



REGULAR COUNCIL Agenda Addendum

C-14/2022 - Regular Council

Monday, August 22, 2022

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
8. Consent Agenda Items to be Considered in Block	
8.3. Staff Reports of a Routine Nature for Information or Action	
*8.3.5. Memo re Council Lame Duck Status, 2022-0205-Clerks	2 - 4
8.5. Information Correspondence Items	
*8.5.8. Ryan Serravalle correspondence re: Support of 15 Highway 20 Development	5 - 5
*8.5.9. Bernie and Susan Law - Correspondence re: 15 Hwy 20 Development	6 - 8

Memo

To: Town of Pelham Council

From: Holly Willford, Town Clerk

Date: August 22, 2022

RE: Council Lane Duck Status

Council is elected for a four-year term. Within the fourth year of the cycle, during the election period, Council is subject to Section 275 of the *Municipal Act, 2001* (the "Act").

Section 275(2) of the Act states there are two potential periods in which a Council for a municipality may be restricted in its authority to take certain actions. The restrictions are further referenced in Section 275(3) of the Act, and are commonly referred to as "lame duck provisions".

All municipal councils within Ontario have the potential to become lame duck following Nomination Day (August 19, 2022) or following Election Day (October 24, 2022).

Please be advised that the Town Clerk has determined that Town Council is now Lame Duck; as fewer than three-quarters of the members of the present council will return.

As Council is considered Lame Duck, and pursuant Section 275 of the Act, the following restrictions apply:

- (3) The actions referred to in subsection (1) are,
- a) the appointment or removal from office of any officer of the municipality;
 - b) the hiring or dismissal of any employee of the municipality;
 - c) the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and

- d) making any expenditures or incurring any other liability which exceeds \$50,000.

Exception

(4) Clauses (3) (c) and (d) do not apply if the disposition or liability was included in the most recent budget adopted by the council before nomination day in the election.

Emergencies

(4.1) Nothing in this section prevents a municipality taking any action in the event of an emergency.

Council will recall that By-law 4455(2022) provided for this and delegated authority to the Chief Administrative Officer for certain acts, as follows:

1. THAT where specified joint delegation of authority is to be exercised, in the absence of consensus, the delegation of authority rests with the Chief Administrative Officer (CAO);
2. THAT the CAO be delegated the authority to hire or remove any employee of the municipality with the exception of statutory officers of the municipality;
3. THAT the CAO be delegated the authority to appoint any Acting statutory officer of the municipality in the event of a departure or vacancy of such an officer's position;
4. THAT the CAO and the Treasurer are jointly delegated as the financial signing authority for expenditures outside the current budget, exceeding \$50,000;
5. THAT the CAO and Clerk are jointly delegated the authority to execute any Agreement of Purchase and Sale pertaining to the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal;
6. THAT the CAO and the Clerk are jointly appointed signing authority for all agreements pursuant to Article 5;

7. THAT the CAO shall report to Council on any actions taken under the restrictions listed in Section 275(3) of the *Municipal Act, S.O. 2001* between Nomination Day and the commencement of the Council Term;

8. THAT this By-law shall take effect only in the event that Council Authority ceases under Section 275 of the Municipal Act, being the Lamé Duck provisions, and shall cease upon the Swearing In of the 2022-2026 Municipal Council for the Town of Pelham.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Holly Willford", written in a cursive style.

Holly Willford
Town Clerk

From: [Ryan Serravalle](#)
To: [Sarah Leach](#)
Subject: 15 Highway 20 Development
Date: Thursday, August 18, 2022 6:20:15 AM

Hi Sara

I own across the street roughly, [REDACTED] and I am in support of residential proposed Development for this property. I have seen the drawings. I think it will be another nice addition to highway 20.

Just wanted my thoughts.

Thank you.

--

Ryan Serravalle



From: [bernie law](#)
To: [John Wink](#); [Wayne Olson](#); [Marvin Junkin](#); [Lisa Haun](#); [clerks pelham](#)
Subject: Fwd: #15 Hwy 20 Development Site Update
Date: Saturday, August 20, 2022 9:10:54 AM

----- Forwarded message -----

From: **bernie law** [REDACTED]
Date: Sat, Aug 20, 2022 at 9:06 AM
Subject: Re: #15 Hwy 20 Development Site Update
To: [REDACTED]
Cc: [REDACTED]

Thankyou to [REDACTED] and the Kinsman Court Committee for this #15 Hwy. 20 Development Site Update.

It appears to me that the Planning Department [REDACTED], has missed one very important fact about the access from Kinsman Court to the rear of #15 hwy. 20. We submitted photos of a huge 15' pile of snow pushed up to the south end of Kinsman Crt. every winter from the entrance to Kinsman Crt. at the North end from Broad St. This very large pile of snow encroaches the driveways of [REDACTED] and [REDACTED], making it very difficult for [REDACTED] to access his driveway due to the snow being pushed onto his driveway by the Town Snow Clearing Contractor . The cost to the Town is in the Thousands of Dollars to have this snow removed once or twice every winter. I witnessed 3 very large town dump trucks and a huge loader removing this snow in April of this year for over 8 hours shipping it to their yard in North Pelham. This snow pile will in fact stop any pick up of garbage from this location. As I made comment to the solution to this access, was to make the the entrance from Hwy # 20 larger so that all trucks would have access to this residential location for furniture delivery and garbage pick up.

If the committee is in favour of my comments , I suggest that they send this e-mail to all parties concerned regarding this decision.

Respectfully submitted ,

Bernie and Sue Law.

On Fri, Aug 19, 2022 at 9:56 PM [REDACTED] wrote:

To All:

Please find attached the latest note that Bill is sending to the councillors with

regards to the agenda for
the upcoming Council meeting on Monday August 22nd at 5:30 p.m.

As well, the Planning Dept. has confirmed that the garbage removal will be done through Kinsman Court. Below is the email response we received from Shannon Larocque, Sr. Planner with the Town of Pelham.

"The access to Kinsman Court does not require zoning approval and so it is not part of the application being considered by Council. Having frontage on a public road normally allows the owner to have access to the property from the road – at times that does result in some tree removal. Since the development is required to receive site plan approval which deals with the detailed design for the site, the entrance locations would be approved through that process."

If you wish to discuss any of the information in this email with any one of us please feel free to reach out to [REDACTED]

We encourage you to please call or email the councillors and express your opinions/concerns by no later than Monday Aug 22nd at 2:30 pm, as the meeting will commence at 5:30 pm.

Kindest regards,

Kinsman Court Committee

From: clerks_pelham
To: [Holly Willford](mailto:Holly.Willford)
Subject: FW: #15 Hwy 20 Development Site Update
Date: Saturday, August 20, 2022 2:20:56 PM

From: bernie law [REDACTED]
Sent: Saturday, August 20, 2022 1:23 PM
To: clerks pelham <clerks@pelham.ca>
Subject: Re: #15 Hwy 20 Development Site Update

#15 Hwy 20 Development Site Update.

Good afternoon Holly,

I also wish to add, it appears that our planning department is going against 100% of the tax paying residents living on Kinsman Court. We were advised by the developer that no cars from #15 Hwy 20 would be allowed to park on Kinsman Court. if parking becomes a issue, all parking tickets would be forwarded to the developer from the Town of Pelham for payment. The cost of removing all of this snow on a as needed basis would also be forwarded to the Developer for Payment (Not the Tax Payers of Pelham) . If however the Town Councillors approve this application, we ask that the entrance driveway from Kinsman Court be moved west approx 10-12 ' to allow for the largest Pine Tree to survive this destruction of green trees and a peaceful location at the end of our Court. (Pelham) owns the Court. I am waiting for a answer from the Developer , why your driveway entrance is not designed to allow all trucks to enter your property from Hwy # 20. This entrance way from Hwy. #20 would solve 100 % of this entire opposition to this application. Please re configure your building design to allow all trucks access to your property from Hwy # 20.

Respectfully submitted

Bernie and Susan Law.
[REDACTED] Kinsman crt,

PS How will the bulldozers, back hoes, dump trucks, concrete trucks, heavy equipment vehicles , structural steel fabricators and all other vehicles deemed necessary to build this very large building on such a very small parcel of land.