

REGULAR COUNCIL MINUTES

Meeting #: C-22/2022
Date: Monday, December 19, 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 Wayne Olson
Councillor John Wink
Councillor Kevin Ker
Councillor Shellee Niznik
Councillor Brian Eckhardt

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

1. Call to Order and Declaration of Quorum

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

1.1 Land Recognition Statement

Councillor Wink read the land acknowledgement into the record.

2. Approval of Agenda

Moved By Councillor John Wink
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the December 19, 2022 Regular Meeting of Council be adopted, as circulated.

Amendment:

Moved By Councillor John Wink
Seconded By Councillor Wayne Olson

THAT the agenda be amended to:

- **Add the open-session addendum, being item number 9.5.1.8 - Jonathan Tucker Comments; and**
- **Add the closed-session addendum, being items 2.3.8 and 2.3.9.**

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

Motion as Amended:

Moved By Councillor John Wink

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the December 19, 2022 Regular Meeting of Council be adopted, as amended.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

3. Disclosure of Pecuniary Interests and General Nature Thereof

Councillor Niznik declared a pecuniary interest with respect to item one (1) of closed session agenda.

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.1.1 30 Year Service Bar Presentation to Fire Chief Robert Lymburner

The Mayor presented Fire Chief Robert Lymburner the 30 Year Service Bar Award on behalf the Office of the Fire Marshall and Emergency Management. The Mayor thanked the Fire Chief for his service. Fire Chief Lymburner thanked the Mayor and Council.

4.2 Delegations

4.3 Report of Regional Councillor

5. Election of Deputy Mayor - 2 Year Term

5.1 Call for Nominations

Councillor Hildebrandt nominated Councillor Wink as Deputy Mayor. The Clerk called for nominations a total of three (3) times.

5.2 Nominees Acceptance / Refusal of Nomination

Councillor Wink accepted the nomination of Deputy Mayor.

The Clerk announced Councillor Wink acclaimed to the position of Deputy Mayor.

5.3 Nominees Speech - 2 Minutes

Councillor Wink thanked Council for the nomination and their support. Councillor Wink indicated he looks forward to being the Deputy Mayor.

5.4 Vote by Secret Ballot

5.5 Recess for Town Clerk and Deputy Clerk to Tally Votes

5.6 Appointment of Deputy Mayor by Resolution

Moved By Councillor Shellee Niznik

Seconded By Councillor Kevin Ker

BE IT RESOLVED that pursuant to section 238 of the *Municipal Act, 2001, S.O. 2001, c. 25* and Town of Pelham By-law No. 4107(2019), as amended or replaced from time to time, Council for the Town of Pelham appoints Councillor John Wink as Deputy Mayor for a term of two (2) years commencing on the date on which the Deputy Mayor is appointed by by-law or until a successor is appointed;

AND THAT the Deputy Mayor shall be the presiding officer at all meetings of Council including any Regular, Special or Emergency meeting of Council or Committee of Council from which the Mayor is absent or at which the Mayor is unable or refuses to act;

AND THAT at any such meetings the Deputy Mayor shall act in the place and stead of the Mayor and shall exercise all the rights, powers and authority of the Mayor;

AND THAT Council Direct the Town Clerk to prepare and present a Deputy Mayor appointment by-law, at the next Regular Meeting of Council.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

6. Adoption of Minutes

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

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

- 1. SC-12-2022 - Special Meeting of Council - November 30, 2022**
- 2. C-21/2022 - Regular Council Meeting - December 5, 2022**

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

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

Moved By Councillor Kevin Ker

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the Consent Agenda items as listed on the December 19, 2022 Council Agenda be received and the recommendations contained therein be approved:

9. Consent Agenda Items to be Considered in Block - ConsentedConsented

9.3 Staff Reports of a Routine Nature for Information or Action

9.3.1 Non-Union Compensation Policy Update, 2022-0257-Chief Administrator Officer

BE IT RESOLVED THAT Council receive Report #2022-0257, Non-Union Compensation Policy Update for information;

AND THAT Council approve the Non-Union Compensation Policy S600-30, as amended.

9.3.2 September 2022 Financial Report, 2022-0290-Corporate Services

BE IT RESOLVED THAT Council receive Report #2022-0290-Corporate Services, September 2022 Financial Reports, for information.

9.5 Information Correspondence Items

9.5.1 Correspondence re: 1145 Pelham Street Development Application

9.5.1.1 Paul Watson Comments

BE IT RESOLVED THAT Council receive correspondence from Paul Watson regarding the 1145 Pelham Street development application, for information.

9.5.1.2 Greg Lipinski Comments

BE IT RESOLVED THAT Council receive correspondence from Greg Lipinski regarding the 1145 Pelham Street development application, for information.

9.5.1.3 Massimo Citrigno Comments

BE IT RESOLVED THAT Council receive correspondence from Massimo Citrigno regarding the 1145 Pelham Street development, for information.

9.5.1.4 Tom and Linda Duliban Comments

BE IT RESOLVED THAT Council receive correspondence from Tom and Linda Duliban regarding the 1145 Pelham Street development, for information.

9.5.1.5 Ryan Bissonnette Comments

BE IT RESOLVED THAT Council receive correspondence from Ryan Bissonnette regarding the 1145 Pelham Street development, for information.

9.5.1.6 Gail Belchior Comments

BE IT RESOLVED THAT Council receive correspondence from Gail Belchior regarding the 1145 Pelham Street development application, for information.

9.5.1.7 Ronda Ireland Comments

BE IT RESOLVED THAT Council receive correspondence from Ronda Ireland regarding the 1145 Pelham Street development application, for information.

9.5.2 Niagara Peninsula Conservation Authority - Board of Directors' Meeting Highlights, November 2022

BE IT RESOLVED THAT Council receive correspondence from the Niagara Peninsula Conservation Authority regarding Board of Directors' Meeting Highlights dated November 2022, for information.

9.5.3 Correspondence from Dolores Fabiano, Executive Director re: Welland/ Pelham Chamber of Commerce Board Appointment

BE IT RESOLVED THAT Council receive correspondence from Dolores Fabiano, Executive Director of Welland/ Pelham Chamber of Commerce regarding a Chamber of Commerce Board appointment, for information;

AND THAT Council direct the Clerk to call for nominations to the Chamber of Commerce Board during consideration of other Council appointments to Board, Commissions and Committees, in closed session with appointments to occur in open session.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

10. Items for Separate Consideration, if Any

11. Presentation & Consideration of Reports

11.1 Reports from Members of Council:

11.1.1 Councillor Olson - Update Regional Transit Committee

Councillor Olson provided Council an update with respect to the Niagara Regional Transit Committee. He provided a slide titled "Looking to Year 1 and Beyond". A copy of the slide is on record with the Clerk.

Councillor Olson answered various questions of Council.

Moved By Councillor Brian Eckhardt

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council receive a verbal Update on the Regional Transit Committee from Councillor Olson, for information.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

11.2 Staff Reports Requiring Action

11.2.1 Amendment to Procedural By-Law to Permit Continued Electronic Participation in Meetings until March 31, 2023, 2022-0283-Clerks

Moved By Councillor Kevin Ker

Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive Report #2022-0286 Clerks –Amendment to Procedural By-Law to Permit Continued Electronic Participation in Meetings until March 31, 2023;

AND THAT the proposed amendments to the Town of Pelham Procedural By-Law as outlined in Appendix 1, be approved, thereby facilitating electronic meetings participation until March 31, 2023 for Council, Special Council, Committee of Adjustment, Committee of Council and Advisory Committee.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

**11.2.2 City of St Catharines Dispatch Agreement 2023
, 2022-0285-Fire Dept**

Moved By Councillor Shellee Niznik

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2022-0285 – City of St. Catharines Dispatch Agreement 2023;

AND THAT the dispatch agreement between the Town of Pelham and the City of St. Catharines be approved;

AND THAT Council consider approving the associated by-law.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

11.2.3 Reserve for Volunteer Fire Fighter's Life Insurance, 2022-0288-Corporate Services

Moved By Councillor Brian Eckhardt

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report # 2022-0288-Corporate Services – Volunteer Firefighting Life Insurance Reserve Update;

AND THAT Council support the allocation to the Volunteer Fire fighter Life Insurance Reserve Fund decrease from \$12,500 a year to the premium amount per year from VFIS of Canada (\$2,500 in 2022);

AND THAT Council approve, in principal, By-law #4313(2021) be amended to reflect this decrease in allocation from \$12,500 to the premium amount and a decrease in the maximum balance of the reserve fund from \$125,000 to \$10,000.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

**11.2.4 Recommendation for Zoning By-law
Amendment - 1145 Pelham Street, 2022-0287-
Planning**

Councillor Hildebrandt requested the motion be divided.

Moved By Councillor John Wink

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receives Report #2022-287 – Recommendation for Zoning By-Law Amendment – 1145 Pelham Street for information as it pertains to File No. AM-06-2022;

AND THAT Council directs Planning staff to prepare the necessary Zoning By-law amendment for Council consideration at the next Regular Meeting of Council.

Moved By Councillor John Wink

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receives Report #2022-287 – Recommendation for Zoning By-Law Amendment – 1145 Pelham Street for information as it pertains to File No. AM-06-2022.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

Moved By Councillor John Wink

Seconded By Councillor Shellee Niznik

AND THAT Council directs Planning staff to prepare the necessary Zoning By-law amendment for Council consideration at the next Regular Meeting of Council.

For (6): Mayor Marvin Junkin, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Against (1): Councillor Bob Hildebrandt

Carried (6 to 1)

- 12. Unfinished Business**
- 13. New Business**
- 14. Presentation and Consideration of By-Laws**

Moved By Councillor Kevin Ker

Seconded By Councillor Bob Hildebrandt

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

1. 4507(2022) - Being a By-law to govern the proceedings of the Town of Pelham Council, its Committees, the conduct of its Members and the calling of Meetings and to repeal and replace By-Law No. 4107(2019), as amended.

AND THAT the Council of the Town of Pelham, having given due consideration to the following By-laws do now read a first, second and third time and do pass same,

AND THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-law:

2. 4504(2022) - Being a by-law to amend By-law No. 3728(2016) to establish 2023 Fees and Charges to be collected by the Corporation of the Town of Pelham; AND to Repeal By-law No. 4411(2022), as amended.

3. 4505(2022) - Being a By-law to amend By-law No. #4107(2019), as amended by By-laws 4296(2020), 4362(2021) and 4422(2022), being by-laws to govern the proceedings of the Town of Pelham Council, its Committees, the conduct of its members and the calling of meetings, to provide for Electronic Meeting Participation for the Council of the Town of Pelham, the Committee of Adjustment and Advisory Committees.

4. 4506(2022) - Being a By-law to amend By-law 4313(2021) to establish a reserve fund for Volunteer Fire Fighters' life insurance.

5. 4508(2022) - Being a By-law to authorize the execution of a subdivision agreement with Mountainview Homes (Niagara) Ltd. and the Corporation of the Town of Pelham – Park Place South Subdivision. Mountainview Homes (Niagara) Ltd. and the Corporation of the Town of Pelham. File No. 26T19-02-2020.

6. 4509(2022) - Being a By-law to authorize the Mayor and Clerk to execute the Computer-Aided Fire Dispatch Agreement with the City of St. Catharines; And to repeal and replace By-law No. 3930(2017) and 4084(2019).

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

15. Motions and Notices of Motion

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

Moved By Councillor Wayne Olson

Seconded By Councillor John Wink

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

(b) - personal matters about an identifiable individual, including municipal employees and (d) - labour relations or employee negotiations - 2 items (Consideration of Appointments to Statutory Advisory Committees and External Boards)

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

19. Rise From In Camera

Moved By Councillor Shellee Niznik

Seconded By Councillor Kevin Ker

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

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

20. Appointments to Statutory Advisory Committees and External Boards

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council appoint the following individuals to the Committee of Adjustment:

- 1. Brenda Stan**
- 2. Colin McCann**
- 3. Don Rodbard**
- 4. Isaiah Banach**
- 5. John Cappa**

AND THAT Council direct the Town Clerk to prepare and present the necessary appointment by-law at the following Regular Meeting of Council.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, and Councillor Brian Eckhardt

Declared Conflict of Interest (1): Councillor Shellee Niznik

Carried (6 to 0)

Moved By Councillor Kevin Ker
Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council appoint the following individuals to the Joint Accessibility Advisory Committee:

- 1. Dan Whipple**
- 2. Rhys Evans**

AND THAT Council direct the Town Clerk to prepare and present the necessary appointment by-law at the following Regular Meeting of Council.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

Moved By Councillor Brian Eckhardt
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council appoint the following individuals to the Lincoln Pelham Public Library Union Board:

- 1. Andrew Colgoni**
- 2. Nicole Nolan**

3. Jayme Toms

4. Linda Roote

5. Councillor Shellee Niznik

AND THAT Council direct the Town Clerk to prepare and present the necessary appointment by-law at the following Regular Meeting of Council.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

Moved By Councillor John Wink

Seconded By Councillor Kevin Ker

BE IT RESOLVED THAT Council appoint the following individuals to the Niagara Peninsula Energy Inc. Board of Directors:

1. Councillor Robert Hildebrandt

2. Councillor Kevin Ker

AND THAT Council direct the Town Clerk to prepare and present the necessary appointment by-law at the following Regular Meeting of Council.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

Moved By Councillor Shellee Niznik

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council remove Lisa Haun, immediately, from the Peninsula West Power Inc. Board of Directors;

AND THAT Council appoint the following individuals to the Peninsula West Power Inc. Board of Directors:

1. Councillor Robert Hildebrandt

2. Councillor Kevin Ker

AND THAT Council direct the Town Clerk to prepare and present the necessary appointment by-law at the following Regular Meeting of Council.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

21. Confirming By-Law

Moved By Councillor Kevin Ker

Seconded By Councillor Shellee Niznik

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

Being a By-law No. 4510(2022) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 19th day of December, 2022.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

22. Adjournment

The meeting adjourned at 8:24pm.

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for January 9, 2023 at 5:30 pm.

For (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (7 to 0)

Mayor: Marvin Junkin

Town Clerk: Holly Willford