

## **REGULAR COUNCIL MINUTES**

**Meeting #:** C-11/2023  
**Date:** Wednesday, June 7, 2023  
**Time:** 9:00 AM  
**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 Shellee Niznik  
Councillor Brian Eckhardt

**Staff Present:** David Cribbs  
Bob Lymburner  
Jason Marr  
Teresa Quinlin-Murphy  
Jennifer Stirton  
Vickie vanRavenswaay  
Barbara Wiens  
Sarah Leach, Deputy Clerk  
William Tigert  
Ryan Cook

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### **1. Call to Order and Declaration of Quorum**

Noting that a quorum was present, the Mayor called the meeting to order at approximately 9:00 am.

### **2. Land Recognition Statement**

The Councillor Eckhardt read the land acknowledgement into the record.

### **3. Approval of the Agenda**

**BE IT RESOLVED THAT the agenda for the June 7, 2023 Regular meeting of Council be adopted, as circulated.**

**Amendment:**

**Moved By** Councillor Wayne Olson

**Seconded By** Councillor Brian Eckhardt

**THAT the agenda be amended to move item 10.2.6 until after closed-session.**

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

**Carried (7 to 0)**

**Motion as Amended:**

**Moved By** Councillor Wayne Olson

**Seconded By** Councillor Brian Eckhardt

**BE IT RESOLVED THAT the agenda for the June 7, 2023 Regular meeting of Council be adopted, as amended.**

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

**Carried (7 to 0)**

**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 Delegation**

**5.1.1 Niagara Chapter Trout Unlimited Canada, Update on Rice Road Stormwater Management Outlet Project**

**Moved By** Councillor John Wink

**Seconded By** Councillor Kevin Ker

**BE IT RESOLVED THAT Council receive the delegation from Dennis Edell, President of Niagara Chapter Trout Unlimited Canada regarding an Update on Rice Road Stormwater Management Outlet Project, for information;**

**AND THAT Council allocate \$20,400 from reserves to assist with the additional studies required to move on with the capital project.**

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

**Carried (7 to 0)**

**5.1.2 Tim Nohara, Cannabis Control Committee Closing Memo, August 23, 2022 Ontario Land Tribunal Decision and Proposed Next Steps**

**Moved By** Councillor Bob Hildebrandt  
**Seconded By** Councillor Wayne Olson

**BE IT RESOLVED THAT Council receive the delegation from Tim Nohara regarding the Cannabis Control Committee Closing Memo, August 23, 2022 Ontario Land Tribunal Decision and Proposed Next Steps, for information.**

**AND THAT Staff be instructed to prepare a report on the status of the work done by the Cannabis Control Committee and implications and costing of proceeding with the requests as presented from this delegation for the July 26<sup>th</sup>, 2023, Council Meeting.**

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

**Carried (7 to 0)**

**6. Adoption of Council Minutes**

**Moved By** Councillor Kevin Ker  
**Seconded By** Councillor Brian Eckhardt

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

**1. C-10/2023 - Regular Council Meeting - May 17, 2023**

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

**Carried (7 to 0)**

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

**8. Consent Agenda Items to be Considered in Block**

**Moved By** Councillor Shellee Niznik

**Seconded By** Councillor Bob Hildebrandt

**BE IT RESOLVED THAT** the Consent Agenda items as listed on the June 7, 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:

**PCOW-03/2023 - May 10, 2023 - Public Meeting under the Planning Act**

**8.2 Minutes Approval - Committee of Council**

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

**PCOW-03/2023 - May 10, 2023 - Public Meeting under the Planning Act**

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

**8.3.1 2022 Year-end Building Report, 2023-0125-Corporate Services**

**BE IT RESOLVED THAT** Council receive Report #2023-0125 – 2022 Year-end Building Department Report, for information.

**8.3.2 2022 Reserve and Reserve Fund Report, 2023-0124-Corporate Services**

**BE IT RESOLVED THAT** Council receive Report #2023-0124-Corporate Services 2022 Reserve and Reserve Fund Report, for information;

**AND THAT** Council direct the 2022 Annual Treasurer's Statement of Reserve Funds for Development Charges and 2022 Annual Treasurer's Parkland Dedication Reserve Fund Statement be made available to the public upon request

**8.3.3 December 2022 Financial Reporting, 2023-0122-Corporate Services**

**BE IT RESOLVED THAT** Council receive Report #2023-0059-Corporate Services, December 2022 Financial Reporting, for information.

**8.3.4 March 2023 Financials Reports, 2023-0126-Corporate Services**

**BE IT RESOLVED THAT Council receive Report #2023-0126- Corporate Services, March 2023 Financial Reports, for information.**

#### **8.4 Information Correspondence**

##### **8.4.1 Birchway Niagara Acknowledgment of Gift**

**BE IT RESOLVED THAT Council receive the correspondence from Birchway Niagara acknowledging donation from the Town of Pelham, for information.**

##### **8.4.2 Brad Whitelaw - Additional Petition Signatures re: File Number AM-07-2022, Subject Land: 105 Welland Road**

**BE IT RESOLVED THAT Council receive the additional petition signatures from Brad Whitelaw regarding File Number AM-07-2022, Subject Land: 105 Welland Road, for information.**

##### **8.4.3 Steven Soos correspondence re Mental Health, Homelessness, Addiction and Indigenous Wellness**

**BE IT RESOLVED THAT Council receive the correspondence from Steven Soos regarding mental health, homelessness, addiction and Indigenous wellness, for information.**

#### **8.5 Regional Municipality of Niagara Correspondence for Information or Action**

##### **8.5.1 Niagara Region 2023 Property Tax Policy, Ratios and Rates**

**BE IT RESOLVED THAT Council receive the correspondence from Niagara Region regarding the 2023 Property Tax Policy, Ratios and Rates, for information.**

#### **8.6 Advisory Committee Minutes for Information**

##### **8.6.1 Joint Accessibility Advisory Committee Minutes - May 11, 2023**

**BE IT RESOLVED THAT Council receive the May 11, 2023 Joint Accessibility Advisory Committee Meeting Minutes, for information.**

##### **8.6.2 Lincoln Pelham Union Public Library Board Minutes - April 18, 2023**

**BE IT RESOLVED THAT Council receive the April 18, 2023 Lincoln Pelham Public Library Meeting Minutes, for information.**

##### **8.6.3 Pelham Finance and Audit Committee Minutes - February 22, 2023**

**BE IT RESOLVED that Council received the February 22, 2023 Pelham Finance and Audit Committee Minutes, for information.**

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

**Carried (7 to 0)**

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

**10. Presentation and Consideration of Reports**

**10.1 Members of Council Reports**

**10.1.1 Councillor Hildebrandt - Peninsula West Power Inc. Update**

Councillor Hildebrandt discussed street light maintenance. He advised that the current system will be ending December 31st, 2023. Other options for street light maintenance will have to be explored.

**Moved By** Councillor Shellee Niznik

**Seconded By** Councillor Wayne Olson

**BE IT RESOLVED THAT Council receive the verbal update from Councillor Hildebrandt regarding Peninsula West Power Inc, for information.**

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

**Carried (7 to 0)**

**10.1.2 Councillor Olson - Relay of Message from Probus Club of Pelham**

Councillor Olson relayed a message of thanks and appreciation from Probus Club of Pelham for the efforts of MCC staff and the use of the facility for their May 26, 2023, meeting.

**Moved By** Councillor John Wink

**Seconded By** Councillor Bob Hildebrandt

**BE IT RESOLVED THAT Council receive the verbal update from Councillor Olson regarding the Probus Club of Pelham, for information.**

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

**Carried (7 to 0)**

**10.1.3 Councillor Ker - Update, Niagara Central Dorothy Rungeling Airport Commission**

Councillor Ker discussed the previous NCDRA Commission Ombudsman investigation and report. Councillor Ker indicated the Commission has accepted and implemented all recommendations by the Ombudsman.

Councillor Ker indicated a Procedural By-law has been established to guide open and closed meetings.

Councillor Ker indicated that the Commission is in negotiation with the primary tenant which may impact airport finances. As a result, the development of a business plan has been deferred until the fall.

Councillor Ker advised a Facility Operator/Manager has been hired and the new website is functional. Councillor Ker discussed the naming of two roadways in the airport being Bud Ker Drive and Bruce MacRitchie Way.

Councillor Ker advised of the dissolution of the Advisory Panel but indicated there were avenues for the group to inform the Commission.

Further, Councillor Ker identified the intent to request a support resolution by the Commission to be sent to the Niagara Region to repair and resurface Regional Road 529 (River Road) from Regional Road 627 (O'Reilly's Road) Bridge to the entrance of the NCDRA.

**Moved By** Councillor Shellee Niznik

**Seconded By** Councillor Brian Eckhardt

**BE IT RESOLVED THAT Council receive the verbal update from Councillor Ker regarding Niagara Central Dorothy Rungeling Airport Commission, for information.**

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

**Carried (7 to 0)**

## **10.2 Staff Reports Requiring Action**

### **10.2.1 2024 Budget Schedule, 2023-0127-Corporate Services**

**Moved By** Councillor Wayne Olson

**Seconded By** Councillor John Wink

**BE IT RESOLVED THAT Council receive Report #2023-0127-Corporate Services – 2024 Budget Schedule, for information;**

**AND THAT Council direct staff to include the “Budget Open House Public Meeting” to be conducted at the Public Meeting scheduled on Wednesday, September 13, 2023;**

**AND THAT the Rules of Procedure as contained in the Town of Pelham Procedural By-law, be suspended as they pertain to Delegations, to allow unlimited delegations to register to speak on the 2024 Budget as part of the Public Meeting on September 13, 2023;**

**AND THAT Council approve the 2024 Budget Schedule attached hereto;**

**AND THAT Council direct staff to include the approved 2024 Budget Schedule dates as part of Council’s 2024 Regular Meeting Schedule.**

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

**Carried (7 to 0)**

### **10.2.2 Pelham Audit and Finance Committee- Recommendation Letter, 2023-0132-Corporate Services**

**Moved By** Councillor Bob Hildebrandt

**Seconded By** Councillor Wayne Olson

**BE IT RESOLVED THAT Council receive Report #2023-0132 Pelham Audit and Finance Committee Recommendation Letter, for information;**



**AND THAT Council approve and endorse the recommendation made by the Pelham Finance and Audit Committee in the letter dated May 26, 2023, being:**

**WHEREAS the Pelham Finance and Audit Committee received the 2022 Town of Pelham Consolidated Financial Statements;**

**NOW THEREFORE the Committee hereby recommends that Council approve the 2022 Town of Pelham Consolidate Financial Statements.**

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

**Carried (7 to 0)**

**10.2.3 Pelham Minor Ball Association Batting Cage Lease Agreement, 2023-0137-Recreation**

**Moved By** Councillor Brian Eckhardt  
**Seconded By** Councillor John Wink

**BE IT RESOLVED THAT Council receive Report #2023 -0137 Recreation – Pelham Minor Baseball Association Batting Cage Licencing Agreement, for approval;**

**AND THAT Council authorize and directs staff to negotiate a licence agreement with the Pelham Minor Baseball Association.**

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

**Carried (7 to 0)**

**10.2.4 Recreation Master Plan Approval, 2023-0136-Recreation**

**Moved By** Councillor Shellee Niznik  
**Seconded By** Councillor Kevin Ker

**BE IT RESOLVED THAT Council receive Report #2023-0136-Recreation, for information;**

**AND THAT Council officially adopt the Town of Pelham Recreation, Culture & Parks Master Plan that will provide guidance through a ten year (2023-2032) outlook for municipal recreation, culture and parks facilities and services.**

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

**Carried (7 to 0)**

**10.2.5 Invasive Species Policy , 2023-0130-Public Works**

**Moved By** Councillor John Wink  
**Seconded By** Councillor Kevin Ker

**BE IT RESOLVED THAT Council receive Report #2023-0130 Public Works Invasive Species Management Policy, for information;**

**AND THAT Council repeal Spongy Moth Policy S802-03 and approve Public Works Invasive Species Management Policy;**

**AND THAT staff be directed to prepare the necessary by-law for the establishment of an Invasive Species Management Reserve Fund**

**AND THAT this reserve fund be effective for the December 31, 2023, year end.**

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

**Carried (7 to 0)**

**11. Unfinished Business**

**12. New Business**

**13. Resolution to Move In Camera**

**Moved By** Councillor Wayne Olson  
**Seconded By** Councillor Shellee Niznik

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

**1 (c) - proposed or pending disposition of land by the municipality; (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose (1 item - Property located in Ward 1)**

**2 (f) advice that is subject to solicitor-client privilege (1 - item)**

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

**Carried (7 to 0)**

**14. Rise From In Camera**

**Moved By** Councillor Brian Eckhardt

**Seconded By** Councillor Bob Hildebrandt

**BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise with Report.**

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

**Carried (7 to 0)**

**Moved By** Councillor Bob Hildebrandt

**Seconded By** Councillor Kevin Ker

**BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of June 7, 2023.**

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

**Carried (7 to 0)**

**Deferred Staff Report from earlier in the meeting:**

**10.2.6 Award of Pelham Street Phase 4, 2023-0131-Public Works**

**Moved By** Councillor John Wink

**Seconded By** Councillor Bob Hildebrandt

**BE IT RESOLVED THAT Council receive Report # 2023-0131, for information;**

**AND THAT the tender for 2023-PW-13 Pelham Street Phase 4 from Spruceside Crescent to the Pelham /Welland town boundary be awarded to Rankin Construction Inc. in the amount of \$4,332,425, plus net HST rebate for a total cost to the Town of \$4,408,676;**

**AND THAT Council amend the motion from Council Report # 2023-0083 Public Works- Quaker Road Reconstruction Update and Pelham St Phase 4 Project to reflect the actual costs of Pelham St Phase 4 in in the total amount of \$4,646,334 from the estimated amount of \$4,121,000 on the April 5, 2023 report #2023-0083;**

**AND THAT Council approve the additional funds to RD-21-23 Pelham St Phase 4 (#300649) in the amount of \$525,334 to be funded from the projected savings of \$647,000 from RD 11-22 Pelham St Phase 3 (#300629) for a net savings of \$121,666 as summarized in Appendix 1;**

**AND THAT Council approve the increase to the Roads Reserve in the amount of \$566,204; a decrease in the Water Reserve in the amount of \$485,538 and an increase in the Wastewater Reserve in the amount of \$41,000, for a total net decrease of the total projects in the amount of \$121,666 as summarized on Appendix 1.**

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

**Carried (7 to 0)**

**15. Confirming By-Law**

**Moved By** Councillor Kevin Ker

**Seconded By** Councillor John Wink

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

**Being By-law No. 37-2023 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its regular Meeting held on the 7th day of June, 2023.**

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

**Carried (7 to 0)**

**16. Adjournment**

**Moved By** Councillor Shellee Niznik  
**Seconded By** Councillor Wayne Olson

**BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for June 21, 2023 at 9:00 am.**

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

**Carried (7 to 0)**

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Mayor: Marvin Junkin

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Town Clerk: William Tigert