

REGULAR COUNCIL AGENDA

C-19/2022 - Regular Council

Monday, November 7, 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

1. Call to Order and Declaration of Quorum

1.1. Land Recognition Statement

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

2. Approval of Agenda

3. Disclosure of Pecuniary Interests and General Nature Thereof

4.	Hearing of Presentation, Delegations, Regional Report	
4.1.	Presentations	
4.2.	Delegations	
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	2. Lincoln Pelham Public Library: Julie Andrews and Amy Guilmette	
	3. Niagara Division - Canadian Railroad Historical Association: Paul Chapman	
4.3.3.	Council Input - 2023 Budget	
4.4.	Report of Regional Councillor	
5.	Adoption of Minutes	
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8.5.	Information Correspondence Items	
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8.5.4.	Correspondence from Minister of Agriculture and Agri-	78 - 79

**Food Canada re: Ontario Wildlife Damage
Compensation Program**

8.6. Regional Municipality of Niagara - Action Items

8.7. Committee Minutes for Information

8.7.1. Lincoln Pelham Public Library Board 80 - 94

April 19, 2022

May 17, 2022

June 21, 2022

September 20, 2022

9. Items for Separate Consideration, if Any

10. Presentation & Consideration of Reports

10.1. Reports from Members of Council:

10.1.1. Councillor Hildebrandt 95 - 104

Final Utility Sustainability Committee Report

10.2. Staff Reports Requiring Action

10.2.1. Christmas in Pelham 2022, 2022-0260-Recreation 105 - 109

10.2.2. Pelham Summerfest 2022 Final Report, 2022-0244-Recreation 110 - 117

10.2.3. Summer Chill Series 2022 Final Report, 2022-0264-Recreation 118 - 123

10.2.4. Rural Hens Licensing By-law, 2022-0252-Planning 124 - 137

11. Unfinished Business

12. New Business

13. Presentation and Consideration of By-Laws 138 - 146

1. By-law 4496(2022) - Being a By-law to regulate the cleaning,

clearing and maintenance of land in the Town of Pelham and to repeal By-law No. 4453(2022).

14. Motions and Notices of Motion

14.1. Councillor Olson - Remembrance Day

Moved: Councillor Olson

Seconded: Councillor Wink

WHEREAS the Town of Pelham is committed to recognizing and commemorating the annual nationwide day of Remembrance on November 11th to mark the sacrifice of the many who have fallen in the service of their country and acknowledge the courage, valour and sacrifice of the military personnel who have served and continue to serve;

AND WHEREAS the Canadian Warplane Heritage Museum hosts an annual Remembrance Day service honouring those who served their country and recognizing the members of today's Canadian Armed Forces who build upon the legacy of our fallen heroes;

AND WHEREAS the Canadian Warplane Heritage Museum facilitates the military tradition of a community Cenotaph flyover traversing Hamilton and participating communities as part of the Remembrance Day service;

AND WHEREAS the Canadian Warplane Heritage Museum annually calls upon communities within the Greater Golden Horseshoe for monetary support to offset the expense of operating the vintage military aircraft to be used during the community Cenotaph flyovers;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Town of Pelham pledge an annual contribution of \$2,500.00, adjusting for inflation as appropriate, whereby the Canadian Warplane Heritage Museum ensures the Town's inclusion in this annual act of Remembrance;

AND THAT staff be directed to include this expenditure as part of the 2023 budget and future year budget processes for

Council's consideration.

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 one housekeeping matter (Closed Session Minutes).

18. **Rise From In Camera**

19. **Confirming By-Law**

147 - 147

20. **Adjournment**

Budget Open House

November 7, 2022

2023 Budget Schedule

DATE	PURPOSE
Monday November 7, 2022	Public Meeting To receive input into Town's 2023 Budget
Monday, December 5, 2022	Draft Capital and Operating Budgets Available for Council & Pelham Finance and Audit Committee Review
To Be Determined	Draft Capital and Operating Budgets Finance and Audit Committee Review
Monday December 19, 2022	User Fees and Charges Schedule Approval
Tuesday January 11, 2023	Capital Budget Special Meeting Presentation at General Committee
Tuesday January 18, 2023	Operating Budget Special Meeting Presentation at General Committee
Monday January 30, 2023	Draft Water and Wastewater Budgets Available for Council & Pelham Finance and Audit Committee Review
Monday February 6, 2023	Capital and Operating Budget Consideration for Approval at Council
Monday February 6, 2023	Water and Wastewater Budget Special Meeting Presentation at General Committee
Monday February 21, 2023	Water and Wastewater Budget Consideration for Approval at Council

Town of Pelham Budgets

- The Town's budget is a financial plan that outlines the money the Town will raise and spend within one year.
- It aligns the Town's strategic priorities with the services that are delivered daily to the residents.
- It directs what infrastructure will be purchased, constructed and repaired.

Operating Budget

- **Operating Levy Budget** –pays for the daily business of the Town including the Library. This includes all programs and services, including staff to deliver these services, supplies and repayment of debt for major projects.
- This amount is paid by your property taxes.

Operating Budget

- **Operating Rate Budget** – pays for based services such as water and waste water treatment. Costs for these services are charged to residents based on usage only, not by property taxes.

Capital Budget

- The **Capital Budget** is used for long term investments like infrastructure and facilities, which are paid off over time. Road repairs and machinery are examples of capital projects.
- Development Charges also contribute to the funding of our growth related capital projects.

How are Pelham property taxes spent?

Taxes are calculated based on the assessed value of each property, provided by the Municipal Property Assessment Corporation (MPAC). Below is a detailed description and example of the breakdown of how collected taxes are spent.



Example based on
Annual property tax of:
\$4,946*



2021 Property Tax Breakdown by Service

based on an average residential property assessment value of \$373,000*

Niagara Region

Set by the Niagara Region. Collected by the Town and remitted to the Region.



48%
\$2,371

48%

Town of Pelham

Set by the Town to provide services.



40%
\$2,004

40%

Education

Set by the Province. Collected by the Town and remitted to school boards.



12%
\$571

12%



*The annual property tax calculation and breakdown is based on the estimated amount of property tax for 2021 on an average residential property. The calculation for 2022 is based on updated tax rates and will differ from the above example.

Budget Open House

- The importance of the Budget Open House is to hear from the residents and businesses for Pelham their priorities for the Town for the 2023 budget year.

Presentations and Public Input

SUBMISSION TO THE TOWN OF PELHAM BUDGET OPEN HOUSE NOVEMBER 7TH, 2022 RELATED TO AN INTERPRETATIVE BOARD ABOUT THE NIAGARA ST. CATHARINES & TORONTO RAILROAD

WHO ARE WE?

The Niagara Division of the Canadian Railroad Historical Association (CRHA) is a group centered in Niagara that promotes an interest in local railway history. We have about 50 members. We are associated with the national group, the Canadian Railroad Historical Association (CHRA) which has over 3,000 members across Canada.

The Niagara Division was formed in 1978 and meets at the St. Catharines Museum the last Wednesday of the month between September and April. Our focus is on the photo documentation of the Niagara's railway history and its current evolution. We conduct field trips to a variety of locations both within and beyond Niagara. The group decided not to become involved in equipment preservation as there are others in Niagara already doing that. Our members have published books, written articles and given presentations on Niagara's railway history. The Niagara St. Catharines and Toronto (NS&T) Interpretative Board Project is an effort to promote knowledge of the significant role of the NS&T in the evolution of communities in Niagara.

WHAT DO WE PROPOSE

The NS&T was an integrated transportation company that included the electric freight and passenger railway and lake boats linking Port Dalhousie and Toronto and buses. The company served Niagara from 1899 until 1960. The NS&T ran the last interurban passenger service in Canada in 1959 between Thorold and Port Colborne through the Town of Pelham.

The NS&T had an impact on Pelham as it brought a new north south railway connection that could compete with the Grand Trunk and Canada Southern. It made other settlements along the Welland Canal corridor more accessible with up to 18 passenger and express trains per day.

This interpretative board is part of an overall project to document the history of the NS&T in each community it served. To date we have completed and installed signs in St. Catharines (5), Thorold (1), Welland (1) and Port Colborne (1). We have completed three signs for the City of Niagara Falls that will be installed as soon as trail work is completed.

In addition, we have completed an interpretative board for the Welland Ship Canal Construction Railway as part of the Fallen Works Project and are working with the Town of Niagara-on-the-Lake for a railway historical sign in their Town Dock area.

We would like to do our next interpretative board in Pelham. We have already had discussions with Barbara Wiens, your Director of Planning. The exact location of the interpretative board would be determined jointly by a representative of the CRHA and the Town of Pelham. A general location is shown on the air photo attached to this presentation.

WHAT WILL BE ON THE PROPOSED INTERPRETATIVE BOARD

The proposed interpretative board for Pelham would tell the story of the NS&T with photographs, drawings and text has four parts:

1. The NS&T and its evolution,
2. The extension of the N.S. &T through Pelham
3. How the service operated.
4. The decline of the railway service and the last run of an interurban from Thorold to Port Colborne through Pelham in 1959.

There would likely be up to three photographs and a map showing the extension to through Pelham, a graphic of the area around the former Fonthill station and text.

We have worked with Fantasy Signs on our interpretative boards and would intend to continue with them. Fantasy Signs have done numerous interpretative boards for the government agencies and are a premier sign company.

The interpretative board would be approximately 0.8 m x 0.9 m. It would be our intent to have this interpretative board installed in the spring of 2023.

The Niagara Division of the CRHA would be responsible for the research and assembly of the material for the interpretative board and coordinating with Fantasy Signs. We would ask that the Town to be responsible for the locates for the interpretative board and the long-term maintenance of the interpretative board. The signs are guaranteed for ten years by Fantasy Signs.

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WHAT ARE WE ASKING

We will be asking the Town of Pelham for a financial commitment of a maximum of \$1,000. The estimated cost of the interpretative board is \$4,950 (August 2022), The Niagara Division would contribute \$2,500, we have fundraised almost \$1,500 from the

public leaving a \$1,000 from the Town of Pelham (20% of the cost). Other municipalities have contributed anywhere from 40% to 100% of the cost of the interpretative boards.

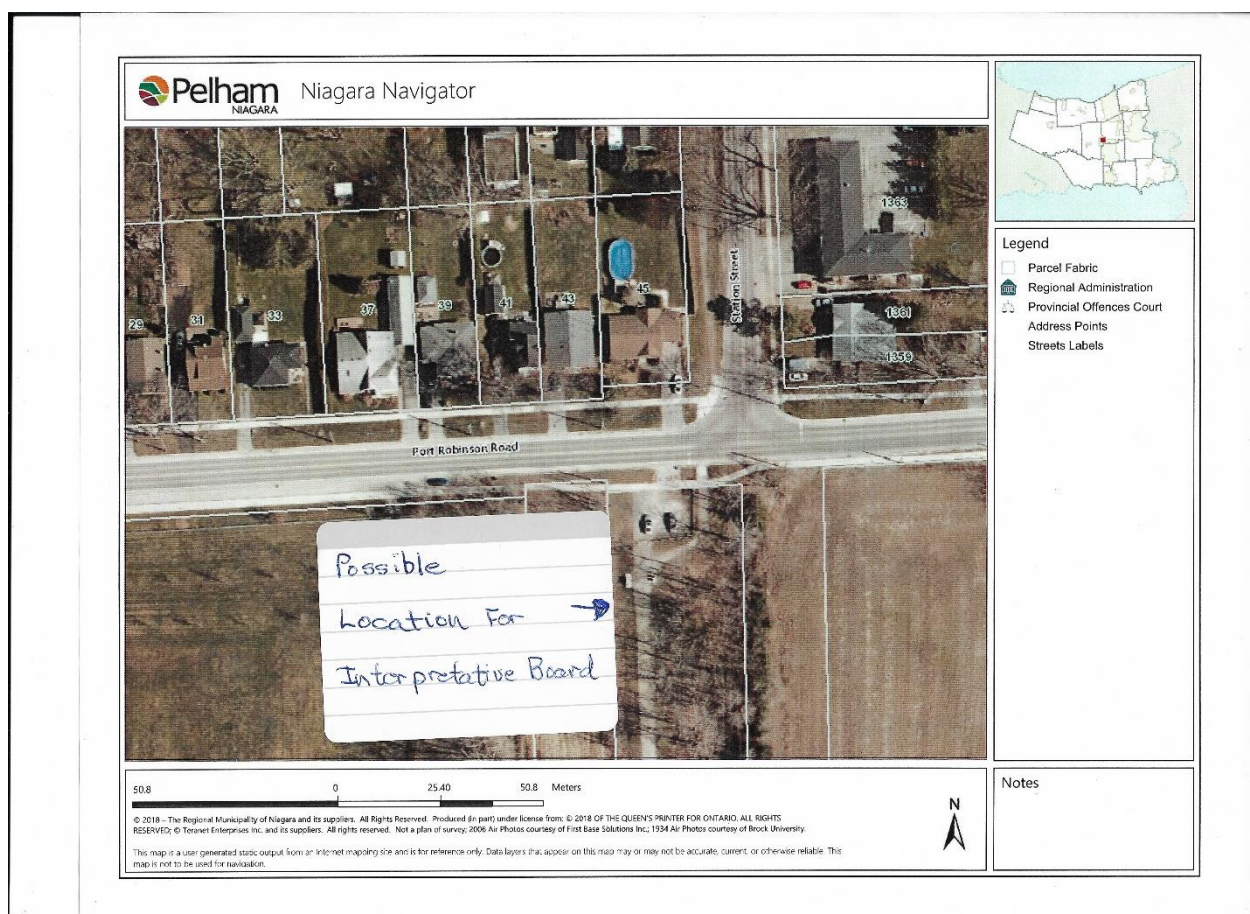
We look forward to working with you towards the implementation of the project and increasing public awareness of an important aspect of our shared heritage. If you have any questions, I would be pleased to respond.

Respectfully Submitted

Paul Chapman

Chair, NS&T Interpretative Board Project

Niagara Division, CRHA





PELHAM SOCCER CLUB

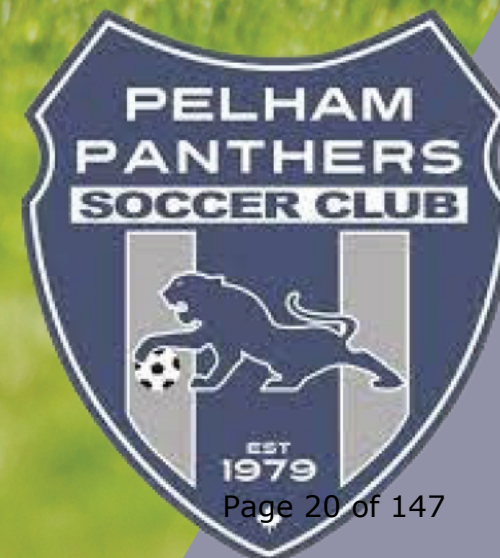
Town of Pelham Budget Presentation



CLUB INFORMATION



- Largest Youth User group in Pelham
- 2019- 692 players
- 2022 - 916 players on Teams
 - 1 Niagara Regional Soccer Program Team
 - 15 Niagara Travel Teams
 - 13 Interlock House league Teams
 - New for 2022
 - 40 Pelham House league Teams
- Players Ages 2 to 52
- 33% growth in 4 years
- 2022- Over 1150 unique players tried out, trained or played for our club.



FACTORS FOR GROWTH

- Town growth
- Diversity in club offerings- we have adjusted programming to demand and to keep players playing and training longer.
- Part Time Technical Director and Part Time Administrator on staff.
- Strong leadership at Board level
- Dedicated coaches

FIELDS

- Town Fields-
 - Centennial 1 & 2 (2- 11v11 or 9v9 fields)
 - Harold Black Park (1- 9v9 or 2- 5v5)
- DSBN Fields-
 - EL Crossley Turf (1- 11v11 or 2- 9v9)
 - Glynn A Green (4- 7v7)
- Private-
 - Concordia Academy (1- 5v5 and 1- 7v7 (no nets)- Maintained by the TOP
- Over 60 % of our field usage is Schools or private fields



SHORT TERM ISSUES



- Field Conditions- Centennial and Harold Black fields need major up keep. They are uneven and over run with weeds.
 - Currently no seasonal upkeep is budgeted for or performed. No rolling, Weed & Feed etc.
- Cutting- Spring and wet summers- Town fields are often too long. Town promises one cut a week when more is required.
- Lack of Fields- Pelham Arena fields have not been replaced. Concordia Academy field was used as an replacement this season. But is in rough shape, one field had no nets and exposed our players to inappropriate graffiti on the walls.





CONCORDIA ART

IMMEDIATE SOLUTIONS

- Field Conditions- The Beautification department has received a quote to do much needed maintenance on 1 soccer field for next season at a cost of approx \$20,000 for 1 soccer field and 1 baseball diamond. We request you approve this and commit to doing all 3 town soccer fields.
 - We also request that we be able to fund our own contractor to preform lighter maintenance on the other fields. Rolling, Weed and Feed in the spring.
 - We pay for the cutting and up keep at GAG at a cost of \$6,500 for 2022 and it is the nicest grass field we have.
- Cutting- We know there is currently only one mower for all the town fields and this is not enough for the high needs months.
 - We request we be able to contract out a once a week cutting on the current town fields, during the high growth months.



SOLUTIONS CONTINUES

Lack of Fields- The solution for this was Concordia Academy this season and it was a weak substitute for the Pelham Arena fields.

- No nets, No path cut to the back field, graffiti.
- Can another 2 practice fields be placed somewhere?
- This would just bring us up to what we had previously with the Arena fields.



LONG TERM PLANS



- Third Field at Centennial Park
 - We are aware that the current master plan has a place for this. We would like to encourage its development. It is desperately needed.
 - Flexibility on size of field- 11v11 vs 9v9
 - Will require more parking
- Additional Fields when planning Green and Recreational space.
- Shared Use Club House at Centennial Park
 - Change rooms and Meeting room
 - Accessible Bathrooms
 - Willing partner in this project.

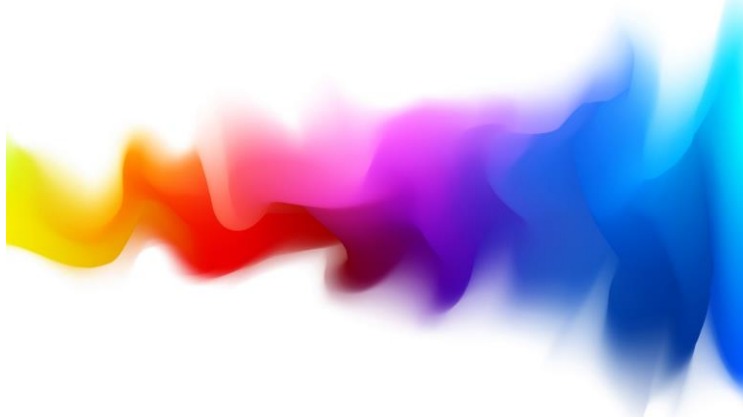




Pelham Panthers Soccer Club

**THANK YOU
FOR YOUR
CONSIDERATION**





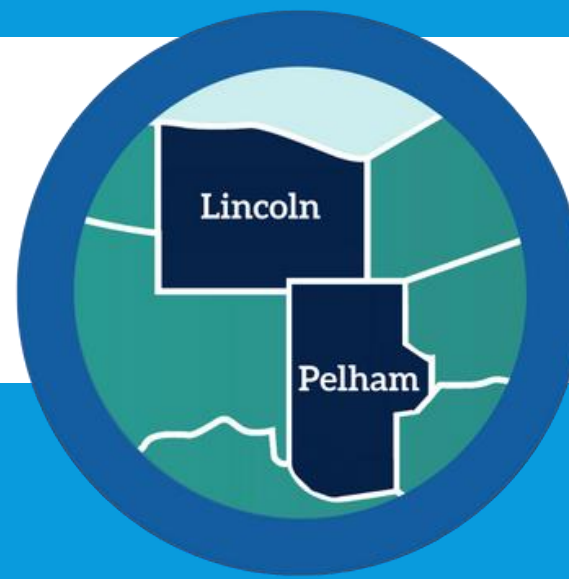
MOBILE BRANCH

THE CONCEPT

- “Rosie” has driven hundreds of kilometres providing access to the library wherever she goes. She brings maker activities; games and story times as well as materials to borrow and take home. The most surprising result of Rosie’s travels is the number of books and DVDs that were borrowed from the pop-up library. The library’s ability to create new memberships on the spot enables the new card holders to borrow items right away – from the park or daycare or the fire hall – anywhere the van can travel.
- The planned Bookmobile will be a Ford Transit commercial cargo van with a 7-foot ceiling which will be electric with no emissions. The height will allow for staff and customers to stand inside while looking for materials. It will need shore power so that the van will have power when it is not running so as not to idle for long periods and to enable it to be heated. An awning will enable service to continue during inclement weather. In addition to retro-fitted shelving inside, a ramp will enable access as well as the addition of several book carts to increase the number of items the van will have to offer.



THE NEED



Why a Mobile Branch?

- Combined, the Towns of Lincoln and Pelham occupy almost 750 sq km – which represents about 40% of the Niagara Region. Currently, there are four bricks and mortar locations to provide library services to over 42,000 people. Those residing in areas outside of Beamsville, Fonthill, Vineland and Fenwick must travel to obtain physical materials and services.
- **For a variety of reasons, families and seniors, adults and children, are unable to visit a branch, and this need paves the way for a library bookmobile.**
- Building projects are planned in two of our communities over the next five years. A mobile branch would allow the library to provide uninterrupted services during this time – and lessen the need to secure alternate locations during construction.

THE PLAN:

ACT AS A “BOOKMOBILE” PROVIDING MATERIALS FOR CHECKOUT ON A REGULAR ROUTE, AND:

Make library resources available to those who can't easily visit a branch

- Seniors Residences
- Care Homes
- Adult Day programs
- Daycare Centres
- Food Banks

Attend events and activities in the community to raise awareness of library services and resources

- Area parks and camps
- Holiday events
- Regional events – e.g. One Book, One Niagara; Fall Fairs

THE LOOK:

- FORD 2023 E-Transit
- Comes with on-board power
- Will require shelving, awning and a ramp installation
- Cost today: \$80,610 + retrofit \$30,000 = \$110,000 (+taxes)
- Insurance for staff drivers included in municipal fleet policies
- Upkeep managed by Town Fleet as it will be a shared capital asset



REGULAR COUNCIL MINUTES

Meeting #: C-18/2022 - Regular Council
Date: Monday, October 17, 2022
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present: Mayor Marvin Junkin
Councillor Lisa Haun
Councillor Bob Hildebrandt
Councillor Ron Kore
Councillor Wayne Olson
Councillor Marianne Stewart

Regrets: Councillor John Wink

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Teresa Quinlin-Murphy
Jennifer Stirton
Vickie vanRavenswaay
Barbara Wiens
Holly Willford

1. Call to Order and Declaration of Quorum

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

1.1 Land Recognition Statement

Councillor Stewart read the land acknowledgement into the record.

2. Approval of Agenda

Moved By Councillor Wayne Olson

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the agenda for the October 17, 2022 Regular meeting of Council be adopted, as circulated.

Amendment:

Moved By Councillor Wayne Olson

Seconded By Councillor Bob Hildebrandt

THAT the agenda be amended to:

- **Move item 10.2.2 Proposed Replacement of Town of Pelham Clean Yards By-law, 2022-0254-Chief Administrator Officer, to be heard after item 5 Adoption of Minutes**

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor Marianne Stewart

Carried (6 to 0)

Motion as Amended:

Moved By Councillor Wayne Olson

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the agenda for the October 17, 2022 Regular meeting of Council be adopted, as amended.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor Marianne Stewart

Carried (6 to 0)

3. Disclosure of Pecuniary Interests and General Nature Thereof

3.1 Councillor Ron Kore - Special Event Permit Application - DeVries Fruit Farm Christmas Market 2022, 2022-0241-Clerks

Councillor Kore declared a conflict of interest as his business deals with this company regularly. He further mentioned his family members may buy fruit from the farm.

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.2 Delegations

4.3 Report of Regional Councillor

5. Adoption of Minutes

Moved By Councillor Marianne Stewart

Seconded By Councillor Ron Kore

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

1. C-17/2022 - Regular Council Meeting - October 3, 2022

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor Marianne Stewart

Carried (6 to 0)

6. Proposed Replacement of Town of Pelham Clean Yards By-law, 2022-0254-Chief Administrator Officer

Moved By Councillor Wayne Olson

Seconded By Councillor Marianne Stewart

BE IT RESOLVED THAT Council receive Report # 2022-0254 – Proposed Replacement of Town of Pelham Clean Yards By-law, for information;

AND THAT Council approve, in principle, the proposed Clean Yards By-law as presented;

AND THAT Council direct that the proposed by-law be presented to Council for consideration at the next regular meeting of Council.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor Marianne Stewart

Carried (6 to 0)

7. Business Arising from Council Minutes

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

Councillor Hildebrandt lifted item 8.3.1.

9. Consent Agenda Items to be Considered in Block

Moved By Councillor Lisa Haun

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the Consent Agenda items as listed on the October 17, 2022 Council Agenda be received and the recommendations contained therein be approved, save and except 8.3.1:

8. Consent Agenda Items to be Considered in Block

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

~~8.3.1. Town Hall Building Addition Update, 2022-0242-Public Works~~

~~BE IT RESOLVED THAT Council receive Report #2022-0242-Public Works—Town Hall Building Additional Update, for information-(lifted)~~

8.3.2. Q3 RCW COW Report 2022, 2022-0250-Recreation

BE IT RESOLVED THAT Council receive Report 2022-0250-Recreation being the Q3/2022 Recreation, Culture and Wellness Department Report be received for information.

8.3.3. Q3 2022 Clerks COW Report, 2022-0223-Clerks

BE IT RESOLVED THAT the Q3/2022 Clerk's Report be received for information.

8.3.4. Q3 (2022) - Planning and Development COW Report, 2022-0229-Planning

BE IT RESOLVED THAT Council receive the Q3/2022 Community Planning and Development Department Report for information.

8.3.5. Q3 Fire by-law department COW report, 2022-0249-Fire Dept

BE IT RESOLVED THAT the Q3/2022-0249 Fire and By-law Enforcement Department Report be received for information.

8.3.6. Q3 Public Works Department Quarterly Report for the period (July 2022 - September 2022), 2022-0253-Public Works

BE IT RESOLVED THAT the Q3/2022 Public Works Department Report be received for information.

8.3.7. Q3 2022 Corporate Service COW Report, 2022-0199-Corporate Services

BE IT RESOLVED THAT the Q3/2022-0199 Corporate Services Department Report be received for information.

8.5. Information Correspondence Items

8.5.1. Niagara Region Correspondence

8.5.1.1. Niagara Peninsula Conservation Authority's Policy Document & Procedural Manual Update

BE IT RESOLVED THAT Council receive correspondence from Niagara Region, dated September 26, 2022, regarding Niagara Peninsula Conservation Authority's Policy Document and Procedural Manual Update, for information.

8.5.1.2. Smarter Niagara Incentive Program Tax Increment Grant 2022 Update

BE IT RESOLVED THAT Council receive correspondence from Niagara Region, dated September 26, 2022, regarding Smarter Niagara Incentive Program Tax Increment Grant 2022 Update, for information.

8.5.1.3. Implementation of Automated Speed Enforcement Across Niagara Region

BE IT RESOLVED THAT Council receive correspondence from Niagara Region, dated September 30, 2022, regarding the

Implementation of Automated Speed Enforcement Across Niagara Region, for information.

8.5.2. Canadian Federation of University Women Welland and District - 16 Days of Activism Against Gender-Based Violence

BE IT RESOLVED THAT Council receive correspondence from Canadian Federation of University Women Welland and District, dated October 4, 2022, regarding 16 Days of Activism Against Gender-Based Violence, for information.

8.5.3. GTA - Emergency Management Consultants Inc. - Review of the Emergency Management Plan for the Town of Pelham

BE IT RESOLVED THAT Council receive the report entitled Review of the Emergency Management Plan for the Town of Pelham from GTA Emergency Management Consultants Inc. dated February 2022, for information.

8.5.4. Niagara Peninsula Conservation Authority - 2021 Water Quality Report and Fact Sheet

BE IT RESOLVED THAT Council receive correspondence dated September 27, 2022 from the Niagara Peninsula Conservation Authority, for information.

8.5.5. Court of Revisions, September 7, 2022 Meeting Minutes

BE IT RESOLVED THAT Council receive the Court of Revisions September 7, 2022 Meeting Minutes, for information.

8.7. Committee Minutes for Information

8.7.1. Committee of Adjustment

BE IT RESOLVED THAT Council receive meeting minutes dated September 7, 2022 from the Committee of Adjustment, for information.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor Marianne Stewart

Carried (6 to 0)

10. Items for Separate Consideration, if Any

10.1 Town Hall Building Addition Update, 2022-0242-Public Works

Moved By Councillor Lisa Haun

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2022-0242-Public Works – Town Hall Building Additional Update, for information.

Amendment:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Ron Kore

THAT the motion be amended to include:

AND THAT Council direct staff to prepare a fulsome report detailing the total cost impact of the soil investigation and new foundation design for the new Town Hall addition;

AND THAT staff report back to Council by December 5, 2022.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor Marianne Stewart

Carried (6 to 0)

Motion as Amended:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Ron Kore

BE IT RESOLVED THAT Council receive Report #2022-0242-Public Works – Town Hall Building Additional Update, for information;

AND THAT Council direct staff to prepare a fulsome report detailing the total cost impact of the soil investigation and new foundation design for the new Town Hall addition;

AND THAT staff report back to Council by December 5, 2022.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor Marianne Stewart

Carried (6 to 0)

11. Presentation & Consideration of Reports

11.1 Reports from Members of Council:

11.2 Staff Reports Requiring Action

11.2.1 Special Event Permit Application - DeVries Fruit Farm Christmas Market 2022, 2022-0241-Clerks

Councillor Kore vacated the electronic meeting by turning off his camera and muting himself.

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2022-0241 – Special Event Permit Application – DeVries Fruit Farm Christmas Market 2022, for information;

AND THAT Council authorize and direct the Town Clerk to issue a Special Event Permit for the DeVries Fruit Farm Christmas Market event on December 3, 2022, subject to the approval of the Town Clerk, Director of Public Works, Director of Community Planning and Development, Fire Chief, and any other applicable agency, upon receipt of satisfactory drawings, plans, permits, or other such documents as requested;

AND THAT the Special Event Permit include any such conditions of approval as requested by the said approval departments and or agencies;

AND THAT Council waive all licensing and fee requirements pursuant to By-Law No. 3186(2011) for craft vendors only in lieu of a \$150.00 Fire Inspection Fee, payable to the Town of Pelham prior to the issuance of the permit.

For (5): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Wayne Olson, and Councillor Marianne Stewart

Conflict (1): Councillor Ron Kore

Carried (5 to 0)

12. Unfinished Business

13. New Business

14. Presentation and Consideration of By-Laws

Councillor Kore returned to the electronic meeting.

Moved By Councillor Lisa Haun

Seconded By Councillor Marianne Stewart

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law do now read a third time and do pass same;

1. By-law 4466(2022) - Being a by-law to provide for updated schedule of assessments, updated schedule of assessment for future maintenance and schedule of actual costs for Big Creek Drain System.

AND THAT Council of the Town of Pelham, having given due consideration to the following By-law 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. By-law 4494(2022) - Being a By-law to Authorize the Mayor and Clerk to enter into a Second Amending Agreement with the Regional Municipality of Niagara with respect to the Niagara Region's On-Demand Transit Service Pilot Project.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor Marianne Stewart

Carried (6 to 0)

15. Motions and Notices of Motion

Moved By Councillor Marianne Stewart

Seconded By Councillor Bob Hildebrandt

WHEREAS Council for the Town of Pelham is committed to the community and safety;

AND WHEREAS Council for the Town of Pelham desires to improve the crossing for school children with upgraded pavement markings and flashing lights at the Canboro Road pedestrian crossing to Wellington Heights School;

NOW THEREFORE BE IT RESOLVED THAT Council for the Town of Pelham direct staff to investigate the cost of upgrading the said crossing for Council's consideration within the 2023 Budget process.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor Marianne Stewart

Carried (6 to 0)

16. Matters for Committee of the Whole or Policy and Priorities Committee

17. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee

18. Resolution to Move in Camera

19. Rise From In Camera

20. Confirming By-Law

Moved By Councillor Bob Hildebrandt

Seconded By Councillor 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. 4495(2022) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 17th day of October, 2022.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor Marianne Stewart

Carried (6 to 0)

21. Adjournment

The meeting was adjourned at 6:09pm.

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Lisa Haun

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for November 7, 2022 at 5:30 pm.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor Marianne Stewart

Carried (6 to 0)

Mayor: Marvin Junkin

Town Clerk: Holly Willford

Recommendations of the Public Meeting under the *Planning Act* held October 11, 2022 – PCOW-08/2022

BE IT RESOLVED THAT COUNCIL HEREBY approves the following Recommendations Resulting from the Public Meeting under the *Planning Act* meeting of October 11, 2022:

1. THAT the agenda for the October 11, 2022 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Amendment

THAT the agenda be amended to add item 4.3.1.

Main Motion as Amended

THAT the agenda for the October 11, 2022 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.

2. THAT Committee receive Report #2022-238 for information as it pertains to File No. AM-06-2022;

AND THAT Committee direct Planning staff to prepare the Recommendation Report on this topic for Council's consideration.

3. THAT Committee receive the applicant's presentation for information.

4. THAT Committee receive the written correspondence as listed on the agenda;

AND THAT Committee receive the verbal presentations made by the public listed on the Agenda.

5. THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.

Committee of the Whole Meeting
Public Meeting under the Planning Act
Minutes

Meeting #: PCOW-08/2022
Date: Tuesday, October 11, 2022
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present: Mayor Marvin Junkin, Councillor Bob Hildebrandt,
Councillor Ron Kore, Councillor Wayne Olson, Councillor
Marianne Stewart, Councillor John Wink

Staff Present: Holly Willford, Barbara Wiens, Shannon Larocque, Sarah
Leach

1. Call to Order and Declaration of Quorum

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

1.1 Land Recognition Statement

Councillor Olson read the Pelham Land Recognition Statement into the record.

Ms. Sarah Leach, Deputy Clerk read opening remarks regarding the Zoom Webinar meeting and procedures for public participation.

2. Adoption of Agenda

THAT the agenda for the October 11, 2022 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Amendment:

Moved By Councillor Wayne Olson

THAT the agenda be amended to add item 4.3.1.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

Motion as Amended:

Moved By Councillor Wayne Olson

THAT the agenda for the October 11, 2022 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Planning Act Application: AM-06-2022 - 1145 Pelham Street

The Deputy Clerk read into the record the Notice Requirements regarding this application.

4.1 Planning Report

Shannon Larocque, Senior Planner provided an overview of the application before Council. A copy is available through the Clerk.

4.2 Applicant's Presentation

The Agent, Mr. Craig Rohe and Mr. Kurt Tiessen of Upper Canada Consultants, Traffic Consultant, Mr. Scott Catton, ACK Architect, Mr. Michael Allen and the Applicants, Mr. Adam and Mr. Jason Duliban were electronically present. Mr. Rohe provided a short presentation to further explain the application. A copy is available through the Clerk.

4.3 Public Input

Ms. Gail Belchior stated she was representing many concerned voters with a united message and suggestions to move forward collaboratively. Ms. Belchior stated the ample written submissions clearly state the concern of residents as the proposal is excessive, intrusive and unacceptable. Ms. Belchior introduced a petition requesting Council to reject the proposed zoning by-law amendment and indicated the community is currently doing more canvassing.

Ms. Belchior expressed understanding of the need for infill and housing. She suggested the current zoning allowance of a 3-storey building with 20 units and 8 commercial spaces would be less population dense with fewer vehicles. Ms. Belchior indicated that the community is not in favor of a commercial space in this location unless the type of tenant was regulated.

Referencing the builder developer information session, Ms. Belchior stated she had comments on the transportation study and site plan. With respect to the transportation study, Ms. Belchior indicated the real experts are the individuals that live and work in the area. She expressed concern that additional

units would exacerbate the existing traffic problem on Pelham Street. Ms. Belchior stated that the terrace drawing within the site plan references potential views of Lake Ontario and the escarpment. Ms. Belchior expressed concern that if you can see such views, residents will be able to see into the backyards of the neighbours.

Ms. Belchior stated the community request is to find a reasonable, acceptable building structure that is not population dense, noise or light pollution producing, traffic and parking problem generating and will respect the land and private homeownership. She further proposed an alternative option of a 3-storey residential building with a maximum of 35 units and 1 guest unit. Ms. Belchior suggested this family legacy building is intended for personal growth and is at the expense of the community. Ms. Belchior further expressed concern that approval of the excessive amendment would be precedent setting and asked that Council reject the request.

Mr. Peter Kowalski applauded Ms. Belchior's comments, stating her comments reflected the collective neighborhood concerns. Mr. Kowalski provided a synopsis of the 5 concerns contained within his written correspondence. Mr. Kowalski stated he is strongly opposed the approval of the amendment.

Mr. Bob Marx stated that building a 5-storey apartment building in a residential area would destroy the fabric of the area and not blend in with the neighboring community. Mr. Marx referenced other 3-storey and larger buildings in Fonthill which do not impact the residential area. Mr. Marx stated that traffic congestion and noise pollution would impact Pelham Street. Mr. Marx further questioned the validity and accuracy of the submitted traffic study. Mr. Marx expressed concern that the proposal will cause neighboring residents to relocate and stated that he does not support the amendment.

Mr. Wally Braun provided a synopsis of his written correspondence and shared photo's to illustrate his recommendations. Mr. Braun expressed support of Ms. Belchior's comments and expressed confidence that the public input would lead to a resolution satisfactory to all parties.

4.4 Committee Input

Referencing the fifth floor amenity area, a Member of Council asked how noise, light transmission and issues surrounding visitor parking would be mitigated. The Member anticipated the amenity space would be utilized more heavily in the afternoon and/ or evening which may adversely affect residents in the surrounding area. The Member requested information on light standards and light dispersion. The Member further asked how the parking area will be maintained following a snow event.

Mr. Craig Rohe responded that noise and light impact can be addressed during the detailed design stage. Mr. Rohe indicated

that the units will be under condominium ownership and therefore, there is the ability to impose a separate condominium by-law to regulate such things as use of the amenity space. Mr. Rohe stated that even a site plan approved development would require typical pole lighting to illuminate the parking lot. He stated that standards are between 20 to 25 feet and may be installed as a directional LED or light shield to mitigate light bleed onto adjacent properties. Mr. Rohe assured a detailed photometric plan would be a requirement at the time of site plan approval. With respect to snow storage, Mr. Rohe indicated a landscape buffer exists where snow can be stored to keep the parking area clear. Mr. Rohe further indicated that a contractor may be obtained to move snow off-site in the event of a significant snow event.

A Member of Council asked for clarification on unit ownership. Mr. Rohe clarified the proposed ownership is condominium, indicating that each unit will be rented and the ultimate ownership retained by Duliban Family Holdings. Mr. Rohe stated that Duliban Family Holdings would have the majority of votes of the condominium corporation and would administer the running of the building. A Member of Council asked if the condominium corporation would regulate such aspects as property maintenance and appearance. Mr. Rohe confirmed.

A Member of Council asked if parking spot(s) are sold or rented as part of the condominium agreement. Mr. Rohe indicated it was likely that a parking spot would be allocated to each rental unit and the balance utilized for visitor parking.

A Member of Council asked for a description of the easements on the land. Mr. Rohe stated the location of the easements and stated the development will not have an adverse impact on existing infrastructure and/ or easements.

A Member of Council asked if the applicant had an alternative option if the proposal is denied. As opposed to an alternative option, Mr. Rohe indicated it would be preferable to first attempt to mediate and arrive at a compromise that meets the needs of the applicant and community. Mr. Rohe indicated the height and number of units were flexible elements. Mr. Rohe further indicated that the applicant is looking for feedback from the meeting and may look to make effective edits to ensure the development moves forward.

A Member of Council asked if the proposal was a sustainable construction project. Mr. Catton of ACK Architects stated that the material has not yet been determined.

A Member of Council supported the residents request for a collaborative design. The Member acknowledged the residents concern about the 5-storey building and stated they could not support the zoning amendment in this area.

A Member of Council stated they were not in favor of a building of this height in this area and asked if any consideration was given to a parking lot with a permeable surface to mitigate storm water runoff. Mr. Rohe stated that the proposal is not at the detailed design stage and stated that it is typical for a storm sewer system to be installed for rain water collection. Mr. Rohe indicated a permeable surface is something that could be considered.

Mr. Catton requested to speak to the transportation concerns raised. Mr. Catton indicated a traffic study was completed for the development which studied current and forecasted traffic volumes. Mr. Catton indicated the driveway was found to operate acceptably from an intersection capacity perspective. Mr. Catton further indicated the forecasted traffic volumes did not warrant the need for an additional turning lane into the development. Mr. Catton described some enhancements in the area as a result of the Pelham Street reconstruction project undertaken by the Town. Mr. Catton explained the traffic study did not speak to parking as parking on the site is compliant.

A Member of Council asked how a traffic study is conducted and if the new apartment building on Pancake Lane was considered within the study. Mr. Catton stated that AI camera technology is used to record traffic volumes for 8 hours which is the industry standard. Mr. Catton indicated that the 8 hour span is broken up by the morning, mid-day peak and evening.

A Member asked the Consultant if his firm had conducted the development and parking package for the Pancake Lane development and inquired why the development was not included within the traffic study. Mr. Catton was unable to confirm and responded that local road authorities are asked which developments should be included when scoping a traffic study. Mr. Catton further indicated that no developments were identified by Town Staff. Mr. Catton explained that a generalized growth rate is applied to account for instream and recent development.

A Member asked where the cars are being generated. Mr. Catton stated that the estimated distribution of cars is based on existing conditions. The Member further asked if speed is considered in the transportation impact study. Mr. Catton indicated speed is not considered and would be a matter of investigation by the Town or local police service.

4.5 Presentation of Resolutions

Moved By Councillor Bob Hildebrandt

THAT Committee receive Report #2022-238 for information as it pertains to File No. AM-06-2022;

AND THAT Committee direct Planning staff to prepare the Recommendation Report on this topic for Council’s consideration.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

Moved By Councillor Ron Kore

THAT Committee receive the applicants presentation for information.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

Moved By Councillor Marianne Stewart

THAT Committee receive the written correspondence as listed on the agenda;

AND THAT Committee receive the verbal presentations made by the public listed on the Agenda.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

5. Adjournment

The meeting was adjourned at 7:20 pm.

Moved By Councillor John Wink

THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

Mayor: Marvin Junkin

Deputy Clerk: Sarah Leach

Subject: Overview of 2022 Municipal and School Board Election

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0259 - 2022 Municipal and School Board Election, for information.

Background:

The Town of Pelham Clerk's Department has been preparing to facilitate the 2022 Municipal and School Board Election for the last year and a half.

Election Day was Monday, October 24, 2022.

Analysis:

VoterView – Candidate Access Portal

The Clerk's Department implemented VoterView's Candidate Access Portal this election, being an electronic system allowing candidates to access an up-to-date, accurate voters' list to the minute. The portal replaced the Clerk's Department downloading voters' lists onto individual USB drives or physically printing lists for candidates. Furthermore, the Clerk's Department was able to immediately restrict access to the portal after Election Day. In the past, the Clerk's Department would have to arrange for candidates to return the USB drives or printed lists, which at times caused issues.

The Clerk's Department is only aware of one candidate having access issues. This candidate was provided a copy of the list on a USB drive.

Voters' List

Municipalities receive the voters' list from the Municipal Property Assessment Corporation (MPAC).

In an effort to have the most up-to-date and accurate voters' list, MPAC launched "Voter Look-Up" in late summer, being a tool for electors to update or add their information on the said list. Furthermore, the Clerk's Department attended the Pelham Farmers' Market for two Thursday's in September and invited individuals to check the list and make any necessary corrections.

The Clerk's Department understands the Province of Ontario will be providing the voters' list in 2026. This *new list* is intended to be shared amongst the province and municipalities for provincial and municipal elections. Updates or additions made at either level will carry forward on the voters' list, eliminating duplication of work for the elector.

Live Voters' List

During this election the Clerk's Department implemented a live voters' list during advance voting polls and on Election Day. On Election Day, one of VoterView's servers temporary went down and therefore the program ran slowly for the first hour of voting. However, no other issues were reported to the Clerk.

The use of a live voters' list means all election workers are using a list which is updated to the second. Historically, the Town of Pelham has used a downloaded list which periodically syncs. Using a live list enhances the security of the vote as an elector cannot vote more than once, as the deputy returning officer serving the elector would instantly be notified the elector has already cast a ballot.

The use of a live voters' list also eliminated the need for a Poll Clerk and allowed for more Deputy Returning Officers to be stationed at the polling location. This enhanced voter experience and allowed voters to be served more efficiently and quickly.

This new implementation is also an important step should the Town of Pelham wish to provide 'vote anywhere' elections in the future.

Advance Voting

In total, three advance voting opportunities were held, being: Saturday October 1, 2022 at Pelham Fire Station 2, Saturday October 15, 2022 at the Pelham Meridian Community Centre and Tuesday October 18, 2022 at Old Pelham Town Hall.

In total 1,782 electors took advantage of the advance voting opportunities, as follows:

Advance Polling Date	Ballots Cast
October 1, 2022	394
October 15, 2022	680
October 18, 2022	708

Alternative Voting – Special Ballot on Demand – Vote by Mail

The Town of Pelham adopted vote by mail as the alternative voting method in the 2022 Municipal and School Board Election.

The Town of Pelham received 57 vote by mail applications and delivered 57 vote by mail ballot kits to eligible electors. 52 vote by mail ballots were correctly received and processed. A total of 5 ballot kits were either: not returned, returned late or were returned with no declaration and therefore were not processed. Therefore, the Town of Pelham received an overall 91% success rate using this alternative voting method.

Election Day

The Town of Pelham provided for six polling stations throughout the municipality, and attended three institutions. In total, 3,345 electors voted on Election Day.

Polling Station Location	Polling Subdivision
Pelham Fire Station #3	Ward One
Pelham Fire Station #2	Ward One
Pelham Fire Station #1	Ward Two
Meridian Community Centre – Accursi Room	Ward Two
Pelham Friends Church	Ward Three
Meridian Community Centre – Gym	Ward Three
Institutional Voting	
Lookout Ridge Retirement Community	Ward Two
Shorthills Villa Retirement Community	Ward Two
Woodlands of Sunset Home for the Aged	Ward Three

For the first time, the Meridian Community Centre held two polling stations for two separate wards and saw great success. This demonstrates the ability to use this location as a potential ‘super poll’ in elections to come.

Unofficial results were reported live on the Town’s website and streamed into the Kinsmen Room at the Meridian Community Centre. Since this time, the Clerk’s Department has been notified by the Town’s website provider that numerous Ontario clients experienced website outages and issues which lead to difficulties in displaying results quickly. The Clerk’s Department along with IT will review this process for future elections.

Accessibility

The Clerk’s Department did not receive any complaints with respect to the accessibility of the election, however did receive a compliment from one voter with mobility issues which were served at their car in the parking lot by the Poll Supervisor and Deputy Returning Officer.

The Clerk’s Department will continue to make all efforts to ensure the accessibility of future elections.

Voter Turnout

The Town of Pelham has 15,852 eligible electors and saw a total of 5,179 cast their ballot during the 2022 Municipal and School Board Election. Therefore, the Town had a 32.62% turnout.

Voter turnout by ward for the 2022 Municipal and School Board Election are as follows:

Ward (incl. nonresident electors)	Eligible Electors	Ballots Cast	Voter Turnout
Ward 1	4,754	1,367	28.85%
Ward 2	5,578	2,043	36.40%
Ward 3	5,520	1,769	32.00%
Total:	15,852	5,179	32.62%

Voter Turnout throughout the Niagara Region

The Clerk's Department gathered voter turnout statistics throughout the Niagara Region and the Town of Pelham has the sixth highest turnout in the Region.

Municipality	Voter Turnout
Niagara-on-the-Lake	47.79%
West Lincoln	43.54%
Wainfleet	41.60%
Grimsby	37.54%
Fort Erie	34.36%
Pelham	32.62%
Port Colborne	31.59%
Lincoln	27.69%
Niagara Falls	27.53%
St. Catharines	26.31%
Thorold	25.06%
Welland	25.00%

Election Personnel

The Clerk's Department hired and trained approximately 80 election workers throughout the community. These workers, including the Deputy Clerk, Elections Coordinator and Legislative and Committee Coordinator, made running a fair, safe and accessible election for the Town of Pelham possible.

The Clerk's Department has not received any complaints from election personnel, rather have received compliments and interest in returning to work future elections!

Financial Considerations:

The Clerk's Department is still receiving invoices from vendors and processing payments, therefore a finalized total of expenses will be provided in a future memo to Council.

Alternatives Reviewed:

None.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

A Municipal and School Board election is a significant community event, which encourages active civic engagement. It is important that the Clerk offer a fair, safe and accessible election to the Town of pelham electors. It is equally important to report on the election in an open and transparent manner.

Consultation:

None.

Other Pertinent Reports/Attachments:

Declaration of Election of Candidates

Final Summary of Election Results

Final Summary of Election Results for Trustee, English Language Public Board

District School Board of Niagara

Final Summary of Election Results for English Separate Trustee

Prepared and Recommended by:

Holly Willford, B.A.
Town Clerk

Sarah Leah, B.A.
Deputy Clerk

Prepared and Submitted by:

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

DECLARATION OF ELECTION OF CANDIDATE(S)*

Municipal Elections Act, 1996 s.55 (4) a)

I, Holly Willford, Clerk/Returning Officer of the Corporation of the Town of Pelham in the Regional Municipality of Niagara, declare the following candidates elected as a result of the Municipal Election held on Monday, October 24, 2022:

COUNCIL, TOWN OF PELHAM:

OFFICE	VOTES	ELECTED CANDIDATE
Mayor (& Regional Councillor)	2,967	Marvin JUNKIN
Councillor, WARD ONE <i>*Acclaimed*</i>		Kevin KER
		Wayne OLSON
Councillor, WARD TWO	988	Brian Eckhardt
	1,355	John Wink
Councillor, WARD THREE <i>*Acclaimed*</i>		Robert (Bob) HILDEBRANDT
		Shellee NIZNIK

COUNCIL, REGIONAL MUNICIPALITY OF NIAGARA:

OFFICE	VOTES	ELECTED CANDIDATE
Regional Councillor	3,461	Diana Huson

of Declined/Rejected Ballots: 0

Dated at the Town of Pelham
 this 28th day of October, 2022



Holly Willford
 Town Clerk/Returning Officer

*The Clerk shall as soon as possible after Voting Day declare the candidate or candidates who received the highest number of votes to be elected s.55(4)(a).

FINAL SUMMARY OF ELECTION RESULTS

Municipal Elections Act, 1996

I, Holly Willford, Town Clerk for the Corporation of the Town of Pelham, in the Regional Municipality of Niagara, hereby certify that the certified candidates listed on the Election Summary Report presented below received the votes that follow their respective names, as a result of the Municipal Election held on Monday, October 24, 2022.

Ballots Cast:	5,179	Registered Electors:	15,878
Voter Turnout:	32.62%		

Council: Town of Pelham

Office	Candidate Name	Votes Received
Mayor	ADAMSON, Frank	2,178
	JUNKIN, Marvin	2,967
Councillor, Ward One *Acclaimed*	KER, Kevin	
	OLSON, Wayne	
Councillor, Ward Two	BAXTER, Carla	767
	ECKHARDT, Brian	988
	MCCANN, Colin	523
	WINK, John	1,355
Councillor, Ward Three *Acclaimed*	HILDEBRANDT, Robert (Bob)	
	NIZNIK, Shellee	
Office	Candidate Name	Votes Received
Regional Council	BRAUN, Wally	1,026
	HUSON, Diana	3,461
	SARVIS, Frederick (Fred)	495

Dated this 25th day of October, 2022



Holly Willford
Town Clerk

FINAL SUMMARY OF ELECTION RESULTS

Municipal Elections Act, 1996

I, Holly Willford, Town Clerk for the Corporation of the Town of Pelham, in the Regional Municipality of Niagara, hereby certify that the certified candidates listed on the Election Summary Report presented below received the votes that follow their respective names, as a result of the Municipal Election held on Monday, October 24, 2022.

Office: English Separate Trustee	Candidate Name	Votes Received
Pelham Electors	TURNER, Paul	732
	RUITER, Irma	323
Welland Electors (as certified by City of Welland Clerk)	TURNER, Paul	2,073
	RUITER, Irma	626
Total Votes	TURNER, Paul	2,805
	RUITER, Irma	949

Dated this 26th day of October, 2022



Holly Willford
Town Clerk

FINAL SUMMARY OF ELECTION RESULTS

Municipal Elections Act, 1996

I, Holly Willford, Town Clerk for the Corporation of the Town of Pelham, in the Regional Municipality of Niagara, hereby certify that the certified candidates listed on the Election Summary Report presented below received the votes that follow their respective names, as a result of the Municipal Election held on Monday, October 24, 2022.

Office: Trustee, English Language Public Board District School Board of Niagara	Candidate Name	Votes Received
Pelham Electors	BEAMER, Nancy	2,528
	BORLAND, Linda	167
	FUCILE, Lisa	917
	NAND, Rene	155
Thorold Electors (as certified by City of Thorold Clerk)	BEAMER, Nancy	1,262
	BORLAND, Linda	408
	FUCILE, Lisa	442
	NAND, Rene	181
Total Votes	BEAMER, Nancy	3,790
	BORLAND, Linda	575
	FUCILE, Lisa	1,359
	NAND, Rene	336

Dated this 26th day of October, 2022



Holly Willford
Town Clerk

Subject: After Election Day – Restricted Acts Provision of the *Municipal Act, 2001*

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0262 After Election Day – Restricted Acts Provision of the *Municipal Act, 2001*, for information.

Background:

On April 19, 2022 the Clerk brought an information report to Council explaining Section 275 of the *Municipal Act, 2001* (the "Act") being the restricted act provision, known commonly as "lame duck provisions".

On August 22, 2022 the Clerk brought an information memo to Council advising the Clerk had determined Council is 'lame duck' as fewer than three-quarters of the members of the present Council will return.

Analysis:

The 2022 Municipal and School Board election occurred on October 24th, 2022. The Clerk has reviewed and certified the election results and has determined as fewer than three-quarters of the members of the present Council will return Council is considered 'lame duck'.

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 *Lame Duck* provisions, and shall cease upon the Swearing In of the 2022-2026 Municipal Council for the Town of Pelham.

The new term of Council will commence November 15, 2022. New Council will be sworn into office on November 21, 2022 and Council will no longer be deemed *Lame Duck*.

Financial Considerations:

There are no financial considerations.

Alternatives Reviewed:

None.

Strategic Plan Relationship: Strong Organization

It is important to understand the provisions of Section 275 of the Act and ensure compliance as this leads to a strong organization.

Consultation:

None.

Other Pertinent Reports/Attachments:

None.

Prepared and Recommended by:

Holly Willford, B.A.
Town Clerk

Prepared and Submitted by:

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

Subject: Special Event Permit Application – Tulip Pick Farm Event 2023

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0240 - Special Event Permit Application – Tulip Pick Farm Event 2023, for information;

AND THAT Council authorize and direct the Town Clerk to issue a Special Event Permit for the Tulip Pick Farm event running from April 26 to May 20, 2023, subject to the approval of the Town Clerk, Director of Public Works, Director of Community Planning and Development, Fire Chief, the Niagara Region (if applicable), the Niagara Escarpment Commission and any other applicable agency, upon receipt of satisfactory drawings, plans, permits, or other such documents as requested;

AND THAT the Special Event Permit include any such conditions of approval as requested by the said approval departments and or agencies.

Background:

The Town of Pelham has received an application from J.P Niagara Tulip Experience to host a tulip pick special event between April 26, 2023 and May 20, 2023 at 1934 Centre Street. The property is located on west side of Centre Street, north of Metler Road and is 7.27 ha (17.9 acres) in area. The property is also located within the Niagara Escarpment Plan and Development Permit Control Area.

Analysis:

Town staff have communicated with the applicant to understand the event and to provide the applicant with the said requirements to ensure all municipal and regional requirements are met.

The Town Clerk will not issue a Special Event Permit without having received approvals from all necessary agencies required to be circulated.

Financial Considerations:

The Town requires the applicant to provide a certificate of liability insurance to the Town of Pelham in the amount of \$5 million per occurrence.

The event is held on private property and therefore there are no financial considerations.

Alternatives Reviewed:

Council can direct the Clerk to not issue the Special Event Permit. Having said this, each permit or approval referenced within the application can be obtained independently.

Strategic Plan Relationship: Risk Management

The Town of Pelham requires various permits and licenses to be acquired prior to certain events to ensure the safety of the public. By reviewing such applications and notifying relevant agencies the Town is able to ensure, as best as possible, public safety and minimize risk.

Consultation:

Planning and Development Department
Public Works Department
Fire and By-law Department
Niagara Escarpment Commission

Other Pertinent Reports/Attachments:

None.

Prepared and Recommended by:

Sarah Leach, B.A.
Deputy Clerk

Prepared and Submitted by:

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

Special Event Permit Application Events on Public and Private Property

Date of Application: _____

Contact Information	
Name of Applicant:	J.P. Niagara Tulip Experience
Mailing Address:	178 main street. St Catharines.
Phone Number:	Cell: 289 214 7773
Email:	Paulaboots.em@gmail.com.
Name of Property Owner(s):	James McPherson
Mailing Address:	7 ker cross Fenwick LOS 100
Phone Number:	905 892 6760
Email:	
Name of Organization:	J.P. Niagara Tulip Experience.
*if applicable	
Mailing Address:	178 main street St Catharines
Phone Number:	289 214 7773.
Email:	paulaboots.em@gmail.com.

Event Information	
Name of Event:	J.P. Niagara Tulip Experience.
Event Dates:	April 26 2023 Till May 20 2023.
Start Time(s):	8: Am.
End Times(s):	8: Pm.
Is the Event Reoccurring?	<input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input checked="" type="checkbox"/> Other (Specify) <u>ones a year.</u>
Address of Event:	1934 Centre Street Pelham ON L0S 1M0
Description of Event:	Pick your own Tulip Field.
Expected Attendance:	4000 4000
Is this a community-sponsored, non-profit, or religious affiliated event?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

*If any question in the section below is answered "Yes", please ensure all necessary permits have been obtained and provide proof thereof with the application.

Municipal Permit Requirements	
Will any roads be blocked or closed during the event? Even if only temporarily?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
*If yes, please submit a Traffic Management Plan and Emergency Plan	
Is a large volume of vehicular or pedestrian traffic/ attendance expected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
*If yes, please submit a Parking Plan. Additional requirements may apply.	
Will the event include pyrotechnics, open flame or fuel fired cooking appliances?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
*If yes, please obtain necessary permits from Fire Services	

Will the event include the consumption of alcohol? *If yes, please provide a copy of the AGCO approval	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will the event include amplified noise? (i.e. stereo, live band etc.) *If yes, please obtain a noise by-law exemption from the Clerk's department.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will the event include a tent or group of tents with a total area of 60 m ² (645 ft ²) or larger? *If yes, please obtain necessary permits from Building Services	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will the event include a tent of any size which is attached to or within 3m of a building? *If yes, please obtain necessary permits from Building Services	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Note: All tents at a public function, regardless of size, must receive a fire inspection. Please contact the Fire Prevention Officer to book the inspection.		
Will the event include the use of refreshment vehicles? *If yes, please obtain an Itinerant Sellers Licence per refreshment vehicle from the Clerk's Department.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Please note, approval from each department is required prior to issuance of the permit. Additional requirements may apply aside from what is noted above. Associated fee's can be found in the Town's Fee's and Charges By-law.

Signage and Advertising		
Will there be any use of permanent or temporary signage to publicly advertise the event? *If yes, please obtain a sign permit from By-law Services.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Additional Information:

1. All permit requirements/ approval as identified above must be submitted with the completed application.
2. Please submit your completed application and supporting documentation to the Town of Pelham Clerk's Department by:
 - a. Email: hwillford@pelham.ca
 - b. Regular Mail: Town of Pelham, Town Hall, P.O. Box 400, 20 Pelham Town Square, Fonthill, Ontario, L0S 1C0
 - c. In person/ Town Drop-Box: Town of Pelham, Town Hall, P.O. Box 400, 20 Pelham Town Square, Fonthill, Ontario, L0S 1C0
3. The applicant should expect a response from the Clerk's Department within 4-6 weeks from the date of complete submission. Council approval is required.

Declaration

1. The licensee will agree to save the Town of Pelham harmless from any and all claims and /or damages arising out of this event and/or road closure and to provide any bond or insurance which may be required in this regard.

2. The licensee will be responsible for any and all costs to provide and maintain sufficient traffic control measures to ensure the safety for the travelling public and participants.
3. The licensee must provide Proof of Liability Insurance (\$5 million per occurrence naming the Corporation of the Town of Pelham as additional insured; additional \$5 million per occurrence if fireworks or service of alcohol during the event noting that liquor is served on town property.)
4. To abide by all Town By-laws, and any conditions listed in the municipal permit authorization letter.
5. I have read and understand the Special Event Permit Application requirements and understand that the information contained on this form, including any attachments submitted, will become public documents and listed on the Town's meeting agenda and posted to the Town's website.

Applicant's Signature: *Maister Bodo* Date: August 24 2022

Owner's Signature: *J. MacPher* EXECUTOR Date: OCT 20/22
For MARIE MACPHERSON

Owner's Signature: *Carolyn A. Culp* Date: October 21, 2022

name of property owner	<u>MARIE MACPHERSON</u>
mailing Address	<u>7 KER CRESENT FENWICK ONT.</u>
Phone number.	<u>905-892-6760</u>

Name of Property Owner: Carolyn A. Culp

Mailing Address: 2528 Nicole Drive, Niagara Falls, New York, USA 14304

Phone Number: 716-417-4187

To: Town of Pelham Council

From: Jason Marr, Director of Public Work

Date: November 7, 2022

RE: Sulphur Springs Drive Emergency Closure and Restoration Works

Public Works Operations Staff have identified a failure on Sulphur Springs Drive, located approximately 300 m south of Roland Road. Operations staff have continued monitoring the roadway's condition and failure over the last several weeks.

The failure has resulted in erosion of the side slope and loss of the east shoulder of the roadway (see attached photographs dated October 24th). Based on the current level of erosion, it has been determined that the roadway in its present condition is unsafe for vehicular and pedestrian use at this location and has been ordered closed to all traffic by the Director of Public Works. The road closure will occur between Roland Road and approximately 500 m south of Roland Road. Local access to properties within the road closure will be maintained. The closure will be in effect immediately as of the date of this letter.

Residents directly impacted by the Sulphur Springs Drive closure have received a hand-delivered notification. The road closure notice has been shared via the Town of Pelham website news section and the Town's social media channels. The following agencies have been made directly aware of the closure, and the pending repair works: Pelham Fire Services, Niagara EMS, Niagara Regional Police Services (NRP), Niagara Region Waste Collection Services, Niagara Student Transportation Services (NSTS), Niagara Peninsula Conservation Authority (NPCA), and the Niagara Escarpment Commission (NEC).

The most probable cause of the failure is the result of a failed cross culvert which transfers water from the west ditch line to the outlet on the east side of the roadway. The 12-inch existing culvert pipe outlets onto the east bank of the roadway.

Sulfur Springs Drive is a class 5 road, a single lane, stone-based, and does not support emergency response activities. The road which runs north/south is serviced by District One from the south off Luffman Drive and District Three from the north off Roland Road. If the current damage remains or the erosion continues, the response will change, and all fire apparatus will need

to respond from the south. This direction makes it very difficult for the large trucks to travel the narrow, winding, and stone-based road. Once a vehicle is committed, no other apparatus can get by. To further complicate travel direction, all vehicles would have to back out in the same direction they entered.

Staff is working with Duffin Contracting to develop an emergency repair strategy to repair the roadway and reopen it to traffic as safely and quickly as possible. Duffin Contracting is in the final stages of completing the Sulphur Springs Drive Rehabilitation project at Site 2 and is prepared to mobilize to this site within a week. Duffin Contracting has the experience and resources to complete this repair cost-effectively and efficiently.

The proposed repair will include the installation of a ditch inlet catchbasin on the west side of the roadway. It will consist of a new 18-inch culvert, geo-grid reinforced roadway embankment, and a reinforced east bank supporting the road. The estimated cost to complete the roadway restoration is \$82,000 (plus applicable taxes). When more certainty is obtained regarding the actual cost of the emergency repair, a report will be written for Council on an agenda in December 2022.

It is imperative that the emergency repair be completed this fall before the winter season. The concern is that if left unrepaired, the spring snow melt will drastically worsen the condition and cause a total failure of the embankment resulting in a much more costly repair with more extensive environmental impacts. It is anticipated that the repair will take approximately two to three weeks to complete.

In July 2020, Duffin Contracting was awarded the Sulfur Springs Drive Design Build Restoration Project in the amount of \$636,745 (plus applicable taxes). The approved budget for the Sulphur Springs Drive project was \$720,000. Based on the progress billings to date and the remaining work to be completed, staff estimate that the final cost for the project will be approximately \$698,000.

The remaining budget of \$22,000 for the Sulphur Springs Drive project will be used to partially fund the emergency repair work. The additional funding required to complete the emergency repair will require a transfer from the Roads Reserve in the amount of \$60,000.





Canadian Federation of University Women
Welland and District

**Re: 16 Days of Activism against Gender-Based Violence
October 30, 2022**

To: Clerk Holly Willford

Dear Ms. Willford,

Thank you for including for information at the October 17th Pelham Town Council meeting my previous letter regarding the UNiTE Campaign, 16 Days of Activism against Gender-Based Violence. I am now following up with more information about aspects of our campaign for which we seek Pelham Town Council's endorsement and support. Could you please include this letter on the agenda for the next Regular Council Meeting on November 7, 2022.

1. We would like to initiate a 2022 proclamation for November 25th, 2022 as the International Day for the Elimination of Violence against Women. We will submit the Application for Proclamation that has been provided to us.
2. We are hoping to obtain a "Wrapped in Courage" flag from Gillian's Place, to use for a flag-raising ceremony in Pelham. Provided we are able to procure one, we will submit a Community Flag Pole Request (Policy S203-14).
3. We are in communication with the Recreation Department, to make arrangements to put up two REDress displays in Pelham. These displays are in honour of MMIWG2S+. Ms. Vickie vanRavenswaay and Ms. Karen Blake will be our points of contact for this.

In the weeks ahead, we will provide details about other events on our calendar for the UNiTE Campaign; however, to our knowledge, the three above are the only ones that are specific to Pelham.

Sincerely,

Colleen Kenyon
Advocacy Committee Lead
Canadian Federation of University Women Welland and District



Friends of Maple Acre
c/o Sandee Matthews
October 12, 2022

Dear Mayor Junkin and Members of Pelham Council,

The Friends of Maple Acre made a presentation to Council on August 22, 2022. At that time, we highlighted our activities this year as well as our historical contributions to the community. Past efforts to beautify Fenwick and the library branch have included: assistance with library flooring, shelving, desks, equipment as well as exterior work and gardens. We have demonstrated our pride in our community and our library through these works and have provided things for the library through our efforts that did not cost the Town or its taxpayers.

Our support does not only pertain to the library. Beautification efforts this year have included the creation of a wonderful piece of public art that has garnered a great deal of attention. Fenwick has seen increased traffic as both residents and visitors come to view the beautifully carved tree located on Canboro Street.

While fundraising efforts continue, our group respectfully requests assistance from the funds set aside for Fenwick beautification. The support of this project is not a bail out. It is recognition of our efforts, which have been substantial, and an indication of a forward-thinking Council that thinks outside the box and is supportive of arts and culture in the community.

Our ask from the Town of Pelham is \$5000 toward our beautification project. While we did not seek these funds prior to beginning the project, we did verbally discuss it with our Mayor, Council representative and town staff who encouraged us to do so at this time.

Many thanks in advance for your consideration of our request.

Sincerely,

Sandee Matthews for the Friends of Maple Acre

We have raised \$11,898.21 to date

We are 60% to our goal. With 2 more fund raisers planned for this year.

Please join us at our Waffle Brunch Nov 5, 2022 at Fenwick Firehall from 9am -12 noon

The financial and in kind support from our personal donors, volunteers and sponsors to date have been outstanding;

Willowbrook Nursery

Lionettes

RBC

Fenwick Firefighters Association

Safe Trees

Devries

Town of Pelham

Pelham Library

Country Corner Market

Giant Tiger



234-2022-4624

October 25, 2022

Good afternoon,

On October 25, 2022, our government released [More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023](#) that proposes bold and transformative action to get 1.5 million homes built over the next 10 years.

Details about the range of measures in our plan can be found in the [news release here](#).

The More Homes Built Faster Plan proposes policies and tools that reflect recommendations from the [Housing Affordability Task Force Report](#) and builds on [More Homes, More Choice](#) and the [More Homes for Everyone Plan](#). Our plan also draws on many elements from AMO's 2022 A Blueprint for Action: An Integrated Approach to Address the Ontario Housing Crisis and ROMA's 2022 Task Force Report on Attainable Housing and Purpose-Built Rentals. These changes are providing a solid foundation to address Ontario's housing supply crisis over the long term and will be supplemented by continued action in the future.

Our government has also introduced the More Homes Built Faster Act, 2022, and is seeking feedback on the changes proposed under the legislation and associated regulations. Additionally, various housing and land use policy reviews – including a housing-focused policy review of A Place to Grow and the Provincial Policy Statement, with a theme of supporting rural and northern housing – are being undertaken to identify and remove barriers to getting more homes built. These and other related consultations can be found through the [Environmental Registry of Ontario and the Ontario Regulatory Registry](#).

We encourage you share this information with senior staff in the municipality and to inform the newly elected head of council and council members. Our government is building a strong foundation for action that will continue to ensure Ontario is a prosperous and growing province – and the best place in the world to call home. We look forward to continued collaboration with our municipal partners to get more homes built faster.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark".

Steve Clark
Minister

- c. The Honourable Michael Parsa, Associate Minister of Housing
Kate Manson-Smith, Deputy Minister
Ryan Amato, Chief of Staff, Minister's Office
Joshua Paul, Assistant Deputy Minister, Housing Division
Municipal Chief Administrative Officers

October 28, 2022

Mayor Junkin and Council
Town of Pelham
20 Pelham Town Square
Fonthill, ON
L0S 1E0

SENT ELECTRONICALLY

Dear Mayor Junkin and Council,

Please be advised that at its meeting of October 21, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) adopted the following as Resolution No. FA-90-2022:

Moved by Member Leah Feor

Seconded by Member Brenda Johnson

THAT staff **BE DIRECTED** to extend the deadline for comment on the Final Land Securement Strategy to November 18, 2022 in order to provide sufficient time for stakeholders to undertake a review and provide comments.


CARRIED

The NPCA Board and staff are committed to working with municipalities to further land securement objectives that are beneficial for watershed residents and visitors. The NPCA looks forward to strengthening our relationships with our member municipalities and enhancing the valuable system of protected spaces in the region.

The Land Securement Strategy will not be the only avenue for municipal councils and staff to influence and help shape the NPCA's land securement activities. NPCA staff will be responding to recent changes to the Conservation Authorities Act and associated Regulations by developing a Conservation Areas Strategy and related land securement policies and practices. Much of this work is not due for completion until the end of 2024. NPCA staff welcome input from all of our municipal partners on this work. There will be ample opportunity for Councils and staff to participate in meetings, workshops and engagement sessions. Further details on opportunities to provide input will be forthcoming in 2023.

Please share this information with the appropriate staff and kindly reach out to Eric Baldin, Manager of Land Planning, prior to November 18, 2022, to set up a meeting or provide feedback on the final Land Securement Strategy document. Mr. Baldin can be reached by email at ebaldin@npca.ca or by phone at 905-788-3135, extension #283.

Sincerely,



Grant Bivol
NPCA Clerk

Board of Directors' Meeting Highlights – September 16, 2022

On Friday, September 16, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) held its regular monthly meeting in a hybrid electronic format with a limited number of Board Members attending proceedings at the Ball's Falls Centre for Conservation. Highlights from the meeting included:

Public Advisory Committee Resignation

The Board accepted the resignation of Jackie Oblak from the NPCA Public Advisory Committee and thanked her for her service as the Committee Chair.

Request for a Minister's Zoning Order

The Board of Directors was apprised of the comments from Niagara Peninsula Conservation Authority to the City of Niagara Falls on the Minister's Zoning MZO Request related to the proposed development at 0 and 8656 Mountain Road, City of Niagara Falls, to facilitate the development of an 18-hole golf course with related amenities.

Transport Canada Risk Assessment Study of Upper Welland River System Downstream of Hamilton International Airport

The Board of Directors was introduced to Elham Arbaban, a Risk Assessor with Arcadis Inc., presenting on behalf of Transport Canada. Ms. Arbaban provided information and spoke on Transport Canada's commitment to evaluating the risk of exposure to Per- and Polyfluoroalkyl Substances (PFAS) for human and ecological health in areas off-site of the John C. Munro Hamilton International Airport (HIA) in the downstream area of the upper Welland River watershed.

Water Quality Monitoring Program Summary Report of the Year 2021

Josh Diamond, NPCA Water Quality Specialist, provided an overview of the Water Quality Monitoring Program implemented in 2001 in partnership with the Ministry of Environment, Conservation and Parks (MECP), the Niagara Region, Haldimand County, and the City of Hamilton. From hundreds of water samples each year taken from streams and groundwater resources within the watershed, the NPCA identifies sources of pollution and tracks water quality trends to assess and direct NPCA environmental programs. The long-term data collected serves as a baseline to evaluate various water quality improvement initiatives undertaken by different organizations throughout the watershed.

The Board directed that the NPCA's Water Quality Monitoring Program Summary Report for the Year 2021 and the Watershed Quality Stewardship Fact Sheet 2021 be circulated to municipalities, the Ministry of Natural Resources and Forestry, the Ministry of the Environment and Parks, and the Federal Ministry of Environment and Climate Change Canada.

Purchase of Rockway Community Centre

Following the direction to staff in the closed session meeting of July 15, 2022, the Board received a report confirming the successful completion of the purchase of the Rockway Community Centre located at 2021 Regional Road 69 in Lincoln for the amount of \$800,000 (plus closing costs and non-recoverable HST) with funding allocated from the NPCA Land Acquisition Reserve.

Contract Award to Skycomp Solutions Inc. for Consulting and Professional Services in Information Technology

The Board of Directors approved the award of the contract for consulting and professional services in information technology to its existing service provider, Skycomp Solutions Inc., for \$150,240 per year (plus non-recoverable HST) for a 5-year term with annual price escalation tied to the Consumer Price Index.

Law Crushed Stone Quarry – Joint Agency Review Team Memorandum of Understanding

The Board approved NPCA's participation with the Region of Niagara and the Township of Wainfleet in the formation of a Joint Agency Review Team to facilitate a technical review of the application for a Regional Official Plan Amendment (ROPA), local Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) about the expansion of the Law Crushed Stone Quarry located north of Highway 3, between Biederman Road and Graybiel Road, in the Township of Wainfleet.

OPSEU Collective Bargaining Agreement (2022-2024)

The Board of Directors ratified the Collective Bargaining Agreement between the NPCA and OPSEU – Local 212, approving salary increases of 2%, 2.25%, and 2.25% for 2022, 2023, and 2024 with the negotiated amendments of the Collective Agreement to be applied to non-union employees as well.

Links to Agendas, Minutes, and Video:

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

Board of Directors' Meeting Highlights – October 21, 2022

On Friday, October 21, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) held its regular monthly meeting in a hybrid electronic format with a limited number of Board Members attending proceedings at the Ball's Falls Centre for Conservation. Highlights from the meeting included:

NPCA Land Securement Strategy Comment Period Extension:

At the request of local partners, the Board of Directors extended until November 18, 2022, the deadline for comment on the Final Land Securement Strategy, to provide sufficient time for stakeholders to review and provide comments.

Rebranding Roll-Out Plan:

Rebecca Hull, Manager of Strategic Business Planning for the NPCA, presented the new branding plan and indicated that further updates to the Board of Directors would be forthcoming as the implementation progressed.

Appointment of Regulations Officers:

For the duration of their employment, the Board appointed NPCA staff members Bob Hayslip and Sean Callaghan as Provincial Offences Officers for the NPCA.

Special Electronic Meeting of the Board Called for Friday, November 4, 2022:

With deferral of a report on Draft NPCA Policies for the Administration of Ontario Regulation 155/06 and the Planning Act, and Procedural Manual and a related presentation, The Board directed that a special electronic meeting be convened electronically on Friday, November 4, 2022, at 9:30 a.m. to address these items.

Links to Agendas, Minutes, and Video:

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



Ontario

October 28, 2022

David Cribbs
CAO
Town of Pelham
dcribbs@pelham.ca

Dear Mr. Cribbs:

We are writing to inform you about a recent change to the Ontario Wildlife Damage Compensation Program (OWDCP), funded under the federal-provincial Canadian Agricultural Partnership (CAP) agricultural policy framework.

As you know, currently producers who have submitted five applications to the OWDCP in a calendar year are required to submit a Reasonable Care Plan (RCP) before further claims will be assessed. These plans require producers to identify all implemented and planned investments, services retained, and farm management practices they have employed, in order to mitigate predation on their farm premises.

We recognize the need to adjust the RCP threshold of five claim applications to ten, a change that will better support livestock producers in Ontario. This will lower the administrative burden where predation is naturally higher despite reasonable efforts at mitigation. At the same time, it helps ensure that farmers experiencing high levels of predation are reviewing their mitigation activities to inform the development of their RCP.

This change builds on our governments' ongoing efforts to support livestock farmers through the OWDCP. As part of these efforts, in January 2022 we increased the administrative allowance provided to municipalities from \$30 to \$50 to help offset incremental costs of delivering the OWDCP. The allowance recognizes municipalities' key role as delivery partners for the OWDCP and builds on existing municipal responsibilities for the costs associated with investigating dog predation under the *Protection of Livestock and Poultry from Dogs Act*.

.../2

We look forward to continuing to work with our partners and stakeholders to help meet the needs of Ontario's livestock industry.

Updated program guidelines are available [here](#). Should you have any questions, please contact 1-877-424-1300 or wildlife.damage@ontario.ca.

A handwritten signature in blue ink, appearing to read 'MC Bibeau'.

Marie-Claude Bibeau
Federal Minister of Agriculture
and Agri-Food Canada

A handwritten signature in blue ink, appearing to read 'Lisa M. Thompson'.

Lisa M. Thompson
Ontario Minister of Agriculture, Food
and Rural Affairs

Minutes of a Meeting of the Lincoln Pelham Union Public Library Board
Tuesday 19 April 2022. 7:30PM
At Fleming Centre 5020 Serena Drive Beamsville, ON

Present: Donna Burton (Co-Chair), Nicole Nolan (Co-Chair), Ruth Gretsinger, Joanna Kocsis, Greg Lewis, Gwendoline MacDougall, Catherine McPherson, Anna Murre, Councillor JD Pachereva, Councillor Adam Russell, Madison Smith, Jennifer Thiessen Tim Wright

Staff: Julie Andrews (CEO), Amy Guilmette (Director, Customer Experience), Kate Palmer (Administrative Assistant, Recorder), Jo-Anne Teeuwsen (Manager, IT & Technical Services)

Regrets: Donald Brown, Donna Edwards, Terry Teather, Councillor Marianne Stewart

1. The CEO, J. Andrews welcomed everyone to the first Lincoln Pelham Union Public Library Board meeting and called the meeting to order at 7:32pm.
2. No conflict of interest was declared.

3. Approval of Agenda

22-01	Moved: Councillor JD Pachereva	Seconded: G. Lewis
	Be it resolved that the agenda for the meeting of April 19 be approved. Carried.	

4. Elections

a. Executive Structure – discussion

Discussions ensued regarding having the Chairs of the previous Lincoln Public Library (D. Burton) and Pelham Public Library (N. Nolan) Boards be nominated as Co-Chairs for the remainder of the current Board term.

b. Election of Chair(s) – led by Library CEO

J. Andrews, CEO, acting Chair conducted the Elections of Officers of the Board. J. Andrews opened the floor for nominations for the two positions of Co-Chair of the Lincoln Pelham Union Public Library.

There were no further nominations from the floor.

22-02	Moved: A. Murre	Seconded: T. Wright
	Be it resolved that Donna Burton and Nicole Nolan be nominated and appointed Co-Chairs be approved. Carried.	

c. Election of Vice Chair – if necessary, led by Chair

J. Andrews relinquished the Chair at this time and Donna Burton continued the duties as the Co-Chair.

Julie Andrews, CEO; Amy Guilmette, Director, Customer Experience; Jo-Anne Teeuwsen, Manager, IT & Technical Services; Kate Palmer, Administrative Assistant, Recorder, left the meeting at 7:45pm.

5. Resolution to move to closed session – regarding an identifiable individual

22-03	Moved: R. Gretsinger	Seconded: M. Smith
	Be it resolved that the Board move into closed session at 7:45pm to address items that pertains to an identifiable individual be approved. Carried.	

22-04	Moved: G. MacDougall	Seconded: Councillor JD Pachereva
	Be it resolved that the Board rise and report at 8:26pm. Carried.	

22-05	Moved: R. Gretsinger	Seconded: C. McPherson
	Be it resolved that the Board be directed to accept the recommendations of the closed session. Carried.	

Julie Andrews, CEO; Amy Guilmette, Director, Customer Experience; Jo-Anne Teeuwsen, Manager, IT & Technical Services; Kate Palmer, Administrative Assistant, Recorder, joined the meeting at 8:28pm.

6. Creation of Committees

It was agreed upon that the following three working Committees be established: Policy, Finance, and Fundraising. Each Committee will have maximum of four members. Board members were requested to email the CEO with their three choices (in order of preference) of Committees they are interested in serving on and the Committees will be finalized at the next meeting. The Land Acknowledgement will be put to the Policy Committee for review.

7. Request to Lift Consent Agenda Items for Separate Consideration

A. Murre requested that 8.2 – CEO Report – Merger Update be lifted from the Consent Agenda.

8. Consent Agenda Items to be Considered in Block

8.1 Pelham Charitable Trust Financial Summary as of February 28, 2022

8.2 CEO Report – Merger Update

22-06	Moved: T. Wright	Seconded: G. Lewis
	Be it resolved that item 8.1 and 8.2 be lifted from the Consent Agenda for discussion be approved. Carried.	

9. Items for Separate Consideration

8.1 Pelham Charitable Trust Financial Summary as of February 28, 2022

Donna Burton requested that A. Guilmette speak to the Charitable Trust Financial Summary as of February 28, 2022. A. Guilmette spoke to the Charitable Trust Financial Summary and answered questions.

8.2 CEO Report – Merger Update

M. Murre inquired if there will be a new hire or will a current staff member take on the financial tasks of the library when library pulls all operational funds and AP out of the

town systems. J. Andrews stated that Kate Palmer, Administrative Assistant will take on these new tasks.

10. Financial Reports

The A. Guilmette spoke to the Consolidated Financial Report Ending March 31, 2022 and addressed any questions. Future financial reports will include notes identifying variances.

22-07	Moved: Councillor JD Pachereva	Seconded: C. McPherson
	Be it resolved that the Consolidated Financial Report Ending March 31, 2022 be approved. Carried.	

11. Library Board Reports

11.1 Lincoln Council (JD Pachereva and A. Russell)

Councillors Pachereva and Russell gave a brief update. The Town has received \$1.03M the Canada Infrastructure Program (ICIP). The funds will be used to replace the Town's aging water infrastructure.

11.2 Pelham Council (M. Stewart)

No Report.

11.3 Maple Acre Friends (M. Smith)

M. Smith reported that the Tree Carving event will be held on April 22nd at Maple Acre. Willowbrook Nurseries will be donating the plants for the Maple Acre Garden project. \$1,150 has been raised in support of the Maple Acre Tree Carving and Garden project. On May 27th, a BBQ will be hosted in Dedication Celebration of our dedicated volunteers Colleen and Craig.

11.4 Pelham Art Festival (D. Brown)

The 35th Pelham Art Festival; which raises approximately \$10,000 for the library, is in person and will be held May 6-8 at Meridian Community Centre.

11.5 Town of Pelham Seniors Advisory (G. MacDougall)

G. MacDougall reported that the Seniors Active Living Grant was approved and received. The grant will be used to purchase a "Buddy Bench". The site for the bench will most likely be placed in Peace Park. There will be a sign beside the bench indicating its purpose. The year-end review will be presented to Council in May. The PSAC have asked Council to include them in any discussions about future developments that would be used by Seniors as the PSAC were not included in discussions about the new Transit system. How this input would happen has not been determined. A Scam Seminar to be held on May 11 2022 at the MCC. Registration required and lunch is included. Godfrey Brock will be the speaker. He had hoped to have an RCMP Officer with him but that was not possible due to other duties. Seniors in Motion will take place on September 14, 2022 for 1/2 day at the MCC and will include activities that are suitable to keep Seniors in Motion. The Committee was concerned that the last meeting of this term will be in August and it is likely that a new Committee would not be in place until February 2023 which will leave all Fall with no Committee. Not all Senior groups in the Region are Committees of Council so they do not have any restrictions on

meetings. However, because the Municipal elections are earlier this year, the August meeting will be the last one of this present Committee.

22-08	Moved: J. Thiessen	Seconded: G. MacDougall
	Be it resolved that the Board Reports be received as information. Carried.	

12. New Business

12.1 2022 Library Board Meeting Schedule and June Open Houses Schedule

J. Andrews reviewed the 2022 Library Board Meeting schedule and the June Open Houses schedule.

22-09	Moved: R. Gretsinger	Seconded: C. McPherson
	Be it resolved that the 2022 Library Board Meeting Schedule be approved. Carried.	

12.2 Slide Deck from OLS Board Assemble (J. Thiessen and G. Lewis)

J. Thiessen gave a brief review of the OLS Board Assemble Slide Deck. There will be a webinar – “Board Transition: Succession Planning for Public Libraries” on Friday, April 29th for those who are interested in attending. This webinar will be very useful when creating the LPPL’s Succession Planning for 2023.

13. Next Library Board meeting date: May 17, 2022 at 7pm at the Festival Room, Fonthill Branch

14. Adjournment

22-10	Moved: JD Pachereva
	Be it resolved that the meeting be adjourned at 9:25pm. Carried.

Library Board Co-Chair _____

Library Board Co-Chair _____

Secretary/Treasurer _____

Minutes of a Meeting of the Lincoln Pelham Union Public Library Board
Tuesday 17 May 2022. 7:00PM
At Fonthill Branch 43 Pelham Town Square Fonthill, ON

Present: Donna Burton (Co-Chair), Nicole Nolan (Co-Chair), Greg Lewis, Gwendoline MacDougall, Catherine McPherson, Anna Murre, Councillor JD Pachereva, Councillor Adam Russell, Councillor Marianne Stewart, Jennifer Thiessen, Tim Wright

Staff: Julie Andrews (CEO), Amy Guilmette (Director, Customer Experience), Kate Palmer (Administrative Assistant, Recorder)

Regrets: Donald Brown, Donna Edwards, Ruth Gretsinger, Joanna Kocsis, Madison Smith, Terry Teather

1. Nicole Nolan (Co-Chair) called the meeting to order at 7:01pm.

2. Approval of Agenda

22-11	Moved: G. Lewis	Seconded: G. MacDougall
	Be it resolved that the agenda for the meeting of May 17 th be approved as amended to defer 10.2 Committee Break Out Session. Carried.	

3. Conflict of Interest Declarations

No conflict of interests was declared.

4. Request to lift Consent Agenda Items for separate consideration

G. MacDougall requested that 5.2 Draft Minutes for the Board of Directors held 19 April 2022 be lifted from the consent agenda.

5. Consent Agenda to be considered in Block:

5.1 Pelham Charitable Trust Financial Summary

5.2 Draft Minutes of the Board of Directors meeting held 19 April 2022

22-12	Moved: Councillor A. Russell	Seconded: T. Wright
	Be it resolved that item 5.2 be lifted from the Consent Agenda for discussion and that all other items listed on the Consent Agenda be approved. Carried.	

6. Items for separate consideration if any

5.2 Draft Minutes of the Board of Directors meeting held 19 April 2022. G. MacDougall requested that motion 22-03 be amended to reflect that the Board went into closed session at 7:45pm.

22-13	Moved: G. MacDougall	Seconded: G. Lewis
	Be it resolved that motion 22.03 be amended to reflect that the Board went into closed session at 7:45pm be approved. Carried.	

7. Library Reports

7.1 CEO Report for May 2022

J. Andrews spoke to the CEO Report and addressed any questions.

22-14	Moved: Councillor JD Pachereva	Seconded: J. Thiessen
	Be it resolved that the CEO Report be approved. Carried.	

8. Finances

8.1 April 30, 2022, Consolidated Financial Report

A. Guilmette spoke to the Consolidated Financial Report Ending April 30, 2022, and addressed any questions.

22-15	Moved: C. McPherson	Seconded: T. Wright
	Be it resolved that the Consolidated Financial Report ending April 30, 2022, be approved. Carried.	

9. Library Board Reports

9.1 Pelham Art Festival Report (D. Brown)

No Report.

9.2 Lincoln Councillor's Report (JD. Pachereva and A. Russell)

The Rotary Park Grand Opening Celebrations will be held on Saturday, June 4th from 10am-6pm with lots of fun activities planned. The Town of Lincoln and the Town of Grimsby are honoured to have been recognized nationally for their Niagara West Fire & Emergency Services pilot project from the Canadian Association of Municipal Administrators (CAMA). The Towns were proud to receive first ever 2022 CAMA Collaboration Award for a partnership between municipalities during a Virtual Awards of Excellence Ceremony held on May 18th.

9.3 Pelham Councillor's Report (M. Stewart)

The Friends Annual BBQ will be held on Friday, May 27th from 4-7pm in front of the library prior to the Fenwick Lion's Club Parade. In addition to the BBQ, the Friends of Maple Acre are celebrating over 100 years of existence. To celebrate this milestone, a short vignette called "At Your Service," will be performed in front of the Maple Acre library at 6:00pm. This dramatization has been written and performed by some of the members of SAY IT! On Stage, an intergenerational theatre program run by the Town of Pelham.

9.4 Maple Acre Friends Report (M. Smith)

No Report.

9.5 Town of Pelham Seniors Advisory Committee Report (G. MacDougall)

The "Buddy Bench" has been installed in Peace Park with a plaque indicating its purpose. Pelham Town Hall will raise the flag in recognition of June being Seniors Month. On April 19th, Mary Wiley from Age friendly Niagara provided an update on the Age Friendly Info Link agefriendlyniagara.com which lists all the services available to Seniors in the 12 municipalities in the Niagara region and it is also connected to the Provincial #211 phone site.

22-16	Moved: G. Lewis	Seconded: J. Thiessen
	Be it resolved that the Library Board Reports be received as information. Carried.	

10. Business Arising

10.1 Report on Mileage for Board Members – J. Andrews

J. Andrews spoke to the Mileage Compensation for Board Meetings Report. Discussion ensued and J. Andrews addressed any questions. The mileage rate for Board members will be 0.61\km which is the current mileage rate that the Town of Lincoln provides. A mileage claim form will be available to Board members to submit mileage claims.

22-17	Moved: G. MacDougall	Seconded: G. Lewis
	Be it resolved that the Mileage Compensation for Board Meetings be retroactive to April 1, 2022, be approved. Carried.	

10.2 Committee Break Out Session – 30 minutes – Committees will discuss the terms of reference and a possible list of tasks – Deferred

Julie Andrews, CEO; Amy Guilmette, Director, Customer Experience; Kate Palmer, Administrative Assistant, Recorder, left the meeting at 7:57pm.

11. Closed Session

22-18	Moved: A. Murre	Seconded: G. Lewis
	Be it resolved that the Board move into closed session at 7:57pm to address items that pertains to an identifiable individual be approved. Carried.	

22-19	Moved: Councillor JD Pachereva	Seconded: G. MacDougall
	Be it resolved that the Board move out of closed session at 8:30pm and be directed to accept the recommendations of the Board. Carried.	

Julie Andrews, CEO; Amy Guilmette, Director, Customer Experience; Kate Palmer, Administrative Assistant, Recorder, joined the meeting at 8:31pm.

12. Next Library Board meeting date: June 21, 2022, at 7pm via Zoom

13. Adjournment

22-20	Moved: Councillor JD Pachereva	
	Be it resolved that the meeting be adjourned at 8:34pm. Carried.	

Library Board Co-Chair _____

Library Board Co-Chair _____

Secretary/Treasurer _____

Minutes of a Meeting of the Lincoln Pelham Union Public Library Board
Tuesday 21 June 2022. 7:00pm.
Held using Zoom Video Conferencing

Present: Donna Burton (Co-Chair), Donna Edwards, Nicole Nolan (Co-Chair), Ruth Gretsinger, Joanna Kocsis, Gwendoline MacDougall, Catherine McPherson, Anna Murre, Councillor JD Pachereva, Councillor Adam Russell, Councillor Marianne Stewart, Madison Smith, Terry Teather, Jennifer Thiessen

Staff: Julie Andrews (CEO), Amy Guilmette (Director, Customer Experience), Kate Palmer (Administrative Assistant, Recorder), Cassandra Best (Fund Development Coordinator)

Regrets: Greg Lewis, Tim Wright

Absent: Donald Brown

1. D. Burton (Co-Chair) called the meeting to order at 7:04pm.

2. Approval of Agenda

22-21	Moved: Councillor A. Russell	Seconded: Councillor JD Pachereva
	Be it resolved that the agenda for the meeting of June 21, 2022, be approved. Carried.	

3. Conflict of Interest Declarations

No Conflict of interest was declared.

4. Request to lift Consent Agenda Items for separate consideration

N. Nolan requested that 5.2 Draft Minutes for the Board of Directors meeting held May 17, 2022, be lifted from the consent agenda.

5. Consent Agenda to be considered in Block:

5.1 Pelham Charitable Trust Financial Summary

5.2 Draft Minutes of the Board of Directors meeting held May 17, 2022

22-22	Moved: A. Murre	Seconded: C. McPherson
	Be it resolved item 5.2 be lifted from the Consent Agenda for discussion and that all other items listed on the Consent Agenda be approved. Carried.	

6. Items for separate consideration if any

5.2 Draft Minutes of the Board of Directors meeting held on May 17, 2022. N. Nolan requested that the minutes under number 1 Call to Order be amended to remove the word "*The*" in front of N. Nolan.

7. Library Reports

7.1 CEO Report for May 2022

J. Andrews spoke to the CEO Report and addressed any questions. C. Best (Fund Development Coordinator) introduced herself and spoke to the CanadaHelps fundraising campaign for Hotspots that is running until the end of June. The Fundraising Committee will be meeting in the first week of July.

22-23	Moved: M. Smith	Seconded: D. Edwards
	Be it resolved that the CEO Report for June 21, 2022, be approved. Carried.	

8. Finances

8.1 May 31, 2022 - Consolidated Financial Report

A. Guilmette spoke to the Consolidated Financial Report Ending May 31, 2022, and addressed any questions.

22-24	Moved: J. Kocsis	Seconded: T. Teather
	Be it resolved that the Lincoln Pelham Public Library Consolidated Financial Report ending May 31, 2022, be approved. Carried.	

8.2 Audited 2021 Financial Statements

J. Andrews spoke to the Lincoln Public Library Statement of Operations for the year ending December 31, 2021 and addressed any questions.

22-25	Moved: A. Murre	Seconded: Councillor A. Russell
	Be it resolved that the Lincoln Public Library Statement of Operations for the year ending December 31, 2021, be approved. Carried.	

A. Guilmette spoke to the Town of Pelham Consolidated Schedule of Library Operations for the year ending December 31, 2021 and addressed any questions.

22-26	Moved: N. Nolan	Seconded: G. MacDougall
	Be it resolved that the Town of Pelham Consolidated Schedule of Library Operations for the year ending December 31, 2021, be approved. Carried.	

R. Gretsinger joined the meeting at 7:36pm.

9. Library Board Reports

9.1 Pelham Art Festival Report (D. Brown)

A. Guilmette mentioned that the Pelham Art Festival will be donating \$12,000 for 2022 and requested that the donation be designated to the permanent StoryWalk® in Pelham. A cheque presentation will be done once the StoryWalk® has been installed.

9.2 Lincoln Councillor's Report (JD. Pachereva and A. Russell)

The Rotary Park Grand Opening Celebration was a great success. Council has launched a 40km/hr. speed limit in selected neighborhoods. Council has also approved the winter maintenance of the entire sidewalk network and approved a new winery with accommodations at Zimmerman & Fly Road.

9.3 Pelham Councillor's Report (M. Stewart)

Town of Pelham had a ceremonial flag-raising on June 18th in celebration of National Indigenous People's Day. An individual donated an orange bench that will be in placed in Peace Park. New summer programming will include Pelham STEM Camps which will use project-based, inquiry learning to keep campers engaged while exploring weekly topics. On July 1, 2022, Pelham's Canada Day Celebration will take place in Harold Black Park. At 3:00pm, the Grand Parade will travel down Haist Street from A.K. Wigg School to the park. Following the parade, community members will enjoy a welcome ceremony, family activities, sports, and an entertainment stage featuring local talent.

9.4 Maple Acre Friends Report (M. Smith)

M. Smith reported that the Annual BBQ was a great success raising \$1,272 and thanked the Town of Pelham for their help in setting up for the event. M. Smith acknowledged Willowbrook Nursery for donating plants, Safe Tree Fenwick for donating mulch, and the Pelham Garden Club for providing expertise and help with the Maple Acre Garden project. Currently, the Friends are focusing on raising donations towards the tree carving project.

9.5 Town of Pelham Seniors Advisory Committee Report (G. MacDougall)

The Old Age Friendly Niagara Council met on May 26th and at this meeting, the development of the Niagara Older Adult Alliance (NOAA) was explained. Niagara Region has 12 municipalities and 11 have a council representing Seniors. The NOAA expects to be one voice for seniors in the region, advocating for the interests of older adults. A presentation was given from the research group at Brock University who are researching the power of networking. There is a survey that is linked to the Age Friendly website agefriendlyniagara.com to determine what would strengthen Niagara as a Community for Healthy aging and is open until July 5th. The PSAC met with the CEO and Director of Housing Services for the region and the Advisor for Housing and Homelessness Action plan on June 16th, 2022 and have plans for future meetings. The PSAC Annual report was presented to council.

9.6 Policy Committee Report (G. MacDougall)

G. MacDougall presented the Policy Committee Terms of Reference, the Board By-laws, Sponsorship Policy, Planned Giving Policy, Setting Library Fees Policy, and the Land Acknowledgement Statement that the Policy Committee reviewed and are bringing forward for Board approval. Discussion ensued and the Land Acknowledgement Statement needs further discussion and will be sent back to the committee for further review and will be brought back to September's Board meeting.

22-27	Moved: G. MacDougall	Seconded: J. Kocsis
	Be it resolved that the Policy Committee Terms of Reference be approved. Carried.	

22-28	Moved: G. MacDougall	Seconded: R. Gretsinger
	Be it resolved that the Board By-laws be approved as amended. Carried.	

22-29	Moved: G. MacDougall	Seconded: T. Teather
	Be it resolved that the Sponsorship Policy be approved. Carried.	

22-30	Moved: G. MacDougall	Seconded: N. Nolan
	Be it resolved that the Planned Giving Policy be approved. Carried.	

22-31	Moved: G. MacDougall	Seconded: N. Nolan
	Be it resolved that the Setting Library Fees Policy be approved. Carried.	

22-32	Moved: D. Edwards	Seconded: J. Thiessen
	Be it resolved that the Board Reports be received as information. Carried.	

10. Business Arising

10.1 Report on Mileage for Board Members – J. Andrews

J. Andrews, CEO will add processing instructions to the mileage reimbursement form.

11. Next Library Board meeting date: September 20, 2022, at 7pm Rittenhouse Branch

12. Adjournment

22-33	Moved: Councillor JD Pachereva	
	Be it resolved that the meeting be adjourned at 8:43pm. Carried.	

Library Board Co-Chair _____ Date: _____

Library Board Co-Chair _____ Date: _____

Secretary/Treasurer _____ Date: _____

Minutes of a Meeting of the Lincoln Pelham Union Public Library Board
Tuesday 20 September 2022. 7:00PM
At Rittenhouse Branch 4080 John Charles Blvd. Vineland, ON

Present: Donna Burton (Co-Chair), Donna Edwards, Nicole Nolan (Co-Chair), Ruth Gretsinger, Joanna Kocsis, Greg Lewis, Gwendoline MacDougall, Catherine McPherson, Anna Murre, Councillor JD Pachereva, Councillor Adam Russell, Madison Smith, Councillor Marianne Stewart, Jennifer Thiessen
Staff: Julie Andrews (CEO), Amy Guilmette (Director, Customer Experience), Susan DiBattista (Director of Community Engagement), Cassandra Best (Fund Development Coordinator), Kate Palmer (Administrative Assistant, Recorder)
Regrets: Terry Teather
Absent: Donald Brown

1. N. Nolan (Co-Chair) called the meeting to order at 7:02pm.

2. Approval of Agenda

22-34	Moved: G. Lewis	Seconded: C. McPherson
	Be it resolved that the agenda for the meeting of September 20, 2022, be approved. Carried.	

3. Conflict of Interest Declarations

4. Request to lift Consent Agenda Items for separate consideration

D. Burton requested that 5.1 Draft Minutes for the Board of Directors meeting held June 21, 2022, be lifted from the consent agenda.

5. Consent Agenda to be considered in Block:

5.1 Draft Minutes of the Board of Directors meeting held June 21, 2022

5.2 Pelham Charitable Trust Financial Summary

5.3 What's On – September 2022

22-35	Moved: M. Smith	Seconded: G. Lewis
	Be it resolved item 5.1 be lifted from the Consent Agenda for discussion and that all other items listed on the Consent Agenda be approved. Carried.	

6. Items for separate consideration if any

5.1 Draft Minutes of the Board of Directors meeting held on June 21, 2022. D. Burton requested that the minutes be amended to change the meeting location from Fonthill Branch 43 Pelham Town Square Fonthill, ON to Held using Zoom Video Conferencing.

22-36	Moved: Councillor JD Pachereva	Seconded: R. Gresinger
	Be it resolved that the Draft Minutes of the Board of Directors meeting held June 21, 2022, be approved as amended. Carried.	

7. Library Reports

7.1 CEO Report for September 20, 2022

J. Andrews spoke to the CEO Report and addressed any questions. C. Best (Fund Development Coordinator) introduced herself and provided a fundraising update. S. DiBattista (Director of Community Engagement) introduced herself and mentioned that program staff are very enthusiastic and the team is looking forward to program planning for 2023. There are a lot of programs scheduled for October.

22-37	Moved: G. MacDougall	Seconded: R. Gretsinger
	Be it resolved that the CEO Report for September 20, 2022, be approved. Carried.	

8. Finances

8.1 August 31, 2022 - Consolidated Financial Report

A. Guilmette spoke to the Consolidated Financial Report Ending August 31, 2022 and addressed any questions.

22-38	Moved: G. Lewis	Seconded: Councillor A. Russell
	Be it resolved that the Lincoln Pelham Public Library Consolidated Financial Report ending August 31, 2022, be approved. Carried.	

9. Library Board Reports

9.1 Pelham Art Festival Report

A. Guilmette mentioned that \$12,000 has been received from the Pelham Art Festival for 2022. The money donated by the Pelham Art Festival in 2021 was used to purchase the permanent StoryWalk® and the ribbon cutting ceremony will take place at Woodstream Park, in Pelham, on October 12th at 2pm. The Pelham Art Festival will present their 2022 cheque at that time.

9.2 Lincoln Councillor's Report (JD Pachereva and A. Russell)

JD Pachereva mentioned that Council had their last meeting for the term on Monday, September 19th. Funding has been secured for shoreline stability along Lake Ontario to protect both town infrastructure and private properties. The Association of Municipalities Ontario (AMO) annual conference was held in August.

9.3 Pelham Councillor's Report (M. Stewart)

Councillor M. Stewart mentioned that a splash pad has been installed at Centennial Park in Fenwick. Additional improvements at the park include a playground, resurfaced tennis courts, and newly renovated and expanded outdoor Pickleball and multi-purpose courts. Councillor M. Stewart also informed the Board that \$5.4 has been secured for the new Fonthill Branch that will be located at the Meridian Community Centre (MCC). Councillor M. Stewart will bring images of the site for the next Board meeting. A working group will be created to help with the process of designing and building the new library branch. Discussion ensued

regarding the location of the library at the Meridian Community Centre and it was agreed that a letter from the Board would be sent to Pelham Council supporting the new library.

22-39	Moved: J. Kocsis	Seconded: R. Gresinger
	Be it resolved that a letter be sent from the Board of Directors in support of the new library branch in Fonthill and advocating for adequate Library input into the location, design, and construction of the new branch. Carried.	

9.4 Maple Acre Friends Report (M. Smith)

The Friends next meeting is on Thursday, September 29th. The Friends will be hosting a silent auction and Waffle Brunch Fundraiser on November 5th at the Pelham Firehall to raise funds for the tree carving and garden maintenance initiatives.

9.5 Town of Pelham Seniors Advisory Committee Report (G. MacDougall)

G. MacDougall mentioned that the committee did not meet in September and that the meetings are on hold until the new council is appointed. The Buddy Bench has been installed in Peace Park.

9.6 Policy Committee Report (G. MacDougall)

G. MacDougall mentioned that the Committee met on Thursday, September 8th to review and recommend policies for Board approval. G. MacDougall also thanked the staff for all their efforts in creating the policies.

22-40	Moved: G. MacDougall	Seconded: G. Lewis
	Be it resolved that the Board Reports be received as information. Carried.	

10. Business Arising

10.1 Policies for Review and Approval

G. MacDougall presented the Land Acknowledgement Policy and Declaration, Intellectual Freedom Policy, Collection Management Policy, Programming Policy, Room Rental & Art Display Policy, and the Photography & Video in the Library Policy that the Policy Committee reviewed and are bringing forward for Board approval.

Discussion ensued regarding the policies. The Intellectual Freedom Policy, Collection Management Policy, Programming Policy, and Room Rental & Art Display Policy will be revised to reference the Canadian Federation of Libraries Association's Statement on Intellectual Freedom, Dated April 12, 2019. The Room Rental & Art Display Policy will be revised to remove 1.7. The room will not be used for private events, for example: birthday parties, showers, etc. and under number 2. Art Displays at the Library, change a) from Canadian works to Work of interest to the local community and remove b) Local work of special interest (e.g., local crafts, children's art).

22-41	Moved: Councillor JD Pachereva	Seconded: G. MacDougall
	Be it resolved that the Land Acknowledgement Policy & Declaration be approved. Carried.	

22-42	Moved: G. MacDougall	Seconded: G. Lewis
	Be it resolved that the Intellectual Freedom Policy be approved. Carried.	

22-43	Moved: J. Kocsis	Seconded: J. Thiessen
	Be it resolved that the Collection Management Policy be approved. Carried.	

22-44	Moved: R. Gretsinger	Seconded: A. Murre
	Be it resolved that the Programming Policy be approved. Carried.	

22-45	Moved: M. Smith	Seconded: D. Edwards
	Be it resolved that the Room Rental & Art Display Policy be approved. Carried.	

22-46	Moved: C. McPherson	Seconded: G. MacDougall
	Be it resolved that the Photography & Video in the Library Policy be approved. Carried.	

11. Next Library Board meeting date: October 18, 2022, at 7pm Maple Acre Branch

12. Adjournment

22-47	Moved: Councillor JD Pachereva	
	Be it resolved that the meeting be adjourned at 8:31pm. Carried.	

Library Board Co-Chair _____ Date: _____

Library Board Co-Chair _____ Date: _____

Secretary/Treasurer _____ Date: _____

USC Summary Report 2018-2022

Members:

Gordon Maracso: Electrical Engineer/ Dofasco/NRBN/Grimsby Power/ES Fox/NPEI

Dave Cano: Electronics Engineer / Energy Efficiency Manager Town of Oakville

Jeff Fee: Stationary Engineer / Facility Management Ridley College

Staff:

Jason Marr, Director of Public Works

Teresa Quinlin-Murphy, Director of Corporate Services

Vickie vanRavenswaay, Director of Recreation, Culture & Wellness

Bryan Secord, Supervisor, Recreational Programs and Facilities

Mike Guglielmi, Manager, Information Technology

Bob Hildebrandt, Councillor, Ward 3

Summary

Decreasing energy use **reduces energy costs** and has resulted in a financial cost savings offsetting additional costs of implementing any energy-efficient technology and rate increases. Reducing energy use can also be a part of the solution to the problem of greenhouse gas emissions.

Here are some ways saving energy at the Town was achieved:

- Education
- Making it personal
- Posting business energy saving results
- Upgrade equipment
- Encourage energy innovation
- Organizational Change

The first step was the Organizational Change in cooperation with Staff and Council to place the Meridian Community Center under the Recreation Department. This was a key to the efficient daily operation of the Centre.

The second step was a chronological review of the last 5 years of Energy Usage for the Major Energy Consumption Facilities and also to create an ongoing reference point for each facility. **Refer to Appendix A**

1. Analysis of energy usage by Facility over last 5 years (**Appendix A**):

This was to demonstrate trends. We believed these types of graphs create a competitive desire to get involved, to “Buy In” to Saving Energy. Meetings were held in different venues and out of Town to get a first-hand feel and see what others were doing regarding education.

- MCC
- Old Arena
- Town Hall
- Tice Road

2. Old Arena

The Building had been decommissioned but gas and hydro usage was still high. The solution was to turn off all gas supply and only parking lot lights remained on until property was sold. One time Forecasted Savings of \$30,000.00 in 2019.

3. MCC

This was the USC’s #1 priority as the highest consumer of both electricity and gas.

Changes implemented are too numerous to list other than major ones.

- a. BAS program revised to allow supervisor access to set operating conditions to suit facility usage schedule.
- b. Lighting switches installed to allow staff to turn off areas unnecessarily lit 24/7.
- c. Implemented cold water flooding, shutting down two hot water boilers. Equipment cost covered by grant for hardware.
- d. Stopped using 2 x 150hp compressors to produce regenerative heating of the MCC arena.
- e. Implemented weekly graphics of consumption as reported by Hydro One with reports being issued to responsible individuals to show results of program changes. **Refer to Appendix B**

- f. Met with Hydro One after reviewing the contract signed by Town for hydro supply. Unfortunately, Town signed with Hydro One without ever asking NPEI to supply power. NPEI's power bill is approximately 15% lower because of their delivery costs (which essentially measures the efficiency of an organization).
 - g. 2019 July - renegotiated contract with Hydro One and achieved a credit of \$68,000 for past usage. Resigned contract for proper hydro rate classification. Hydro Rate Classification is reviewed on a yearly basis to ensure Town is getting the best rate for required service.
4. Town Hall BAS installation was completed April/May 2022. Savings estimated at 33% of annual budget for hydro and gas. Cost of BAS automation covered by grant.
 5. LED lighting- Conversion starting in 2022
 - Maintenance Costs down 80%
 - Energy Costs Costs down 72%
 - Projected 20 Year Savings \$1,378,338
 - GHG Reduction 53 tonnes/yr

Summary of Savings:

1. Yearly MCC electricity savings vs budget approximately \$150,000.
Refer to Appendix C
2. Cold water flooding estimated savings \$60,000/year.
3. Town Hall \$6000 per year estimated savings.
4. LED Lighting estimated savings \$ 62,526 start of conversion and \$182,000 /year at completion.
5. Turned off utilities at Old Arena \$30,000 - one time savings
6. Renegotiated Hydro Contract - Established proper Hydro One Classification Rate - One time Credit of \$68,000

Outstanding Issues/Next Steps:

1. Hydro Classification for Pelham Residents - Urban (High Density) vs Medium Density
2. Low Voltage in Fenwick

3. Hydro One: Power Imbalance - 600 Volt 3 phase power/Fenwick and the MCC
4. Infrastructure Upgrades to meet increase in demand
5. Yearly Hydro One Rate Classification review and rate agreement approval

Items 1, 2, 3 & 4 are all part of ongoing negotiations with Hydro One, our MPP, the Energy Minister and the Town.

Notes:

The Utility Sustainability Committee Terms of Reference are available on the Town of Pelham website for reference.

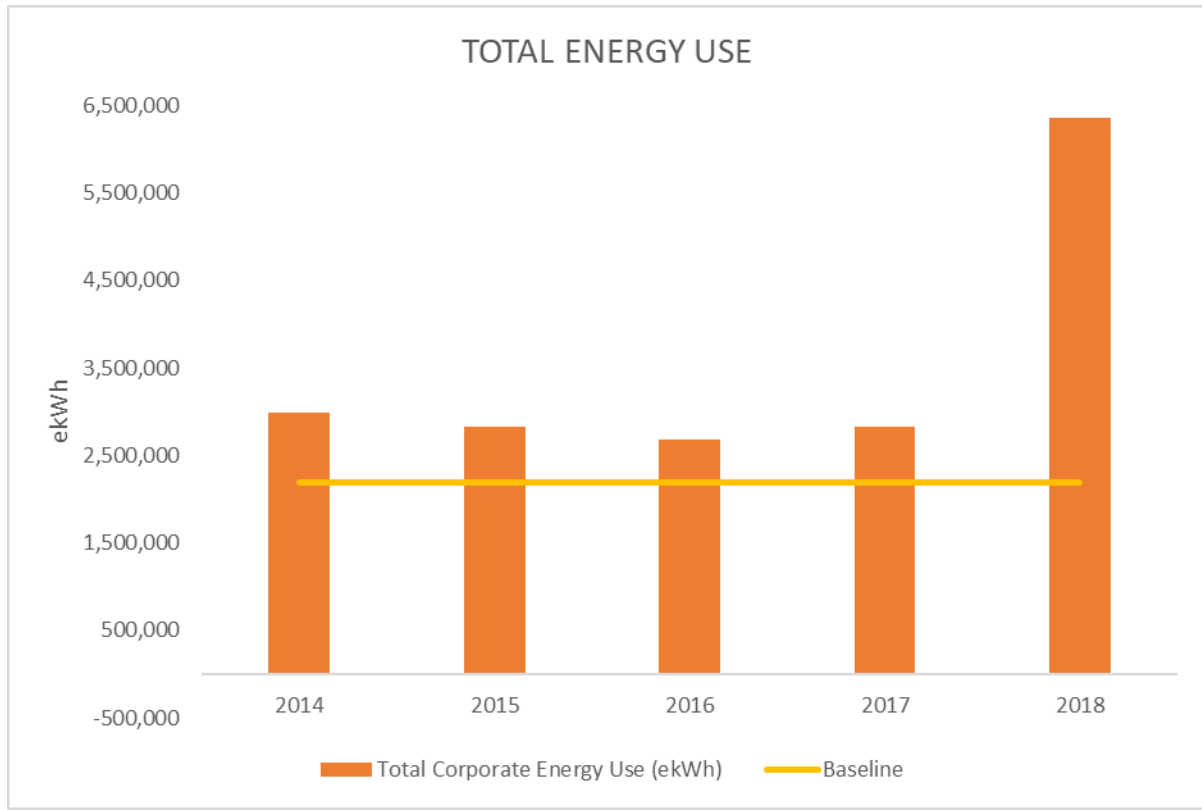
Attachments

Appendix A – Facility Trends 2014-2018

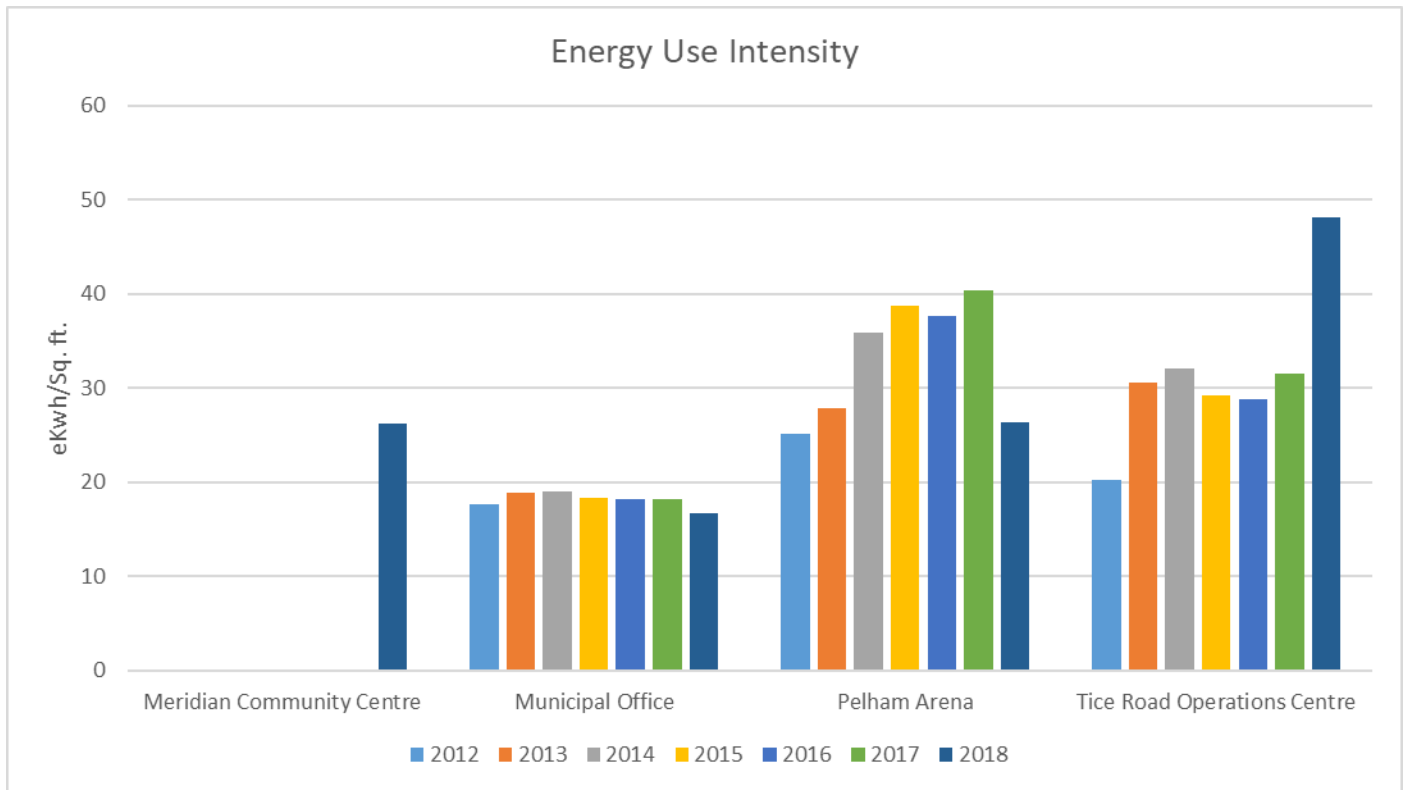
Appendix B – Monthly Consumption for Metered and Adjusted kWh

Appendix C – MCC Hydro Report

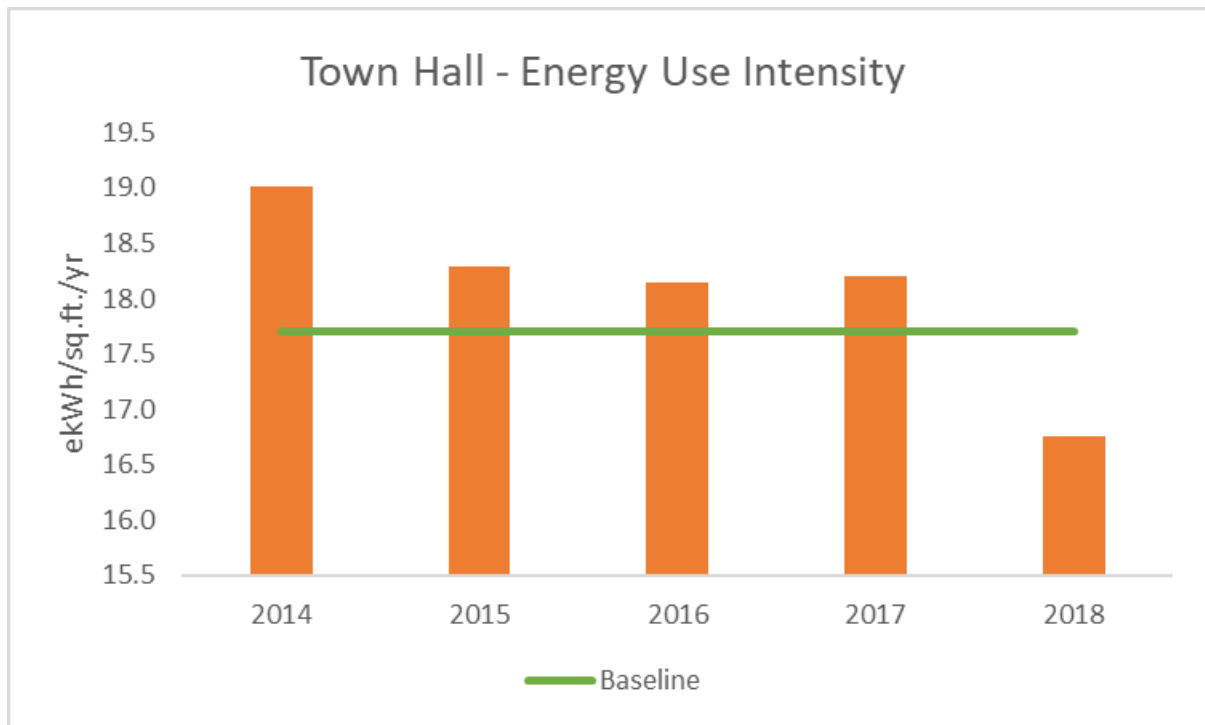
Appendix A1



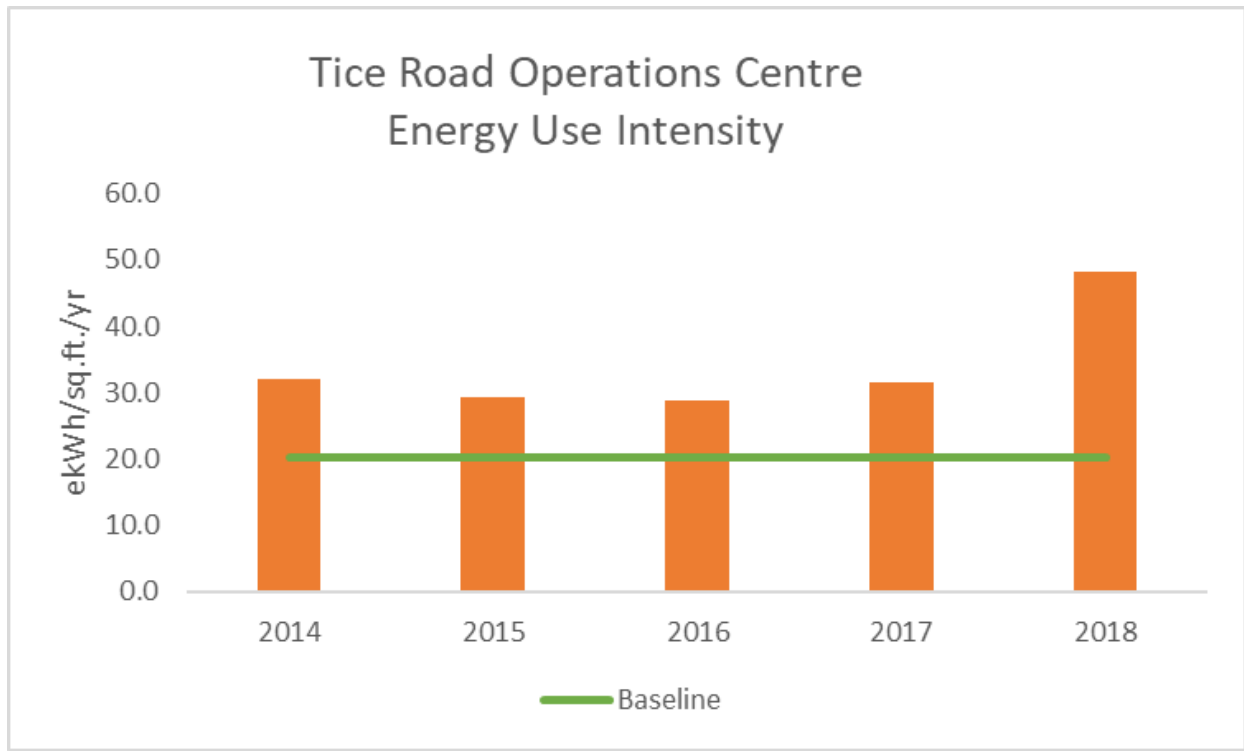
Appendix A2

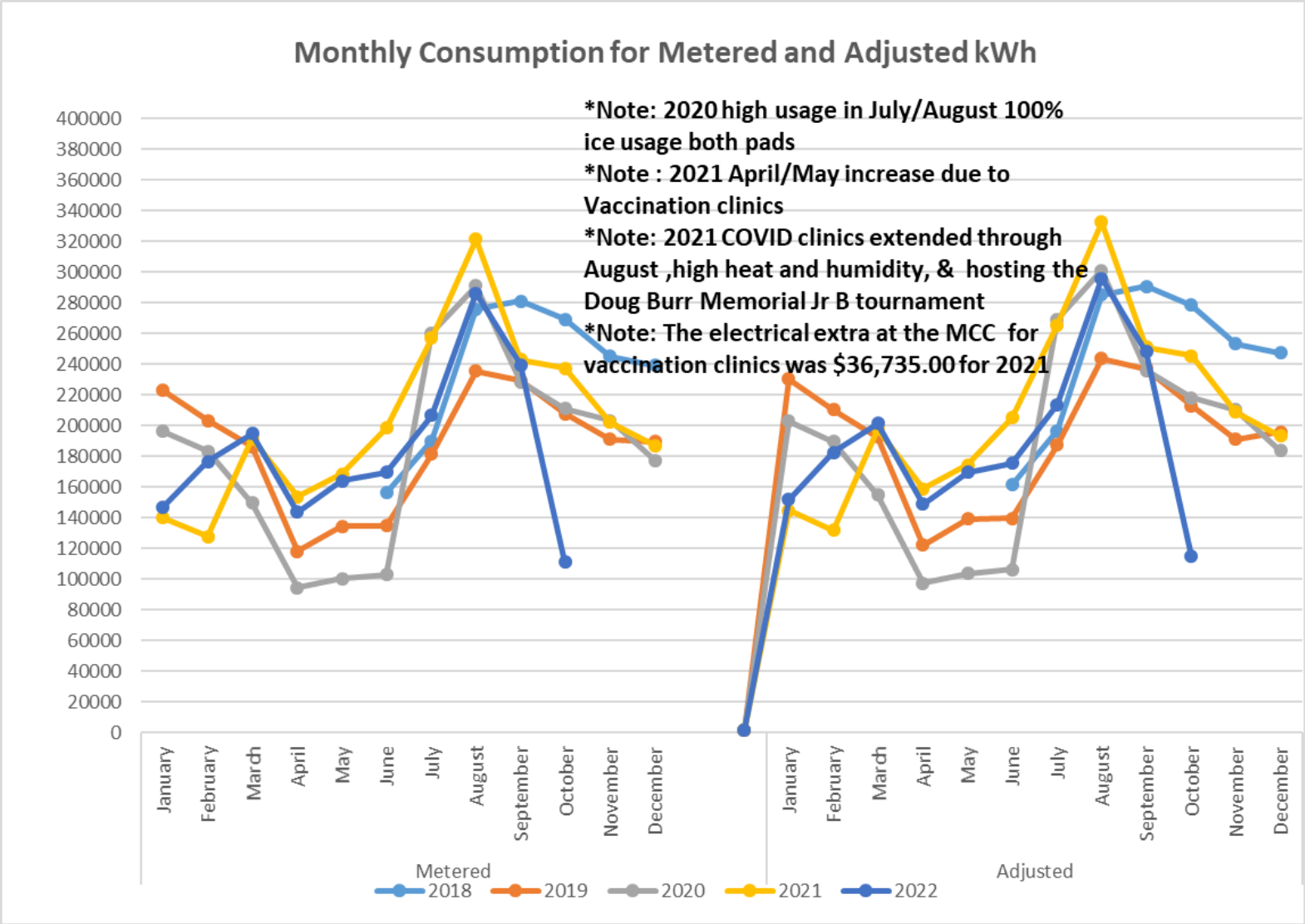


Appendix A3



Appendix A4





Appendix C

MCC Electrical

6M	2018 6M ⁽¹⁾	2019 Year 2 ⁽²⁾	2020 Year 3 ⁽³⁾	2021 Year 4	2022 6M	2022 Year 5
Pro-forma 2018 (original budget)	\$71,000	\$146,242	\$150,630	\$155,149		\$159,603
Draft Budget		\$542,140	\$400,000	\$350,000	\$175,000	\$350,000
Actual	\$260,776	\$313,160	\$347,584	\$353,361	\$139,900	
Var. to Budget		\$227,980	\$52,416	⁽⁴⁾ (\$3,361)	\$35,100	

USC Notes:

- (1)** Build (Savings by Design) Report of October 24, 2016 on MCC, estimated an Electrical Budget of \$521,522/year required.
- (2)** Negotiated New Rate Classification. Credited account for usage in 2018 and part of 2019 when new rate was established @ \$69,000 credit. Energy monitoring every 15 minutes/weekly graph analysis started.
- (3)** Cold Water Flooding Started 2020. Estimated savings per year \$60,000.
- (4)** Actual Electrical amount affected by COVID Vaccination Clinics at the MCC.

2021

Town Hall energy project started funded by grant program. Installation of first phase schedule to be completed in 1st Quarter 2022. Estimated savings at Town Hall 25-30% annually.

Subject: Christmas in Pelham 2022**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2022-0260 – Recreation Christmas in Pelham 2022;

AND THAT Council designate Christmas in Pelham 2022 - Outdoor Christmas Market, to be held on Friday December 2, 2022, from 4pm to 9:30pm at Pelham Town Square, as a Municipally Significant Event;

AND THAT the Clerk be authorized to make application for a Special Occasion Permit for the Christmas in Pelham – Outdoor Christmas Market;

AND FURTHER THAT Council authorize the following road closures; Pelham Town Square entrance at Pelham Street to 55 meters east of Pelham Street, from 7:00am to 11:59pm on Friday December 2, 2022;

Background:

Christmas in Pelham combines all the in-person and virtual elements of the holiday season in an overarching event. The Outdoor Christmas Market, the anchor event of the Christmas in Pelham season, is held annually by the Town and occurs on the first Friday in December. The event is held at Pelham Town Square from 4pm until approximately 9:30pm. The event is modelled on traditional European Christmas Markets and features local artisans and businesses with their seasonal offerings, food, and beverage. This event provides Town residents an opportunity to enjoy the spirit of the season. For the 2022 season, an expanded event footprint and controlled entry will allow the event to adhere to capacity requirements and is modelled on the successful 2022 Pelham Farmers Market and the 2022 SummerChill event layout and protocols.

Another key element of the Christmas in Pelham event is the Santa Claus Parade

that is organized by the Fabulous Fenwick Lions club with support from the Town of Pelham which will be held on December 10, 2022. This annual event provides a local family tradition for residents of the town. With a communications plan and safety protocols in place, as well as applying key learnings from the SummerChill event, the Town can support returning to a traditional parade model in 2022.

Analysis:

The Pelham Christmas Market started in 2013 and has been a popular seasonal event since its inception. Attendance has been impacted by weather in past years, and the pandemic forced its cancellation in 2020. Typical attendance of the Christmas Market is 1800-2500 guests throughout the evening. The Santa Claus Parade is also a town favourite, bringing in 279 pre-registered vehicles during the first "reverse parade" in 2020, followed by its cancellation in 2021 due to extreme weather. An expanded footprint is planned for 2022. A site plan that includes the rear parking lot of the former TD Bank at 1439 Pelham Street is included in this report. Permission from the owner of this building is granted to include the parking lot in the Christmas Market's footprint, and this space will be included in the SOP application.

Financial Considerations:

An approved 2022 budget amount of \$8,000 supports the Outdoor Christmas Market event. Additional revenues are raised from vendor fees, sales of beverages and corporate community donations. The Santa Claus parade has an approved 2022 budget amount of \$500 for supplies. An application for additional support for the event has been approved through Niagara Region's Economic Development Buy Local Grant for \$10,000 for the overall Christmas in Pelham event.

Alternatives Reviewed:

No alternatives were reviewed.

Strategic Plan Relationship: Strong Organization

These events offer residents traditional recreational activities as well as the opportunity to support local small businesses in a safe and festive environment.

Consultation:

Other Pertinent Reports/Attachments:

1. Outdoor Christmas Market Licensed Area Map
2. Traditional Santa Claude Parade route

Prepared and Recommended by:

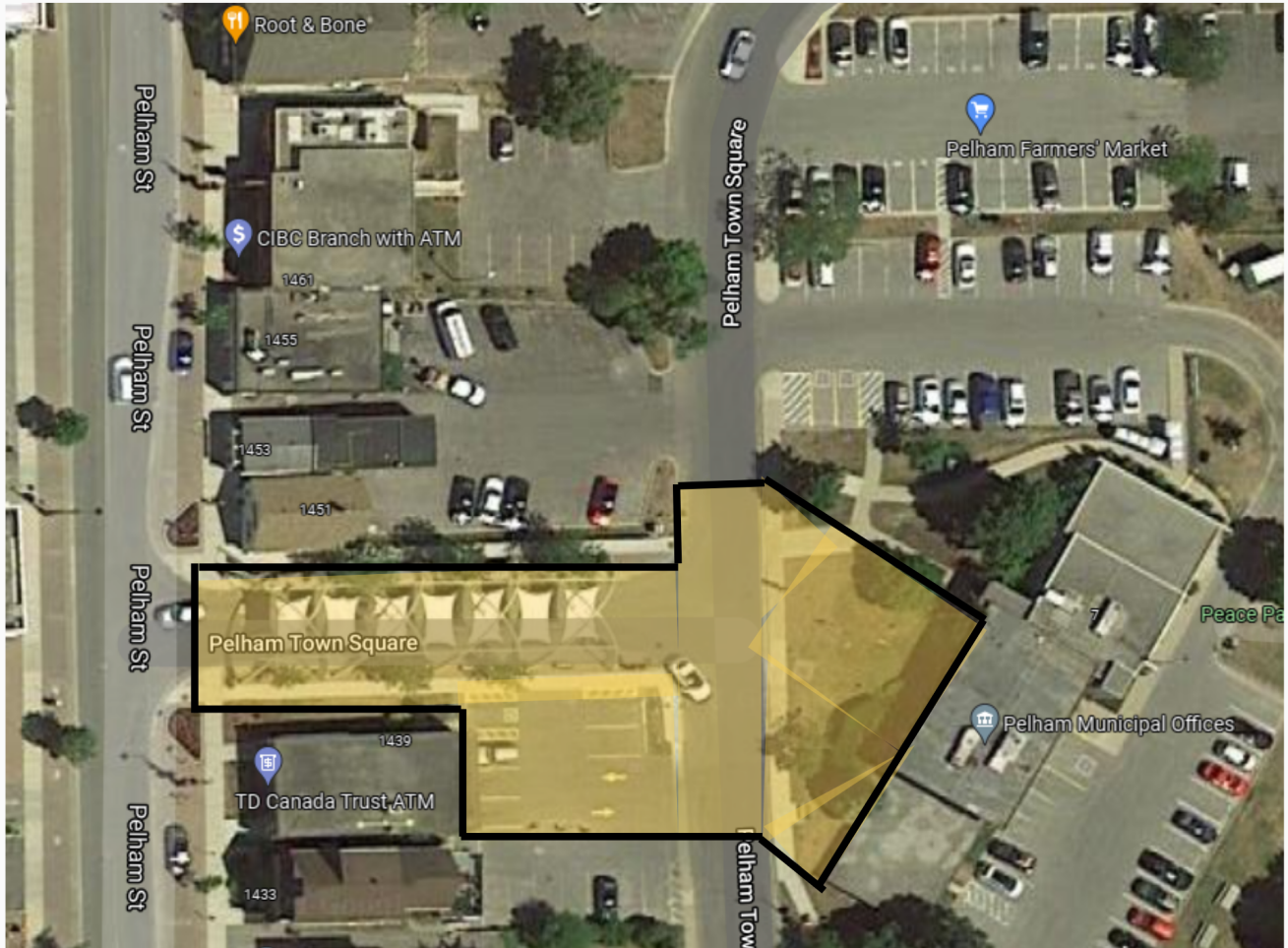
Amanda Deschenes,
Special Events and Festivals Programmer

Vickie vanRavenswaay, RRFA
Director of Recreation, Culture and Wellness

Prepared and Submitted by:

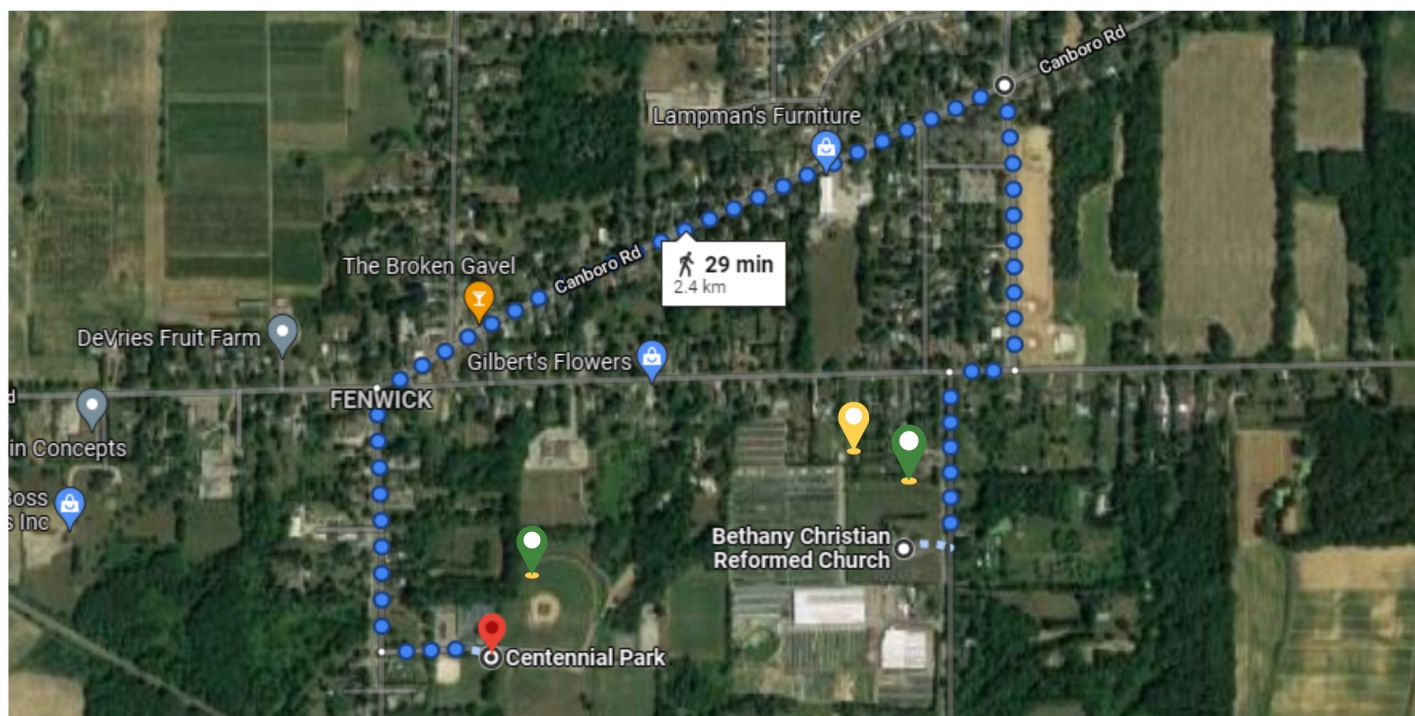
David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

2022 Christmas Market Licensed Area



Traditional Christmas Parade 2022

Keeping the Fabulous Fenwick Lions Tradition.



Parade Route: Starting at Bethany Christian Reformed Church on Balfour St. heading north to Welland Rd. and continuing north on Balfour St. Turning left onto Canboro Rd. through the downtown core of Fenwick to Church St. ending at Centennial Park



Parade Start / Finish



Parking area for parade float support



Subject: Pelham Summerfest 2022 Final Report

Recommendation:

**BE IT RESOLVED THAT Council receive Report #2022-0244-
Recreation – Pelham Summerfest 2022 Final Report;**

**AND THAT Council declare Pelham Summerfest 2023 (July 13-16,
2023) a “Municipally Significant” event;**

**AND THAT Council consider increasing the level of funding for 2023
Pelham Summerfest to \$25,000 (from \$15,000) as part of the 2023
Budget approval process.**

Background:

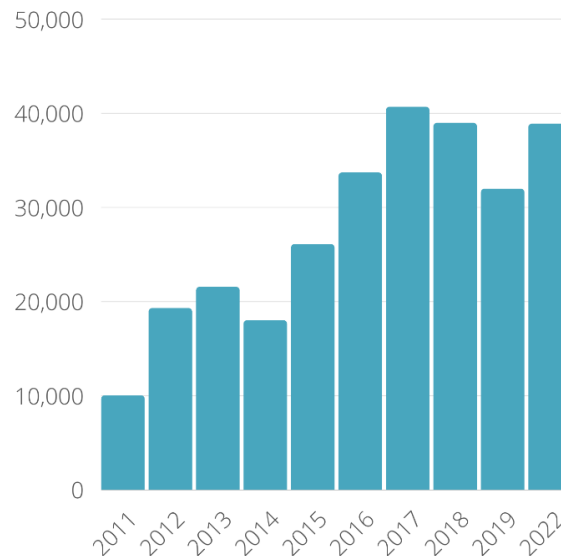
In 2011, Summerfest was born from a one-day celebration of the completion of a Downtown Fonthill streetscaping project, advocated by the Pelham Active Transportation Committee to promote a pedestrian-friendly Town centre. Since then, Summerfest has grown to a four-day festival event, which has been recognized as one of the TOP 100 Festivals, or Events in Ontario every year since 2015.

Following a two-year hiatus, Pelham Summerfest celebrated its tenth year from Thursday, July 14 to Sunday, July 17, 2022 and continues to be a major economic driver for Pelham businesses. This year, there were many examples of local restaurants hitting capacity during the event, and businesses outside of the event area using Summerfest as a way to promote their businesses with “Summerfest Specials”.

The Summerfest Committee continually collaborates with local businesses and uses them as suppliers for the event. As a way to further support Pelham businesses, Pelham Bucks are used as prizes at Summerfest. Pelham Bucks deliver business right back to the Pelham businesses that support and surround Summerfest each year. Summerfest is truly “local first.”

Overall attendance in 2022 was 38,857. This year had the highest showing of those who call Pelham home, at 66.8%. The number of vendors saw a slight decline in 2022 due to widespread staffing shortages. The Committee was able to bring in additional last-minute vendors to replace some of those who withdrew.

Summerfest Attendance



Pelham enjoyed hot, sunny temperatures and clear skies throughout the entire Summerfest weekend. Thursday's Opener started strong with a large crowd that came out to enjoy the Thursday Night Experience, including the concert by 'Simply the Best' Tina Turner Tribute that rocked the park, and the usual wide selection of Farmers' Market products and food and beverages at the Supper Market.

On Friday, 12,816 visitors to Summerfest noticed one notable change at the event: the main stage was at the bottom of Pelham Town Square, in front of Town Hall. The main stage was previously located at 1440 Pelham Street. The stage relocation presented some new logistical challenges that the Committee overcame, but overall received overwhelming positive feedback. The new location provided much more room on Pelham Street for shoppers to move more freely through the vendors and Active Zone, and prevented bottlenecks at the top of Pelham Town Square. The new stage location also allowed customers to enjoy local restaurants on Pelham Street and in the immediate surrounding vicinity enjoy expanded patio space.

The opening entertainment featured Pelham's Copper & Iron, who played for their first time on the main stage at Summerfest. The Marty Allen Band returned to Summerfest from 2019 as the second set of the evening. Friday's headliners, the Country Junkies, were new to Summerfest and played to a packed crowd on Friday night.

New to Summerfest, was the addition of two busker stages located on the north end of Pelham Street at Highway 20 and on the south end of Pelham Street at Church Hill. Through Friday and Saturday, these stages featured 15 local musicians and performances that brought live music closer to vendors and guests on Pelham Street because of the main stage relocation.

On Saturday morning, the 2022 Canada Summer Games Torch Relay took place at the main stage area near Town Hall. Thirteen well-deserved torchbearers from Pelham ran, walked, rolled and cycled with the torch through Fonthill and Fenwick, with the relay starting and ending at the Summerfest main stage. Canada Summer Games provided a DJ and guest speakers on stage for the event. It was a beautiful morning to kick off the Summer Games in Pelham!

Saturday brought out 17,486 people, with large crowds at the main stage all throughout the day. MC David Green kicked off live entertainment. The lineup on this day included old and new rock favourites to Summerfest, including Too Much of Jon, Kindred, Howling Horns, Figure Four, Talk Machine, and the headliner: The Chimps. Hot and humid weather continued straight through the evening, bringing out droves of people to enjoy what would be for many, their first live music experience in two years.

During the day, temperatures soared and families enjoyed the covered and shaded areas in Peace Park, paddleboats, Niagara Region's Water Wagon, and the beloved Pelham Fire "burning house" as ways to cool off. Others enjoyed the roaming entertainers and stilt walkers, and inflatable favourites in the park.

Bandshell entertainment was booked solid from 10:00am to 5:00pm with Fonthill Music Academy youth bands, magician and children's comedian Peter Mennie, in addition to vibrant programming supported by SPARC Arts Promenade and La Maison de la culture francophone du Niagara - these included the Strong Water Women drummers, Justine Gogoua percussion drums and dancing, and a giant puppet party with Carousel Players. These performances brought a number of cultural programming elements to Summerfest with no cost to the Committee.

The Sunday morning Car Show was well attended with 107 registrants displaying their vehicles. As well on Sunday morning, 160 pancake and sausage breakfasts were served. The Committee's partnership with White Meadows Farms is a great help with preparation of the pancakes, and Country Corner Market collaborated with the Committee to supply the sausages for several years now. The Summerfest Committee also appreciates the assistance of Council with the serving of breakfast. In the bandshell, guests were swooned by jazz entertainers Brad Krauss & Sue Thibert, Steve Burnside & the Marquis, and headliner Ashley St. Pierre from the Niagara Jazz Festival.

The Committee would like to acknowledge and thank the many sponsors, volunteers, businesses and staff who have supported Summerfest and the residents and visitors who came out to Chill on the Hill in 2022. After a 2-year hiatus, the 10th annual Summerfest was a spectacular anniversary as we celebrate a decade of this award-winning community event.

Analysis:

4 Day Attendance:	38,857
Visitors came from:	Pelham – 66.8%; Other Municipalities in Niagara – 26.9%; Outside Niagara Region – 6.4%
Returning Visitors:	56.9%
New Visitors	31.1%
Shuttle Ridership:	180
Bike Valet Use:	38
Cash Sponsors:	\$39,000
In-kind Contributions:	\$39,235 (Materials, supplies, services & expertise)
Total Volunteer Hours:	819.5, with a value of \$20,488
Vendors:	52 From Pelham: 22 From Niagara: 27 Outside Niagara: 3
(Of these vendors, 14 were food, 16 were artisans, 14 were community groups, and 8 were sponsors)	

Economic Impact: Tourism Regional Economic Impact Model (TREIM): \$1,682,241

Information for the data analysis comes from on-line surveys, draw ballots and Summerfest Ambassadors who engaged attendees directly at the event to conduct on-site surveys gathering feedback and information in a personal and interactive format. 425 surveys were received between the on-site collection and on-line submissions. 444 ballots for giveaways during the event were also utilized in this analysis. Attendance counts are calculated using several methods, including physical counts provided by the security contractor, sales information and mapping tools.

Financial Considerations:

Vendor fees, sponsorships, sales at the Wine and Beer Gardens, Sunday Breakfast, car show entries and an approved budget amount of \$15,000 make up the revenue for Summerfest. Carefully managing the event expenses, the Committee endeavours to maintain a balanced budget and has succeeded in realizing a surplus most years. This surplus is carried forward to sustain the event in future years, balance unexpected expenses and mitigate losses caused by unforeseen circumstances such as weather cancellations.

Notwithstanding perfect weather and great attendance, 2022 presented extraordinary challenges to Summerfest as seen across the entire events industry. Shortages in volunteers, available staff, product availability, combined with a large public interest to return to in-person events, were all issues dealt with by all of the Summerfest Committee's providers and suppliers, as well as the Committee itself. Despite initial concerns about possible difficulties obtaining sponsorships post-pandemic, the Summerfest Committee met 2019 levels at \$39,000, and received the largest single donation to the event to date of \$10,000 from Peak Performers Realty, a realty brokerage in Fonthill.

Over the past 10 years, Summerfest has created and funded several legacy items within our community, including upgrades to electrical systems on Pelham Street, supporting and promoting transit, increased safety measures such as improvements to lighting and the purchase of high quality cord covers for use at all events, the shade pavilion in Peace Park and the original installation of the "Arches". In 2019, the Committee, at the request of the Rotary Club, had committed up to \$36,000 from its reserves to the "Raise the Arches" campaign. Finally, the arches were erected in August 2022, following Summerfest, and the \$36,000 that had been committed in 2019 was paid in 2022. The Rotary Club, with support from the Summerfest Committee and Town of Pelham are proud to have worked on this important community project with several fundraising events over the last 4 years.

Members of local service clubs, Fonthill Lions Club, Fonthill Lionettes Club, the Kinsmen Club, the Rotary Club & the Fenwick Lions Club, volunteer at the event on Saturday, assisting with bar service and stocking, wrist banding at the entrances, bike valet, and as Summerfest Ambassadors. In 2022, the Summerfest Committee was pleased to give honorariums totaling \$4,155 to these Clubs. This brings the total contributions from Summerfest since 2011 to the Service Clubs to over \$66,000.

In addition to the Service Clubs' contributions to our event, volunteers from many other groups, organizations, businesses, the general public and the Committee members themselves volunteered a total of 820 hours in planning, preparation, delivery and follow up of the event. Further, in-kind contributions of supplies, materials and expertise valued at \$39,235 and our generous community sponsors help to make Summerfest 2022 a great success. Despite this, there was a shortage in volunteers available for shifts and these positions were filled by Town staff at a cost of \$5,741.

2022 Summerfest Financial Statement

Revenue	2019 Actual	2022 Budget	2022 Actual
Rental Spaces - Vendor Fees	\$17,304.00	\$17,000.00	\$12,860.00
Rental Spaces - Hydro Fees	\$915.00	\$900.00	\$500.00
Beverage Sales	\$66,643.35	\$59,700.00	\$78,672.89
Sponsorships	\$39,000.00	\$25,000.00	\$39,000.00
Canada Summer Games			\$750.00
Car Show, Breakfast	\$2,139.00	\$2,000.00	\$887.00
Town Budgeted Contribution	\$15,000.00	\$15,000.00	\$15,000.00
	\$141,001.35	\$119,600.00	\$147,669.89
Expenses	2019 Actual	2022 Budget	2022 Actual
Materials & Supplies	\$8,492.36	\$5,650.00	\$8,913.60
Promotion & Advertising	\$22,526.33	\$34,408.00	\$10,338.05
Other	\$6,725.73	\$19,450.00	\$6,664.11
Rentals - Entertainment	\$14,940.00	\$23,000.00	\$31,108.54
Rentals - Infrastructure	\$15,240.00	\$14,740.00	\$11,033.40
Beverage and Breakfast Inventory	\$25,309.00	\$25,000.00	\$37,477.76
Entertainers	\$21,382.00	\$26,600.00	\$19,375.00
Contracted Services	\$29,838.00	\$22,170.00	\$23,933.58
Staff Honourariums			\$5,741.00
	\$144,453.42	\$171,018.00	\$154,585.04
<u>Net Surplus/Loss</u>	<u>-\$3,452.07</u>		<u>-\$6,915.15</u>

In finalizing financials, a deficit of approximately \$7,000 is anticipated in 2022. Since the beginning of the pandemic, the events industry is experiencing increased costs from suppliers and fewer available volunteers, which caused expenses to be

higher in 2022, in addition to an extension of entertainment schedule that drove already increased A/V costs even higher. This deficit will be covered by Summerfest's deferred revenue. The next Summerfest Committee will explore ways to increase revenue, such as increasing the cost of beverages and exploring additional sponsorship opportunities, and decrease expenses where possible. Events such as Pelham Summerfest have a significant economic impact on the community, region and the province. Utilizing the Ontario Ministry of Tourism and Culture's TREIM model, which is available on the ministry's website, the estimated economic impact of the 4 days of event in 2022 was \$1,682,241. While the TREIM model is subject to some criticism, it is the standard method used by events throughout the province.

Alternatives Reviewed:

No other alternatives were reviewed.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Pelham Summerfest provides a great opportunity for residents, friends and neighbours to get together in a public setting to enjoy many different activities and events. It has become somewhat of a homecoming event with many adult children of current residents make a point of coming home for the Summerfest weekend to see family and catch up with friends. New residents are able to experience the community, find out about cultural assets and local businesses and meet other residents. Summerfest focuses on sourcing vendors, entertainers, supplies and materials locally.

Consultation:

Summerfest Committee;
Financial Services;
Public Works;
Bylaw & Enforcement Services

Other Pertinent Reports/Attached

Prepared and Recommended by:

Amanda Deschenes,
Special Events & Festivals Programmer

Vickie vanRavenswaay, RRFA
Director of Recreation, Culture and Wellness

Prepared and Submitted by:

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

Subject: Summer Chill Series 2022 Final Report

Recommendation:

BE IT RESOLVED THAT Council receive Report 2022-0264 Summer Chill Series 2022 Final Report

AND THAT Council designate Pelham Summer Chill Supper Market, to be held on Thursdays between June – September 2023 in Peace Park, as a Municipally Significant Event on the following dates:

**June 8, 2023 – 4:00pm-11:00pm
June 15, 2023 – 4:00pm-11:00pm
June 22, 2023 – 4:00pm-11:00pm
June 29, 2023 – 4:00pm-11:00pm
July 6, 2023 – 4:00pm-11:00pm
July 13, 2023 – 4:00pm-11:00pm
July 20, 2023 – 4:00pm-11:00pm
July 27, 2023 – 4:00pm-11:00pm
August 3, 2023 – 4:00pm-11:00pm
August 10, 2023 – 4:00pm-11:00pm
August 17, 2023 – 4:00pm-11:00pm
August 24, 2023 – 4:00pm-11:00pm
August 31, 2023 – 4:00pm-11:00pm
Sept 7, 2023 – 4:00pm-11:00pm
Sept 14, 2023 – 4:00pm-11:00pm
Sept 21, 2023 – 4:00pm-11:00pm**

AND THAT the Clerk be authorized to make an application for a Special Occasion Permit for Pelham Summer Chill Supper Market;

AND THAT Council approve road closures Thursday nights from June 8, 2023 – September 21, 2023 from 5pm – 9pm between 39 Pelham Town Square and 31 Pelham Town Square.

Background:

Summer Chill Series, formally known as the Thursday Night Experience, brings together three different weekly cultural experiences; the Pelham Farmers Market, Fonthill Bandshell Concerts and Pelham Supper Market. Pelham has again become the place to be on Thursday Nights, for vendors, professional and amateur musicians and residents of Niagara.

The Farmers' Market has been running since 2003 and was started as farmers wanted a community space to sell their produce. As a result, a volunteer executive was established by Council and Recreation staff have sat on their executive ever since. The executive has 4 meetings a year, once in January to approve the vendor application form, once in March to approve the vendors, once again in April to host a vendor information session and then once in November for their Annual General Meeting where voting for the executive happens. The Farmers' Market Executive for the 2023 Season will be selected on November 9th, 2022.

The Fonthill Bandshell concerts started in 2006, as a celebration of Fonthill's 150th Anniversary and the completion of constructing the bandshell in Peace Park. The bandshell volunteer committee was established and, in the beginning, offered concerts on Thursday nights and Sunday afternoons. It was decided after a season to only run concerts on Thursdays to support the Farmers' Market. The bandshell is still the largest draw on Thursday Nights, with some evenings seeing attendance of over 5,000. With the growth of the Fonthill Bandshell Concerts and the Farmers' Market, parking downtown became a challenge and local restaurants went to Council and requested a solution to the issue. The Town of Pelham hosted several problem solving sessions with all stakeholders which led to the creation of the Supper Market. The Supper Market has been in operation since 2014 and is an area where local wineries, breweries, cideries, Service Clubs and local chefs have an opportunity to bring their expertise to serve the many residents that are thirsty, hungry and awaiting the open air concerts to start.

How the Town of Pelham Supports the Summer Chill Series:

The Town assisted in the creation of the Farmers' Market Executive and continues to provide administrative support to the executive. The Town supports the Fonthill Bandshell Concerts by providing a Municipal Grant to access the bandshell in Peace Park at a minimal cost, provide labour assistance, and hanging of the street banner. The Town of Pelham oversees the Supper Market and holds the Special Occasion Permit in support of the local restaurants, wineries & craft breweries. The Town also supplies all logistics including necessary staffing to make the weekly event a reality – security, parking plan, park maintenance, shuttles and washroom facilities. These costs are paid for from the revenues raised by the Supper Market.

2022 Summer Chill Series Season:

The three elements of the Summer Chill Series operated on the following dates in 2022:

Farmers' Market: May 5 – October 6

Supper Market: June 9 – September 1

Fonthill Bandshell Concerts: June 16 – September 1

Prior to the beginning of the season, Staff began email correspondence with both Committees to discuss logistics, public health measures, operations and reminders for the 2022 Canada Summer Games 13 for 13 event on August 18th.

The Pelham Farmers' Market had a total of 16 seasonal vendors with a couple additional weekly vendors added within the first few weeks of the market opening. The not-for-profit booth was utilized a total of 9 weeks. The Jr. Growers program was held again this year which utilizes the online scavenger hunt app GooseChase. Each week a new mission was released for teams to accomplish when either visiting the market or with products found at the market. There were 9 active teams this year. The attendance at the Farmers' Market averaged 154 per week in May, 332 per week in June, 538 per week for July, 623 per week for August and 130 for September. This decline in September is consistent with other years, once the Supper Market and Bandshell end.

The Supper Market had 9 weekly local food vendors, various beverage vendors and buskers playing from 5:30pm-6:45pm prior to the Bandshell Concerts. As in other years, local service clubs were given the opportunity to serve local craft beer, cider and wine several times throughout the season. The Kinsmen Club of Fonthill, Rotary Club of Fonthill and Pelham Cares were receptive and assisted in serving four weeks, collectively.

As part of the Niagara 2022 Canada Summer Games, each of the 13 municipalities in Niagara were paired with a province or territory to bring together and celebrate the games. Pelham was paired with Alberta and the 13 for 13 event was held on August 18th, 2022 as part of the Summer Chill Series. Additional elements were added to a regular Thursday evening, including a country-themed busker, inflatable games, hay bale seating, additional retail and sport vendors, and a photo booth. The weekly food vendors were encouraged to serve country-styled food and wear plaid and cowboy boots. The Bandshell Committee booked Always ABBA and as a result of all these additional elements, there was a record breaking number of attendees on a Thursday evening, as shown in the chart below.

Below is a chart summary of the attendees, bike valet, and the ridership on the shuttle service. The number of attendees were monitored through the security guards at the entrances of the Supper Market area.

Date		# of attendee's 2022	# of attendee's 2019	# of attendee's 2018	# of attendee's 2017	# of attendee's 2016	Bike Valet #'s 2022	Bike Valet #'s 2019	Bike Valet #'s 2018	Bike Valet #'s 2017	Bike Valet #'s 2016	Shuttle Bus Trips 2022	Shuttle Bus Trips 2019	Shuttle Bus Trips 2018	Shuttle Bus Trips 2017	Shuttle Bus Trips 2016
Week 1	02-Jun	-	632	1,471	743	600	-	-	-	-	-	-	-	-	-	-
Week 2	09-Jun	411	0	1,329	972	947	0	-	-	-	-	-	-	-	-	-
Week 3	16-Jun	1941	1987	3,603	532	2695	5	0	15	-	14	-	12	19	-	3
Week 4	23-Jun	2374	2329	2,944	3259	3330	9	17	20	29	28	-	12	13	6	5
Week 5	30-Jun	2879	1838	2592	2809	3000	21	9	0	-	-	-	20	17	0	0
Week 6	07-Jul	2903	1837	3,115	3810	2496	20	8	10	-	-	-	7	24	0	0
Week 7	14-Jul	4697	5083	5,611	6289	4523	11	16	40	16	18	-	11	42	24	9
Week 8	21-Jul	2174	1671	1,711	2759	3211	12	10	4	8	14	-	15	16	13	6
Week 9	28-Jul	1406	2393	1,832	2271	4118	2	9	15	5	11	-	9	27	6	12
Week 10	04-Aug	2033	2650	4,342	4406	2183	0	15	6	15	15	-	14	24	12	5
Week 11	11-Aug	2215	2286	2,005	4400	2107	4	6	10	15	10	0	8	19	44	4
Week 12	18-Aug	7195	2596	2,599	610	2649	9	2	2	1	9	70	14	18	0	10
Week 13	25-Aug	3678	2147	2,427	3761	871	0	3	4	8	0	38	9	14	7	2
Week 14	01-Sep	3601	3546	2056	3988	3229	6	15	3	-	-	10	19	5	-	-
Week 15	08-Sep	-	-	703	2261	1756	-	-	-	-	-	-	-	-	-	-
Week 16	-	-	-	-	520	317	-	-	-	-	-	-	-	-	-	-
Totals		37,507	30,995	38,340	43,390	38,032	99	110	129	97	119	118	150	238	112	56

Explanations for the Chart Numbers:

- Shaded boxes under attendance means no Bandshell concert on those evenings.
- Fluctuations in the attendance numbers over the years can be attributed to a few factors such as weather, type of band, and other town events happening.
- Bike Valet: Bike valet continues to be offered as part of the Thursday Night Parking Plan. However, this season there were many evenings of heavy rain, or a forecast of inclement weather which may have contributed to the lower numbers.
- Shuttle Bus: In 2022, the shuttle service was only put into operation the week of August 11th to give attendees alternative options of where to park as the Fonthill Shopping plaza was getting overwhelmed.

Analysis:

Representatives from the two committees and Staff debriefed through email correspondence in October 2022 to discuss operations for the 2023 season. The seasons are slotted to run:

Farmers Market: May 4, 2023 – October 5, 2023

Fonthill Bandshell Concerts: June 22, 2023 – Sept 7, 2023

Supper Market: June 8, 2023 – September 21, 2023

Discussion within the emails surrounded all logistics pertaining to washrooms, financials, parking plan, garbage/recycling, and maintenance. The feedback regarding the 2022 season was overall positive and stakeholders expressed relief that social distancing and public health guidelines were not in place this year. All

stakeholders noted the need to increase awareness of the parking plan and shuttle services to alleviate the supply and demand for accessible parking. Direct conversation, distribution of printed handout and posting via social media will likely be the most effective way to educate attendees. A representative from the Farmers' Market also requested that the Town update the Farmers' Market sign as it will be their 20th year in 2023.

Financial Considerations:

Mid-August Staff were notified that the 2022 Reconnect Ontario Grant application was successful totaling a contribution of \$66,622.00 to the Summer Chill budget. Additionally, the Town received \$10,000 from the Niagara 2022 Canada Summer Games to host the 13 for 13 event on August 18th.

With these additional revenue streams and the revenues raised by the supper market, there were additional expenses added to the Summer Chill budget this year that were previously charged to other budgets, such as the washroom rentals, logistical purchases such as accessible cord covers, tents and radios, a portion of staff wages, and advertising.

The final report for the 2022 Reconnect Ontario Grant has yet to be accepted by the Ministry. Although, the unaudited financial statement for the 2022 Summer Chill Series indicates there will be a surplus.

Alternatives Reviewed:

N/A

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The Summer Chill Series aims to create a family friendly atmosphere with great community spirit, great music, food and local shopping that contribute to building strong communities and support our local cultural assets.

Consultation:

Corporate Services Department

Gayle Baltjes-Chataway, Fonthill Bandshell Committee Representative

Fred Arbour, Pelham Farmers' Market Clerk

Bev Yungblut, Pelham Farmers' Market Executive Representative

Other Pertinent Reports/Attachments:

N/A

Prepared and Recommended by:

Karen Blake, Culture and Community Enhancement Programmer

Vickie vanRavenswaay, RRFA
Director of Recreation, Culture and Wellness

Prepared and Submitted by:

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

Subject: Rural Hens Licensing By-law

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0252 Rural Hens Licensing By-law for information;

AND THAT Council direct Planning and By-law Staff to prepare the by-law to permit, regulate and license rural hens in the Town of Pelham.

Executive Summary:

The purpose of this report is provide Council and the public with information and recommendations regarding the keeping of hens in the rural areas of the Town where they are currently prohibited.

Location:

The proposed by-law to license, regulate and govern the keeping of backyard hens in the Town of Pelham ("Rural Hen By-law") will apply to those lands that are located outside of the urban area boundary and are used for rural residential purposes and are not farm properties.

Background:

At its October 3, 2022 Council meeting, Council considered Community Planning and Development Report #2022-0220: Urban Hens. This report provided a policy analysis, best practice review and general information on the keeping of hens outside of traditional agricultural settings. As part of the report, Staff detailed methods for permitting and regulating hens in the urban area as well as on rural properties which fail to meet the size requirements for agricultural uses.

Council elected to continue to prohibit hens in the urban area, but directed Staff to review and report back with recommendations regarding the keeping of chicken hens in the rural areas of the Town.

Analysis:

The proposed draft Rural Hen Licencing By-law seeks to permit the keeping of up to 6 hens (defined as a female chicken over the age of 4 months) on rural residential properties outside of the urban area that are under 2 ha (5 acre) in size and up to 20 hens on rural residential properties outside the urban area that are over 2 ha (5 acre) in size. The licencing by-law proposes specified parameters including a coop size which would not trigger Minimum Distance Separation (MDS) calculations. The keeping of hens in the rural area would be an accessory use to a rural residential use. The proposed licencing by-law would not apply to poultry keeping as part of an agricultural or farm use.

Proposed Rural Hens Licensing By-law

Staff recommend permitting the keeping of up to 6 hens on rural residential properties outside of the urban area that are under 2 ha (5 acre) in size and lots that 2.0 ha (5 acre) or larger may have 20 hens.

The keeping of hens in accordance with the proposed licencing by-law would be in keeping with the policies of the Provincial Policy Plan, the Growth Plan and the Region of Niagara Official Plan. In terms of the Town's Official Plan and Zoning By-law, the keeping of hens would be considered an accessory use to a permitted rural residential use. Hen coops and hen runs would be considered accessory structures in the Town's Zoning By-law, however additional setbacks are considered appropriate in order to ensure proper land use compatibility. Further a maximum size for hen coops and runs is being proposed to ensure that a building permit is not required.

Key Provisions – Draft Licensing By-law

A copy of the proposed Licensing By-law is attached as Appendix "A" to this report, but a summary of the key provisions are listed below:

- No person on a rural residential lot shall keep hens without obtaining a license;
- The minimum lot frontage shall be 18.0m and the minimum lot depth shall be 30.0m and the lot must contain and be used for a single detached dwelling;
- Maximum of six (6) hens per lot are permitted on lots that are less than 2.0 (5 acres) in size and those rural residential lots that are 2ha (5 acres) or larger, a maximum of 20 hens may be permitted;
- Hens must be at least four months old when acquired because prior to four months old it cannot be determined whether the chick is a hen or a rooster;
- The keeping of roosters is prohibited;
- Hens shall be kept in locked hen coops from sunset to sunrise;

- Hens are only permitted in the rear yard;
- Hens shall be confined in an enclosed hen coop or hen run at all times;
- Home slaughter of hens is prohibited;
- Manure shall be kept in an enclosed structure such as a compost bin;
- Feed shall be stored in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it;
- A declaration that the applicant has reviewed the education resource material;
- Payment of a one-time \$100 license fee (to cover administration and inspection costs); and
- Right of Entry Permission to Town Staff to attend and inspect the property (as necessary) to ensure compliance with the requirements.

Application Process and Licensing Regulations

Interested applicants would be required to review the regulations outlined in the By-law and to educate themselves about issues associated with the keeping of hens. Applicants would be required to complete an application, including the following:

- Name and contact information including an email, phone number(s) and the address of the property where the hens will be kept;
- The number of hens to be kept on the property;
- A site plan of the property, showing all buildings and structures including the proposed location of the hen coop and hen run, as well as the dimensions and appropriate setbacks;
- Declaration that the applicant has reviewed the prescribed educational materials; and
- The prescribed fee as set out in the Fees and Charges By-law.

Education Materials

Staff is proposing that as part of the application process, to provide an education resource package, including information provided by the Canadian Food Inspection Agency, Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Ministry of Health. Applicants would be required to review this material and sign an acknowledgement/declaration that that they have read and reviewed the materials provided as part of the complete application. The following materials are proposed to be included in the education package:

- Bird Health Basics Video and Bird Health Basics Fact Sheet (Canadian Food Inspection Agency)
- Biosecurity Recommendations for Small Flock Poultry Owners (OMAFRA)
- Small Flock Poultry: Raising Healthy Birds (OMAFRA)

- Rodent Control in Livestock and Poultry Facilities (OMAFRA); and
- Keeping your family healthy with backyard poultry, including chickens and ducklings (Ministry of Health)

As organizations and ministries may update their resource kits from time to time, Staff have included a provision in the proposed by-law that will authorize Staff to make updates to the education package as required without an amendment to the By-law.

Licensing Fee Structure

As the keeping of hens on rural residential lots in areas outside of the urban area are intended for personal use and not for the sale of meat or eggs as a business, Staff is of the opinion that a one-time licensing fee is appropriate. The best practice review prepared and outlined in Community Planning and Development Report #2022-0220 revealed that the licensing fee structure varied from municipality to municipality and Staff are recommending that a one-time fee of \$100.00 be required to cover the cost of the application processing and inspections by Staff.

Inspections

An initial inspection of each property will be completed by Town of Pelham By-law Enforcement Staff to ensure that the hen coops and hen runs are appropriately constructed and to check compliance with all regulations prior to issuing a license under the proposed By-law. Additional inspections would take place if a complaint is filed.

Enforcement

Once Staff have reviewed the application and inspected the property applicants would be issued a license to allow the keeping of hens. Under the By-law, a license may be revoked for any reasonable grounds as deemed fit by the Town, including if complaints are not able to be resolved.

Under the proposed By-law applicants will be required to hold a license to keep hens on rural properties that are used for rural residential use. If a licence is revoked, the applicants would be in contravention of the Town's Zoning By-law, which prohibits the keeping of chickens outside of larger agricultural properties. Municipal By-law Enforcement Staff would issue a notice indicating the contravention and would provide the date by which owners would be required to remove the hens. Although it would be the responsibility of the owner to relocate the hens, the Town would assist by providing options.

Currently, the Welland Humane Society does not generally accept surrendered hens as it is difficult to adopt out abandoned birds. If this becomes an issue, staff will

suggest the adoption of hens to other license holders. Staff would work with the owner to provide options, however it is ultimately the responsibility of the owner to relocate the hens accordingly.

Financial Considerations:

As noted, Staff is recommending that a one-time \$100.00 processing fee be charged in order to cover the cost of Staff having to process the application and conduct site inspections.

Alternatives Reviewed:

Council could continue to prohibit backyard hens on rural residential properties and only allow hens as part of a bona fide agricultural use.

Council could move forward with a Rural Hen licencing by-law with modifications.

At its meeting on October 3, 2022, Council voted to continue to prohibit the keeping of hens within the urban areas of the Town. Since that time, Staff has been made aware of a petition with approximately 175 signatures circulating on change.org requesting that hens be permitted within the urban area and staff have received calls from a few residents who have also expressed concern with the limitation of hens to the rural area only. Accordingly, Council could apply this Licensing By-law to properties within the urban area that meet the minimum lot area requirement as proposed (approximately 540 square metres or 5800 square feet, with a frontage of 18.0m and a lot depth of 30.0m) and are being used for a single detached dwelling only. This lot area requirement would permit the limited keeping of hens within the urban area boundary on lots that are large enough to support the use, and not on smaller urban lots, minimizing potential impacts on neighbouring properties.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Allowing for the keeping of rural hens contributes to the rural character of the Town which supports building strong communities. Further the keeping of hens supports access to fresh eggs and a healthy food source for individuals.

Consultation:

This report has been prepared in consultation with the Town's Solicitor, Fire Chief and Municipal By-law Enforcement Staff.

Previous Reports

Community Planning and Development Report #0220.

Attachments

Appendix "A" – Draft Rural Hen Licensing By-law

Prepared and Recommended by:

Lindsay Richardson, MCIP, RPP
Policy Planner

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 Town of Pelham

By-law No. XXXX(20XX)

Being a By-law to license, regulate and govern the keeping of hens in the Town of Pelham.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 8 of the *Municipal Act, 2001* further provides that a by-law under section 11 of the statute may provide for a system of licences;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

AND WHEREAS section 11 of the *Municipal Act, 2001* provides that a lower-tier municipality has the authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property, and by-laws respecting animals;

AND WHEREAS section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that any person who contravenes any by-law of the municipality passed under the statute is guilty of an offence;

AND WHEREAS section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under its by-laws;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that a municipality, if satisfied that a contravention of a by-law of the municipality has occurred, may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

AND WHEREAS section 445 of the *Municipal Act, 2001* provides that a municipality, if satisfied that a contravention of a by-law of the municipality has occurred, may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001* provides that if a municipality has authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter of thing shall be done at the person's expense;

AND WHEREAS the Council of The Corporation of the Town of Pelham deems it necessary and desirable regulate the keeping of hens on certain properties in rural and agricultural zones and to enact this By-law for that purpose;

NOW THEREFORE the Council of The Corporation of the Town of Pelham enacts as follows:

1. Purpose

- 1.1. The purpose of this By-law is to regulate the keeping of hens on properties in rural and agricultural zones where such use of the properties would otherwise be prohibited by the Zoning By-law of the Town of Pelham, as enacted and amended from time to time.

2. Definitions

- 2.1. In this By-law:

"Administrative Monetary Penalty" means a monetary penalty issued pursuant to Town By-law #4353(2022), as amended from time to time.

"Applicant" means a Person applying for a Licence under this By-law.

"By-law Enforcement Officer" means a By-law Enforcement Officer of the Town.

"Enforcement Authority" means a By-law Enforcement Officer, the Licence Administrator and any Person appointed or otherwise delegated the authority of administration and enforcement of this By-law.

"Fees and Charges By-law" means a by-law passed by the Town to establish fees and charges to be collected by the Town, as enacted and amended from time to time.

"Free Roaming" means a Hen that is outside of a Hen Coop or Hen Run.

"Hen" means a domesticated female chicken that is at least four (4) months old.

"Hen Coop" means a fully enclosed, locking, weatherproof structure where Hens are kept and the interior of which contains nest boxes for egg laying, roosts for Hens to sleep on and containers for food and water.

- "Hen Run"** means a covered, fully fenced and secure enclosure that allows Hens access to the outdoors.
- "Licence"** means a licence issued under this By-law for the keeping of Hens.
- "Licence Administrator"** means the By-law Enforcement Officer authorized by the Town to administer this By-law or his/her designate.
- "Licensee"** means a Person who holds a valid Licence issued under this By-law.
- "Occupant"** means a Person that lawfully occupies a Rural Property and includes Owners and lessees.
- "Order"** means any notice of non-compliance issued under this By-law.
- "Owner"** means the registered owner of Rural Property.
- "Person"** means an individual, corporation, partnership or association.
- "Property"** means any land or premises within the Town and includes all buildings and accessory structures on the said land or premises.
- "Rooster"** means a domesticated male chicken.
- "Rural Property"** means:
- (a) any Property located in a rural zone with a total lot area of less than the size required under the Zoning By-law to permit the use of the Property for the keeping of hens; and
 - (b) any Property located in an agricultural zone with a total lot area of less than the size required under the Zoning By-law to permit the use of the Property for keeping of hens and that contains a Single Detached Dwelling.
- "Town"** means the Corporation of the Town of Pelham.
- "Zoning By-law"** means the Zoning By-law of the Town of Pelham, as enacted and amended from time to time.

3. General Provisions

- 3.1. No Person shall keep Hens on a Rural Property except in accordance with this By-law and Schedule "A", which is appended hereto and is part of this By-law.
- 3.2. No Person shall keep Free Roaming Hens on Rural Property.
- 3.3. No Person shall keep Roosters on Rural Property.
- 3.4. No Person shall keep Hens on a Rural Property without holding a valid Licence under this By-law.
- 3.5. No Person shall contravene or fail to comply with a term or condition of a Licence issued in accordance with this By-law.

- 3.6. Where a Person holds a valid Licence, the provisions of Town By-law #3448(2013) that prohibit the keeping of Hens on Rural Property do not apply to the Licencee and/or the Rural Property that is the subject of the Licence.

4. Administration

- 4.1. Any Owner or Occupant of Rural Property may apply to the Town for a Licence.
- 4.2. An application under section 4.1 shall be made in writing to the Licence Administrator, in the form determined by the Town and/or the Licence Administrator from time to time.
- 4.3. An application for a new Licence under section 4.1 shall be accompanied by the applicable fee as established by the Fees and Charges By-law. An application for a renewal of a Licence does not require the payment of a fee.
- 4.4. An application under section 4.1 for a new Licence or a renewal of a Licence shall contain the following:
- (a) the name, address, telephone number and address of the Applicant;
 - (b) the address of the Rural Property that is the subject of the application;
 - (c) the number of Hens to kept on the Rural Property;
 - (d) a site plan of the Rural Property that identifies the size and location of all buildings and accessory structures on the Rural Property, including the proposed locations, dimensions and setback measurements for the Hen Coop and Hen Run;
 - (e) a signed declaration confirming that the Applicant has received, reviewed and understood the contents of an education package provided by the Town regarding rules and regulations for the safe and secure keeping of Hens in accordance with this By-law;
 - (f) an acknowledgment that the Town and/or the Licence Administrator may update the education package from time to time and may require a Licensee to provide a signed declaration confirming that the Licensee has read, reviewed and understood its contents; and
 - (g) any other information required by the Licence Administrator to evaluate the application.
- 4.5. The Licence Administrator may grant or refuse a Licence and may impose such terms and conditions on a Licence as he or she considers appropriate.
- 4.6. The Licence Administrator shall refuse a Licence where the application and/or the Rural Property that is the subject of the application does not comply with the provisions of this By-law and the requirements in Schedule "A".
- 4.7. The Licence Administrator may revoke a Licence where:
- (a) the Licence was issued or renewed in error;
 - (b) the Licensee contravenes the provisions of this By-law; or

- (c) the Licensee fails to comply with the provisions of this By-law, the requirements in Schedule "A" and/or any of terms or conditions imposed on the Licence.
- 4.8. A Licence issued pursuant to this By-law is not transferable to any other Person or Rural Property.

5. Enforcement

- 5.1. This By-law shall be administered and enforced by the Town and Enforcement Authorities.
- 5.2. An Enforcement Authority may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act, 2001*.
- 5.3. An Enforcement Authority may, at all reasonable times, enter upon and inspect any land to determine if this By-law is being complied with.
- 5.4. For the purposes of an inspection under section 5.3 of this By-law, an Enforcement Authority may require the production for inspection of documents or things relevant to the inspection, inspect and remove relevant documents or things for the purpose of making copies or extracts, and/or require information from a Person concerning a matter related to the inspection.
- 5.5. An Enforcement Authority who is satisfied that there has been a contravention of this By-law may make an Order requiring the Person who contravened the By-law or caused or permitted the contravention and/or the Owner and/or Occupant of Rural Property where the contravention occurred to bring it into compliance with this By-law.
- 5.6. An Order made under section 5.5 shall set out the municipal address and/or legal description of Rural Property, reasonable particulars of the non-compliance and the date(s) by which there must be compliance with the Order.
- 5.7. An Order made under section 5.5 may be served by regular mail, registered mail or hand delivered to the last known address of the Person to whom it is issued, by email to the last known email address of the Person to whom it is issued, or by posting the Order at Rural Property where the contravention occurred.
- 5.8. Where any Person fails to comply with an Order made under section 5.5 by the prescribed date(s), the Town may do any matter or thing necessary to bring Rural Property into compliance with this By-law at the expense of the Person in default of the Order.
- 5.9. The Town may recover the cost of any matter or thing done pursuant to section 5.8 of this By-law by adding the cost to the tax roll and collecting it in the same manner and with the same priority as municipal taxes.
- 5.10. No Person shall obstruct or hinder, or attempt to obstruct or hinder, an Enforcement Authority in the exercise of a power or the performance of a duty under this By-law.

6. Penalty

- 6.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*.
- 6.2. Administrative Penalty Process By-law #4352(2022), as amended, applies to each Administrative Monetary Penalty issued pursuant to this By-law.
- 6.3. Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law #4352(2022), be liable to pay to the Town an Administrative Monetary Penalty in accordance with that By-law.

7. General

- 7.1. The short title of this By-law is the "Rural Hens By-law".
- 7.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 7.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.
- 7.4. This By-law shall be read with all changes in number or gender as are required by context.
- 7.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.
- 7.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

8. Effective Date

- 8.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this XX day of XXXX, 20XX.

Marvin Junkin, Mayor

Holly Willford, Town Clerk

SCHEDULE "A"

REGULATIONS FOR THE KEEPING OF HENS ON RURAL PROPERTY

- 1) A Licensee may keep up to six (6) Hens on a Rural Property under 2.0 hectares in accordance with these Regulations.
- 2) A licensee may keep up to twenty (20) Hens on a Rural Property over 2.0 hectares, but under 10.0 hectares in accordance with these Regulations.
- 3) The keeping of Roosters on Rural Property is prohibited.
- 4) The Licensee must lawfully occupy and reside at the Rural Property where the Hens are kept.
- 5) Any Rural Property where Hens are kept shall:
 - (a) contain a Single Detached Dwelling;
 - (b) have a lot frontage of no less than 18.0 metres; and
 - (c) have a lot depth of no less than 30.0 metres.
- 6) Hens shall be kept in the rear yard of Rural Property.
- 7) Hens shall be confined to a Hen Coop or Hen Run at all times. Free Roaming Hens are prohibited.
- 8) No more than one (1) Hen Coop and one (1) Hen Run may be situated on Rural Property.
- 9) The Hen Coop shall provide a minimum of 0.37m² for each Hen.
- 10) The Hen Run shall provide a minimum of 0.93m² for each Hen. The floor of the Hen Run shall consist of vegetation, bare earth or a combination of them.
- 11) Notwithstanding the accessory structure height and size provisions in the Zoning By-law:
 - (a) Hen Coops and Hen Runs shall be located in the rear yard of Rural Property;
 - (b) Hen Coops and Hen Runs shall be located no less than 2.0m from any abutting lot line;
 - (c) Hen Coops and Hen Runs shall not exceed 3.0m in height; and
 - (d) the combined floor area of the Hen Coop and Hen Run shall be less than 10.0m².
- 12) Other than as set out in section 10 of these Regulations, Hen Coops and Hen Runs shall meet all other applicable Zoning By-law requirements for accessory structures.
- 13) Hens shall be kept in locked Hen Coops from sunset to sunrise.
- 14) Hen Coops shall have adequate ventilation and shall be weather and predator proof.
- 15) Hen Coops and Hen Runs shall be maintained in a clean and sanitary condition and shall be kept free of obnoxious odours, substances and vermin.
- 16) Hens shall be provided with appropriate food, water, space and environmental conditions conducive to good health and the opportunity

to socialize and engage in fundamental behaviours such as scratching, roosting and dust bathing.

- 17) Feeders and water containers shall be provided and regularly cleaned and disinfected.
- 18) Feed shall be stored in rodent proof containers and shall be secured at all times to prevent rodents and other animals from accessing it.
- 19) Leftover feed shall be promptly removed from Rural Property and disposed of in an appropriate manner.
- 20) Manure that is kept for composting or fertilizing shall be stored in an enclosed structure or container such as a compost bin. No more than three (3) cubic feet shall be stored at any one time. Manure not used for composting or fertilizing or in excess of three (3) cubic feet shall be promptly removed from Rural Property and disposed of in an appropriate manner.
- 21) The slaughter of Hens on Rural Property is prohibited.
- 22) Deceased Hens shall be disposed of at a livestock disposal facility, through the services of a veterinarian, or through a facility approved by the Ministry of Agriculture, Food and Rural Affairs, and in accordance with all applicable laws.
- 23) Deceased Hens shall be disposed of in accordance with section 21 of these Regulations within 24 hours of death.
- 24) Hens shall be kept in accordance with all applicable law including Town of Pelham By-laws respecting noise, lot maintenance, property standards and animals as well as provincial legislation.



The Corporation of the Town of Pelham

By-law No. 4496(2022)

Being a By-law to regulate the cleaning, clearing and maintenance of land in the Town of Pelham and to repeal By-law No. 4453(2022).

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

AND WHEREAS section 11 of the *Municipal Act, 2001* provides that a lower-tier municipality has the authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS section 127 of the *Municipal Act, 2001* provides that a municipality may require the owner or occupant of land to clean and clear the land or to clear refuse and debris from the land and to regulate when and how these matters shall be done;

AND WHEREAS section 127 of the *Municipal Act, 2001* provides that a municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupier of the land;

AND WHEREAS section 127 of the *Municipal Act, 2001* further provides that a municipality may define "refuse" for the foregoing purposes;

AND WHEREAS section 128 of the *Municipal Act, 2001* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS section 131 of the *Municipal Act, 2001* provides that a municipality may prohibit and regulate the use of land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

AND WHEREAS section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees and charges on persons for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under its by-laws;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

AND WHEREAS section 436 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, direction or order of the municipality;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that a municipality, if satisfied that a contravention of a by-law of the municipality has occurred, may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

AND WHEREAS section 445 of the *Municipal Act, 2001* provides that a municipality, if satisfied that a contravention of a by-law of the municipality has occurred, may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001* provides that if a municipality has authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter of thing shall be done at the person's expense;

AND WHEREAS the Council of The Corporation of the Town of Pelham deems it necessary and desirable to regulate the cleaning, clearing and maintenance of land in the municipality and to enact this By-law for that purpose;

NOW THEREFORE the Council of The Corporation of the Town of Pelham enacts as follows:

1. Purpose

- 1.1. The purpose of this By-law is to regulate with respect to the cleaning, clearing and maintenance of land in the Town of Pelham, including refuse and debris, so as to prevent nuisances and to promote the well-being of the municipality and its inhabitants.

2. Definitions

- 2.1. In this By-law:

"Administrative Monetary Penalty" means a monetary penalty issued pursuant to Town By-law #4353(2022), as amended from time to time.

"Composting" means the biological decomposition of organic materials by micro-organisms under controlled aerobic conditions to a dark soil-like material known as humus.

"Dumpster" means a type of moveable waste container to be used on a temporary basis and designed to be delivered and retrieved by a special collection vehicle and which may also be described or known as a lugger box, lugger bin, salvage bin and other similar terms.

"Farm" means a Property at which an agricultural operation as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1 ("*Farming and Food Production Protection Act*") is lawfully carried on.

"Highway" has the same meaning as in the *Highway Traffic Act*, R.S.O. 1990, c. H.8 ("*Highway Traffic Act*").

"Inoperative Motor Vehicle" means a Motor Vehicle that requires a current and valid license plate to operate on a Highway but that does not have a valid license plate attached to it or a Motor Vehicle with damaged, missing or deteriorated parts that are necessary for its safe operation, whether plated or unplated, but does not include:

- (a) in areas designated by the Town as urban, one (1) unplated Motor Vehicle per Property, if not enclosed within a building or permitted accessory structure, provided that the said Motor Vehicle:
 - i. is a hobby repair vehicle where hobby repair is being actively carried on; or
 - ii. is a historic vehicle, being a motor vehicle that is at least thirty (30) years old; or
 - iii. is a vehicle used seasonally and plated annually for a period of time less than a year; or
 - iv. is a motor vehicle used for dirt track or off road racing; and
 - v. is covered by a fitted vehicle cover approved by a By-law Enforcement Officer;
- (b) in areas designated by the Town as rural, up to three (3) unplated Motor Vehicles per Property, if not enclosed within a building or permitted accessory structure, provided that each of the said Motor Vehicles:
 - i. is a hobby repair vehicle where hobby repair is being actively carried on; or
 - ii. is a historic vehicle, being a motor vehicle that is at least thirty (30) years old; or
 - iii. is a vehicle used seasonally and plated annually for a period of time less than a year; or
 - iv. is a motor vehicle used for dirt track or off road racing; and
 - v. is covered by a fitted vehicle cover approved by a By-law Enforcement Officer;
- (c) a Motor Vehicle that is required for the operation of a salvage yard or similar business or enterprise lawfully situated on a Property;
- (d) a Motor Vehicle that is situated, stored or kept on a Farm and used for replacement parts in Farm operations and, where the said Motor Vehicle is located within one hundred and fifty (150) metres of any neighbouring dwelling, is adequately screened from such dwelling by fencing or landscaping on the Farm.

"Motor Vehicle" has the same meaning as in the *Highway Traffic Act*.

"Naturalized Area" means all or part of Property that contains or is covered by vegetation that has been allowed or deliberately implemented to establish a reproducing population of native plant species and/or to emulate a natural area.

"Niagara Region" means the Regional Municipality of Niagara.

"Noxious Weed" means a noxious weed designated by or under the *Weed Control Act*, R.S.O. 1990, c. W.5, including any weed designated as a local noxious weed under a by-law of the Town passed under that Act.

"NPCA" means the Niagara Peninsula Conservation Authority.

"Occupant" means a person that lawfully occupies a Property and includes Owners and lessees.

"Officer" means a By-law Enforcement Officer of the Town, a member of the Niagara Regional Police Service, a member of the Ontario Provincial Police and any other provincial offences officer designated under the *Provincial Offences Act*, R.S.O. 1990, c. P.33 ("*Provincial Offences Act*").

"Order" means any notice of non-compliance issued under this By-law.

"Owner" means the registered owner of Property.

"Person" means an individual, corporation, partnership or association.

"Property" means any land or premises within the Town and includes all buildings and accessory structures located on the said land or premises.

"Refuse" means any debris, article, thing, matter, substance or effluent that has been cast aside, discharged or abandoned, discarded from its usual and intended use, used up in whole or in part, expended or worn out in whole or in part and that appears to be of no worth or practical value. Notwithstanding the foregoing, Refuse does not cease to become Refuse by reason that it may be commercially saleable or recyclable or hold potential value. Without limiting the generality of this clause, Refuse includes but is not limited to the following classes of materials regardless of their nature, condition, value or potential:

- (a) accumulations of grass clippings, tree cuttings, brush, leaves and garden refuse;
- (b) paper, paper cartons and other paper products;
- (c) rotting food, vegetable matter or animal matter unless contained in an acceptable Composting container;
- (d) disconnected appliances including but not limited to refrigerators, stoves, microwaves, dishwashers, washers, dryers and any parts of such items;
- (e) electronic devices including but not limited to televisions, computers or tablets and related components, radios, speakers, amplifying devices, audio visual players and any parts of such items;
- (f) furnaces or furnace parts, air conditioners, ducting, pipes, heat pumps, fittings, pipes and wiring;
- (g) damaged or unusable water tanks, fuel tanks, rain barrels or totes;

- (h) Inoperative Motor Vehicles and any parts or accessories of such items;
- (i) inoperative bicycles, lawnmowers, engines and mechanical tools;
- (j) broken or discarded furniture;
- (k) crockery, dishes, pots and pans and small kitchen appliances;
- (l) discarded clothing;
- (m) Sewage;
- (n) animal waste products, hides and parts of carcasses other than those arising from industrial or agricultural businesses lawfully operating lawfully on the Property;
- (o) construction, demolition, repair or renovation material and/or debris accumulated or left over from such work;
- (p) broken concrete, pavement, bricks asphalt and other like materials; and
- (q) accumulations of miscellaneous plastic, wood or metal parts or any combination of such items.

"Sewage" means any liquid waste that contains human, animal, mineral or vegetable matter, waste that is in suspension whether domestic or industrial and any other liquid waste, whether in suspension or precipitated, but does not include roof water or storm runoff.

"Standing Water" means any water on a Property other than Treated Water, a natural body of water that exists on a permanent basis or water that is contained within a municipal stormwater management facility.

"Town" means The Corporation of the Town of Pelham or the geographic area of the municipality, as the context requires.

"Town Clerk" means the Clerk of the Town.

"Treated Water" means water that has been treated with a larvicide or otherwise so as to minimize any potential health, safety or medical hazard to any Person.

"Unsafe Condition" means any object or condition that may create a health, fire, safety or accident hazard at a Property.

"Unsightly Condition" means any object or condition that is detrimental to the appearance of a Property.

3. General Provisions

- 3.1. Every Owner and/or Occupant of Property shall keep and maintain Property in accordance with this By-law.
- 3.2. Every Owner and/or Occupant of Property shall keep and maintain Property in a clean and clear condition and free from Refuse and Unsightly Conditions.
- 3.3. Every Owner and/or Occupant of Property shall keep and maintain Property in a clean and clear condition and free from Unsafe Conditions.

4. Refuse

- 4.1. No Person shall place or deposit Refuse on Property in any manner whatsoever without the prior written consent of the Owner and/or Occupier of Property.
- 4.2. No Person shall place or deposit Refuse on Property owned by the Town, Niagara Region or NPCA in any manner whatsoever without the prior written consent of the Town, Niagara Region or NPCA, as the case may be.
- 4.3. No Owner and/or Occupant of Property shall cause or permit Refuse to accumulate or remain on Property.
- 4.4. Every Owner and/or Occupant of Property shall ensure that all Refuse that accumulates on Property, when not placed out for waste collection, is kept in one or more containers that are:
 - (a) made of rigid, watertight construction;
 - (b) equipped with a tight-fitting cover, which may be removed only when the container is empty or being actively loaded;
 - (c) maintained in good condition;
 - (d) arranged in a neat and orderly configuration; and
 - (e) if located on residential Property, placed in the front, side or rear yard against a building, permitted accessory structure, fence or retaining wall.
- 4.5. A Dumpster may be placed on residential Property to contain Refuse arising directly from demolition or construction at Property for a period of not more than ninety (90) consecutive days per calendar year commencing from the date on which the Dumpster was placed on Property.

5. Vegetation

- 5.1. Every Owner and/or Occupant of Property shall cut, trim or remove grass and weeds on Property, other than in a Naturalized Area, whenever the growth of the grass or weeds exceeds two hundred (200) millimetres in height.
- 5.2. Every Owner and/or Occupant of Property shall remove all Noxious Weeds from Property, including in a Naturalized Area.

6. Standing Water

- 6.1. Every Owner and/or Occupant of Property shall keep and maintain Property free from Standing Water.
- 6.2. Every Owner and/or Occupant of Property shall keep and maintain any swimming pool, hot tub, wading pool, fountain or artificial pond on Property in a good state of repair and in proper operating condition.
- 6.3. Every Owner and/or Occupant of Property shall keep and maintain any vessel, container or object on Property that is capable of holding water free from Standing Water.
- 6.4. No Owner and/or Occupant of Property shall cause or permit the obstruction of a private drain, swale or watercourse on Property in a manner that deposits and/or results in the presence of Standing Water on any Property.

7. Exemptions

- 7.1. This By-law does not apply to Property owned by the Town, Niagara Region, NPCA, the Government of Ontario or the Government of Canada.
- 7.2. This By-law does not apply to prevent a Farm from carrying out a normal farm practice under the *Farming and Food Production Act*.
- 7.3. This By-law does not apply to construction materials and equipment on Property that are directly related to active construction at Property that is proceeding under a valid permit issued pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23 or other applicable law.

8. Enforcement

- 8.1. This By-law shall be administered and enforced by the Town, an Officer and/or any Person appointed or otherwise delegated the authority of administration and enforcement.
- 8.2. An Officer and any Person appointed or otherwise delegated the authority to administer and enforce this By-law may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act, 2001*.
- 8.3. An Officer and any Person appointed or otherwise delegated the authority to administer and enforce this By-law may, at all reasonable times, enter upon and inspect any land to determine if this By-law is being complied with.
- 8.4. For the purposes of an inspection under section 8.3 of this By-law, an Officer and any Person appointed or otherwise delegated the authority to administer and enforce this By-law may require the production for inspection of documents or things relevant to the inspection, inspect and remove relevant documents or things for the purpose of making copies or extracts, and/or require information from a Person concerning a matter related to the inspection.
- 8.5. An Officer and any Person appointed or otherwise delegated the authority to administer and enforce this By-law who is satisfied that there has been a contravention of this By-law may make an Order requiring the Person who contravened the By-law or caused or permitted the contravention and/or the Owner and/or Occupant of Property where the contravention occurred to bring Property into compliance with this By-law.
- 8.6. An Order made under section 8.5 shall set out the municipal address and/or legal description of Property, reasonable particulars of the non-compliance and the date(s) by which there must be compliance with the Order.
- 8.7. An Order made under section 8.5 may be served by regular mail, registered mail or hand delivered to the last known address of the Person to whom it is issued, by email to the last known email address of the Person to whom it is issued, or by posting the Order at Property where the contravention occurred.

- 8.8. Where any Person fails to comply with an Order made under section 8.5 by the prescribed date(s), the Town may do any matter or thing necessary to bring Property into compliance with this By-law at the expense of the Person in default of the Order.
- 8.9. The Town may recover the cost of any matter or thing done pursuant to section 8.8 of this By-law by adding the cost to the tax roll and collecting it in the same manner and with the same priority as municipal taxes.
- 8.10. Where any items, materials or things are removed from Property pursuant to this By-law, the Town may immediately dispose of them or it may store them. Where an item, material or thing has been removed and stored by the Town, its Owner may reclaim it upon payment to the Town of any costs incurred by the Town in so doing. Where an item, material or thing has not been reclaimed within thirty (30) days of its removal, the Town may dispose of it forthwith.
- 8.11. Where any items, materials or things are removed from Property pursuant to this By-law, the Town shall not be liable to compensate the Owner and/or Occupant of Property or any other Person by reason of anything done by or on behalf of the Town in the reasonable exercise of its powers under this By-law.
- 8.12. No Person shall obstruct or hinder, or attempt to obstruct or hinder, any Officer or Person appointed or otherwise delegated the authority to administer and enforce this By-law in the exercise of a power or the performance of a duty under this By-law.

9. Penalty

- 9.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*.
- 9.2. Administrative Penalty Process By-law #4352(2022), as amended, applies to each Administrative Monetary Penalty issued pursuant to this By-law.
- 9.3. Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law #4352(2022), be liable to pay to the Town an Administrative Monetary Penalty in accordance with that By-law.

10. General

- 10.1. The short title of this By-law is the "Clean Yards By-law".
- 10.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 10.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.
- 10.4. This By-law shall be read with all changes in number or gender as are required by context.

- 10.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.
- 10.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

11. Repeal and Enactment

- 11.1. By-law #4453(2022), being a by-law to regulate the keeping and maintenance of property within the Town of Pelham, known as the Clean Yards By-law, is hereby repealed and replaced.

12. Effective Date

- 12.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 07th day of November, 2022.

Marvin Junkin, Mayor

Holly Willford, Town Clerk



The Corporation of the Town of Pelham

By-law No. 4497(2022)

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 07th day of November 2022.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that, unless 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 the 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 07th day of November, 2022, 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.** This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 07th day of November, 2022.

Marvin Junkin, Mayor

Holly Willford, Town Clerk