lots shall be equipped with sewage systems that provide at least 50% nitrogen reduction of septic effluent Level IV/tertiary treatment.
- (c) Future sewage disposal systems observe the required set-backs from existing water supplies as shown on Figure 4 of the Hydrogeological Assessment,

prepared by Terra Dynamics Consulting Inc. (dated November 11, 2020), unless these water supplies are decommissioned by an Ontario-licensed water well contractor.

- (d) All of the above mentioned requirements shall be completed to the satisfaction of The Regional Municipality of Niagara.

6. Water Supply

- (a) The Owner shall, at its own expense, provide and maintain an internal private water supply necessary to serve the lands. The water shall be supplied by cisterns for each of the proposed lots. Otherwise, the construction of new groundwater supplies with the requirements stated below shall be completed to the satisfaction of The Regional Municipality of Niagara:

- i. 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;
- ii. Well construction within the Pre-Halton or Bedrock aquifers; and
- iii. That its location(s) comply with the Ontario Building Code setbacks.

7. Street Trees

The Owner acknowledges that any removal of street trees shall be replaced with an approved large caliper tree in accordance with the Town's Street Tree Planting List to the satisfaction of the Director of Public Works

8. Driveways / Entrances

The Owner shall obtain approval for a Driveway Entrance and Culvert Permit at its own expense for the construction or modification of all new or existing driveway entrances. The Owner acknowledges that the installation of driveway entrances shall be in accordance with Town standards, and shall be to the satisfaction of the Director of Public Works.

9. Administrative & Consulting Costs

The Owner shall pay the Town's reasonable costs, **\$2,727** (Two-thousand, seven hundred and twenty seven dollars) in connection with this Agreement for preparation, processing, administration and supervision including, but not limited to, all administrative, legal, inspection and consulting expenses.

10. Registration

The Owner agrees and consents to the registration of notice of this Agreement against the said Lands.

11. Obligation

This Agreement and the provisions hereof do not give to the Owner or any person acquiring any interest in the said Lands (each hereinafter in this paragraph called "such person") or any other person any rights against the Town with respect to the failure of any such person to perform or fully perform any obligation under this

Agreement, or the failure of the Town to force any such person to perform or fully perform any obligation under this Agreement or any negligence of any such person in the performance of the said obligation.

12. Building Permits

- (a) The Developer may construct and the Town shall permit the construction of the buildings and other structures on the Lands in accordance with the Schedules attached hereto to permit the development provided that all such uses shall comply with all building and zoning requirements of the Town.
- (b) The Developer agrees that no Building Permit shall be issued until the building drawings are approved to the satisfaction of the Chief Building Official.
- (c) The Developer agrees that, unless otherwise determined by Council, no Building Permits shall be issued on any parts of the lands until all Primary Services as defined elsewhere in this Agreement are completed and operational to the satisfaction of the Region of Niagara and to the Director of Public Works.
- (d) In addition to paying the building permit fee, the Owner of a lot shall pay the applicable parkland dedication fees and Town & Regional development charges at the time a building permit is issued for the residential dwelling conceptually shown on Schedule 'B' and any future building(s) requiring the payment of such fees, as applicable.
- (e) Notwithstanding any of the provisions of this Agreement, the Owner, its successors and assigns, shall be subject to all of the by-laws, as amended, of the Town at the time of the issuance of a Building Permit required pursuant to the terms of the Agreement or at the time of the execution of this Agreement, whichever is applicable.

13. Cash-In-Lieu of Parkland Dedication

Prior to the issuance of a building permit, the Developer agrees to pay five percent (5%) of the value of the lands to the Town in lieu of lands for parks purposes pursuant to the provisions of Subsection 42(6) of the Planning Act. The Developer shall have the Lots appraised by a qualified appraiser to determine the value of each Lot pursuant to Subsection 42(6) the Planning Act.

14. Default

Upon breach by the Owner of any covenant, term, condition or requirement of this Agreement, or upon the Owner becoming insolvent or making any assignment for the benefit of creditors, the Town, at its option, may declare the Owner to be in default. Notice of such default ("Notice of Default") shall be given by the Town, and if the Owner shall not remedy such default within such time as provided in the notice, the Town may declare the Owner to be in final default ("Notice of Final Default") under this Agreement. Upon notice of default having been given, the Town may require all work by the Owner, its servants, agents, independent contractors and sub-contractors to cease (other than any work necessary to remedy such default) until such default shall have been remedied, and in the event of final default, may require all work as aforesaid, to cease. Upon final default of

the Owner, the Town may, at its option, adopt or pursue any or all of the following remedies, but shall not be bound to do so:

- i. Enter upon the Lands shown on the Plan 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;
- ii. Make any payment which ought to have been made 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;
- iii. Retain any sum of money heretofore paid by the Owner to the Town, for any purpose, and apply the same in payment or part payment for any work which the Town may undertake;
- iv. 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 therefor;
- v. Bring action to compel specific performance of all or any part of this Agreement for damages;
- vi. 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,
- vii. Exercise any other remedy granted to the Town under the terms of this Agreement or available to the Town in law.

15. Rescission of Agreement

- (a) In the event that the Development Agreement is not registered within one (1) year from the date hereof, then the Town may, at its option and on one (1) months' notice in writing to the Developer, declare this Agreement null and void and may Register against the title to the Lands included within the Development Plan a notice to that effect.
- (b) The Developer shall not sell or convey any Lot shown on the Development Plan until this Agreement is registered on title.

16. Right of Entry

The Developer shall obtain from any Purchaser of any of the Lots shown on the Development Plan, a written statement 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 written statement to the Town upon demand therefor.

17. Plans

The Owner agrees that all plans shall be drawn by a Qualified Designer or by a Professional Engineer and all surveys by an Ontario Land Surveyor, subject to the reasonable satisfaction of the Town.

18. Warning Clauses

- (a) The Developer acknowledges and hereby agrees to insert into all offers and agreements of purchase and sale the following clause: "The lands in the Development Plan are subject to the payment of development charges which are payable prior to the issuance of a building permit."
- (b) The Developer acknowledges and hereby agrees to insert into all offers and agreements of purchase and sale the following clause: "The lands in the Development Plan are subject to the payment of cash-in-lieu of the dedication of land for park purposes prior to the issuance of a building permit."

19. Covenants That Run With The Land

- (a) 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".
- (b) The Developer agrees that it shall, upon the sale or transfer by it of the Lands included within the Development Plan or any part or parts thereof, require the Purchaser or Transferee thereof as a condition of such sale or transfer to execute an Agreement satisfactory in form to the Town's Solicitor, agreeing to assume this Agreement and to be bound by and fulfil all of the terms, conditions and covenants herein set forth and containing a like covenant to this effect. The said Assumption Agreement shall be executed by the Town, the Developer and any such Purchaser or Transferee and may, at the Town's option, be registered upon title. Provided, however, that such Assumption Agreement shall not be required for the sale or transfer of a Lot as shown on Lands described in Schedule "A" for the purpose of construction.

20. Notices

Any notice, demand, acceptance or request provided for in this Agreement shall be in writing and shall be deemed to be sufficiently given if personally delivered or sent by registered mail (postage prepaid) as follows:

To the Town at: Clerk
Town of Pelham
P.O. Box 400
20 Pelham Town Square
Fonthill, ON L0S 1E0

To the Owner at: Timothy and Laura Sinke
614 Metler Road,

or as such other address as the party to whom such notice is to be given shall have last notified the party giving the notice in the manner provided in this Section. Any notice delivered to the party to whom it is addressed in this Section 20 shall be deemed to have been given and received on the day it is so delivered at such address. Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth day next following the date of its mailing.

21. Schedules

The Schedules attached hereto are a part of this Agreement. All Schedules are to be interpreted as if the contents thereof were included in the Agreement.

22. Development Charges

The Developer agrees to provide notice to the first purchaser of any Lot in the Development, upon transfer of the Lots, of all Development Charges related to the Development, including Development Charges already paid by the Developer or Development Charges that may be payable in the future.

23. Binding Effect

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the date and year first above written.

WITNESS

TIMOTHY ISSAC SINKE

(printed name)

(printed name)

(signature)

(signature)

(date)

(date)

WITNESS

LAURA ROSE-MARIE SINKE

(printed name)

(printed name)

(signature)

(signature)

(date)

(date)

**THE CORPORATION OF THE TOWN OF
PELHAM**

Marvin Junkin, Mayor

Holly Willford, Clerk

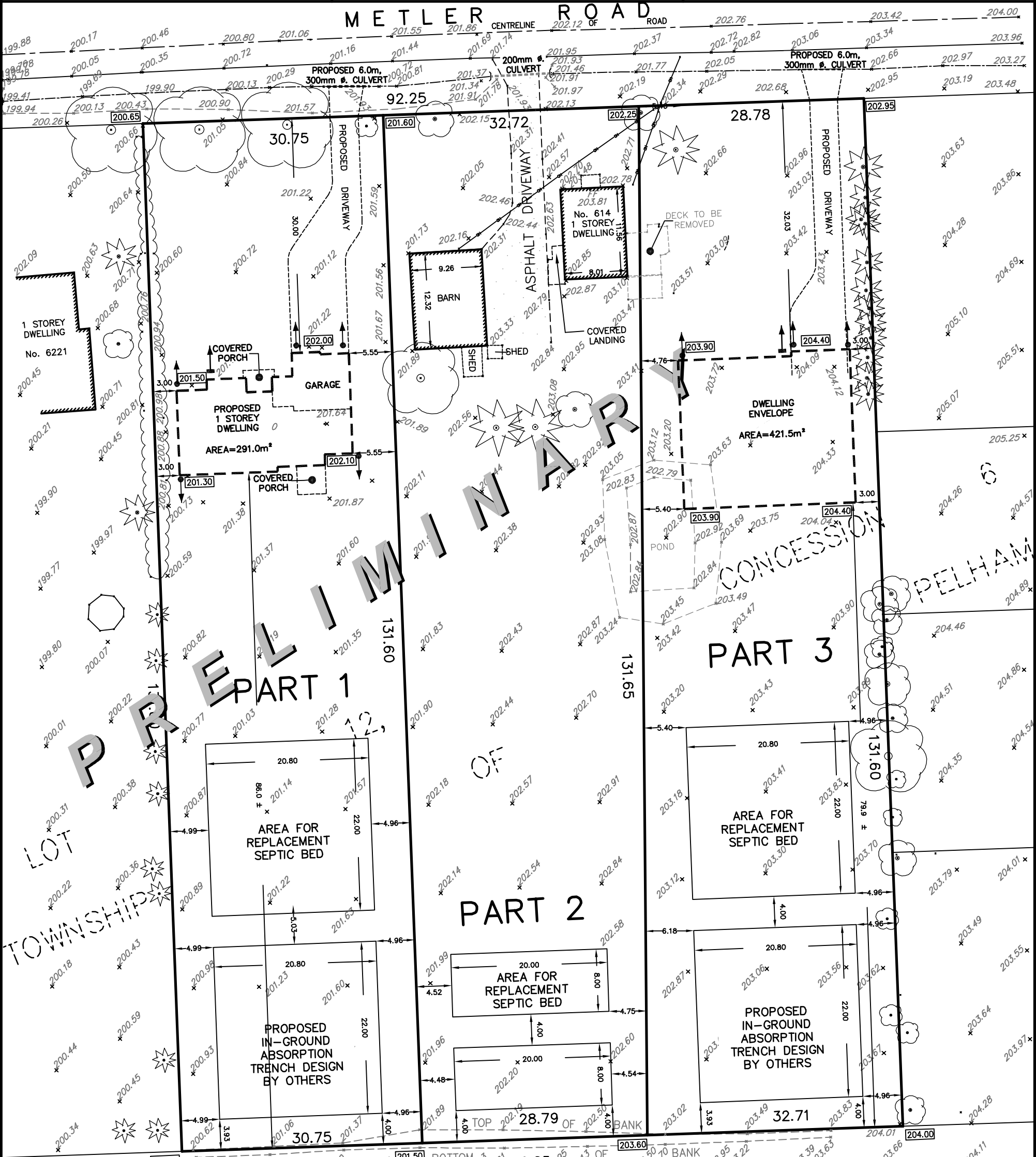
SCHEDULE 'A'

LEGAL DESCRIPTION

PIN:	PIN 64035-0067 (LT)
Municipal:	614 Metler Road
Roll Number:	2732 010 008 15500

Part Lot 12 Concession 6 Pelham as in PE16008; PELHAM

<div>TOWN OF PELHAM</div> <div>GENERAL LOT GRADING PLAN</div> <div>LOT 12, CONCESSION 6</div> <div>LOCATIONGEOGRAPHIC TOWNSHIP OF PELHAM</div> <div>STREET & No.614 METLER ROAD</div> <div>OWNERTIM SINKE</div> <div>BUILDER</div> <div>EXISTING ELEVATIONS</div> <div>Date Levels TakenMARCH 17, 2021</div> <div>FINISHED GRADING</div> <div>Date Levels Taken</div>	<div>Proposed Grading Certificate</div> <div>I HEREBY CERTIFY THAT THE PROPOSED GRADING WILL BE COMPATIBLE WITH ADJACENT LANDS AND THAT ALL SURFACE DRAINAGE ORIGINALLY FLOWING THROUGH, ONTO OR OVER THIS SITE IS BEING ACCOMMODATED, AND THAT THIS LOT WILL DRAIN SATISFACTORILY TO THE PRESENT EXISTING GRADES OF ADJACENT PROPERTIES.</div> <div>SignatureDateJUNE, 2021</div> <div>FirmKIRKUP MASCOE URE SURVEYING LTD.</div> <div>Accepted by:DateMUNICIPALITY</div> <div>©No person may copy, reproduce or alter this sketch in whole or in part without written permission from KIRKUP MASCOE URE SURVEYING LTD.</div>	<div>As Constructed Grading Certificate</div> <div>I HAVE TAKEN THE FIELD ELEVATIONS SHOWN (100.0) WITH RESPECT TO THE FINAL GRADING AND DO HEREBY CERTIFY THAT THE BUILDING CONSTRUCTED AND GRADING OF THE LOT IS IN CONFORMITY WITH THE PREVIOUS SUBMISSION FOR A BUILDING PERMIT. I FURTHER CERTIFY THAT THIS LOT WILL DRAIN SATISFACTORILY AND SUCH GRADING HAS NOT ADVERSELY AFFECTED ADJACENT PROPERTIES</div> <div>SignatureDate</div> <div>FirmKIRKUP MASCOE URE SURVEYING LTD.</div> <div>Accepted by:DateMUNICIPALITY</div> <div>SCALE1 : 500</div> <div>501020 metres</div>
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<div>METRIC</div> <div>DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048</div> <div>NOTES:</div> <div>1. ALL THE DOWNSPOUTS MUST BE ON THE FRONT OF THE HOUSE AND DIRECTED TOWARDS METLER ROAD.</div> <div>2. GRADES NOT TO ADVERSELY AFFECT ABUTTING PROPERTIES PRIOR TO AND DURING/AFTER CONSTRUCTION.</div> <div>3. MATCH EXISTING PERIMETER GRADES.</div> <div>4. SUMP PUMP DISCHARGE TO GRADE AND TO FRONT YARD THROUGH FRONT FOUNDATION WALL ONLY.</div>	<div>BENCHMARK NOTE</div> <div>ELEVATIONS ARE GEODETIC, RELATED BENCHMARK 00819708354 HAVING AN ELEVATION OF 190.433 METRES.</div> <div>LEGEND</div> <div>100.00 DENOTES EXISTING GROUND ELEVATION</div> <div>100.00 " PROPOSED ELEVATION</div> <div>[100.00] " FINISHED ELEVATION</div> <div>← " DRAINAGE DIRECTION</div> <div>← " EXISTING DRAINAGE DIRECTION</div> <div>— " SETBACK MEASUREMENT</div> <div>— " DOWNSPOUT</div> <div>— " SUMP PUMP DISCHARGE</div>	<div>PART 1</div> <div>TOP OF FOUNDATION - [202.30]</div> <div>PART 2</div> <div>TOP OF FOUNDATION - [178.30]</div> <table><tr><td>1</td><td>JUNE 29, 2020</td><td>INITIAL RELEASE</td></tr><tr><td>REVISION</td><td>DATE</td><td>REMARKS</td></tr></table> <div><div></div><div><div>Kirkup Mascoe Ure Surveying</div><div>A Division of J.D. Barnes Limited</div></div><div><div>SURVEYING</div><div>MAPPING</div><div>GIS</div></div></div> <div>49 EASTCHESTER AVE., ST. CATHARINES, ON, L2P 2Y6</div> <div>T: (905) 641-1007 F: (905) 641-4424 www.jdbarnes.com</div> <div>DRAWN BY: CA</div> <div>CHECKED BY: RSK</div> <div>REFERENCE NO: 20-49-174-00 P&G</div> <div>PLOTTED: JUNE 29, 2021</div> <div>DATE: JUNE 29, 2021</div>	1	JUNE 29, 2020	INITIAL RELEASE	REVISION	DATE	REMARKS
1	JUNE 29, 2020	INITIAL RELEASE						
REVISION	DATE	REMARKS						

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW 4392(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 Public Works
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 the
Community Dedication Program for the Town of Pelham;

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

- (1) THAT the Public Works Schedule to By-law #4299(2020) be
amended as follows, detailed in the attached schedule, as it
relates to the Community Dedication Program, as below
listed:

Add – Wheel Chair Accessible Picnic Table - \$4,000.00
Add – 6-Foot 'Pelham Bench' - \$3,000.00
Add – Pride Bench - \$3,000.00
Add – Bike Rack - \$1,000.00
Add – Bike Repair Station - \$4,500.00
Add – Concrete Ping Pong Table - \$10,500.00
Add – Chess/ Checkers Games Table - \$4,000.00
Add – Tree Dedication - \$750.00

ENACTED, SIGNED AND SEALED THIS
04th DAY OF October, 2021.

MAYOR MARVIN JUNKIN

TOWN CLERK, HOLLY WILLFORD



Public Works

	2021
Foundation Charges (continued)	
Other Fees	
Columbarium Plate Engraving to Town specifications for font/size/style (at time of need). Actual cost of engraving plus \$75 administration fee to cover internal costs and shipping	\$75.00 + Actual Cost of Engraving
Overtime Rate per hour	\$270.00
Archaeological Dig – per hour	\$87.00
Dedication Items	
Wheel Chair Accessible Picnic Table	\$4,000.00
6-Foot “Pelham Bench”	\$3,000.00
Pride Bench	\$3,000.00
Bike Rack	\$1,000.00
Bike Repair Station	\$4,500.00
Concrete Ping Pong Table	\$10,500.00
Chess/Checkers Games Table	\$4,000.00
Tree Dedication	\$750.00

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4394(2021)

**Being a by-law to adopt, ratify and confirm the actions of
the Council at its regular meeting held on the 04th day of
October 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 04th day of October, 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 04th DAY OF OCTOBER 2021.

MAYOR MARVIN JUNKIN

TOWN CLERK HOLLY WILLFORD