

REGULAR COUNCIL AGENDA

C-05/2023

Wednesday, March 1, 2023

9:00 AM

Meridian Community Centre - Accursi A and B

100 Meridian Way

Fonthill, ON

L0S 1E6

The Town of Pelham is holding hybrid meetings of Council and Committee in accordance with Procedure By-law 4507(2022). Public access to meetings will be provided in-person at the location indicated on the agenda, 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

2. 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.

3. Approval of the Agenda

4.	Disclosure of Pecuniary Interests and General Nature Thereof	
5.	Adoption of Council Minutes	
5.1	RC-04/2023 - February 21, 2023 - Regular Council	4 - 13
6.	Request(s) to Lift Consent Agenda Item(s) for Separate Consideration	
7.	Consent Agenda Items to be Considered in Block	
7.1	Presentation of Recommendations Arising from Committee of Council, for Council Approval	
	PCOW-02/2023 - February 13, 2023 - Public Meeting under the Planning Act	
7.2	Minutes Approval - Committee of Council	
7.2.1	PCOW-02/2023 - February 13, 2023 - Public Meeting under the Planning Act	14 - 20
7.3	Staff Reports of a Routine Nature for Information or Action	
7.3.1	November 2022 Financial Reports , 2023-0059- Corporate Services	21 - 29
7.3.2	2022 Bridge and Culvert Inspection Program Report, 2023-0043-Public Works	30 - 41
7.3.3	2023 Spongy Moth Management Program , 2023-0057- Public Works	42 - 55
7.3.4	Proposed 2023 Municipal Grant Allocation, 2023-0060- Recreation	56 - 58
7.4	Action Correspondence of a Routine Nature	
7.5	Information Correspondence	
7.6	Regional Municipality of Niagara Correspondence for Information or Action	
7.7	Advisory Committee Correspondence for Information or Action	

7.8 Advisory Committee Minutes for Information

8. Consent Agenda Item(s) Lifted for Separate Consideration, if any

9. Presentation and Consideration of Reports

9.1 Staff Reports Requiring Action

- 9.1.1 Execution of Subdivision Agreement for Emerald Trail 59 - 62**
(File no. 26T19-01-2021, 2023-0062-Planning)

10. Unfinished Business

11. New Business

12. Presentation and Consideration of By-Laws 63 - 68

1. By-law 20-2023 - Being a by-law authorizing the borrowing of money to meet current expenditures of the Council of the Corporation of the Town of Pelham and to repeal and replace By-law #4312 (2021).

2. By-law 21-2023 - Being a By-law to appoint an Acting Town Clerk for the Corporation of the Town (William Tigert).

13. Motions and Notices of Motion

13.1 Notice of Motion - Councillor Olson

Pelham Cares 40th Anniversary

14. 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).

15. Rise From In Camera

16. Confirming By-Law 69 - 69

17. Adjournment

REGULAR COUNCIL MINUTES

Meeting #: C-04/2023 - Regular Council
Date: Tuesday, February 21, 2023
Time: 5:30 PM
Location: Meridian Community Centre - Accursi A and B
100 Meridian Way
Fonthill, ON
L0S 1E6

Members Present: Mayor Marvin Junkin
Councillor Bob Hildebrandt
Councillor Wayne Olson
Councillor John Wink
Councillor Kevin Ker
Councillor Brian Eckhardt

Regrets: Councillor Shellee Niznik

Staff Present: David Cribbs
Jason Marr
Teresa Quinlin-Murphy
Vickie vanRavenswaay
Barbara Wiens
Holly Willford
Sarah Leach
Ryan Cook

1. Call to Order and Declaration of Quorum

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

2. Land Recognition Statement

The Mayor read the land acknowledgement into the record.

3. Approval of Agenda

The Mayor commented this is the first in-person meeting the Town of Pelham has had in approximately 3 years. He stated it felt good to see members of Council and the public face to face.

The Mayor congratulated RCW staff on a successful Family Day event.

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the February 21, 2023 Regular meeting of Council be adopted, as circulated.

Amendment:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

THAT the agenda be amended to include the addendum package.

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

Carried (6 to 0)

Motion as Amended:

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the February 21, 2023 Regular meeting of Council be adopted, as amended.

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

Carried (6 to 0)

4. Disclosure of Pecuniary Interests and General Nature Thereof

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

5. Hearing of Presentation, Delegations, Regional Report

5.1 Presentations

5.2 Delegations

5.3 Report of Regional Councillor

6. Adoption of Council Minutes

Moved By Councillor Brian Eckhardt

Seconded By Councillor John Wink

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

1. RC-03/2023 - Regular Council - February 6, 2023

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

Carried (6 to 0)

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

8. Consent Agenda Items to be Considered in Block

Moved By Councillor John Wink

Seconded By Councillor Kevin Ker

BE IT RESOLVED THAT the Consent Agenda items as listed on the February 21, 2023 Council Agenda be received and the recommendations contained therein be approved:

8. Consent Agenda Items to be Considered in Block

8.1 Presentation of Recommendations Arising from Committee of Council, for Council Approval

BE IT RESOLVED THAT Council hereby approves the Recommendations Resulting from the following:

SCOW-03/2023 - Special Committee of the Whole - Water and Wastewater Budget Meeting - February 6, 2023

8.2 Minutes Approval - Committee of Council

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

- 1. SCOW-03/2023 - Special Committee of the Whole - Water/Wastewater Budget Meeting - February 6, 2023**

8.3 Staff Reports of a Routine Nature for Information or Action

8.3.1 Updates to the Leave of Absence Policy, 2023-0046-Chief Administrator Officer

BE IT RESOLVED THAT Council receive Report #2023-0046 Updates to the Leaves of Absence Policy, for information;

AND THAT Council approve the Leaves of Absence Policy S600-09, as amended.

8.3.2 Revised Terms of Reference re Pelham Finance and Audit Committee, 2023-0048-Clerks

BE IT RESOLVED THAT Council receive Memo – Revised Terms of Reference re Pelham Finance and Audit Committee for information;

AND THAT Council approve the revised Terms of Reference attached to the said Memo, revising the Committee Membership to include three (3) members of the Public.

8.3.3 2022 Pelham Water Distribution System Report, 2023-0041-Public Works

BE IT RESOLVED THAT Council receive Report #2023-0041 Pelham Water Distribution System Summary Report, for information;

AND THAT Council endorse the Quality Management System Operational Plan.

8.3.4 Town Hall Building Addition February Update, 2023-0049-Public Works

BE IT RESOLVED THAT Council receive Report #2023-0049-Public Works – Town Hall Building Addition February Update, for information.

8.3.5 Proposed Sharing of Planning Services with Region of Niagara, 2023-0055-Planning

BE IT RESOLVED THAT Council receive Report #2023-0055 Proposed Sharing of Planning Services with the Region of Niagara, for information.

8.3.6 2022 Council and Board Renumeration, 2023-0056-Corporate Services

BE IT RESOLVED THAT Council receive Report # 2023-0056 – 2022 2022 Statement of Council and Board Remuneration, for information

8.4 Action Correspondence of a Routine Nature

8.4.1 Laura Nelson correspondence re: Memorial Donation towards Isaac Riehl Park

BE IT RESOLVED THAT Council receive correspondence from Ms. Laura Nelson regarding potential memorial donations to be used towards park upgrades to Isaac Riehl Park in Fonthill, for information;

AND THAT Council direct Town Staff work with Ms. Nelson in accepting potential memorial donations to be used towards park upgrades at Isaac Riehl Park.

8.5.1 PATH Correspondence re: Strategic Planning

BE IT RESOLVED THAT Council receive the correspondence dated February 14, 2023 from PATH regarding the Town of Pelham's strategic planning.

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

Carried (6 to 0)

9. Consent Agenda Item(s) Lifted for Separate Consideration, if Any

10. Presentation and Consideration of Reports

10.1 Members of Council Reports

10.2 Staff Reports Requiring Action

10.2.1 Civil Marriage Solemnization Services Update, 2023-0025-Clerks

Moved By Councillor Brian Eckhardt

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2023-0025 – Civil Marriage Solemnization Service Update, for information;

AND THAT Council approve Policy No. S203-18 – Civil Marriage Solemnization, as revised;

AND THAT Council consider approving By-law 14-2023, thereby repealing By-law 3712(2016).

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

Carried (6 to 0)

10.2.2 Special Event Permit Application - TASC Tulip Pick Farm Event 2023 , 2023-0042-Clerks

Moved By Councillor Kevin Ker

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #023-0042 – Special Event Permit Application – TASC Tulip Pick Farm 2023, for information;

AND THAT Council authorize and direct the Town Clerk to issue a Special Event Permit for the TASC Tulip Pick Farm event running from April 30, 2023, to May 21, 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) 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.

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

Carried (6 to 0)

10.2.3 Special Event Permit Application - The Fenwick Market 2023, 2023-0052-Clerks

Moved By Councillor John Wink

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2023-0052 – Special Event Permit Application – The Fenwick Market 2023, for information;

AND THAT Council authorize and direct the Town Clerk to issue a Special Event Permit for the Fenwick Market event running on May 27th, 2023, and May 28, 2023, 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 (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, and Councillor Brian Eckhardt

Carried (6 to 0)

10.2.4 Updated Procurement Policy- Purchasing Goods and Services, 2023-0054-Corporate Services

Moved By Councillor Kevin Ker

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report # 2023-0054- Updated Procurement Policy - Purchasing Goods and Services - Corporate Services, for information;

AND THAT Council approve the revised Procurement Policy- Purchasing Goods and Services S402-00.

Amendment:

Moved By Councillor John Wink

Seconded By Councillor Brian Eckhardt

THAT the motion be amended to include:

- **THAT Council approve the revised policy with the following amendments to increase the meal allowance, being:**
 - **\$20 for breakfasts;**
 - **\$35 for lunch; and**
 - **\$60 for dinner.**

AND THAT meal allowances shall stipulated shall include tax and tip.

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

Carried (6 to 0)

Amendment:

Moved By Councillor Kevin Ker

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report # 2023-0054- Updated Procurement Policy - Purchasing Goods and Services - Corporate Services, for information;

AND THAT Council approve the revised Procurement Policy- Purchasing Goods and Services S402-00, with the following amendments to increase the meal allowance, being:

- **\$20 for breakfasts;**
- **\$35 for lunch; and**
- **\$60 for dinner.**

AND THAT meal allowances shall stipulated shall include tax and tip.

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

Carried (6 to 0)

11. Unfinished Business

12. New Business

13. Presentation and Consideration of By-Laws

Moved By Councillor Bob Hildebrandt

Seconded By Councillor John Wink

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, 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:

- 1. By-law 13-2023 - Being a By-law to confirm various appointments to Advisory Committees of the Town of Pelham for the 2022-2026 Term of Council.**
- 2. By-law 14-2023 - Being a By-law to endorse the Clerk of the Town of Pelham, or Designate, to Solemnize Civil Marriage Ceremonies and to repeal and replace By-law 3712(2016).**
- 3. By-law 15-2023- Being a By-law to exempt Lot 125 on Plan 59M-434, municipally known as 102, 104, 106 and 108 Summersides Boulevard, from Part Lot Control - River Estates Phase 1 Subdivision (867962 Ontario Limited) File No. PLC- 01-2023**
- 4. By-law 16-2023 - Being a By-law to exempt Blocks 160 and 163 on Plan 59M-505 from Part Lot Control. Saffron Meadows Phase 3 (Hert Inc.) File No. PLC- 01-2022**
- 5. By-law 17-2023 - Being a By-law to adopt Official Plan Amendment No. 18 for the Town of Pelham Planning Area. 125 Port Robinson Road. File No. OP-AM-03-2022**
- 6. By-law 18-2023 - Being a By-law to amend Zoning By-law 1136(1987), as amended, for lands located at 125 Port Robinson Road, legally described as Part of Township Lot 167, Part 1, Plan 59R-5449, Town of Pelham, Regional Municipality of Niagara, from the Agricultural Zone to the site specific Residential Two - 330, Residential Multiple One – 331, Residential Multiple One – 332 and Residential Multiple Two – 333 Zones.
File No. AM-03-2022**

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

Carried (6 to 0)

14. Motions and Notices of Motion

14.1 Motion - Councillor Olson

Moved By Councillor Wayne Olson

Seconded By Councillor John Wink

WHEREAS Council for the Town of Pelham approved a grant application for a new library through the Green and Inclusive Community Building Grant program;

AND WHEREAS staff for the Town of Pelham applied for and was successful in receiving the amount of \$5.4 million through the Green and Inclusive Community Building Grant program to build a new proposed Lincoln Pelham Public Library Fonthill Branch;

AND WHEREAS inflation and increased construction costs have risen the projected estimated cost of the new proposed Lincoln Pelham Public Library Fonthill Branch total from approximately \$9.5 million to \$17.3 million;

AND WHEREAS Council for the Town of Pelham desires to ensure financial sustainability of the Town of Pelham;

AND WHEREAS Council for the Town of Pelham declares a project to construct a new proposed Lincoln Pelham Public Library Fonthill Branch neither financially reasonable nor sustainable at this time;

AND WHEREAS Council for the Town of Pelham supports renovating the current Fonthill Library branch as desirable for the community as it will be both financially and operationally sustainable;

NOW THEREFORE BE IT RESOLVED THAT Council direct staff of the Town of Pelham to change the scope of work in grant applications and the Town’s asset management plan from building a new library branch to retrofitting the existing library branch and apply for applicable grant funding;

AND THAT Council direct staff to focus on renovating the existing Fonthill Library Branch to ensure all accessibility requirements are met by 2025 under the Accessibility for Ontarians with Disabilities Act.

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

Carried (6 to 0)

- 15. Committee of the Whole**
 - 15.1 Reports**
- 16. Rise from Committee of the Whole**
- 17. Resolution to Move in Camera**
- 18. Rise From In Camera**
- 19. Confirming By-Law**

Moved By Councillor Brian Eckhardt

Seconded By Councillor Kevin Ker

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

Being a By-law No. 19-2023 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 21st day of February, 2023.

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

Carried (6 to 0)

20. Adjournment

The meeting was adjourned at 6:13pm.

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for March 1, 2023 at 9am.

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

Carried (6 to 0)

Mayor: Marvin Junkin

Town Clerk: Holly Willford

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

Meeting #: PCOW-02/2023
Date: Monday, February 13, 2023
Time: 5:30 PM
Location: Meridian Community Centre - Accursi A and B
100 Meridian Way
Fonthill, ON
L0S 1E6

Members Present: Mayor Marvin Junkin, Councillor Bob Hildebrandt,
Councillor Wayne Olson, Councillor John Wink,
Councillor Kevin Ker, Councillor Brian Eckhardt,
Councillor Shellee Niznik

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 5:30pm.

1.1 Land Recognition Statement

Councillor Niznik 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

Moved By Councillor Wayne Olson

THAT the agenda for the February 13, 2023 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 (7): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Brian Eckhardt, and Councillor Shellee Niznik

Carried (7 to 0)

Motion as Amended:

Moved By Councillor Wayne Olson

THAT the agenda for the February 13, 2023 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.

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

Carried (7 to 0)

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Planning Act Application: 26T19-020-02 & AM-03-2020 - Kunda Park Phase 4

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.

4.1.1 Information Report for Applications for Draft Plan of Subdivision Zoning By-law Amendment for Kunda Park Phase 4, 2023-0038-Planning

4.2 Applicant's Presentation

The Agent, Matt Kernahan of Upper Canada Consultants provided a short presentation to further explain the application. A copy is available through the Clerk.

4.3 Public Input

Mr. Bill Heska provided a brief history of the development file. Mr. Heska expressed dissatisfaction that the notice did not include historical information. Mr. Heska indicated an 'Engaging Pelham' webpage was created providing information dating back to 2022. He stated historical information on the file is important. Mr. Heska expressed concern that information shared digitally is not meeting the needs of the neighbourhood.

Mr. Heska expressed concern regarding density, stating that lot sizes will be decreasing to a maximum of 450 square metres. Mr. Heska further expressed concern regarding storm water management. He stated that the east side of Stella Street currently experiences issues with storm water management and requested serious consideration be given to drainage. Mr. Heska requested confirmation that both the sanitary and stormwater services will be placed under the Steve Bauer Trail. Mr. Heska expressed concern that the open channel will lead to erosion,

insects and standing water posing a safety risk to the community.

Mr. Heska indicated the second access into the site will cross the provincially significant wetland. He expressed concern that the roadway may not be functional for all traffic. Mr. Heska further expressed dissatisfaction that the proposal for the John Street extension was removed. Mr. Heska indicated an extension of John Street could provide a direct route of traffic and alleviate traffic through Stella Street. Mr. Heska expressed concern that construction vehicles will travel down Stella Street and pose a safety risk to children. He further referenced the existing weight limit for Stella Street and indicated it is not suitable for construction vehicles.

Ms. Heska asked if the pedestrian access needs to be 10-metres wide. He indicated a need for another access to the north end of Kunda Park. Mr. Heska suggested there needs to be a plan for the land located at the north end of the Kunda Park and further suggested the site is ideal for a storm water management pond. Mr. Heska further recommended fencing the identified archaeological site for educational purposes. Additionally, Mr. Heska suggested additional parking be installed for the Steve Bauer Trail due to potential loss of parking during the Station Street extension.

Ms. Muriel Heska expressed concern regarding increased traffic during and after construction. Ms. Heska stated increased traffic is a safety concern to both children and seniors in the area. Ms. Heska requested the access crossing the wetland be mandated a construction access.

Ms. Heska expressed the need for an additional access to alleviate traffic on Stella Street. She stated that many neighbours supported the trail resolution which banned roads crossing the Steve Bauer Trail and suggested this has now created an exit problem for the subdivision. Ms. Heska asked for the number of Steve Bauer Trail crossings proposed. Additionally, Ms. Heska asked how construction will be done, how the public will be notified, what time of year construction will occur and how long the trail will be closed. In closing, Ms. Heska agreed that the archaeological area should become a park and stated that Kunda Park does not actually have a park.

Mr. Graham Pett expressed his pleasure to see the productive nature of the proposal, emphasizing the protection of the Steve Bauer Trail and surrounding natural heritage. Mr. Pett stated the importance of wildlife mobility with respect to the connectivity between the wetland area. Mr. Pett further stated he was happy to see connectivity between neighborhoods and the trail system. Mr. Pett agreed that the 10-metre crossing is large and expressed concern that it may be paved. Mr. Pett expressed hope that low impact development principles can be put into effect to naturalize the area.

Mr. Pett expressed that there is a need for density in Town and stated he would have been in favor of the higher density originally proposed. Mr. Pett commented on the future proposal to align the new Station Street with the existing, noting that it may veer into the Steve Bauer Trail. Mr. Pett requested that it be done while taking the absolute minimum of the trail and trees. Mr. Pett stated that the official proposal has not yet come forward but asked that Council consider the request when it does. Mr. Pett further stated that Pelham citizens cherish the trails and green space and want to know they are protected. He thanked the Councillors who engaged with residents when the Steve Bauer Trail was threatened and further thanked the developer for listening to comments and engaging with residents in meaningful dialogue.

Mr. Mike Jones read his written correspondence into the record on behalf of the Pelham Advocates for Trees and Habitat. A copy is available through the Clerk and published on the agenda.

Ms. Magdalena Woszczyna stated she was happy to see a reduced number of lots in the proposed development as well as a wildlife corridor connecting the wetlands and greenspace. Ms. Woszczyna expressed support for the Kunda Park connection as it will keep construction vehicles away from Stella Street. Ms. Woszczyna stated the result of the environment assessment requested the development be fenced from the wetlands to limit residential impact and asked if the developer was planning to do this. She further asked if the properties on the east side of Stella Street would be fenced from future development. Ms. Woszczyna expressed concern regarding tree preservation and suggested a specialist be hired to conduct an assessment of the green canopy in the area.

Ms. Christine Kreutzer stated she was disappointed there is no direct access north out of the new development. She expressed concern about the high volume of traffic utilizing Stella Street. Ms. Kreutzer stated she was pleased to hear that the crossing over the wetland would allow for construction vehicles. Ms. Kreutzer expressed that children's safety is a major concern. She further expressed concern for increased traffic travelling Stella Street.

Mr. John Guzowski stated he has been a resident of Stella Street for 30 years. Mr. Guzowski stated the second access is an improvement. He requested consideration be given to extending John Street. Mr. Guzowski suggested a temporary construction access off Port Robinson or the new Station Street extension to mitigate traffic. Mr. Guzowski requested that the finished grades not be much higher than the existing backyards for drainage and privacy. Mr. Guzowski further requested the installation of swales and catch basins between the exiting backyards and subdivision to promote drainage. In closing, Mr. Guzowski stated

the proposal is the best-case scenario and thanked Council, staff and the developer.

Ms. Karen Guzzi submitted an email to clerks@pelham.ca asking why there are not any townhouses planned for the proposed development. Ms. Guzzi stated intensification has to be shared by all residents of Pelham.

Ms. Leach, Deputy Clerk, indicated she checked the clerks@pelham.ca email address at 7:02 pm and confirmed no additional e-mails had been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and move to Committee input.

4.4 Committee Input

A Member of Council asked why the crossing was proposed at 10-metres wide. Ms. Shannon Larocque, Senior Planner, responded that the purpose of the crossing is for pedestrian access and sanitary and sewer services underneath. Mr. Matt Kernahan, Agent, indicated that there is an engineering standard which requires sanitary and sewer service be separated. Mr. Kernahan indicated he will see if something can be done to reduce the size of the access. In response to the request to extend John Street, the Member asked if the extension would go through the wetland. Ms. Larocque confirmed the John Street extension would be a further disturbance to the wetland.

A Member of Council stated that bicycles may also use the pedestrian connection. The Member suggested it best to over build a connection as opposed to under build where it may become an issue in the future.

A Member of Council stated they understood the 10-metres requirement and expressed preference that it not be paved. The Member expressed concern it would have the potential of become a parking lot. The Member stated they did not want construction to be phased and asked the Agent if construction is planned to be continuous. Mr. Kernahan stated every effort is made to complete the development quickly.

A Member of Council indicated the proposal was desirable and expressed trust that low impact development will be considered. The Member asked if the 1.2 metre setback requirement for a patio also applies to pools. Ms. Larocque stated the setback applies to the main structure and indicated she would confirm the required setback for pools. The Member stated they were in favor of the 10-metre wide access as it will create openness. The Member indicated the public comments with respect to the archaeological area were useful.

A Member of Council commented that the proposal originated in 2002 and would be the last development in Pelham with this lot size. The Member stated that a number of the concerns and

questions brought forward are with respect to the subdivision agreement and stated that Council is currently considering the zoning by-law amendment. The Member commended the work done on the proposal, referencing the minimum impact to the provincially significant wetland, additional construction access and minimized construction traffic on Stella Street. The Member thanked everyone involved and indicated they were pleased with the proposal.

A Member of Council reiterated that if the development were beginning at the current time, density rates would be higher.

A Member of Council asked for assurance that unanswered questions would be addressed in the recommendation report. To address the drainage concern, the Member asked if easements would be proposed to accommodate swales. Ms. Larocque stated the final lot grading plan is a condition of draft plan approval and will determine where the swales will be located, and which properties require easements.

Ms. Larocque indicated that she would provide some responses, with the remainder to follow in the recommendation report. Ms. Larocque indicated that the requirement to fence adjacent lots from the wetland would be a condition of approval. She indicated there would be no requirement to fence the rear lots along the east side of Stella Street but noted this could be addressed through a condition. In response to the question submitted by email, Ms. Larocque stated a mix of housing is not typically required and reiterated that the proposal is a legacy file. She further stated that a mix range of housing will be offered in the Forest Park development to make up for it. With respect to the concerns regarding disruption to the trail, Ms. Larocque confirmed that the sanitary and sewer services would be provided together under the pedestrian connection to avoid two separate disruptions. She indicated the naturalized channel will go under the trail where there is an existing culvert to avoid further disruption. Ms. Larocque stated an open channel is now best practice and a requirement of the Niagara Peninsula Conservation Authority. Ms. Larocque stated that providing backup information with the notice would result in an enormous mailing cost. She stated the purpose of the notice is to make people aware of the proposal and indicated that additional information could be obtained if desired.

A Member of Council asked if the sanitary and sewer pipes under the Steve Bauer Trail would be horizontal and asked if the trail would have to be opened for installation. Mr. Kernahan stated a response would be provided for the recommendation report.

4.5 Presentation of Resolutions

Moved By Councillor Kevin Ker

THAT Committee receive Report #2023-38 for information as it pertains to File Nos. 26T19-020-02 & AM-03-2020;

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

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

Carried (7 to 0)

Moved By Councillor Brian Eckhardt

THAT Committee receive the applicants presentation for information.

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

Carried (7 to 0)

Moved By Councillor Shellee Niznik

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;

AND THAT Committee receive the email correspondence to the clerks@pelham.ca email address.

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

Carried (7 to 0)

5. Adjournment

The meeting was adjourned at 7:28pm.

Moved By Councillor John Wink

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

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

Carried (7 to 0)

Mayor: Marvin Junkin

Deputy Clerk: Sarah Leach

Subject: November 2022 Financial Reports.

Recommendation:

BE IT RESOLVED THAT Council receive Report #2023-0059-Corporate Services, November 2022 Financial Reports, for information.

Background:

The Corporate Services Department has prepared the attached financial reports, as at November 30, 2022, for the information of Council. The MCC report also include non-financial indicators such as hydro usage.

Analysis:

Appendix 1 to this report summarizes operating revenues compared to budget as at November 30, 2022, with approximately 92% of the year lapsed. Total revenues were at approximately 97% of budget. Recreation, Culture and Wellness revenues are higher as majority of the program and camp activity is now complete for 2022.

Appendix 2 to this report summarizes operating expenditures compared to budget as at November 30, 2022. Total expenses were at approximately 93% of budget and appeared to be on track.

Appendix 3 summarizes the revenues and expenditures related to the MCC as at November 30, 2022. MCC revenues were at 115% of budget. MCC expenses were at 93% of budget.

Financial Considerations:

There are no specific financial considerations with respect to this report as it is for information purposes.

Alternatives Reviewed:

Not applicable.

Strategic Plan Relationship: Strong Organization

By reviewing the monthly financial reports, Council can remain informed about whether there are any significant budget variances that would impact year-end financial results.

Consultation: N/A

Other Pertinent Reports/Attachments:

Appendix 1 – Monthly Revenue Report at November 30, 2022

Appendix 2 – Monthly Expenditure Report at November 30, 2022

Appendix 3 – Meridian Community Centre Report at November 30, 2022

Prepared and Recommended by:

Usama Seraj, B.Com, CPA, CMA
Manager Financial Services/Deputy Treasurer

Teresa Quinlin-Murphy, FCPA, FCA, MBA
Director of Corporate Services/Treasurer

Prepared and Submitted by:

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

Appendix 1

Monthly Revenue Report at November 30, 2022 (92% of time lapsed)

	Notes	2022			2021	
		Budget	Actual at Nov 30	Actual as a % of Budget	Budget	Actual at Dec 31
Taxation						
General Tax Levy		\$ 16,578,640	\$ 15,252,349	92 %	\$ 15,678,870	\$ 15,678,884
Payments in Lieu		300,471	276,433	92 %	300,471	304,304
Total Taxation		16,879,111	15,528,782	92 %	15,979,341	15,983,188
Finance Department						
Penalties and Interest		270,000	342,255	127 %	270,000	302,903
Supplemental Taxation Revenues	(1)	180,000	300,370	167 %	175,000	237,224
Transfer from Building Department		184,832	169,429	92 %	81,087	99,502
Grants		84,400	75,614	90 %	114,800	101,642
Miscellaneous	(2)	33,000	299,353	907 %	18,000	31,678
Investment Income	(3)	10,000	482,845	4,828 %	10,000	72,632
Transfer from Working Funds and HR						
Capacity Building Reserve		227,000	208,083	92 %	-	24,701
COVID-19 Grant Funding		-	-	- %	602,350	954,812
Total Finance Department		989,232	1,877,949	190 %	1,271,237	1,825,094
Administration and Clerk's						
Committee of Adjustment	(4)	44,500	38,906	87 %	36,500	79,807
Clerk's Miscellaneous		14,250	17,313	121 %	14,250	15,799
Marketing Grants		-	-	- %	-	10,000
Total Administration and Clerk's		58,750	56,219	96 %	50,750	105,606
Fire and By-law Services						
Fire Department Revenues		40,786	43,489	107 %	40,786	89,357
By-law and Parking Enforcement	(5)	21,300	26,852	126 %	26,800	28,857
Provincial Offences Act Revenue	(6)	30,000	7,346	24 %	25,000	26,826
Total Fire and By-law Services		92,086	77,687	84 %	92,586	145,040
Public Works						
Non-recreation Facilities and Beautification	(7)	10,000	13,729	137 %	20,000	20,761
Aggregate Resource Grant	(8)	40,000	33,106	83 %	40,000	38,064
Miscellaneous	(9)	23,000	26,994	117 %	77,400	77,298
Fonthill/Hillside Cemeteries		81,500	101,317	124 %	76,500	104,858
Total Public Works		154,500	175,146	113 %	213,900	240,981
Recreation, Culture and Wellness						
Recreation and Wellness	(10)	331,850	422,944	127 %	195,100	282,409
Special Events and Festivals	(11)	147,770	166,105	112 %	147,770	40,054
Culture and Community Enhancement	(11)	73,500	94,597	129 %	75,000	43,373
Public Transit		130,000	118,729	91 %	120,000	120,008
MCC Facility		693,242	777,054	112 %	420,000	790,007
Total Recreation, Culture and Wellness		1,376,362	1,579,429	115 %	957,870	1,275,851
Community Planning and Development						
Building Department Revenues	(12)	650,500	910,783	140 %	650,500	938,220
Planning Fees	(13)	170,340	462,945	272 %	160,340	184,013
Municipal Drainage		4,000	-	- %	-	8,256
Total Community Planning and Development		824,840	1,373,728	167 %	810,840	1,130,489
Water and Wastewater						
Water Revenues		3,598,480	2,957,502	82 %	3,290,641	3,356,467
Wastewater Revenues		2,732,861	2,293,573	84 %	2,487,167	2,539,281
Total Water and Wastewater	(14)	6,331,341	5,251,075	83 %	5,777,808	5,895,748
GRAND TOTAL		\$ 26,706,222	\$ 25,920,015	97 %	\$ 25,154,332	\$ 26,601,997

Appendix 1

Monthly Revenue Report at November 30, 2022 (92% of time lapsed)

Explanatory Notes:

- (1) The majority of supplemental revenue is collected June through November. All supplemental revenue for 2022 has been received and has exceeded budget.

Supplementary/omitted taxes result from an addition, renovation, construction or class change that occurred on a property that was not previously recorded on the assessment roll. When supplementary/omitted assessment is added to the roll, additional property taxes can be collected for the current year, and if applicable, for any part of all of the two previous years as described in Section 34 of the Assessment Act.
- (2) New fees being charged for mortgage company administration were not budgeted and are approximately \$34,000 for the year so far. The town also received \$230,000 in revenue from a land sale that will be transferred to the land acquisition reserve fund
- (3) Interest will be allocated to non-discretionary and obligatory reserves at year-end. With recent improvement in interest rates, actuals have exceeded budget.
- (4) Committee of Adjustment revenue fluctuates from year to year depending on applications received.
- (5) Both Pool permits and sign permits have exceeded budget for the year.
- (6) POA revenues are collected by the Region. The budget will not be met in 2022.
- (7) Revenue is primarily related to Old Pelham Town Hall rental revenue, and was higher in Q3.
- (8) Aggregate resource grant was received in September which is lower than budgeted in 2022.
- (9) Driveway Culvert Fees are higher than anticipated.
- (10) Recreation and wellness revenue related to camps and swim has exceeded budget for 2022..
- (11) Most recreation special event activity has already occurred for 2022 and the revenue exceeds budget.
- (12) Increased building permit fees due to growth within the Town. Building department revenues in excess of expenditures were transferred to its reserve.
- (13) Increased planning fees due to continued growth within the Town.
- (14) Water and wastewater have been billed for January to October. Consumption tends to be higher in July and August.

Appendix 2

Monthly Expenditure Report at November 30, 2022 (92% of time lapsed)

	Notes	2022			2021	
		Budget	Actual at Nov 30	Actual as a % of Budget	Budget	Actual at Dec 31
Administration Services						
Members of Council	(1)	\$ 281,440	\$ 218,383	78 %	\$ 269,900	\$ 275,170
CAO's Office		355,955	357,428	100 %	337,130	325,243
Human Resources		135,003	121,418	90 %	104,140	137,086
Marketing and Communication		139,680	116,864	84 %	131,078	124,733
Total Administration Services		912,078	814,093	89 %	842,248	862,232
Clerk's Department						
Clerk's Department and COA		387,006	334,394	86 %	363,413	405,598
Corporate Services						
Finance Department	(2)	936,155	823,374	88 %	897,558	1,054,394
Shared Administrative Overhead		924,343	1,051,692	114 %	945,755	1,441,451
Shared Information Technology	(3)	653,121	726,588	111 %	586,330	703,084
Total Corporate Services		2,513,619	2,601,654	104 %	2,429,643	3,198,929
Fire and By-law Services						
Fire Services	(4)	1,689,899	1,657,700	98 %	1,585,820	1,635,205
By-law and Parking Enforcement		206,530	174,457	84 %	239,230	239,767
Health and Safety		8,130	4,938	61 %	8,030	7,792
Crossing Guards		52,021	47,352	91 %	50,048	32,305
Animal Control		39,000	39,000	100 %	37,800	37,601
Total Fire and By-law Services		1,995,580	1,923,447	96 %	1,920,928	1,952,670
Public Works						
General Administration	(5)	1,247,506	1,133,659	91 %	1,261,885	1,254,708
Roadway Maintenance		4,724,863	4,439,314	94 %	4,408,938	4,477,589
Non-recreation Facilities and Beautification	(6)	2,584,507	2,531,556	98 %	2,454,612	2,427,926
Street Lighting		260,000	265,842	102 %	200,000	199,770
Fonthill and Hillside Cemeteries		145,102	120,250	83 %	131,650	130,643
Niagara Central Airport		27,621	24,916	90 %	27,621	19,942
Total Public Works		8,989,599	8,515,537	95 %	8,484,706	8,510,578
Recreation, Culture and Wellness						
General Administration	(7)	289,477	231,733	80 %	270,019	274,159
Recreation and Wellness		452,507	511,028	113 %	320,031	369,117
Special Events and Festivals	(8)	293,114	291,451	99 %	275,331	167,495
Culture and Community Enhancement	(8)	182,163	185,270	102 %	171,897	145,141
Public Transit	(9)	309,137	226,816	73 %	299,486	301,079
MCC Facility		1,837,582	1,683,744	92 %	1,782,618	1,984,324
Libraries		894,707	820,148	92 %	877,164	877,164
Total Recreation, Culture and Wellness		4,258,687	3,950,190	93 %	3,996,546	4,118,479
Community Planning and Development						
Building Department		650,500	583,973	90 %	650,500	938,220
Planning and Zoning		632,637	563,322	89 %	653,978	679,171
Municipal Drainage		35,174	31,267	89 %	34,563	40,372
Total Community Planning and Development		1,318,311	1,178,562	89 %	1,339,041	1,657,763
Water and Wastewater						
Water		3,598,480	3,032,555	84 %	3,290,640	3,356,467
Wastewater		2,732,862	2,606,655	95 %	2,487,167	2,539,281
Total Water and Wastewater		6,331,342	5,639,210	89 %	5,777,807	5,895,748
GRAND TOTAL		\$ 26,706,222	\$ 24,957,087	93 %	\$ 25,154,332	\$ 26,601,997

Appendix 2

Monthly Expenditure Report at November 30, 2022 (92% of time lapsed)

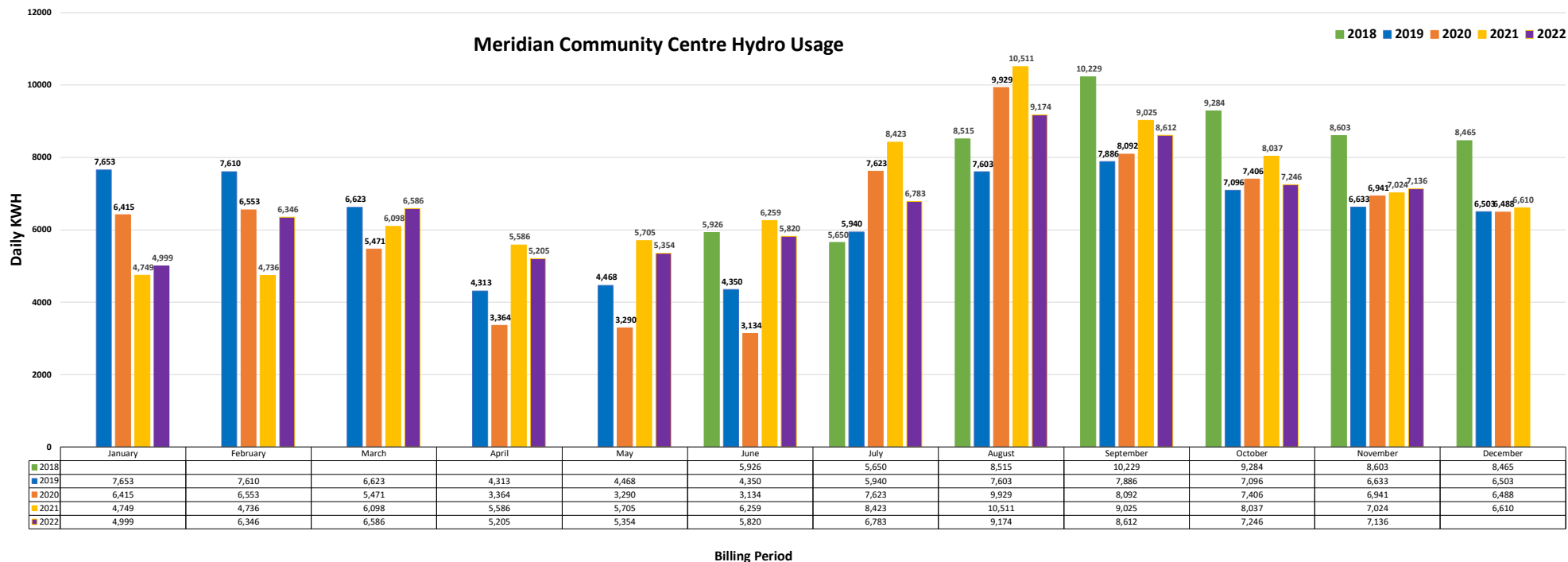
Explanatory Notes:

- (1) Admin position was budgeted for part-time hours but worked full-time hours. Overage will be funded by HR Capacity Building reserve at year-end .
- (2) Insurance cost are 18% higher than budget for 2022 due to inflation.
- (3) Some software licenses and support fees have been paid in full for the year.
- (4) Volunteer firefighter stipends were paid in November and they were \$75,000 higher than budgeted due to additional mandatory training.
- (5) Contract services for Winter Control has exceeded budget for the year; fuel costs are at higher in 2022..
- (6) Increase of approximately \$120,000 in expenses due to the windstorm.
- (7) Increase in expenses for recreation and wellness camp activity in 2022 which is offset by increase in revenue.
- (8) Most recreation special events activity has already occurred as of November. Cost of running these programs are offset by Revenues for these programs.
- (9) Payment has been made to Niagara Region for On-Demand transit services approximately to September.

	Notes		2022			Actual 2022										
			Budget	Actual YTD Total	Actual as a % of Budget	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
MCC Revenues																
Arena Revenues			\$ 574,242	\$ 595,655	104 %	\$ 14,116	\$ 77,928	\$ 57,547	\$ 39,744	\$ 37,286	\$ 29,144	\$ 39,966	\$ 70,450	\$ 62,858	\$ 84,049	\$ 82,567
Multi-Purpose Space Revenues			68,000	97,271	143 %	782	6,082	8,623	11,678	7,437	6,556	5,478	4,986	14,024	12,869	18,756
Gymnasium Revenues			63,000	86,575	137 %	552	9,466	10,333	9,173	9,019	8,158	6,543	4,328	7,280	11,520	10,203
Programming Revenues	(1)		110,000	152,426	139 %	105	84	12,123	-	1,050	-	59,957	72,385	4,337	-	2,385
Grants - Other	(2)		42,700	44,465	104 %	-	-	-	25,000	-	-	-	-	-	19,465	-
Other Rev. - Miscellaneous	(3)		41,550	82,043	197 %	(1,926)	9,659	10,445	6,053	7,808	4,236	4,445	3,649	7,198	9,584	20,892
Other Revenues - Advertising	(4)		30,000	14,533	48 %	11,133	-	-	-	-	(1,066)	5,050	(1,584)	1,000	-	-
Total Revenues		(a)	929,492	1,072,968	115 %	24,762	103,219	99,071	91,648	62,600	47,028	121,439	154,214	96,697	137,487	134,803
MCC Expenditures																
Salaries and Benefits			1,511,940	1,333,148	88 %	85,884	107,975	109,238	112,489	103,859	159,588	147,392	147,016	130,080	106,813	122,814
Professional Development			10,900	11,556	106 %	-	2,323	416	-	-	-	2,739	135	2,193	946	2,804
Associations and Memberships			5,000	5,658	113 %	987	183	450	-	-	-	800	-	-	1,380	1,858
Travel			3,600	684	19 %	-	-	-	-	1,184	398	(1,130)	207	-	-	25
Hydro			350,000	307,189	88 %	21,261	23,575	25,281	21,794	21,198	26,230	39,063	47,294	-	58,112	23,381
Natural Gas	(5)		65,000	83,747	129 %	7,021	9,548	7,150	7,174	3,521	3,571	4,305	12,152	9,642	9,329	10,334
Water	(6)		40,000	46,536	116 %	-	7,972	-	9,104	-	7,434	-	11,758	-	10,268	-
Telephone			13,574	7,948	59 %	660	662	661	800	853	708	922	530	707	707	738
Materials and Supplies	(7)		75,250	146,938	195 %	5,934	9,629	9,469	19,965	6,283	16,333	24,744	6,612	9,146	21,112	17,711
Furniture and Equipment			6,000	9,527	159 %	-	-	71	-	-	-	-	-	-	7,632	1,824
Materials and Supplies - Janitorial			50,000	22,265	45 %	398	1,442	3,474	1,510	2,350	2,522	1,371	3,127	1,477	2,694	1,900
Fuel			4,850	7,297	150 %	242	551	873	975	468	412	627	829	1,012	702	606
Internet			13,300	9,469	71 %	824	825	824	824	824	830	903	904	904	903	904
Insurance	(8)		55,530	6,519	12 %	-	-	-	-	-	-	6,519	-	-	-	-
Contract Services - Other	(9)		162,050	197,921	122 %	8,580	12,017	16,214	18,408	12,085	7,675	35,944	28,450	17,640	21,293	19,615
Repairs and Maintenance	(10)		23,500	29,160	124 %	10,012	122	-	825	3,221	-	367	3,585	3,278	1,980	5,770
Total Expenditures before Debt and Other		(b)	2,390,494	2,225,562	93 %	141,803	176,824	174,121	193,868	155,846	225,701	264,566	262,599	176,079	243,871	210,284
Net Surplus (Deficit) before Debt and Other		(c)= (a) - (b)	(1,461,002)	(1,152,594)	79 %	(117,041)	(73,605)	(75,050)	(102,220)	(93,246)	(178,673)	(143,127)	(108,385)	(79,382)	(106,384)	(75,481)
MCC Debt Activity																
Tax Levy Debenture Interest	(11)		(282,910)	(258,704)	91 %	-	(722)	(1,414)	-	(137,101)	(1,028)	22,109	(2,446)	-	(1,433)	(136,669)
Tax Levy Debenture Principal	(11)		(258,471)	(250,693)	97 %	-	(3,889)	(3,889)	(3,889)	(108,914)	(3,888)	(3,889)	(3,889)	(3,889)	(3,889)	(110,668)
Development Charge Revenue	(12)		629,936	629,936	100 %	317,023	-	-	-	-	-	312,913	-	-	-	-
Development Charge Debenture Interest	(12)		(351,383)	(351,383)	100 %	(178,859)	-	-	-	-	-	(172,524)	-	-	-	-
Development Charge Debenture Principal	(12)		(278,553)	(278,553)	100 %	(138,164)	-	-	-	-	-	(140,389)	-	-	-	-
Donation Revenue Applied to Debenture	(13)		209,015	-	- %	-	-	-	-	-	-	-	-	-	-	-
Donation Pledge Debenture Interest	(13)		(64,055)	-	- %	-	-	-	-	-	-	-	-	-	-	-
Donation Pledge Debenture Principal	(13)		(144,960)	-	- %	-	-	-	-	-	-	-	-	-	-	-
Pre-MCC RCW and Facility Net Costs			989,512	907,052	92 %	82,459	82,459	82,459	82,459	82,459	82,459	82,459	82,459	82,459	82,459	82,459
Net Debt and Other Items		(d)	448,131	397,655	89 %	82,459	77,848	77,156	78,570	(163,556)	77,543	100,679	76,124	78,570	77,137	(164,878)
NET SURPLUS (DEFICIT)		(e)= (c) + (d)	\$(1,012,871)	\$ (754,939)	75 %	\$ (34,582)	\$ 4,243	\$ 2,106	\$ (23,650)	\$(256,802)	\$(101,130)	\$ (42,448)	\$ (32,261)	\$ (812)	\$ (29,247)	\$(240,359)

Explanatory Notes:

- (1) The majority of camp revenue was earned during the summer and has exceeded budget for 2022.
- (2) Senior Active Living Centre grant for 2022 has been partially received and New Horizon Seniors Program Grant has been fully received for 2022.
- (3) Miscellaneous revenue includes cost recoveries, equipment rentals, event revenue, donations, server sales, and other items that are individually too small to classify separately. Significant increase in concession sales.
- (4) Advertising revenues are expected in Q4 and is projected to be slightly below budget.
- (5) Higher natural gas usage and rates.
- (6) Water is billed bi-monthly, usage is anticipated to be higher in 2022.
- (7) Increased cost of server supplies offset by increased revenues.
- (8) Prepaid insurance to be expensed.
- (9) Additional cost incurred for programming which is offset by higher programming revenues.
- (10) Gym bleachers and roof maintenance.
- (11) Tax levy debenture payments for the MCC are due in June and December and are paid before the end of the previous month. CIBC loan payments occur throughout the year.
- (12) Development charge debenture payments for the MCC occur in January and July.
- (13) MCC Donation debenture payments occur in April and October.



Subject: 2022 Bridge and Culvert Inspection Program and Rehabilitation and Replacement Needs Analysis

Recommendation:

BE IT RESOLVED THAT Council receive Report #2023-0043-Public Works - 2022 Bridge and Culvert Inspection Program and Rehabilitation and Replacement Needs Analysis, for information.

Background:

In accordance with Ontario Regulation 104/97 passed pursuant to the *Public Transportation and Highway Improvement Act*, the Town of Pelham is required to undertake an inspection, under the direction of a Professional Engineer, for every bridge and major culvert at least once every two years. The Act states that:

"The structural integrity, safety and condition of every bridge shall be determined through the performance of at least one inspection in every second calendar year under the direction of a professional engineer and in accordance with the *Ontario Structure Inspection Manual*. O. Reg. 472/10, s. 2."

The inspection program for 2022 was completed by Ellis Engineering Inc. as part of planned spending in the 2022 Capital Budget. In addition to an inspection completed for each individual structure the report provided by the Engineer provides a summary and overall condition of the Town's Bridge and Major Culvert inventory.

All structures are classified as either "Bridge" or "Culvert" type structures according to the criteria contained in the Municipal Bridge and Culvert Appraisal Manuals. The definition is as follows:

"Box or open type structure ... and which has more than 600mm of cover shall be appraised as a culvert, and those with less than 600mm of cover shall be appraised as a bridge".

The technical classification of each structure is identified as either a "Bridge" or a "Culvert". In addition, each structure is provided a unique identification number. Further, Bridge and Culvert structures are classified as either

"Municipal" or "Structure". Bridges or culverts with a span less than 3.0m are classified as "Municipal" structures and do not require inspection every two years as required by Ontario Regulations 104/97. Structures with a span greater than 3.0m are classified as "Structure" and must be inspected once every two years, per regulation.

The Town has twenty-three (23) structures with a span of 3 m or greater. In 2022, twenty-three (23) structures were inspected in accordance with the regulations.

Analysis:

Each structure was given a priority ranking based on the condition of the structure. The priority ranking for each structure was based on the following categories: NOW, 1-5 Years, 6-10 Years, and Adequate. In addition to the priority rankings, the structures were classified with a General Overall Condition Rating and a corresponding Bridge Condition Index (BCI) value. See Appendix A for a summary of the categories used to classify the condition of the structures.

In addition, each structure was evaluated based on its overall condition and provided and given a Structure Condition Classification and Corresponding Bridge Condition index value (BCI). The BCI values were provided in the following ranges: Very Good (BCI 80 – 100), Good (BCI 70 – 79), Fair (BCI 60 – 69), and Poor (BCI 0 – 59). For specifics, please see Appendix A.

Based on the 2022 inspections the current condition of the structures in the Town of Pelham are as follows: Very Good (30% of the structures), Good (44% of the structures), Fair (17% of the structures), and Poor (9% of the structures). Based on the above analysis 74% of the structures are in Very Good to Good condition.

The overall network BCI is approximately 74.4. Based on the 2020 inspections the overall network BCI was 71.7. The slight improvement is attributed to the completed replacements of the Sixteen Road Culvert (Structure No. 22) and Balfour Street Culvert (Structure No.14).

Based on the needs analysis completed by Ellis Engineering approximately 43% of the structures are adequate and do not need any maintenance or rehabilitation work completed. Approximately 9% of the structures require maintenance and or rehabilitation in 6 to 10 years, 9% of the structures require maintenance or rehabilitation/replacement in 1-5 years, and 39% of the structures have immediate "NOW" needs. The "NOW" needs can range from minor scour protection works to full replacement and is based upon the

condition of each individual structure. Overall the Town's structures are in good condition (74% of the structures); however, it is critical to invest in minor maintenance and rehabilitation works in order to maintain the network.

A summary Table 5, in the report prepared by Ellis Engineering, indicates that the estimated cost (in 2022 dollars) of 6 to 10 year needs is \$139,000, 1 to 5 years is \$1,058,000, and NOW needs is \$1,511,000. The total estimated cost of structure needs is \$2,708,000.

In 2020 the total estimated cost of structure needs was \$4,148,000. The overall cost decrease from 2020 to 2022 is primarily due to the replacements of Sixteen Road Culvert (Structure No. 22) and Balfour Street Culvert (Structure No. 14). In addition, minor increases in cost for maintenance, rehabilitation and replacement are a reflection of increases in the cost of construction.

Staff has identified 2 structures with low BCI values including Cream Street culvert (Structure No. 12) with a current BCI of 45 and the Roland Road culvert (Structure No. 13) with a current BCI of 55. The Cream St culvert design and replacement will take place this year along with the Roland Road culvert design. The replacement of the Roland Road bridge is planned to be completed in 2024.

Financial Considerations:

There are no direct financial implications with respect to this report given that it is a report received for information only.

Alternatives Reviewed:

There are no alternatives for review as this is a report for information purposes only.

Strategic Plan Relationship: Risk Management

Maintaining a safe and reliable road network is critical to the Town of Pelham to ensure safe and efficient movement of all forms of transportation. Proper maintenance and investment into the Town's bridges and major culverts will ensure that the condition of our road network is sustained.

Consultation:

There was no consultation in the preparation of this report.

Other Pertinent Reports/Attachments:

Appendix A - Summary of Categories for Condition of Structures

Appendix B - 2022 Bridge and Culvert Inspection Program and Rehabilitation and Replacement Needs Analysis Summary Report, Ellis Engineering Inc.

Prepared and Recommended by:

Nicholas Palomba,
Engineering Technologist

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

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

Appendix A – Summary of Categories for Condition of Structures

Table 1: Structure Condition Classification and Corresponding BCI Values

Condition	BCI Range	Description
Very Good	80 – 100	Overall the components of the structure are in very good condition. Generally the structure has been constructed within the last 10 years and does not require any work within the next 10 years.
Good	70 – 79	Overall the components of the structure are in good condition. Generally the structure is adequate or requires only minor maintenance within the next 10 years.
Fair	60 – 69	Overall the components of the structure are in fair condition. Generally the structure requires major rehab or replacement within the next 10 years, or requires Condition Survey (C/S), Load Capacity Evaluation (LCE) or Rehabilitation/Replacement Analysis (RRA).
Poor	0 – 59	Overall the components of the structure are in poor condition. Generally the structure requires replacement within the next 5 years.



ELLIS
Engineering Inc.

ELLIS Engineering Inc.
Consulting Engineers
214 Martindale Road, Suite 201
St. Catharines, ON L2S 0B2

Tel: (905) 934-9049
Web: www.ellis.on.ca

December 14, 2022

Town of Pelham

Pelham Municipal Building
20 Pelham Town Square
Fonthill, ON
L0S 1E0

Attention: Mr. Derek Young, Manager of Engineering

Reference: 2022 Bridge and Culvert Inspection Program, Rehabilitation/Replacement Needs
ELLIS File No.: 1070

We are pleased to submit one (1) copy of the 2022 Pelham Bridge and Culvert Inspection Program, Rehabilitation/ Replacement Needs ring binder, which contains inspection reports for twenty-three (23) of the Town of Pelham's bridges and culverts.

A universal serial bus (USB) flash drive has been included, which contains all files relating to the Town's Bridge and Culvert structures, including the corresponding Bridge Management Database (*Town of Pelham Bridge Inspections 2022.mdb*), a Microsoft Streets and Trips map file (*Inspections Map 2022.est*) containing the location of all the Town's structures, PDF files of each individual bridge and culvert assessment report, as well as all original inspection photographs. The Town will require the use of Microsoft Access to use the database and Microsoft Streets and Trips to view the location maps.

All of the inspections were completed by Robert Ellis and Jordan Marcella of ELLIS Engineering Inc. Arih Struger-Kalkman, P.Eng., and Duane VanGeest, P.Eng. reviewed the reports, including recommendations and cost estimates based on the deficiencies at each structure.

Classification:

All structures have been classified as either "Bridge" or "Culvert" type structures according to the criteria contained in the Municipal Bridge and Culvert Appraisal Manuals. The definition is as follows:

"In general, bridges transfer all live loads through a superstructure to a substructure and foundations, and culverts transfer all live loads through fill. Box or Open type structures with a span of 3m or greater, and have less than 600mm of cover shall be appraised as a bridge, and those with more than 600mm of cover shall be appraised as a culvert".

../2

Corrugated Steel Pipe (CSP), High Density Polyethylene Pipe (HDPE), and Soil Steel Multi Plate (SSMP) type structures are always classified as culverts, regardless of fill.

The technical classification of each structure as either a “Bridge” or a “Culvert” has been indicated within the Bridge Management Database. Each structure has a unique ID number. Also, Bridge and Culvert structures have been classified as either “Municipal” or “Structure”. Bridges or culverts with a span less than 3.0m are classified as “Municipal” structures and do not require inspection every two years as required by Ontario Regulations 104/97. Structures with a span greater than 3.0m are classified as “Structure” and must be inspected once every two years, by Ontario law.

The Biennial inspection for ‘Structures’ may be increased to four years, according to the Ontario Structure Inspection Manual (OSIM), if the following criterion is met:

“For culverts with 3m to 6m spans and retaining walls, the inspection interval can be increased to four years if the culvert or retaining wall is in good condition and the engineer believes that the culvert or retaining wall condition will not change significantly before the next inspection.”

Priority Ranking and Bridge Condition Index (BCI):

Each structure has been given a priority ranking. The priority ranking summary spreadsheets of the Rehabilitation/Replacement Needs have been prioritized according to the following categories:

- NOW,
- 1-5 Years,
- 6-10 Years,
- Adequate.

In addition to the priority rankings, the structures are classified with a General Overall Condition Rating and a corresponding Bridge Condition Index (BCI) value. The categories summarized in Table 1, below, were used to classify the structures.

Table 1: Structure Condition Classification and Corresponding BCI Values

Condition	BCI Range	Description
Very Good	80 – 100	Overall the components of the structure are in very good condition. Generally the structure has been constructed within the last 10 years and does not require any work within the next 10 years.
Good	70 – 79	Overall the components of the structure are in good condition. Generally the structure is adequate or requires only minor maintenance within the next 10 years.
Fair	60 – 69	Overall the components of the structure are in fair condition. Generally the structure requires major rehab or replacement within the next 10 years, or requires Condition Survey (C/S), Load Capacity Evaluation (LCE) or Rehabilitation/Replacement Analysis (RRA).
Poor	0 – 59	Overall the components of the structure are in poor condition. Generally the structure requires replacement within the next 5 years.

Structure Type:

Each of the structures inspected has been classified by structure type. Structure types include Rigid Frame (RF), Rigid Frame Box (RB), High Density Polyethylene Pipe (HDPE), Corrugated Steel Pipe (CSP), and Soil Steel Multi Plate (SSMP).

Figure 1, below, shows the percentage of structures classified under each type.

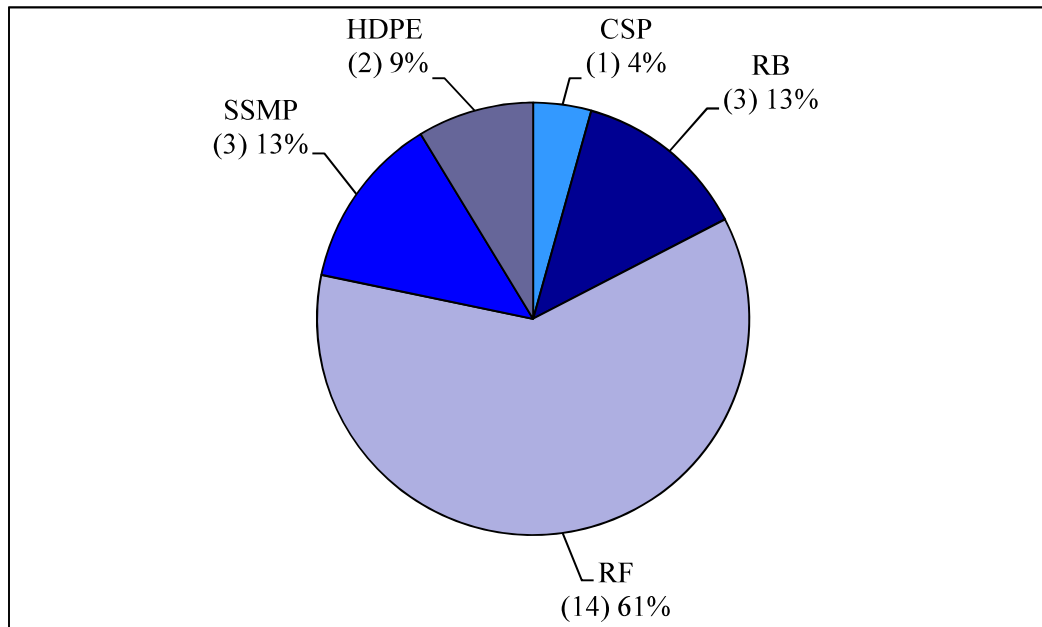


Figure 1: Structures Classified by Structure Type

Bridge Management Database:

All structure inspection information has been entered into a Bridge Management Database. Inspection reports and photographs can be sorted and viewed electronically and any additional hard copies can be printed directly from the database.

All Rehabilitation/Replacement Needs reports contained in the ring binder are sorted by structure ID Number. The various printed spreadsheets list the structures by structure number, within their respective priority rating categories (NOW, 1-5 Years, 6-10 Years, and Adequate).

Changes and Updates to the Database:

No structures were added, removed, renamed, or reclassified since the 2020 inspections.

Next Inspection:

In the 2022 assessment, 23 of the Town's structures were inspected. The next inspection for all 23 structures is 2024.

Estimated Costs for Repair:

The estimated rehabilitation/replacement construction costs have been calculated based on preliminary engineering assumptions. The accuracy of the cost estimates are in an approximate range of plus or minus 20%, with no allowance for contingencies.

In some cases, the installation of steel-beam guide rails has been included as a recommended rehabilitation. Generally road works have not been recommended unless directly related to the rehabilitation of the structure.

Roadside Safety Barriers:

We identified five (5) of the Town's structures that have recommendations related to Roadside Safety Barriers. We recommend that the Town review the structures listed in Table 3, below, along with the Geometric Design Guide for Canadian Roads and the Town of Pelham's Roadside Safety Policy to determine if upgrades, repairs, and/or new roadside safety barriers are required.

Table 3: List of Structures to Review for Roadside Safety Barriers

ID Number	Structure Name	Priority Rating	Cost
05	Luffman Drive	NOW	\$69,000
09	Roland Road	NOW	\$15,000
11	Centre Street	6-10 Years	\$69,000
18	Maple Street	NOW	\$69,000
21	Effingham Street	NOW	\$1,500
Total Cost:			\$223,500

Note: Cost includes estimates for engineering.

Summary of Structure Conditions:

Figure 2, below, shows the percentage of structures inspected in 2022 in each General Overall Condition category.

Figure 2: Structures Classified by General Overall Condition

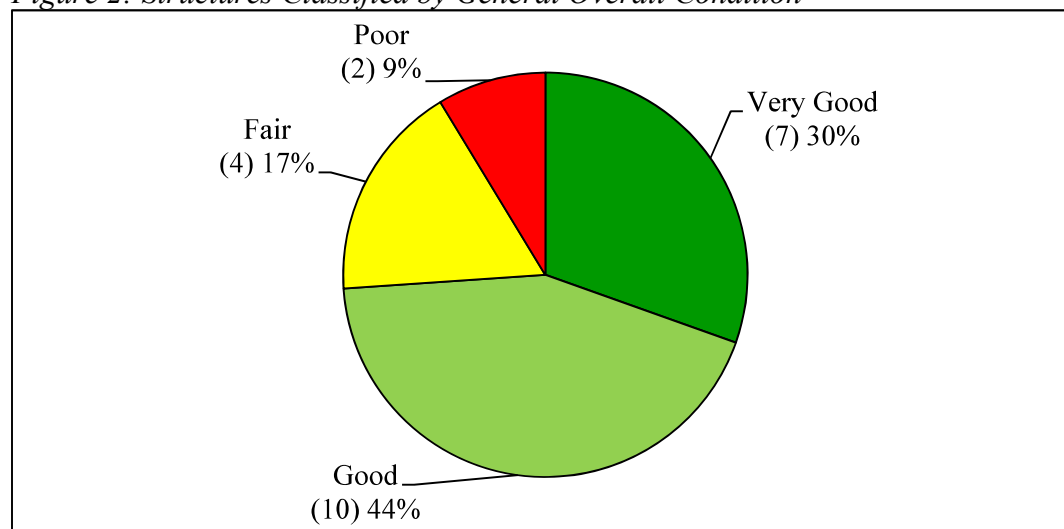


Table 4 and Figure 3, below, summarize the relationship between the general overall condition and priority rating of the structures inspected.

Table 4: Summary of General Overall Condition

		General Overall Condition									
		Very Good		Good		Fair		Poor		Total	
Priority Rating	Adequate	6	26%	2	9%	2	9%	0	0%	10	43%
	6–10 Years	0	0%	1	4%	1	4%	0	0%	2	9%
	1–5 Years	1	4%	0	0%	0	0%	1	4%	2	9%
	NOW	0	0%	7	30%	1	4%	1	4%	9	39%
	Total	7	30%	10	43%	4	17%	2	9%	23	100%

Note: Percentages (%) are rounded to the nearest percent.

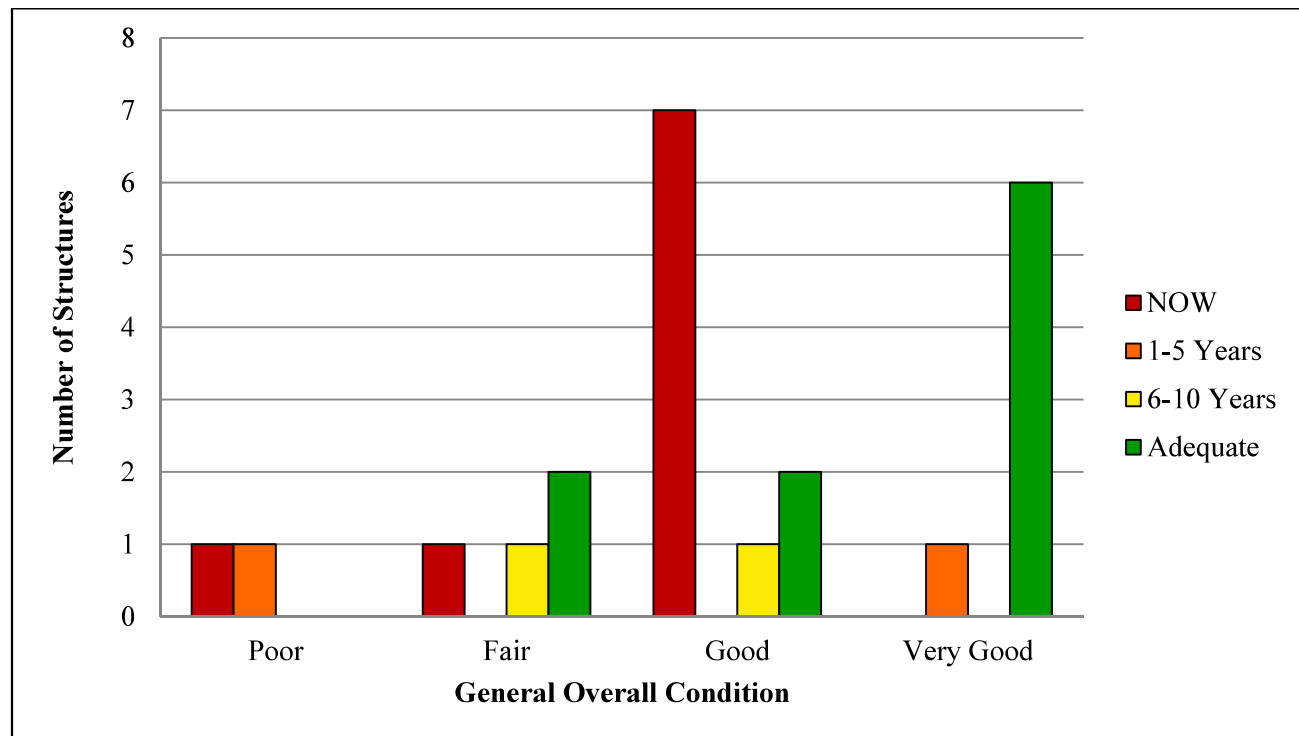


Figure 3: Number of Structures for Each General Overall Condition Category by Priority Rating

Table 5 and Figure 4, below, summarize the relationship between the priority ratings of the structures inspected in 2022 relative to the estimated cost range for the rehabilitation/replacement needs.

Table 5: Summary of Priority Rating and Cost

Priority Rating	Total	% of Total	2022 Estimated Cost	Number of Structures in the Cost Range		
				\$0 - \$49,999	\$50,000 - \$499,999	\$500,000 +
Adequate	10	43%	\$0	-	-	-
6–10 Years	2	9%	\$139,000	0	2	0
1–5 Years	2	9%	\$1,058,000	1	0	1
NOW	9	39%	\$1,511,000	6	2	1
Total	23	100%	\$2,708,000	7	4	2

Notes: Costs include estimates for engineering.

Percentages (%) are rounded to the nearest percent.

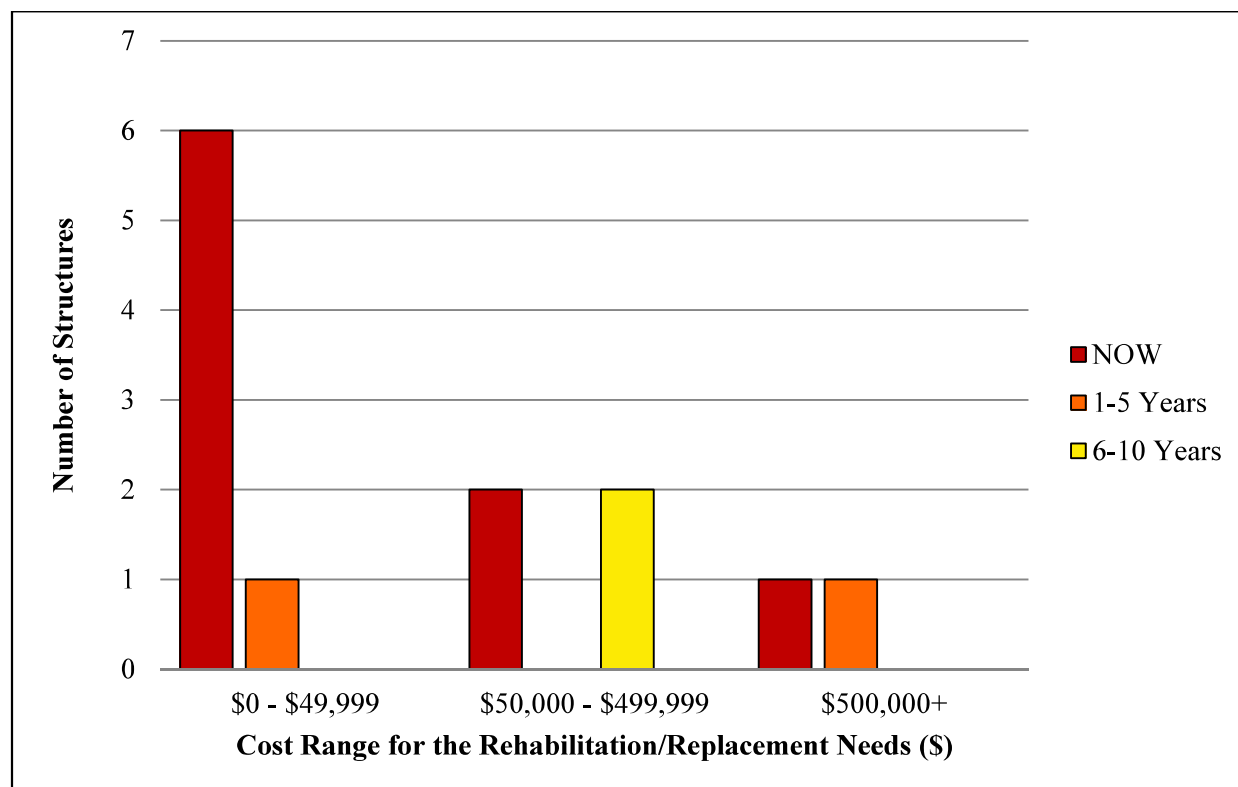


Figure 4: Number of Structures in the Rehabilitation/Replacement Cost Range by Priority Rating

Table 6, below, summarizes the change in cost from the 2020 Bridge and Culvert Assessment to the 2022 Bridge and Culvert Assessment for structures in each Priority Rating.

Table 6: Summary of the Change in Cost from the 2020 Assessment to the 2022 Assessment

Priority Rating	2020 Total Cost	2022 Total Cost	Summary of Major Changes and Comments
Adequate	\$0	\$0	No Change.
6-10 Years	\$977,500	\$139,000	+ New RIR recommendation for Structure No. 11. + New rehabilitation recommendation for Structure No. 02. - Structure No. 13 moved to 1-5 Years.
1-5 Years	\$21,000	\$1,058,000	+ Increases in construction costs. + Structure No. 13 moved from 6-10 Years.
NOW	\$3,149,500	\$1,511,000	+ Increases in construction costs. - Structure No. 22 replaced in 2021. - Structure No. 14 replaced in 2022.
Total	\$4,148,000	\$2,708,000	\$1,440,000 decrease (Approximate 35% decrease)

Note: Costs include estimates for engineering.

- Indicates reduction in cost from 2020.

+ Indicates increase in cost from 2020.

The overall costs decreased approximately 35% from 2020 to 2022 due to the replacements of Sixteen Road Culvert (Structure No. 22) and Balfour Street Culvert (Structure No. 14). Minor increases in cost for individual structure rehabilitation/replacement needs reflect an increase in the cost of construction.

Closing:

We thank you for giving us the opportunity to provide our services for this very interesting project. Should you have any questions concerning the report, please contact the undersigned.

Yours truly,

ELLIS Engineering Inc.



Arih Struger-Kalkman, M.Eng., P. Eng.
Project Manager



Robert Ellis
Project Assistant

cc: Jason Marr, Director of Public Works

Subject: 2023 Spongy Moth Management Program**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2023-0057, Spongy Moth Management Program, for information.

Background:

In 2020 Council Approved Policy S802-03 to address the periodic infestation of the *Lymantria dispar* dispar moth (Spongy Moth) experienced in the Town of Pelham.

This report serves to fulfill the requirements of Policy S802-03 to inform Council of the results of the egg mass surveys and management recommendations prior to the implementation of a treatment program, if required.

The full 2022 Spongy Moth Monitoring Program Report, prepared by BioForest, was not received in time to include as an attachment to this report, however Staff have received the 2023 defoliation forecast map, and a summary of findings that do not support the need for an aerial spray program in 2023. The 2023 defoliation forecast map and summary of findings have been attached to this report as Appendix A.

Analysis:

BioForest conducted spongy moth egg mass surveys in the Town of Pelham from January 16th to February 7th, 2023. A total of 133 plots including street trees and forest plots were assessed throughout Pelham including Fenwick and Fonthill.

Overall, the spongy moth population in Pelham has declined significantly from the levels seen in the previous three years and is a reflection of the success of both private and municipal spray programs.

Street trees and forests in Fenwick, Fonthill, and rural areas of Pelham are mostly forecast to experience nil to light defoliation in 2023. Only four plots are forecast to experience moderate defoliation. Two of these plots are located North/West Fonthill, with one plot located north of Fenwick, and the other near east Fonthill on Merritt Road. The plots are identified in Figure 1 of Appendix A (attached).

Section 5.1 of Policy S802-03 prescribes an egg mass density of 2500 egg masses per hectare as the minimum requirement for aerial spray treatment within the

municipal boundary. An egg mass density of 2500 egg masses per hectare will lead to severe defoliation.

None of the four plots identified to receive moderate defoliation meet the threshold criteria in Policy S802-03, therefore staff do not recommend the implementation of an aerial spray program in 2023.

The management objective of Policy S802-03 is to maintain spongy moth populations at tolerable levels and to ensure sure that outbreaks are controlled properly, as total eradication of this specific pest is not achievable. While the spongy moth population has declined significantly, there remains a potential for population growth so the continuance of annual monitoring programs for spongy moth and other invasive species is recommended as part of an ongoing operational program.

Financial Considerations:

The Council approved the operating budget for the spongy moth treatment program in 2023 as \$150,000. The annual cost associated with spongy moth consulting and program coordination including egg mass surveys, defoliation surveys, and technical reporting is \$35,000. Not providing an aerial spray program will result in savings of \$115,000.

Staff is revising Policy S802-03 to incorporate other invasive species and plan to bring it to Council for consideration in Q2, including the option of utilizing program savings to create a reserve fund for the management of periodic invasive species infestations.

Alternatives Reviewed:

No alternatives were reviewed as staff is following Policy S802-03.

Strategic Plan Relationship: Strong Organization

The tree canopy within the municipal boundary is vital to the high quality of life in Pelham Town.

Consultation:

Lallemand Inc./BioForest provided; 2022 egg mass survey summary and 2023 defoliation forecast map.

Other Pertinent Reports/Attachments:

Appendix A – Summary of Results

Public Works Policy S802-03

Prepared and Recommended by:

Ryan Cook, Dipl.M.M., CRS
Manager of Public Works

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

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

2022 Pelham Spongy Moth Egg Mass Surveys

Summary of Results

BioForest conducted spongy moth egg mass surveys in the Town of Pelham from January 16 to February 7, 2023. A total of 133 plots, including 58 street tree plots and 75 forest plots, were assessed in the towns of Fenwick and Fonthill, and in the rural areas surrounding them. In each plot, field staff inspected oak trees or other suitable host trees for spongy moth egg masses. Old and new egg masses were tallied separately to produce a ratio of new:old egg masses for each survey zone. New egg masses were measured, where possible, to calculate the average new egg mass length for comparison with previous surveys.

Overall, the spongy moth population in Pelham has declined significantly from the levels seen in the previous three years. This is a reflection of the success of the recent aerial spray programs conducted by the Town and is consistent with the overall trend seen in other areas of southern Ontario in 2022. For the most part, trees in Pelham are expected to experience nil to light defoliation in 2023. However, there are some isolated pockets where infestations are slightly elevated and where moderate defoliation is expected in 2023 (Figure 1). None of the areas surveyed throughout Pelham are forecast to experience Heavy or Severe defoliation. For reference, the defoliation forecast map from last year is attached (Figure 2).

The forests and street trees in Fenwick are forecast to experience nil to light defoliation in 2023. Only 5% of the egg masses observed in forests and 0.8% of the egg masses observed on street trees in Fenwick were new. The forests and street trees in Fonthill are forecast to experience mostly nil to light defoliation in 2023, however one forest plot at the east end of town on Merritt Road is forecast to experience moderate defoliation. Only 1.4% of the egg masses observed in forests and 2.7% of the egg masses observed on street trees in Fonthill were new. The street trees in the rural areas of Pelham are forecast to experience nil to light defoliation in 2023, and only 3.7% of egg masses observed in these areas were new. The forests in the rural areas of Pelham are mostly forecast to experience nil to light defoliation in 2023, however, four plots are forecast to experience moderate defoliation. These plots are in mostly in the areas just northwest of Fonthill, with one area located just north of Fenwick. Only 2.9% of the egg masses observed in the rural areas of Pelham were new. On average, new egg masses measured 30.96 mm, which is considered large and indicates that while the spongy moth population has declined from its peak, there is a potential for population growth.

Due to these results, **an aerial spray program is not recommended for 2023**. Targeted ground-based treatments for individual trees may be recommended in the forthcoming report, but no wide-scale action is required. Annual monitoring surveys are recommended in order to quantify changes in the abundance and spread of spongy moth in Pelham.

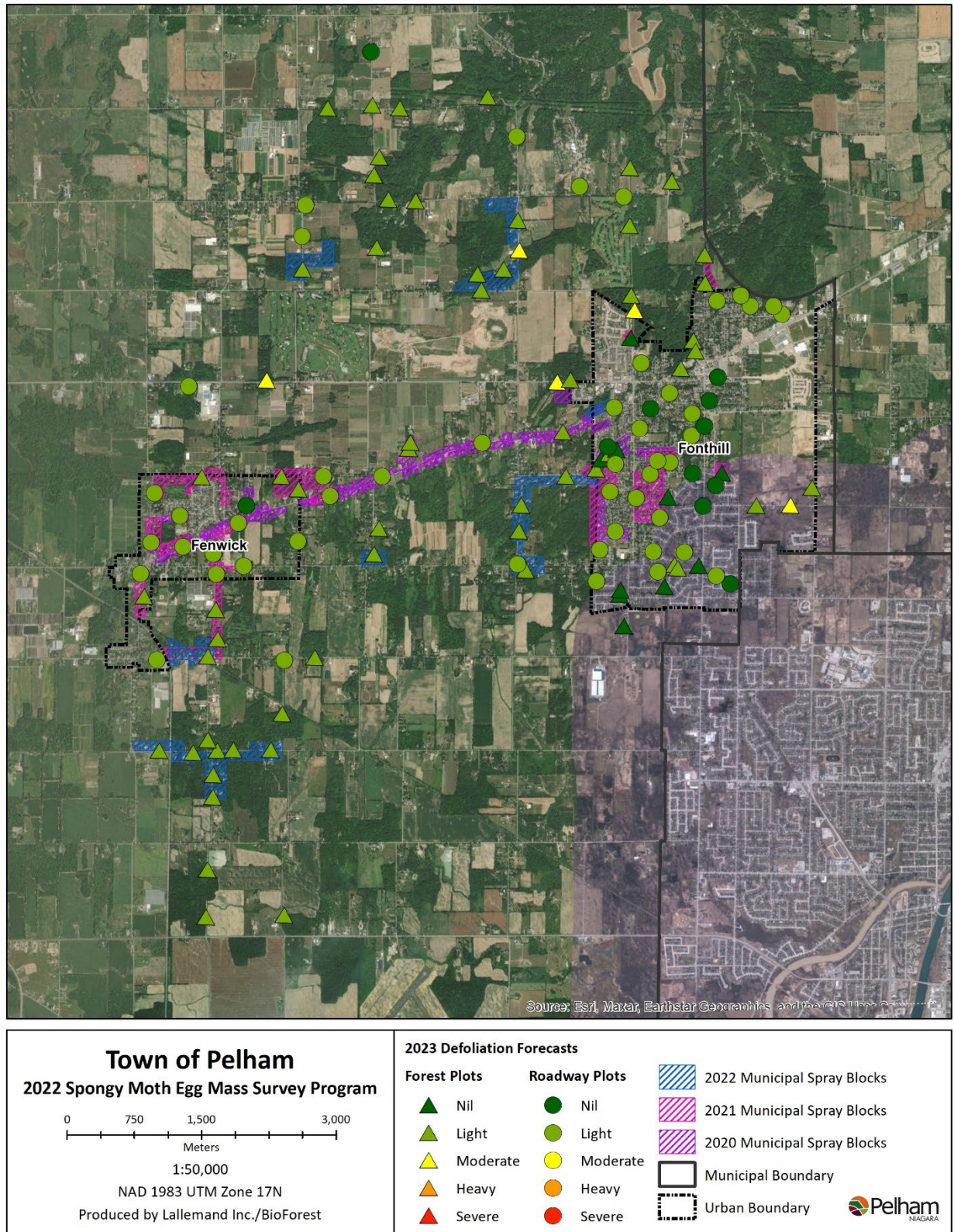


Figure 1: 2023 defoliation forecasts for forest and roadway plots in the Town of Pelham. Spray block boundaries (2020-2022) are illustrated in shaded areas.

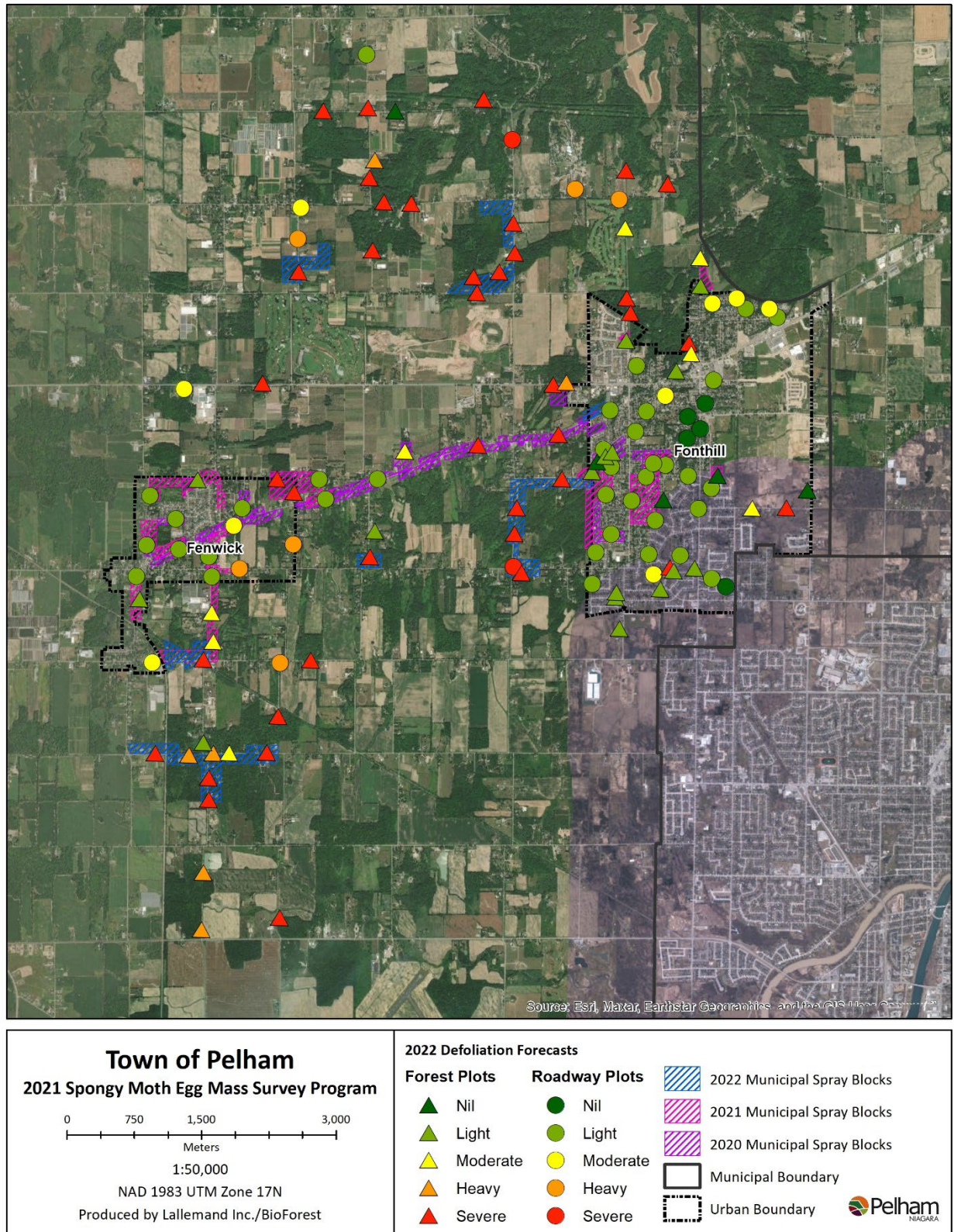


Figure 2. 2022 defoliation forecasts for forest and roadway plots in the Town of Pelham. Spray block boundaries (2020-2022) are illustrated in shaded areas.



Policy Name: Gypsy Moth Management	Policy No: S802-03
Committee approval date:	February 18, 2020
Council approval date:	March 2, 2020
Revision date(s):	-
Department/Division:	Public Works

1. Purpose

The overall purpose of this policy is to provide a process that addresses the periodic infestation of European Gypsy Moth experienced in the Town of Pelham.

The specific goals of this Gypsy Moth Management policy are to develop an integrated set of objectives and procedures that will combine to form a set of overall working guidelines that will:

- Maintain tolerable gypsy moth populations at any point in time, and make sure that outbreaks are controlled properly.
- Educate residents about the European Gypsy Moth to foster a thorough understanding of forest pests and their environments, as well as, understand the rationale behind the Town's decision making process with respect to gypsy moth management.
- Provide a policy that Town officials and the general public are confident is an effective and fair tool in responding to gypsy moth infestations.
- Establish a feasible gypsy moth monitoring network and egg mass survey program.
- Establish an intervention threshold criterion for implementing gypsy moth treatment efforts.
- Strategically allocate resources toward forestry & tree health.
- Reduce the workload and duplication of effort for Town staff in responding to gypsy moth concerns.
- Allow for the collaboration across municipal and regional boundaries to help strengthen gypsy moth management.

2. Policy Statement

It will be the policy of the Town of Pelham to protect the tree canopy within the Municipal Boundary against Tree Mortality caused by defoliation by the gypsy moth and hence, preserve and enhance the quality of Pelham communities.



3. Policy Constraints

The policy will be applied to all properties within the Town of Pelham with the exception of properties, or sections of properties being used for agricultural production or commercial business, as well as properties owned or operated by; the Niagara Region, the Niagara Peninsula Conservation Authority or the Province of Ontario unless otherwise approved by the Director of Public Works.

The policy may be affected by the availability of Town staff, financial resources, regulatory restrictions and requirements from other departments and agencies.

4. Definitions

Integrated Pest Management (IPM): a multi-disciplinary, ecological approach to the management of pests based first on prevention and when needed, a control (biological, cultural, physical or mechanical intervention), saving registered pesticide application as a last resort.

Pest: an organism that causes damage, is a nuisance or interferes with the health, environmental, function or aesthetic objectives of citizens.

Biological Controls: other organisms that prey specifically on a pest.

Pest Action Threshold: the number or density of a pest when management action should be taken.

Tree Mortality: the level of defoliation (>60%) where a tree is likely to die.

Treatment Buffer Zone: the area adjacent to a treatment plot that will be included for treatment to reduce re-infestation or gypsy moth migration into nearby properties.

Sequential Sampling: a sampling technique wherein the researcher picks a single or a group of subjects in a defined area, conducts a survey, analyzes the results then picks another group of subjects if needed and so on.



Commercial Property: a property that is being used for a commercial purpose and/or generates an income.

5. General Provisions

The goal of the gypsy moth control program is not to eradicate the pest, but to protect tree health by suppressing the population to acceptable levels. Due to the relationship between weather and egg survivorship and the unpredictability of gypsy moth outbreaks, an Integrated Pest Management (IPM) approach will be taken to manage their population. The IPM decision-making process results from an evaluation of treatment options available and an analysis of potential impacts.

5.1 Treatment Threshold Criteria

In order to preserve the Town of Pelham's tree canopy and prevent tree mortality resulting from Gypsy Moth infestation, the Threshold Criteria used to identify plots that require treatment within Municipal Boundary will be a minimum of 2500 egg masses per hectare.

6. Annual Egg Mass Surveys

Decisions and control strategies for the management of the gypsy moth population will be made on the most appropriate IPM strategy based on analysis of egg mass survey results. Egg mass surveys will be undertaken annually in the fall, to determine the egg mass densities within the developed Gypsy Moth monitoring plots. (*Appendix A*) The information gathered during the surveys will be utilized in the development of a treatment program if the threshold criteria or special circumstances are met.

The number of surveying plots required to monitor gypsy moth populations fluctuates in times of high or low population densities. Sequential sampling plans increase the efficiency of the survey program by focusing in areas where intervention is most likely required. Areas with very low or high populations require the least amount of sampling, as a decision may be reached after sampling only a few plots. Plot sampling requirements may vary depending on land use for continually forested and urban/suburban habitats depending on gypsy moth populations.

7. Gypsy Moth Control Program



7.1 Spray Block Development

If the threshold criteria for treatment are met, treatment blocks will be identified utilizing the information gathered through the annual egg mass surveys. Once the survey data is compiled and analysed, spray blocks will be identified based on the most appropriate IPM strategy.

Spray blocks will be developed to include areas where gypsy moth egg mass densities exceed the threshold criteria of 2,500 per hectare. Spray blocks are developed in such a way to accommodate aerial spraying in a safe and efficient manner. Due to the application method it is not logistically possible for individual properties inside the spray block to opt out of the treatment. Authority delegated through By-Law 4106(2019) allows the Director of Public Works to implement a gypsy moth control aerial spray program when the threshold criteria is met.

Special circumstances such as proximity to selected treatment areas, or areas where high gypsy moth populations threaten nearby property where protection is greatly desired, may extend consideration of treatment to additional areas or Treatment Buffer Zones. Also, consolidation or expansion of proposed treatment areas may be attempted in the interests of program efficacy and efficiency.

Circumstances may warrant the consideration of areas with egg mass counts below 2500 egg masses per Hectare, on a lower priority basis, when Habitat Susceptibility and Land use factors are high and there is a clear indication that the gypsy moth populations, though low, are in increasing and are healthy. Generally, areas that in the past have experienced high and rapidly rising outbreak levels of gypsy moth would be candidate for such consideration to achieve effective and more efficient long term pest management.

7.2 Treatment Program Communication

Prior to the implementation of any treatment program, staff will prepare a report outlining the results of the egg mass surveys, management recommendations, treatment costs, proposed spray blocks as well as the amended by-law to be presented to Council for approval.

Town of Pelham Staff will host a Public Information Centre (PIC) to present the purpose, objectives and implementation process of the treatment program. Program information will also be made available on the Town of Pelham's Website and social media feeds as well as public notices in local print media.

The Town of Pelham will notify landowners, whose properties are included within or adjacent to the spray blocks prior to May 1st by Canada post letter mail.



The Town of Pelham will provide information concerning the gypsy moth, including control measures on private properties to the residents of Pelham. Information provided will be made available at; all Municipal Facilities, Libraries, gypsy moth treatment program PIC, the Town of Pelham website, social media feeds and media releases. (*Appendix B*)

Further to the communication plans described in the previous paragraphs, the Town of Pelham shall adhere to section 79 of Ontario Regulation 63/09 under the Pesticides Act for alternative means of public notice of pesticide use.

7.3 Aerial Application for Gypsy Moth

The treatment of gypsy moths shall be completed in an ecologically responsible manner. To protect other sensitive species, a number of factors are considered in determining the timing for aerial application of control agents including; foliage emergence, gypsy moth in-star development, weather conditions and manufactures' specifications.

Spray application will not be initiated until foliage has developed to no less than 30% of mature size, and caterpillars have reached 90% emergence and display evidence of feeding. Application must be made only during meteorological conditions that are suited to maximize spray deposit in the treatment areas and to minimize off target movement of the spray. Foliage must not be too wet prior to application and applied well in advance of any rain events. This may vary depending on manufacturers' technical information and product-specific recommendations.

7.4 Post Application Assessments and Communication

Initial post-spray assessments are to be completed after each spray application to ensure that the treatment area was completely and correctly flown over. Efficacy assessments will be performed within 24 hours of the spray application utilizing an Accurate Deposit Assessment Methodology (ADAM) kit from Valent Biosciences or approved alternative.

Once the majority of gypsy moth caterpillars have finished feeding and begun pupation and before trees have had time to grow new leaves, defoliation surveys will be completed in a representative number of spray blocks as well as other locations where gypsy moth egg mass data was collected. This information will be utilized to design future egg mass surveys and estimate population migration.



Town of Pelham Staff will prepare and present a report to summarize the effectiveness of the treatment program including; graphical spray event data, post-spray assessments and defoliation survey.

7.5 Alternative Gypsy Moth Control Measures

The Integrated Pest Management decision-making process includes an evaluation of treatment options and an analysis of potential impacts. Through the IMP approach, a number of alternative management options may be utilized based on; survey results, tree species, tree maturity and density, land use, location, ecological factors and the health of the gypsy moth population.

In locations where aerial spray application is not well suited, a number of other treatment options may be utilized. These may include but are not limited to: ground spraying, tree injection, burlap banding, or a “do nothing” approach if the impact of the infestation will be limited to a remote area.

8. Community Volunteer Program

The Town of Pelham may develop and implement a volunteer based forest health monitoring program overseen by a qualified forestry consultant. Effective volunteer programs can have many positive results and increase awareness among the general public about tree health and invasive species. Raising interest in tree health issues in the community is imperative for the future conservation of the Town of Pelham’s tree canopy. By enlisting and training members of the community to identify invasive species, and collect tree health data from their own lands and public property, volunteers can generate pertinent information that can be useful for municipal operations and help cultivate an awareness of tree health issues among Town of Pelham residents.

9. Gypsy Moth Management Funding

The Town of Pelham will endeavour to strategically allocate resources toward the protection of tree health. The Gypsy Moth Management Policy identifies how the periodic gypsy moth infestations are treated by the Town of Pelham as part of an overall Integrated Pest Management Policy.

A Forestry Health Reserve Fund will be established which will be used to fund programs related to the health of the forests and tree canopy within the Town of Pelham.



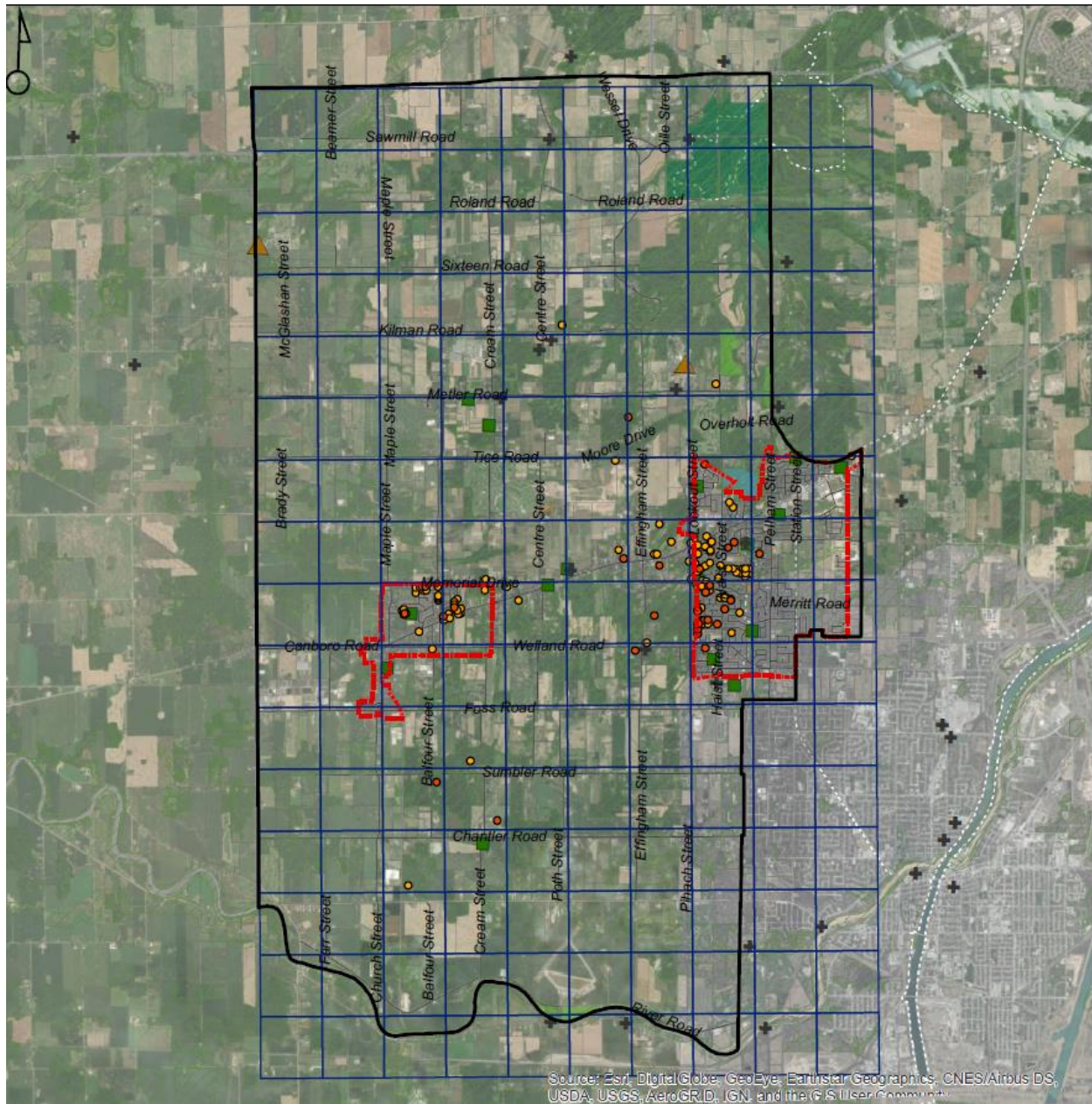
The Gypsy Moth Management Program will be funded through the Forestry Health Reserve with Council approval.

To help ease the costs associated with treatment programs the Town of Pelham may attempt to coordinate spray programs with neighbouring municipalities, conservation groups, agricultural and commercial operations and other governmental organizations.

10. Attachments

Appendix A Gypsy Moth Egg Mass Survey Plots

Appendix B Gypsy Moth FAQs

**APPENDIX A – Gypsy Moth Egg Mass Survey Plots**

Subject: Proposed 2023 Municipal Grant Allocation

Recommendation:

**BE IT RESOLVED THAT Council receive Report #2023-0060
Recreation- Proposed 2023 Municipal Grant Allocation,**

**AND THAT Council approve the 2023 Municipal Grant allocations of
\$13,450 waived facility fees; \$28,550 cash allocations; and \$10,400
estimated in-kind labor requests, as outlined in the 2023 Municipal
Grant allocation summary.**

Background:

In accordance with Municipal Grants Policy S400-04, applications for funding are accepted annually from not-for-profit organizations that implement significant events and services within the Town of Pelham. These organizations are eligible for grant funding of in-kind contributions. In-kind contributions include the waiving of fees for use of Town facilities for the purposes of developing and organizing significant events and can also include staff labor. In addition to in-kind contributions, Council may, at its discretion, approve grants to support community not-for-profit organization groups or events that will be of a direct benefit to the residents of Pelham.

Analysis:

As per the Policy, there are two categories of grant awards:

Application based process (up to \$20,000.00 maximum for the calendar year)

- Qualifying applications are eligible to receive up to a \$4,000.00 of non-cash in-kind funding.
- The grant provides relief to organizations from the Town established user fees.
- In-kind funding can be granted as waived fees and in-kind labor assistance.

Request to Council (up to \$40,000.00 maximum for the calendar year)

- Requests are considered on a first come first serve basis.
- Requests to Council for this category may be for cash or in-kind contributions.

Financial Considerations:

The total 2023 Municipal Grant Budget is \$42,000.00

After a review of the applications received for waived fees; in-kind assistance; and cash contributions, it is recommended that \$13,450 be allocated to waived fees and \$28,550 in cash funding matching the \$42,000 budgeted figure. Requests for an estimated \$10,400 of in-kind labor were received. Please see attached Grant summary for details.

The only application that was received and not recommended for approval was from The Norm Foster Theatre Festival, from St. Catharines, requesting \$7,500 in cash, to support a theatrical performance in Pelham. Staff will contact the applicant to see if there is any other way of assisting in 2023.

Alternatives Reviewed:

N/A

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

To enable and support significant events and services provided for by local not-for-profit organizations that foster self-fulfillment of individuals and enhance the quality of life within the Town of Pelham.

Consultation:

Teresa Quinlin-Murphy, Director of Corporate Services

Other Pertinent Reports/Attachments:

2023 Municipal Grant Summary

Prepared and Recommended by:

Vickie vanRavenswaay, RRFA
Director of Recreation, Culture and Wellness

Prepared and Submitted by:

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

Subject: Execution of Subdivision Agreement – Emerald Trail (File no. 26T19-01-21)

Recommendation:

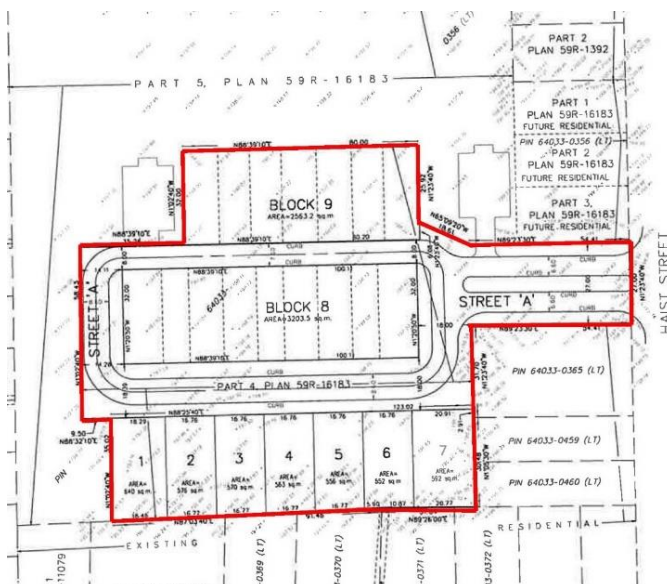
BE IT RESOLVED THAT Council receive Report #2023-62 – Execution of Subdivision Agreement – Emerald Trail (File no. 26T19-01-21);

AND THAT Council direct staff to prepare the By-law to authorize execution of the Subdivision Agreement for final approval of Emerald Trail Subdivision.

Background:

The Emerald Trail subdivision (Figure 1) is located on a portion of the former Pelham arena lands and is located on the west side of Haist Street, north of Welland Road, east of Rhodes Court and south of the Town owned park. The Emerald Trail Subdivision consists of 7 lots for single detached residential use and 2 blocks for 16 street townhouse dwellings on Street A (Accursi Crescent).

Figure 1: Draft Plan of Subdivision



On February 22, 2022, Council granted draft approval for the plan of subdivision subject to several conditions. The developer has satisfactorily addressed all the conditions of draft plan of subdivision approval therefore it is now appropriate to grant final approval of the subdivision plan and enter into the subdivision agreement.

Analysis:

Planning Act

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 51(26) of the *Planning Act* indicates that a municipality may enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreements may be registered against the land to which it applies, and the municipality is entitled to enforce the provisions of it against the owner and, subject to the *Registry Act* and the *Land Titles Act*, on all subsequent owners of the land. Section 51(43) of the Act states at any time before the approval of the final plan of subdivision, under subsection (58), there may be the appeal of any of the conditions to the Ontario Land Tribunal (OLT).

Section 51 (58) of the Act outlines that the approval authority may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision, and once approved, the final plan of subdivision may be tendered for registration. Section 51 (59) of the Act provides if a final plan of subdivision is approved under subsection (58), but is not registered within 30 days of the date of approval, the approval authority may withdraw its approval.

All other conditions of draft plan approval pertaining to the subdivision have been, or will be, fulfilled and are appropriately addressed in the subdivision agreement. The conditions remaining to be fulfilled are the execution of the subdivision agreement, the registration of the subdivision agreement on title, the registration of the 59M (subdivision) and 59R (easement) plans and the dedication of lands (outlined in Schedule ‘B’ of the subdivision agreement) to the Town. If Council approves the execution of the subdivision agreement these outstanding conditions will be fulfilled as they are requirements of the subdivision agreement and can only occur after Council provides final approval.

There are no appeals of any of the draft approval conditions to the Ontario Land Tribunal. It is Planning staff’s opinion that the plan is in conformity with the approved

draft plan, that the conditions of draft plan approval have been appropriately addressed and complied with, and therefore, staff recommend that Council approve the plan of subdivision and authorize the entry into a subdivision agreement with Lally Homes Ltd.

Financial Considerations:

The legal costs for registration of the agreement are paid for by the developer through the application fees and the developer is responsible for all development related costs including the construction and installation of services, utilities, and roadways within the subdivision.

Alternatives Reviewed:

Council could decide to not approve the execution of the subdivision agreement however, this alternative would result in appeals by the developer to the Ontario Land Tribunal and will result in additional costs to the developer as well as for the Town to defend that decision. Given that all draft plan of subdivision conditions have been satisfactorily addressed and technical clearances have been received from review agencies there is no reason to not grant final approval of the subdivision plan and approve the execution of the subdivision agreement.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The final approval of the Emerald Trail Subdivision will assist in creating a complete community and contribute to a mix of available housing types. The developer will also be cost sharing in the construction of the new parking lots that will serve future residents of the subdivision as well as park users.

Consultation:

Clearance letters have been issued by the Region, Town Departments, and utilities as it relates to the design and servicing requirements for the subdivision. As a result, all conditions of draft plan approval relating to the subdivision have been satisfied and it is appropriate to grant final approval for Emerald Trail Subdivision to allow the development to proceed.

It is anticipated that construction will commence immediately upon receipt of the securities and execution of the subdivision agreement. The Town's external legal counsel will register the subdivision agreement and plans following Council approval.

Other Pertinent Reports/Attachments:

Report recommending draft plan approval of Emerald Trail Subdivision was approved by Council on February 7, 2022

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior 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. 20-2023

Being a by-law authorizing the borrowing of money to meet current expenditures of the Council of the Corporation of the Town of Pelham and to repeal and replace By-law #4312 (2021).

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 407 of the *Municipal Act, 2001* provides authority for a municipality to authorize the Head of Council and the Treasurer to borrow from time to time, such sums as the Council considers necessary to meet, until the taxes are collected and other revenues are received, the current expenditures of the Municipality for the year;

AND WHEREAS the total amount which may be borrowed from all sources at any one time to meet the current expenditures of the Municipality, except with approval of the Ontario Municipal Board, is limited by section 407 of the *Municipal Act, 2001*;

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

1. The Head and the Treasurer are authorized on behalf of the Municipality to borrow from time to time from **Canadian Imperial Bank of Commerce** ("CIBC") a sum or sums as may be necessary to meet, until taxes are collected and other revenues are received, the current expenditures of the Municipality for the Current year not exceeding in the aggregate \$12,000,000 pursuant to subsection 407 of the *Municipal Act, 2001*, and to execute any documents that are required in connection with the borrowing of the above sum, plus interest, at a rate to be agreed upon from time to time with CIBC, in addition to any reasonable charges of CIBC associated with this borrowing.
2. The Total amount which may be borrowed at any one time under this by-law plus any outstanding amounts of principal borrowed and accrued interest under Section 407 together with the total of any similar borrowings that have not been repaid, shall not exceed from January 1st to September 30th of the current year, 50 percent of the total estimated revenues of the Municipality as set out in the budget adopted for the current year, and from October 1st to December 31st of the current year, 25 percent of the total of the estimated revenues of the Municipality as set out in the budget adopted for the current year, or \$12,000,000 whichever is less.

3. All sums borrowed pursuant to this by-law, as well as all other sums borrowed pursuant to the *Municipal Act, 2001* in this year and in previous years from CIBC for any purpose will, with interest thereon, be a charge upon the whole of the revenues of the Municipality for the current year and for all preceding years as and when this revenue is received.
4. The Treasurer shall, at a time when any amount is borrowed under this by-law, ensure that the lender is or has been furnished with a certified copy of this by-law, if applicable, and a statement showing the nature and amount of the estimated revenues for the current year and also showing the total of any other amounts borrowed from any and all sources under authority of Section 407 of the *Municipal Act* that have not been repaid.
5. For the purposes of this by-law the estimated revenues referred to herein do not include revenues derivable or derived from: a) any borrowing, including through any issue of debentures; b) a surplus, including arrears of taxes, fees or charges; or c) a transfer from the capital fund, reserve funds or reserves.
6. If the budget for the current year has not been adopted at the time an amount is borrowed under this by-law, the statement furnished under section 4 shall show the nature and amount of the estimated revenues of the Municipality as set forth in the budget adopted for the previous year and the nature and amount of the revenues received for and on account of the current year.
7. The Treasurer is authorized and directed to apply in payment of all sums borrowed plus interest, all of the moneys collected or received on account in respect of taxes levied for the current year and preceding years or from any other source which may lawfully be applied for this purpose.
8. Schedule "A" attached to and forming part of this by-law estimates the municipality's gross revenue for 2023 and shall be updated by the Treasurer annually upon adoption of the operating budget.

9. **General**

- 9.1. The short title of this By-law is the "Borrowing By-law".
- 9.2. 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.
- 9.3. 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.
- 9.4. This By-law shall be read with all changes in number or gender as are required by context.
- 9.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or

consolidation of such legislation.

- 9.6. 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.

10. Repeal and Enactment

- 10.1. By-law 4312(2021) Being a by-law to authorize borrowing be and is hereby repealed and replaced.

11. Effective Date

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

Read, enacted, signed and sealed this 01st day of March, 2023.

Marvin Junkin, Mayor

Holly Willford, Town Clerk

The Corporation of the Town of Pelham
Schedule "A" to By-law 20-2023
Estimated Gross Revenues for Borrowing By-law
(Based on 2023 Operating Budget)

Property Taxes	\$17,786,836
Payments in Lieu of Taxes	350,471
User Fees	
Corporate Services	973,332
Clerks	51,250
Fire & Bylaw	63,586
Public Works	164,500
Recreation	1,642,920
Building	749,909
Planning	170,000
Drainage	8,000
Water & Wastewater	6,759,544
Less: Reserve Transfers	-344,832
<hr/>	
Total Budgeted Revenue	\$28,377,539
<hr/>	
25% of Budgeted Gross Revenue	\$7,094,385
50% of Budgeted Gross Revenue	\$14,188,770



The Corporation of the Town of Pelham

By-law No. 21-2023

Being a By-law to appoint an Acting Town Clerk for the Corporation of the Town.

WHEREAS subsection 228(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute" provides that a municipality shall appoint a Clerk;

AND WHEREAS by enactment of By-law No. 4348(2021) the Council of the Corporation of the Town of Pelham appointed Holly Willford as Town Clerk for the Town of Pelham, effective May 29, 2021;

AND WHEREAS the Town Clerk will be taking a parental leave;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary to appoint an Acting Town Clerk to exercise the powers prescribed by section 228(1) of the statute in the interim; and

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

1. Appointment of Acting Town Clerk

- 1.1. William Tigert is hereby appointed Acting Town Clerk effective March 6, 2023.
- 1.2. That the duties of the Acting Town Clerk shall be as set out regarding the position of Clerk in the *Municipal Act, 2001*, other statutes dealing with matters of municipal administration and as provided by by-laws, resolutions and directions of Council.
- 1.3. That this by-law shall be repealed on the date that the appointee ceases to be an employee of the Town of Pelham.

2. General

- 2.1. The short title of this By-law is the "Acting Town Clerk By-law".
- 2.2. 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.
- 2.3. 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.
- 2.4. This By-law shall be read with all changes in number or gender as are required by context.
- 2.5. Any reference to legislation in this By-law includes the legislation and

any amendment, replacement, subsequent enactment or consolidation of such legislation.

2.6. 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.

3. Effective Date

3.1. This By-law shall come into force on March 6, 2023.

Read, enacted, signed and sealed this 01st day of March, 2023.

Marvin Junkin, Mayor

Holly Willford, Town Clerk



The Corporation of the Town of Pelham

By-law No. 22-2023

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 01st day of March 2023.

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 01st day of March, 2023, 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 01st day of March 2023.

Marvin Junkin, Mayor

Holly Willford, Town Clerk