

REGULAR COUNCIL AGENDA

C-17/2023

Wednesday, September 20, 2023

9:00 AM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

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. National Anthem**
- 3. 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.

- 4. Approval of the Agenda**
- 5. Disclosure of Pecuniary Interests and General Nature Thereof**

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

12. Presentation and Consideration of Reports

12.1 Staff Reports Requiring Action

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13. Unfinished Business

14. New Business

15. Presentation and Consideration of By-Laws

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1. By-law 51-2023 being a By-law to Stop Up and Close a Portion of the Unopened Road Allowance Between Concession 3 and Concession 4, Part Lot 1-2, Concession 3 and Part Lot 1, Concession 4, Pelham.

2. By-law 52-2023 being a by-law to appoint members to the Environmental and Climate Adaptation Advisory Committee for the 2022-2026 Term of Council.

3. By-law 53-2023 being a By-law to amend Zoning By-law 4481(2022), as amended, to rezone lands located at 550 Webber Road, legally described as Part of Lot 11, Concession 14, Town of Pelham, Regional Municipality of Niagara, from the Rural Employment-72 (RE-72), Environmental Protection One (EP1) and Rural Employment (RE) zones to the amended site-specific Rural Employment-72 (RE-72), Environmental Protection One (EP1) and Rural Employment (RE) zones.

4. By-law 54-2023 being a By-law to adopt Official Plan Amendment No. 19 for the Town of Pelham Planning Area. 550 Webber Road File No. OP-AM-01-2023.

5. By-law 55-2023 - Being a By-law to amend Zoning By-law 4481(2022), as amended, to rezone lands located at 1039 Church Street, legally described as Parts 2, 3 and 5, Plan 16 and Part 1, RP 59R-4712 Part of Lot 11, Concession 14, Town of Pelham, Regional Municipality of Niagara, from the Residential One (R1) zone to the site-specific Residential 1-148 (R1-148), Residential Multiple 2-149 (RM2-149) and Environmental Protection 1 (EP1) zones.

16. Motions and Notices of Motion

16.1 Notice of Motion - Councillor Olson

Centennial Park Safety Concern - 2024 Budget Consideration

17. Resolution to Move In Camera

18. Rise From In Camera

19. Confirming By-Law

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20. Adjournment

Sarah Leach

To: Teresa Quinlin-Murphy; Laura Nelson
Cc: William Tigert
Subject: RE: Budget Deliberations

From: Laura Nelson [REDACTED]
Sent: Tuesday, September 12, 2023 3:31 PM
To: Teresa Quinlin-Murphy <tquinlin@pelham.ca>
Subject: Budget Deliberations

Hello again Teresa,

We have never however you have been on an email chain with Ryan & Vickie regarding the skatepark improvements I'm trying to make happen.

I was speaking with John Wink who told me there will be a meeting held where the town decides on giving some money to worthy causes. I can't come by tomorrow to see you as I'm working late but thought I'd send a personal email to make my pitch for hopefully being able to be blessed with some of that money for the skatepark improvements.

Just to give you some history, my son passed away last Sept 9th last year in a single vehicle accident on hwy 20 coming home from Smithville. He worked at Turkstra Lumber there. He was 23 years old and lived with me. I moved to Fonthill in 2019 after leaving my marriage and he came to live with me, while my now 26 year old daughter, Jamie stayed with her dad due to work and a boyfriend in Mississauga. Shawn fell in love with Niagara when he went to Niagara College. We have been coming down to visit friends in the area for the last 30 years and also fell in love with Niagara.

After Shawn passed, Peter Turkstra, owner of Turkstra Lumber wanted to donate some funds to a charitable cause or to pay for the celebration of life we had for him. We couldn't accept the money for the celebration and we didn't have a cause in mind at the time. He saw the tribute video below and suggested possibly making some improvements to one of Shawn's favourite skate parks, seeing he was a skateboarding enthusiast. That idea stuck with me so I asked some of the boys that frequent the park for suggestions. They came back with some very modest suggestions.

It basically comes down to removing some grass in two areas and putting down more concrete, as well as filling in a grinding hole (not sure that's what it's called) in the cement where kids always trip and fall. That hole now has caution tape around it. They also suggested possibly having lights that can be turned on when it gets dark early in the winter, so kids can still use the park after school.

I'm not sure if watching the two videos below that we are using for the fundraiser will help with the board's decision but it will give you an idea of who my son was and what we are doing to try to raise the funds.

Here are the links to the videos:

VIDEO LINK : <https://www.youtube.com/watch?v=xeXHXGGCTjo>

GO FUND ME LINK: <https://gofund.me/d741cb1b>

Thank you in advance for your consideration.

Laura Nelson

September 20, 2023

2024 Budget Request – Ron Hall

Improvements to Pickleball Park in Fenwick (Centennial Park), including:

1. Paved parking lot beside the pickleball courts;
2. Installation of permanent public washrooms;
 - Current porta potties are insufficient.
3. Defibrillator located at the pickleball courts;
 - Many participants are seniors – there is a safety concern;
4. Installation of concrete pad with overhang for shade;
5. Installation of plywood boards for practice.

Council Remuneration Review

September 2023

Introduction

- This report summarizes the findings of the market review conducted earlier this year
- Previous market review completed in 2021
- The comparator group includes all 12 Niagara municipalities (including the Region)
- Data was received from all those invited to participate in the survey
- Both market reviews indicate Pelham Town Council is significantly underpaid in comparison to the other local area municipalities

Pelham Elected Official

2023 Market Summary

Similar Value Group Job Title 2023 Job Rate			2023 MARKET SUMMARY - ANNUAL PAY RATE						
			# of Comps.	Market Average	\$ Diff.	Market Median	\$ Diff.	Market P55	\$ Diff.
1	Mayor	\$39,858	12	\$69,266	\$29,408	\$50,660	\$10,802	\$ 52,493	\$12,635
2	Councillor	\$18,268	12	\$23,795	\$5,527	\$22,757	\$4,489	\$ 23,172	\$4,904

Pelham Elected Official

2023 Market Summary - excluding the Region

Similar Value Group Job Title 2023 Job Rate			2023 MARKET SUMMARY - ANNUAL PAY RATE						
			# of Comps.	Market Average	\$ Diff.	Market Median	\$ Diff.	Market P55	\$ Diff.
1	Mayor	\$39,858	11	\$63,520	\$23,662	\$49,921	\$10,063	\$50,660	\$10,802
2	Councillor	\$18,268	11	\$22,386	\$4,118	\$22,541	\$4,273	\$22,757	\$4,489

Recommendation

- Staff are endorsing the compensation recommendation that excludes the Region from the analysis so that only the 11 local municipalities are included in the comparator group
- Targeting the 55th percentile of the comparator market group is both reasonable and consistent with the compensation target for the rest of the non-union staff
- The goal is to attract a broader age range demographic to municipal office and increase diversity

Financial Considerations

- Total cost \$40,019 (including benefits)
- If Council votes in favour of a salary increase there are two options:
 - Increase on October 5, 2023 (\$10,774)
 - Increase on January 1, 2024

Questions?

Subject: Council Compensation Review

Recommendation:

BE IT RESOLVED THAT Council receive Report #2023-0144 Council Compensation Review, for information;

AND THAT Council adopt the recommended salary increases for elected officials;

AND FURTHER BE IT RESOLVED THAT Council direct the proposed salary increases to occur in the manner endorsed by Option # _____ (1 or 2) contained in the Finance Section of this report.

Background:

The issue of compensation for elected officials was twice considered by the previous Council during the 2018-2022 term.

Prior to January 1, 2019, one-third of a municipal elected official's salary was tax exempt to help cover the cost of work-related expenses. As a result of changes to the *Income Tax Act* by the federal government these salaries became 100% taxable after this date resulting in a reduction to Council's take home pay if salaries were not adjusted by approximately 25%.

In December of 2018 a report was presented to the previous Council giving them the option to correspondingly increase compensation to avoid this net reduction in pay. In light of the municipality's financial difficulties at the time, Council of the day decided to take the salary reduction. While understandable in the circumstances, this decision was not consistent with the Town's policies involving compensation. A key factor in the administration's endorsement of increasing compensation for elected officials is the importance of this to attract working age candidates to municipal office. Since that time, a municipal election was held which resulted in a Council consisting solely of retirement aged persons and Council has endorsed the principle of Pelham behaving as a "Living Wage Employer", which theoretically should also apply to Council.

The services of ML Consulting were retained in 2021 to complete a review of both staff and Council remuneration. At that time, it was the consultant's and staff's recommendation that Pelham increase the compensation for its elected officials to better align itself with its comparators across the Region. Although Council elected to implement a new compensation model for staff targeting the 55th percentile of the comparator group, Council deferred the decision on its own compensation until 2022 and then ultimately again declined to increase its own compensation. In all, the previous council addressed this issue three times, which had the net result of reducing their compensation, rather than increasing it or maintaining competitiveness with adjacent jurisdictions.

Currently the Mayor earns an annual salary of \$39,858 and Councillors are paid \$18,268. There is no honorarium or salary distinction between the Deputy Mayor and Councillor positions. These salaries are adjusted once annually based on the Consumer Price Index rate of inflation in accordance with By-law #4226(2020).

Analysis:

The People Services Department completed another market review this year, which shows the compensation for this group remains significantly lower than that of the other local area municipalities. The comparator statistics are included in Appendix A of this report. While there are no set hours for these positions, attending and preparing for regular Council and Committee meetings (including reading lengthy agendas), addressing resident questions and concerns and representing the Town at conferences and other functions is time consuming. Anyone who puts in a reasonable number of hours is essentially working for less than minimum wage (keeping in mind that in Ontario a full-time employee paid minimum wage earns approximately \$32,240 per year).

It should be noted that all other elements of remuneration, including extended health and dental benefits, life insurance and accidental death and dismemberment insurance are generally competitive with the exception of OMERS enrollment, which the Town currently does not offer.

Staff are endorsing the compensation recommendation that excludes the Region from the analysis so that only the 11 local municipalities are included in the comparator group. Targeting the 55th percentile is both reasonable and consistent with the compensation target for the rest of the non-union staff.

Financial Considerations:

Adjusting these salaries to the 55th percentile would require an increase of \$10,802 to the Mayor's annual salary and \$4,489 to each Councillor's salary, bringing the total cost for the group to \$40,019 (including benefits).

This report proposes two different paths towards the enhancement of elected official salaries: option 1 is to award the increases on the October 5, 2023 pay date, and option 2 is to wait until the first pay in 2024. Should Council endorse option 1, the impact to the 2023 operating budget would be \$10,774 including benefits, which will be absorbed by the present in-year operating surplus.

Alternatives Reviewed:

Council could choose not to award itself any increase or Council could propose a different timeline for the increases other than what staff have identified. As a further option, Council could approve the higher level of increase included in Appendix A wherein the Region is included amongst salary comparators.

Strategic Plan Relationship: Enhancing Capacity and Future Readiness

The extremely low levels of pay do not reflect the Town's values as the pay does not recognize the importance of the work and/or the challenges of governance. Additionally, it is a commonly held belief that low levels of pay for elected officials results in a heavier skew towards only retired persons and the independently wealthy running for office, as working age people who need to earn income cannot afford to devote the hours necessary to govern well absent reasonable compensation. Accordingly, this proposed change is expected to encourage more diversity amongst future candidates for office.

Consultation:

This report was co-authored by the CAO and Manager of People Services.

Other Pertinent Reports/Attachments:

Appendix "A" – 2023 Pelham Elected Official Market Summary

Appendix "B" – 2021 Pelham Elected Official Market Summary

Prepared and Submitted by:

Brianna Langohr, CHRL
Manager, People Services

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

Pelham Elected Official
2023 Market Summary

			2023 MARKET SUMMARY - ANNUAL PAY RATE						
			# of Comps.	Market Average	\$ Diff.	Market Median	\$ Diff.	Market P55	\$ Diff.
Similar Value Group	Job Title	2023 Job Rate							
1	Mayor	\$39,858	12	\$69,266	\$29,408	\$50,660	\$10,802	\$ 52,493	\$12,635
2	Councillor	\$18,268	12	\$23,795	\$5,527	\$22,757	\$4,489	\$ 23,172	\$4,904

Pelham Elected Official
2023 Market Summary - excluding the Region

			2023 MARKET SUMMARY - ANNUAL PAY RATE						
			# of Comps.	Market Average	\$ Diff.	Market Median	\$ Diff.	Market P55	\$ Diff.
Similar Value Group	Job Title	2023 Job Rate							
1	Mayor	\$39,858	11	\$63,520	\$23,662	\$49,921	\$10,063	\$50,660	\$10,802
2	Councillor	\$18,268	11	\$22,386	\$4,118	\$22,541	\$4,273	\$22,757	\$4,489

Elected Official Compensation Analysis

Pelham Elected Official

2021 Market Summary

			2021 MARKET SUMMARY - ANNUAL PAY RATE								
			(_%) = above market +% = below market								
Similar Value Group	Job Title	2021 Job Rate Annual	No. of Obs. Annual	Market Average Annual	% Diff.	Market Median Annual	% Diff.	Market P55 Annual	% Diff.	Market P60 Annual	% Diff.
1	Mayor	\$35,576	12	\$64,603	+81.6%	\$47,748	+34.2%	\$48,595	+36.6%	\$53,767	+51.1%
2	Councillor	\$16,306	12	\$19,948	+22.3%	\$20,724	+27.1%	\$20,916	+28.3%	\$21,147	+29.7%
Overall % Diff.					+52.0%		+30.7%		+32.4%		+40.4%

Pelham Elected Official

2021 Market Summary--excluding the Region

			2021 MARKET SUMMARY - ANNUAL PAY RATE								
			(_%) = above market +% = below market								
Similar Value Group	Job Title	2021 Job Rate Annual	No. of Obs. Annual	Market Average Annual	% Diff.	Market Median Annual	% Diff.	Market P55 Annual	% Diff.	Market P60 Annual	% Diff.
1	Mayor	\$35,576	11	\$57,816	+62.5%	\$45,702	+28.5%	\$47,819	+34.4%	\$48,595	+36.6%
2	Councillor	\$16,306	11	\$18,068	+10.8%	\$18,272	+12.1%	\$20,740	+27.2%	\$20,916	+28.3%
Overall % Diff.					+36.7%		+20.3%		+30.8%		+32.4%

REGULAR COUNCIL MINUTES

Meeting #: C-16/2023
Date: Wednesday, September 6, 2023
Time: 9:00 AM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

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

Regrets: Mayor Marvin Junkin

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

1. Call to Order and Declaration of Quorum

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

2. National Anthem

3. Land Recognition Statement

The Councillor Hildebrandt read the land acknowledgement into the record.

4. Approval of the Agenda

Moved By Councillor Shellee Niznik

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the September 6, 2023 Regular meeting of Council be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interests and General Nature Thereof

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

6. Hearing of Presentation, Delegations, Regional Report

6.1 Delegations

6.1.1 Tim Nohara - Status of Work of the Cannabis Control Committee and Next Steps for Redecan Community Liaison Committee

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive the delegation from Tim Nohara regarding the Status of Work of the Cannabis Control Committee and Next Steps for Redecan Community Liaison Committee, for information.

Carried

7. Resolution to Move In Camera

Moved By Councillor Kevin Ker

Seconded By Councillor Wayne Olson

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:

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose - 1 item (Redecan Compliance)

Carried

8. Rise from In Camera

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Shellee Niznik

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

AND THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of September 6, 2023.

Carried

9. Staff Report For Action

9.1 Status of Work of the Cannabis Control Committee and Implications of Proceeding with Redecan Cannabis Liaison Committee, 2023-0202-Planning

Councillor Hildebrandt requested to divide the motion.

Councillor Hildebrandt requested a recorded vote.

Moved By Councillor Brian Eckhardt

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive Report #2023-0201, for information.

For (6): Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (6 to 0)

Moved By Councillor Brian Eckhardt

Seconded By Councillor Shellee Niznik

THAT Staff be directed to include for consideration in the 2024 budget an allocation of \$25,000 for professional odour consulting services associated with the establishment of the Redecan Cannabis Liaison Committee beginning in 2024.

For (6): Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (6 to 0)

Moved By Councillor Brian Eckhardt

Seconded By Councillor Shellee Niznik

THAT the Redecan Cannabis Liaison Committee be considered as a Working Group in accordance with the Town committee structure.

For (5): Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Against (1): Councillor Bob Hildebrandt

Carried (5 to 1)

Moved By Councillor Brian Eckhardt
Seconded By Councillor Shellee Niznik

THAT the upon the 2024 budget approval for professional odour consulting services, staff be directed to advertise for resident volunteers, retain the services of a qualified professional engineer to represent the Town on this Committee, obtain an appointee from Redecan to be a member of the Committee and the Redecan Liaison Committee is established and operational.

For (6): Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (6 to 0)

Moved By Councillor Brian Eckhardt
Seconded By Councillor Shellee Niznik

THAT Council direct the Director of Community Planning and Development and the Fire Chief to communicate with the new ownership of Redecan and report back to Council on those discussions in Q4 of 2023.

For (6): Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Shellee Niznik, and Councillor Brian Eckhardt

Carried (6 to 0)

10. Adoption of Council Minutes

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Wayne Olson

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

1. C-15/2023 - Regular Council Meeting - August 16, 2023

11. **Request(s) to Lift Consent Agenda Item(s) for Separate Consideration**
12. **Consent Agenda Items to be Considered in Block**

Moved By Councillor Wayne Olson

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT the Consent Agenda items as listed on the September 6, 2023 Council Agenda be received and the recommendations contained therein be approved:

12. Consent Agenda Items to be Considered in Block

12.1 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-07/2023 - Public Meeting under the Planning Act - August 9, 2023

12.2 Minutes Approval - Committee of Council

12.2.1 PCOW-07/2023 - Public Meeting under the Planning Act - August 9, 2023

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

PCOW-07/2023 - Public Meeting under the Planning Act - August 9, 2023

12.3 Staff Reports of a Routine Nature for Information or Action

12.3.1 Donation of Rotary Arches, 2023-0197-Town Solicitor

BE IT RESOLVED THAT Council receive Report #2023-0197 Town Solicitor, Donation of Rotary/Pelham Summerfest Arches to Town of Pelham, for information.

12.3.2 June 2023 Financial Report, 2023-0175-Corporate Services

BE IT RESOLVED THAT Council receive Report #2023-0175-Corporate Services, June 2023 Financial Reports, for information.

12.4 Regional Municipality of Niagara Correspondence for Information or Action

12.4.1 Notice of Study Completion - Pelham Elevated Tank Municipal Class Environmental Assessment and Enhanced Conceptual Design

BE IT RESOLVED THAT Council receive the Notice of Study Completion from the Niagara Region regarding the Pelham Elevated Tank Municipal Class Environmental Assessment and Enhanced Conceptual Design, for information.

12.5 Information Correspondence

12.5.1 Letter from the Lincoln Pelham Public Library re: Feasibility/Planning Study

BE IT RESOLVED THAT Council receive the Letter dated August 25, 2023, from the Lincoln Pelham Public Library regarding a Feasibility/Planning Study, for information.

12.6 Advisory Committee Minutes for Information

12.6.1 Committee of Adjustment Meeting Minutes - June 5, 2023

BE IT RESOLVED that Council receive the June 5, 2023, Committee of Adjustment Meeting Minutes, for information.

Carried

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

14. Resolution to Move In Camera

Moved By Councillor Brian Eckhardt

Seconded By Councillor Bob Hildebrandt

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

(b) - personal matters about an identifiable individual, including municipal employees - 2 items (Consideration of Appointments to Advisory Committees)

(d) labour relations or employee negotiations - 1 item (CUPE 1287)

Carried

15. Rise From In Camera

Moved By Councillor Kevin Ker

Seconded By Councillor Wayne Olson

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

AND THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of September 6, 2023.

Carried

16. Appointments to Advisory Committees

Moved By Councillor Kevin Ker

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council appoint the following individuals to the Environmental and Climate Adaptation Advisory Committee:

1. Mike Jones

2. Jackie Oblak

3. Natalie Seniuk

4. Michael Hoch

Council representative: Councillor Wayne Olson

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

17. Presentation and Consideration of Reports

17.1 Members of Council Reports

17.1.1 Councillor Olson - Presentation and Update on Niagara Regional Transit

Moved By Councillor Shellee Niznik

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive the presentation from Councillor Olson regarding an Update on Niagara Regional Transit, for information.

Carried

17.2 Staff Reports Requiring Action

17.2.1 Proposed Increase to Public Works Staffing Compliment, 2023-0163-Public Works

Moved By Councillor Kevin Ker

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2023-0163 – Proposed Increase to Public Works Staffing Compliment, for information;

AND THAT Council approve the establishment and hiring of one full-time roads division operator with a target goal of starting this position in January 2024, as outlined in this report;

AND THAT Council approve the increase in hours for the Maintenance Assistant from a part-time 24 hours per week position to a full-time position working 40 hours per week starting this January 2024 and dependent upon satisfactory negotiation with CUPE Local 1287 regarding work schedule;

AND THAT Council refer the proposed Beautification arborist position, to the 2025 budget deliberations;

AND THAT Council refer the proposed water/wastewater and engineering position to the 2026 budget deliberations.

Carried

17.2.2 2023 Sidewalk Cutting Pilot Program , 2023-0178-Public Works

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive Report #2023-0178-2023 Sidewalk Cutting Pilot Program, for information.

AND THAT Council approves retaining Safe Sidewalks Canada as a sole source contract in the amount of \$20,000 (plus applicable taxes) in accordance with the Town's procurement policy S402-00.

AND THAT Council approves the cost for the Sidewalk Cutting Pilot Program to be funded through the capital account for the 2023 Concrete Repair and Replacement Program.

Carried

17.2.3 Planning Services Agreement with the Region of Niagara, 2023-0196-Planning

Moved By Councillor Shellee Niznik

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report #2023-0196 Planning Services Agreement with the Region of Niagara, for information;

AND THAT Council approve the Planning Services Agreement with the Region of Niagara and the Clerk be directed to sign the Agreement on behalf of the Town.

Carried

17.2.4 Recommendation Report - Application for Zoning By-law Amendment - 1039 Church Street, 2023-0186-Planning

Moved By Councillor Brian Eckhardt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2023-186, Recommendation Report – Application for Zoning By-law Amendment – 1039 Church Street, for information;

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

Carried

17.2.5 Recommendation Report for Applications for Official Plan and Zoning By-law Amendment - 550 Webber Road, 2023-0203-Planning

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive Report #2023-203, Recommendation Report – Application for Official Plan and Zoning By-law Amendment – 550 Webber Road, for information;

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

Carried

17.2.6 Council Vacancy Policy, 2023-0188-Clerks

Moved By Councillor Kevin Ker

Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive Report #2023-0188 Council Vacancy Policy, for information;

AND THAT Council adopt the attached Council Vacancy Policy to be utilized in the event of a vacancy occurring on Council, whereby Council would fill vacancies by appointment when applicable pursuant to the policy.

Carried

18. Unfinished Business

19. New Business

20. Presentation and Consideration of By-Laws

Moved By Councillor Kevin Ker

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-law do now read a first, 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 48-2023 - Being a By-law to regulate signs in the Town of Pelham and to repeal By-law No. 4199(2020)

2. By-law 49-2023 - Being a by-law to amend By-law 29-2023, confirming various appointments to Advisory Committees of the Town of Pelham for the 2022-2026 Term of Council and to appoint and appoint Member(s) to the Pelham Active Transportation Committee.

Carried

21. Motions and Notices of Motion

21.1 Deputy Mayor Wink Motion re: Speed on Haist Street

A friendly amendment was applied to the motion to amend the report back date to November 1, 2023.

Moved By Councillor John Wink

Seconded By Councillor Brian Eckhardt

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

AND WHEREAS Council for the Town of Pelham is concerned the narrow roadway, hidden driveways, reduced visibility due to hills and speed of vehicular traffic on Haist Street has the capacity to create a potential safety hazard to walkers, cyclists, and children;

AND WHEREAS Council for the Town of Pelham desires to mitigate this potential hazard by regulating the speed of vehicular traffic on Haist Street, particularly north of Brewerton Boulevard, and to consider various potential traffic calming methods for this purpose;

NOW THEREFORE BE IT RESOLVED THAT Council for the Town of Pelham direct staff to investigate the installation of speed signage and a possible speed reduction from 50 km/h to 40 km/h with flashing lights to regulate and reduce the speed of vehicular traffic on Haist Street, particularly between Brewerton Boulevard and Metler Road;

AND THAT Council direct staff to report back by November 1, 2023.

Carried

22. Confirming By-Law

Moved By Councillor Shellee Niznik
Seconded By Councillor Brian Eckhardt

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

Being a By-law No. 50-2023 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 06th day of September, 2023.

Carried

23. Adjournment

Moved By Councillor Wayne Olson
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for September 20, 2023 at 9:00 am.

Carried

Deputy Mayor: John Wink

Town Clerk: William Tigert

Subject: Demolition of Former North Pelham School Structure –
801 Metler Road

Recommendation:

**BE IT RESOLVED THAT Council receive Report #2023-211 as it
pertains to the demolition of the former North Pelham school
structure at 801 Metler Road, for information.**

Background:

The purpose of this report is to provide information to Council regarding the demolition of the former North Pelham school structure on a property that was proposed to be on a register of non-designated properties that are of cultural heritage value or interest. The property is located on the north-west corner of Maple Street and Metler Road at 801 Metler Road (Figure 1).

Figure 1: Property Location



The property was recently sold and the new owner initially was planning to renovate the former school structure and build an addition to it. Once the new owner took ownership of the property and was able to properly inspect the structure, it became evident that the structure was in very poor condition and it would be financially prohibitive to repair the building. The new owner subsequently contacted town planning staff to determine whether it would be possible to demolish the structure.

Planning staff completed a review of the Town's records with respect to the property and determined that the property was contemplated for inclusion on the Municipal Register of Non-Designated Heritage Properties and identified as having a preliminary rating as a B+ or of moderate heritage value.

According to Municipal Property Assessment Corporation records, the property contains two structures: a dwelling, being a former school constructed in 1900 and a Quonset hut constructed in approximately 1987. Historical research indicates that in 1834, the village of North Pelham deemed it time to erect a school. The site originally chosen was opposite the Flour and Feed Mill in the village. The site was changed in 1855, to the location at the corner of Maple and Metler Road. It was decided that the best option would be to construct a new frame building rather than move the log one. It is unclear when the school building was constructed on this site, but the earliest records are from an annual Trustees and Ratepayers meeting in 1912. In 1953, an addition was built at the back. The school closed in 1965, following a merger with the "Township School Area". The building was used for storage and supplies for a time and was also the site of the Hunters and Anglers Association. More recently, it has been used as a private home.

The full statement of cultural and historical significance is available in Appendix A.

Planning staff attended the site to take photographs of the former school structure (Figures 2-8) and documented any heritage features or attributes that may exist.

Figure 2: Former School Structure - Front



Figure 3: Former School Structure – East Side Windows



Figure 4: Former School Structure – Interior Wall



Figure 5: Former School Structure – Wood Stove

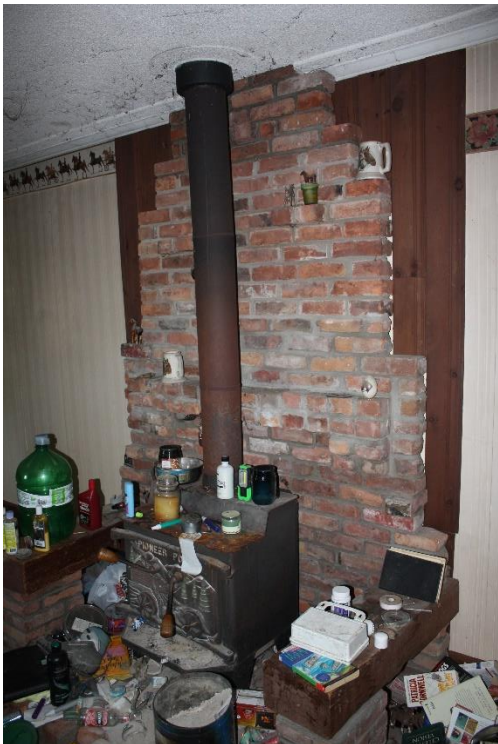


Figure 6: Former School Structure – Stained Glass Windows



Figure 7: Former School Structure – Interior Staircase



Figure 8: Former School Structure - Roof



Analysis:

Ontario Heritage Act

Section 27- Register

Section 27 of the *Ontario Heritage Act* permits a register to be compiled of property within the municipality that is of cultural heritage value or interest. The register, which is kept by the Clerk, contains all properties that have been designated (under Section 29) or listed (under Section 27 Subsection 3). With respect to each property, the register contains: a legal description of the property; the name and address of the owner; and a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property.

Once a property has been placed on the register as a listed (not designated) property, the owner cannot demolish or remove or permit the demolition or removal of the building or structure unless the owner gives Council at least 60 days' notice. The purpose is to provide Council the opportunity to consider if the property should be designated. If Council decides the property is worthy of designation, the designation process, outlined in Section 29, would occur and the demolition or removal of the building or structure would be halted. If the property is not designated, the 60 days

also affords the time and opportunity to record through a photographic record any attributes of the building prior to demolition.

If Council approves the request to demolish or remove a listed building or structure, the property could be removed from the register, a demolition permit may be applied for by the owner, and the Building Department has up to 10 days to issue a demolition permit once received.

Recent changes to the *Ontario Heritage Act* allow Council to include listed properties on the register for only a two-year time frame. If the property is not designated within two years, it must be removed from the register and cannot be included again for a period of 5 years. However, it can be designated at any time.

Planning staff have been working on a register of non-designated properties, however it is not complete and has not received approval from Council. As a result, the Town does not have a formal register of listed (non-designated) properties and property owners do not require the permission of Council to demolition structures. The recent changes to the *Ontario Heritage Act* which include the timeframes discussed above make keeping a register of non-designated properties to protect from demolition without consideration for designation less feasible given properties can only be listed for two years. To achieve Provincial, Regional and local objectives relating to heritage resource conservation, it may be more effective to proactively target properties for designation with known high cultural heritage value or interest than to continue work to list non-designated properties on the register. Planning staff can provide a future report on this matter for Council's consideration.

Staff Comments

Despite this property not being on a register of listed (non-designated) properties, staff felt it was important to inform Council of the property owner's desire to demolish this building. It is unclear when the school structure was constructed but it is estimated to be sometime between 1855 and 1900. The building has been significantly altered both inside and out over the years to accommodate its conversion to a dwelling. The bell tower was removed many years ago and the building reclad with various materials including a heavy stone veneer and board and batten vinyl siding. Window openings have also been altered and vinyl windows installed. The interior contains no original features of note, i.e., flooring, trim, mouldings, doors, etc. The staircase, wood stove and contemporary stained-glass windows are also not original.

The structure would meet criteria for determining cultural heritage value or interest defined under Ontario Regulation 9/06 of the *Ontario Heritage Act* including design value or physical value as the structure is representative of the style for schools of that era, associative value due to its direct association with the early village of North

Pelham, and contextual value being a landmark as an institution located at the crossroads of Metler Road and Maple Street.

Planning staff attended the property and photographed the structure for documentation purposes. Unfortunately, the structure was not maintained for many years. As a result, the original framing and roofing structure is rotting and deteriorating. This is an unfortunate situation of 'demolition by neglect' whereby the building has not been properly maintained and has been neglected to such an extent that repair and reuse of the structure not being feasible.

While no action is required by Council as a result of this report as there is no protection afforded to this property from demolition by the *Ontario Heritage Act* at this time, this report is being provided to advise Council that the property was reviewed by Planning staff for cultural heritage value or interest and has been documented prior to issuance of a demolition permit.

Financial Considerations:

There are no financial impacts associated with this report. The property owner is responsible for all costs associated with demolition of the structure.

Alternatives Reviewed:

n/a

Strategic Plan Relationship: Community Development and Growth

Consideration of cultural and heritage significance in decision making is an important part of ensuring that growth and development will maintain the high quality of life and community identity enjoyed by residents. In this case, there is limited heritage value remaining with the building at 801 Metler Road due to the significant alterations undertaken and neglect that has occurred over the years.

Consultation:

n/a

Other Pertinent Reports/Attachments:

Appendix A Statement of Culture and Historical Significance

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

APPENDIX A

801 METLER ROAD Fenwick ON L0S1C0

"North Pelham School, S.S. #7"

Roll No.: 273201000812800

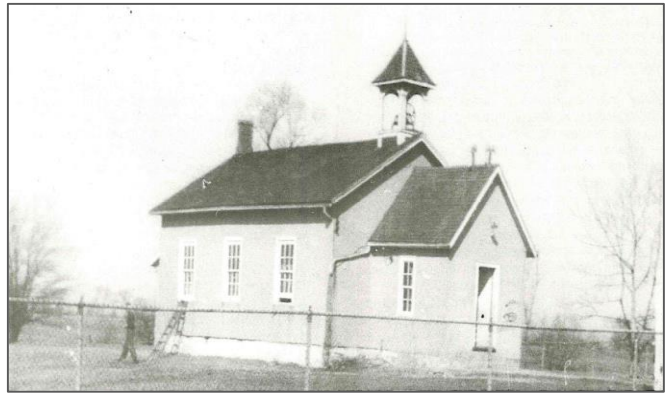
Legal Description: CON 5 PT LOT 16 RP 59R3495 PART 1

Date of Construction: 1855 (MPAC 1900)

Architectural Influence(s): N/A

Historical Association(s): Pelham School System

Heritage Evaluation Grade: B +

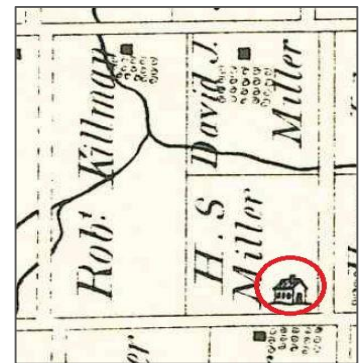


Statement of Design and/or Architectural Value and/or Interest:

This quaint one-storey building is made of light blue clapboard siding as well as a portion done in stone siding. The home has a front gable roof, with a smaller gabled portion projecting from the front that holds the front entranceway. Above the door is a gabled overhang with two classic columns and a tympanum with clapboard siding. The sides of the home have three double-hung windows with wooden semi-circles above. At the rear of the home is another portion done in the clapboard siding with a low pitched roof.

Statement of Historical and/or Associative Value and/or Interest:

It was in 1834 that the village of North Pelham deemed it time to erect a school. The site chosen was opposite the Flour and Feed Mill in the village. The site was changed in 1855, to its location at the corner of Maple and Metler Road. It was decided that the best option would be to construct a new frame building rather than move the log one. The main building measured 11 ½ ft. by 7 ½ ft. by 11 ft. A verandah extended across the front as well which served as a playground on rainy-days.

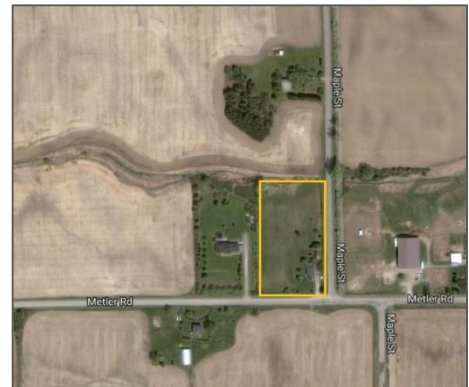


The earliest records that are known are from the annual meeting of the trustees and ratepayers dated December 26, 1912. E.G. Kilman was the chairman at the meeting. J.T Scholfield was named the secretary for the next annual meeting, while A.J. Bea was elected as the new trustee with the additional job of secretary. The chairman for 1913 was Arthur Metler. An important observation that was found in their records was that in 1913, any child from another school section whose parents wished him to attend North Pelham could do so for twenty-five cents a month. In 1914, the Provincial Health Authorities were ordering the installation of septic tanks for use in rural schools. Tenders were issued in North Pelham which resulted in the job being accomplished for the sum of ninety dollars.

In 1920, the annual meeting resulted in the ratepayers deciding to put up lightning rods on the school, and purchase a first aid kit. In 1927, a coal heater for the school was decided upon, putting a finish to heating by wood. The school was stuccoed and painted white in 1928 and in 1939 electricity was installed and a piano was purchased. In 1943, it was decided unanimously to join a "Township School Area". This was known as Pelham T.S.A.I. which included North Pelham, Reece's, and Law's Schools. By 1949, the Welland Library Book Service began its rounds to these schools which were a special occasion for both teachers and students. Finally in 1953, an addition was built at the back, and an oil-burner was installed. Unfortunately, when Miss Jean Davidson was the teacher-principal, the school was closed and the windows boarded in 1965. The building was used for storage and supplies for a time, and was also the site of the Hunters and Anglers Association as well. It is currently used as a private home.

Statement of Contextual Value and/or Interest:

The old North Pelham School is situated on a corner lot at the intersection of Metler Road and Maple Street. The property is 2.51 acres in size. The home is completely surrounded by agricultural lands, as well as a small number of other homes.



APPENDIX A

Source: Pelham Historical Calendar, 1981

Additional Photographs of 801 Metler Road:



Community Planning and Development Department

Wednesday, September 20, 2023

**Subject: Final Technical Conformity Review Report - Town of Pelham
Official Plan Review****Recommendation:**

**THAT Council receive Report #2023-0206 Final Technical
Conformity Review Report – Town of Pelham Official Plan
Review for information.**

Executive Summary:

This report provides Council and Staff with the final Technical Conformity Review (TCR) Report prepared by WSP (attached as Appendix A) which identifies the changes and updates that are required to the Town's Official Plan to achieve conformity with Provincial policy and plans and the Region of Niagara Official Plan. The TCR Report summarizes the findings of the Project Start-up and Background Research and Discussion Paper and makes recommendations for policy changes required for consistency and conformity with Provincial and Regional policies.

Background:

The Town of Pelham Official Plan was adopted by Council in April 2012 and approved by the Ontario Municipal Board in March 2014. Since that time there have been 19 Official Plan amendments approved by Council and several changes to the planning framework at the Provincial level that need to be addressed including changes to Provincial legislation, policies, and plans. Additionally, the Region of Niagara Official Plan (NOP) was approved by the Ministry of Municipal Affairs and Housing (MMAH) in November 2022. In accordance with the *Planning Act*, the Town is required to achieve conformity with the Region Official Plan within one year of adoption of the upper tier Official Plan. The Town has initiated the process of conducting an Official Plan review and update in accordance with the requirements of the

Planning Act which will result in the creation of a new Official Plan for the Town.

The entire project is broken into 3 phases with Phase 1 being the conformity review, Phase 2 the preparation of a draft official plan and Phase 3 the finalization of the Official Plan and its adoption and approval.

The consulting firm WSP was hired by the Town to assist with Phase 1 of the Official Plan Review. The TCR Report identifies areas where the current Official Plan requires updating to be consistent with and conform to the Provincial and Regional planning policies that currently exist.

Project Description and Purpose

As noted, the primary purpose of the TCR was to review the Town's existing Official Plan against the new Region of Niagara Official Plan and the Provincial Policy Statement, 2020 ("PPS") and A Place to Grow, Growth Plan for the Greater Golden Horseshoe, 2020 ("Growth Plan"). Additionally, the Town's plan must maintain conformity with the Greenbelt Plan, 2017 and the Niagara Escarpment Plan, 2017 ("NEP").

The TCR project was broken down into 3 phases:

Phase 1: Project Start-up and Background Research

The project team prepared a Background Research Report that included an inventory of all applicable Provincial, Regional and Town legislation and policies which serve as key drivers for policy updates in the Official Plan. The Background Report also identified policy gaps and opportunities to draw on best practices to update the Official Plan framework.

Phase 2: Discussion Paper (Options and Solutions)

The project team reviewed high-level options for the strategic approach to updating the Official Plan as well as a more detailed analysis of solutions for meeting certain consistency and conformity requirements. The Discussion Paper also identified formatting and graphical options for the new Official Plan.

The consultants presented both the Background Research Report and Discussion Paper to Council and the public at the Statutory Public Meeting (held under Section 26(3) of the *Planning Act*) on June 14, 2023.

Phase 3: Technical Conformity Review Report (Recommendations)

The project is currently in Phase 3 which involves the preparation and delivery of the TCR Report. Policy recommendations, both high-level and specific, are written into the TCR Report including a Conformity Matrix that highlights the policy changes required for consistency and conformity with Provincial regulations and Regional policies. The Conformity Matrix will assist staff in identifying key areas of the Official Plan that require policy change.

Agency/Stakeholder Comments

A stakeholder meeting was held on July 11, 2023, with representatives from various Town departments, the Niagara Conservation Authority, Region of Niagara and Niagara Escarpment Commission in attendance. The comments and feedback from this meeting have been incorporated into the final TCR Report and agencies as well as Town Staff will continue to be consulted as Planning Staff develop the draft New Official Plan policies for review and comment.

Public Meeting Comments

As noted above, a statutory Public Meeting held under Section 26(3) of the *Planning Act* was held on June 14, 2023. A copy of the meeting minutes is attached as Appendix B to this Report. Members of the public provided input on proposed policy direction they felt the new Official Plan should take which are summarized below:

Public Comments

Graham Pett (on behalf of PATH)

Mr. Pett requested Staff incorporate policy guidance to address:

- Better tree management plans;
- Naturalized Parks;
- Protection of wetlands;
- Greener building standards;
- Community-wide emission reduction plan;
- Protection of the Greenbelt Plan areas; and
- Protection of Twelve Mile Creek

Craig Larmour (on behalf of the Pelham Greenhouse Growers Group)

Mr. Larmour expressed concern with the policies that restrict the size and intensity of greenhouses, specifically the current 30% lot coverage requirement and requested that Staff investigate increasing this provision within the OP to ensure that growers are able to expand and grow their greenhouse operations without the need for further planning approvals.

Jason Wieringa

Mr. Wieringa echoed Mr. Larmour's comments stating the ability to expand greenhouse size is important for the industry to remain financially viable. He noted that the 30% lot coverage requirement is a major hinderance and limits the ability for growth within the industry in Pelham.

Bill Heska

Mr. Heska noted that he fully supports the agricultural industry and urged Staff to practice responsible planning in the community.

Council Comments

Council was generally supportive of the direction of the background work done to date noting that all comments from the public and any other committees, stakeholders and agencies would be considered when reviewing the Official Plan. It was identified that the advisory committees should be consulted for input and there was general discussion around the comments brought up by the public. Further Council expressed the need for policies to address the urban boundary expansions, climate change, Pelham's aging population, housing standards, preservation of our natural areas, and the need for relevant policy direction that supports the Town given the changes to Provincial legislation and policies.

Staff Comments

The TCR Report outlines the necessary changes required to the existing Town Official Plan to bring the Plan into conformity with Provincial and Regional planning policy. These policy recommendations by WSP have been grouped into four specific areas of interest, each with a number of recommendations.

Supporting Sustainable Growth and Complete Communities

The Town is required to plan, in coordination with the Region, to integrate growth allocated by the Region over the planning horizon of the Official Plan. This will be achieved by:

- Directing growth and intensification by creating new Official Plan policies that:
 - guide growth to the urban areas of the Town;
 - identify intensification areas;
 - permit some limited growth in the agricultural areas;
- Addressing urban expansion areas in the Official Plan through policy direction and in cooperation with neighboring municipalities;
- Ensuring that urban expansion areas are developed by way of secondary plan, or expansion to existing secondary plan areas (East Fonthill);
- Expanding housing options and supporting residential intensification by creating policy that:
 - Introduces permissions for a range of building types;
 - Permit and encourage development and redevelopment in areas that will support local intensification;
 - Establish efficient development patterns that include direction for intensity and form of development within the Town's existing residential areas, where appropriate; and
- Establishing urban design policies/guidelines applicable to all areas of the Town and apply development and urban design policies to areas suitable for local intensification.

Enhancing our Agricultural System

Through the Background Research Paper and Discussion Paper, it was established that the Town agricultural and rural policies are generally in conformity with the Provincial and Regional planning policies, however there are opportunities to strengthen and clarify existing policies to ensure better alignment. The TCR Report recommends:

- Updating the Agricultural Official Plan policies to designate "Prime Agricultural" and "Specialty Crop Areas" and using consistent terminology as found in the Provincial and Regional plans and policies in the Town Official Plan;

- Enhance protections for agricultural lands and the “Right to Farm” through clearer policies around Minimum Distance Separation, land division and by requiring Agricultural Impact Assessments for certain non-agricultural uses in rural areas;
- Enhance protections for existing agricultural uses from erosion and encroachment; and
- Establish a specific policy set dedicated to the agri-food network.

The TCR Report also makes recommendations for the Town’s mineral aggregate areas and suggests creating new policy that will ensure conformity with the Regional Official Plan including expanded criteria for assessment of mineral aggregate operations applications, more careful consideration of the impacts of aggregate extraction on the natural heritage system and planning for the impacts of haulage and trucking from aggregate operations. The TCR Report recommends that the Town update its mineral aggregate policies to achieve conformity with the Regional Official Plan by:

- Increasing the level and prescriptiveness of mineral aggregate policies;
- Introducing policies that would be more proactive in planning for extraction operations;
- Balancing the preservation and mineral aggregate resources with the protection of natural heritage features; and
- Reinstating policies which control development of the Fonthill Kame.

Promoting a Sustainable and Climate-Resilient Community

Since the Town Official Plan was last updated, the Provincial Policy Statement and Regional Official Plan have been revised to include an increased emphasis on preparing for the impacts of climate change. The creation of the Town Corporate Climate Adaptation Plan shows a desire to develop goals and objectives to combat the effects of climate change. The TCR Report identified the Town’s desire to create a community that is sustainable and climate resilient.

The new Official Plan will establish a standalone section that is specific to climate change actions with direction to promote a broad range of practices associated with sustainable and climate-resilient communities. This may include:

- Direction to consider a local green development standards program;

- Incorporation of climate change projections (as established by the Corporate Climate Change Adaptation Plan); and
- Promotion and support for the use of green infrastructure.

In addition to this standalone section, other climate change initiatives will be integrated through the land use planning framework via the Town Natural Heritage System policies, urban design guidelines and general land use planning policy.

Protecting and Enhancing the Natural Environment

Protecting the quality of the natural environment is an important part of the new Regional Official Plan, which provides guidance for the protection, restoration, and enhancement of the Natural Environment System (NES). The current Official Plan policies will need to be updated to reflect both the new policies of the Regional Official Plan and the new mapping.

The TCR Report recommends identifying the Natural Heritage System (NHS) and Water Resource System (WRS) and their various components on two separate schedules with explanatory text in the Official Plan to describe the interrelated components of the NES. Policies will be updated to identify features, setback requirements, buffers, and study requirements for lands within the NES.

Next Steps

The primary purpose of the Official Plan review and update is to review the current Town Official Plan against the Region of Niagara Official Plan (2022) and other Provincial plans and policies, as per the conformity requirement prescribed by Section 27 of the *Planning Act*. The culmination of this review will ultimately result in the creation of a new updated Official Plan for the Town.

The Technical Conformity Review Report (Recommendations) is the final piece of Phase 1 and has summarized the findings of the Background Report and Discussion Paper, along with agency, public and Council input. Policy Recommendations, both high-level and specific, have been written into the Report and a Conformity Matrix has been prepared that highlights the policy changes required for consistency and conformity with Provincial and Regional policies. Staff can use this information and create a draft of the new Official Plan which will then be brought forward to Council the

community, stakeholders and various agencies for their respective review and input.

Community engagement is a critical component to the success of this initiative. It is noted that there will be additional opportunities for consultation with the public and various stakeholders including advisory committees as the Town moves through the phases of the project and the development of the new Official Plan through one-on-one meetings with staff, open houses and through the 'Picturing Pelham Official Plan Review' webpage at <https://engagingpelham.ca/town-of-pelham-official-plan>.

Phase 2 – Preparation of Draft Official Plan

Phase 2 of the Official Plan Review and Update will include the creation of a draft new Official Plan and Schedules. This phase will also include further public, stakeholder and agency consultation, open houses, and opportunities for public and agency input both through one-on-one meetings and via on-line engagement opportunities through the 'Picturing Pelham Official Plan Review' webpage.

This phase will be an iterative process involving the development of new policies and significant consultation with agencies including the Region of Niagara, Niagara Peninsula Conservation Authority, Niagara Escarpment Commission, and utility companies along with consultation with Town staff and departments and the public that will ultimately result in the culmination of a new draft Official Plan.

There are several interests that need to be addressed and many of them are competing, however overall, the Official Plan will need to achieve conformity with the Region of Niagara Official Plan and provincial legislation, plans and policies reflecting the best interests of the Town. It is anticipated that phase 2 will be 6 months in duration, however this is dependent on comments received and obtaining timely feedback from agencies and departments commenting on draft policies.

Phase 3 – Finalize New Official Plan

Phase 3 of the Official Plan Review and Update will be the last phase of this project and will take all the input and information from Phases 1 and 2 to create a final draft new Official Plan. This phase will include a final statutory public meeting held in accordance with the *Planning Act*, a final circulation to

all applicable agencies and a final recommendation report and the Official Plan By-law for adoption by Council. It is anticipated that the timeframe for phase 3 will be approximately 3-4 months.

Approval of the new Official Plan will rest with either the Region of Niagara or the Ministry of Municipal Affairs and Housing, depending on the timing when the Official Plan is adopted and the implementation date of when Region becomes an upper tier government without planning authority as established through Bill 23 changes to the *Planning Act*. If the Official Plan is adopted prior to implementation of the Region of Niagara becoming an upper tier government without planning authority then the Region is the approval authority, if the Official Plan is adopted after implementation of the Region being an upper tier government without planning authority, then the provincial Ministry is the approval authority. At this time, it is unknown what the exact timeframe for approval of the new Official Plan may be.

Conclusion

The Town Official Plan is a high-level policy document that will be used to guide growth, land use needs, infrastructure, and community services in the Town over the short and long term. While policy will be developed through the Provincial and Regional conformity requirements, input from the community will be vital to help shape the policies as it relates to the vision for the Town consistent with Provincial and Regional requirements.

Pelham will continue to experience growth, while the need to protect natural heritage features and agricultural lands is becoming increasingly important, along with the need to address issues related to climate change and sustainable development requirements. There will be further public consultation opportunities throughout the Official Plan Review and Update project and input from the community, agencies and stakeholders is crucial to developing an Official Plan. The public is encouraged to reach out to Town staff for one-on-one meetings at any time during this process to discuss their concerns, matters of interest and/or to gain greater understanding of what an Official Plan is.

Alternatives Reviewed:

There are no alternatives to consider at this time. The Town is legislatively required to review and update the Official Plan. The TCR Report is the final stage in Phase 1 of the Official Plan Review and Update project. The Report

and supporting documents provide background and justification to initiate the development of a new Official Plan for the Town, with specific recommendations for policy direction and guidance to ensure conformity with Regional and Provincial planning policy documents.

Strategic Plan Relationship: Community Development and Growth

The review of the Town Official Plan to achieve conformity with Provincial and Regional policies and plans is a critical first step in the development of a new Official Plan that will be the policy framework to guide future development and growth in Pelham over the long term, i.e., 20+years, while at the same time providing the policy framework for the protection of our natural heritage features and agricultural lands, and address matters related to climate change and sustainable development requirements.

Other Pertinent Reports/Attachments:

Appendix A – Technical Conformity Review Report

Appendix B – Public Meeting Minutes, June 14, 2023

Prepared and Recommended by:

Lindsay Richardson, MCIP, RPP
Policy Planner

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

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



Town of Pelham Official Plan
Technical Conformity Review

FINAL

Technical Conformity Report

September 2023

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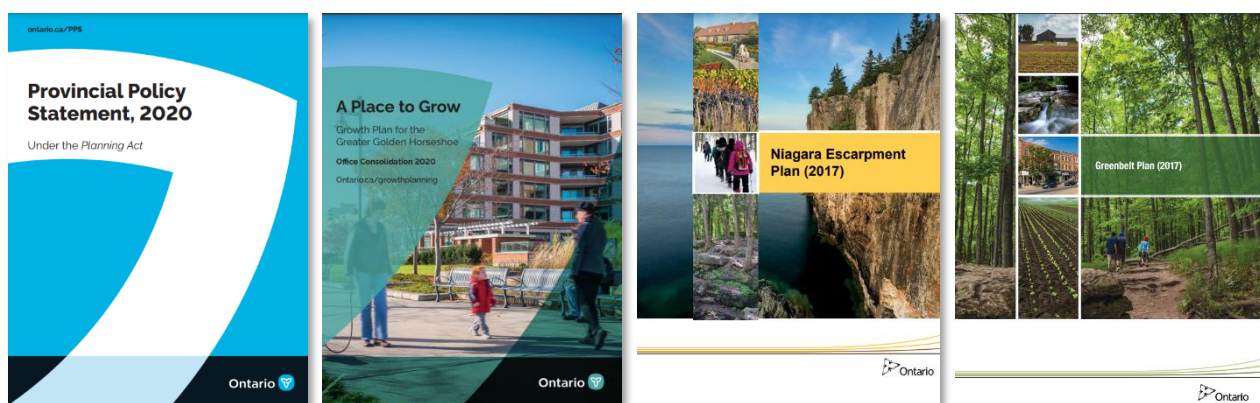
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1 Introduction

1.1 Context

The Town of Pelham (the “Town”) is undertaking a Technical Conformity Review of its Official Plan (“OP”) as Part 1 of the Town’s Official Plan Review, which was originally adopted in 2012 and was approved in part by the Ontario Municipal Board (now the Ontario Land Tribunal) in 2014. Under Section 26 of the *Planning Act*, a municipality is required to update its OP on an ongoing basis to reflect changing planning legislation and policy. As of the time of this project, the Town’s OP is required to conform to three Provincial plans and be consistent with Provincial policy:

- > A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (“Growth Plan”)
- > Greenbelt Plan, 2017
- > Niagara Escarpment Plan, 2017 (“NEP”)
- > Provincial Policy Statement, 2020 (“PPS”)



At the time of writing and undertaking Part 1 of the Town’s Official Plan Review, the Province released a new draft Provincial Planning Statement for review and comment. The commenting period for the new land use planning policy document has ended; however, the new and updated policies are not in effect and have therefore not been considered as part of Phase 1 of this Official Plan Review. Until new policies are in effect, land use planning decisions are required to be consistent with the 2020 PPS and conform to in-effect Provincial and Regional Plans.



OPs are high-level policy documents that guide the use of land, growth, and provision of infrastructure and community services and facilities in communities. OPs may be informed by other studies (e.g., affordable housing, growth management studies) and master plans (e.g., parks and recreation, transportation), and enable more specific implementation tools such as zoning by-laws and Community Improvement Plans. As a lower-tier municipality in Niagara Region, the Town of Pelham must also ensure that its OP conforms to the Niagara Region Official Plan (the “Regional OP”).

1.2 The Project

The primary purpose of the Technical Conformity Review is to review the Town of Pelham’s existing OP against the Regional OP and the Provincial plans and policies listed above, as per the conformity requirement prescribed by Section 27 of the *Planning Act*. Once completed, a final report containing recommendations necessary to achieve conformity will be provided which will inform the creation of the Town’s updated (or new) OP (see Figure 1). The Technical Conformity Review is being undertaken in three phases, which are described in more detail below.



Figure 1: The place of the Technical Conformity Review within the larger Official Plan Review.

Phase 1 – Project Start-up and Background Research

The project team prepared a Background Research Report that included an inventory of all applicable Provincial, Regional and Town legislation and policies which serve as key drivers for policy updates in the OP. The Background Research Report also identified policy gaps between the Town's OP and the findings of the legislation and policy inventory, as well as opportunities to draw on best practices to inform the OP's updated policy framework. The Background Research Report was presented to Council at a public meeting under subsection 26(3) of the *Planning Act* on June 14, 2023.

Phase 2 – Discussion Paper (Options and Solutions)

Phase 2 involved a review of high-level options for the strategic approach to updating the OP as well as a more detailed analysis of solutions for meeting certain conformity and consistency requirements. The resulting Discussion Paper identified three “Big Moves” for the updated OP. These “Big Moves” were framed and described as significant policy options for the Town's OP to achieve conformity. This Technical Conformity Review Report provides recommendations for the Town to implement policy options and “Big Moves” presented in the Discussion Paper. The Discussion Paper was presented to Council at the public meeting on June 14, 2023 along with the Background Research Report.

Phase 3 – Technical Conformity Review Report (Recommendations)

Phase 3 of the project involves preparation and delivery of this Technical Conformity Review Report (TCR), which summarizes the findings of Phases 1 and 2. Policy recommendations, both high-level and specific, are written into the TCR including a Conformity Matrix that highlights the policy changes required for consistency and conformity with Provincial and Regional policies. The project is currently in Phase 3. This TCR is the primary deliverable of Phase 3.

1.3 Purpose of this Report

This TCR builds on the Background Research Report completed in Phase 1 and the Discussion Paper prepared in Phase 2 and provides policy recommendations and direction for the Town to consider when preparing the new OP. The TCR consists of the following Sections:

- > **Section 1: Introduction**
- > **Section 2: Policy Recommendations**
- > **Section 3: Conformity Matrix**
- > **Section 4: Next Steps**

The TCR provides recommendations for the Town to consider for its OP update, which implement opportunities identified in the Background Research Report and policy options presented in the Discussion Paper. These recommendations are detailed in the **Conformity Matrix** in **Section 3**, which has been designed for future use by the Town as a tool to show conformity with the Regional OP when the updated Town OP is submitted for approval. It should be noted that while this report and the two preceding deliverables of this project provide a roadmap for the future conformity update of the Town's OP, there are additional resources the Town should use in drafting the new or revised OP policies, most notably the Niagara OP Implementation Guidelines to Assist with Local OP Conformity prepared by Niagara Region in July 2022.

2 Policy Recommendations

The Conformity Matrix provided in **Section 3** of this Report provides direction for specific updates the Town's OP to achieve conformity and consistency with Provincial and Regional plans and policies. While many of the recommended policy updates are required verbatim by the Regional OP or Provincial policy, certain other conformity or consistency requirements can be implemented through differing policy options. These options, grouped in "Big Moves", were analysed and presented in the Discussion Paper delivered to the Town in Phase 2 of the project (see Figure 2).

This Section summarizes the analysis undertaken in the Background Research Report and Discussion Paper and presents high-level recommendations to the Town to achieve conformity with Provincial and Regional plans and policies, grouped by the Big Moves established in the Discussion Paper. As noted above, these recommendations are provided in detail in the Conformity Matrix in Section 3.



Figure 2: The Big Moves: focus areas for the Technical Conformity Review

2.1 Supporting Sustainable Growth and Complete Communities

The first Big Move intends to achieve, over the planning horizon of the updated Town OP, the minimum residential intensification target for the Town of Pelham. This target is established by the Region in Table 2-2 of the Regional OP. The Town must achieve a minimum 25% residential intensification over the planning horizon, but may plan for additional intensification within the built-up area (BUA). Intensification will be focused on strategic growth areas, areas with existing or planned public service facilities, and other criteria outlined in the Regional OP.

Strategically directing growth and intensification to urban areas where municipal water and wastewater systems and services exist or are planned, and a range of transportation options can be provided can help to protect the health and integrity of the Natural Environment System and Agricultural System.

Three policy directions and options were explored in the Discussion Paper to support sustainable growth and the principles of complete communities. The subsections below provide recommendations for the Town to implement the policy directions and options.

2.1.1 Directing Growth and Intensification

The Town is required to plan, in coordination with the Region, to integrate growth allocated by the Region over the planning horizon of the OP. To achieve this conformity requirement, the Discussion Paper identified an opportunity to review the Town's structure and land use designations to establish a cohesive and concise growth strategy.

One option was presented in the Discussion Paper to direct anticipated growth and intensification:

- > **Review, consolidate, and update the land use designations and Town structure to develop one cohesive and concise strategy for growth. This should include a Town structure and land use designations as independent elements that work together to guide growth and permit different uses.**

Through the Town's updated OP, there is an opportunity to more specifically delineate where growth should occur and conversely, where growth should not occur in order to protect the Agricultural System and Natural Environment System. At the highest level, this can be achieved by expanding policies in Section A4 (Town Structure and Land Use) of the OP to delineate between the Urban Area as where growth is to be accommodated, and the Agricultural System (which includes rural settlements) as to be protected and the site of limited non-agricultural residential growth. These two identifications would be distinct from the grouping of land use that currently exists in Section A4.

The OP can also direct growth at a more detailed level within the urban area. While Section A3 (Settlement Area Strategy) implies that the majority of growth is to be directed to Fonthill over Fenwick, the updated Official Plan can be more explicit. It is recommended that in Section A4, a subsection be added which identifies Fonthill as the primary settlement area for new population and employment growth, followed by Fenwick (see Figure 3).

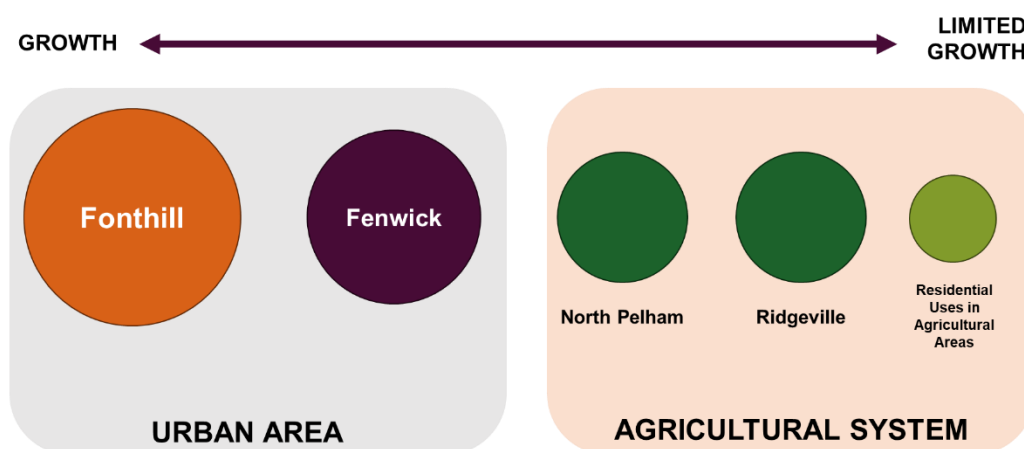



Figure 3: Conceptual illustration of the proposed Town Structure

Additional policies can also be added to the OP to more specifically direct for intensification of existing areas within the Town, using tools provided by Niagara Region. Policy 2.2.1 of the Regional OP identifies a hierarchy of growth through intensification that includes “local growth centres and corridors, as identified by Local Area Municipalities”.

It is recommended that Sections A5.4 and A5.5, which concern Intensification Targets and Intensification Corridors, respectively, be moved into a standalone section with the new intensification policies related to the Downtown Fonthill Local Growth Centre. Downtown Fonthill can be identified as a Local Growth Centre and the preferred, but not only, location for intensification and public and private investment in the Town. Existing policies around Intensification Corridors in the OP can be expanded on to:

- > encourage intensification in those areas;
- > specify the types of uses and built form that the Town intends for the areas; s
- > specify where along the Corridor the policy applies (e.g., only to lands directly fronting on the Corridor); and,
- > apply requirements for transitions to adjacent areas.

It is recommended that Highway 20 between Lookout and Haist Streets, and between Line Avenue and Rice Road, in addition to where it is currently identified as a Corridor on Schedule A1 of the Town’s existing OP. These portions of Highway 20, which currently have a *suburban* character, can be conceived in the OP as more *urban* corridors.



Within the Urban Area of the Town, the OP should conceive a mix of land uses, and an urban form that can support multiple modes of transportation. These elements support the evolution of a complete community where people can live, work, shop, and access services in proximity to one another. Within the context of the updated OP, this can be achieved in part through a revised Town structure and implementing land use designations that direct where development should occur in accordance with the Regional OP, including areas strategically identified for intensification.

It is recommended that the Town create new OP policies to delineate a Town Structure to guide growth, as well as identifying areas for intensification.

2.1.2 Addressing Urban Expansion

Through the growth management work undertaken by Niagara Region as part of the preparation of the new Regional OP, it was determined that the Town requires additional lands to be included in its urban area, to be designated for future residential development. These lands are in two areas on the perimeter of the existing Fonthill settlement area, as shown in Figure 4.

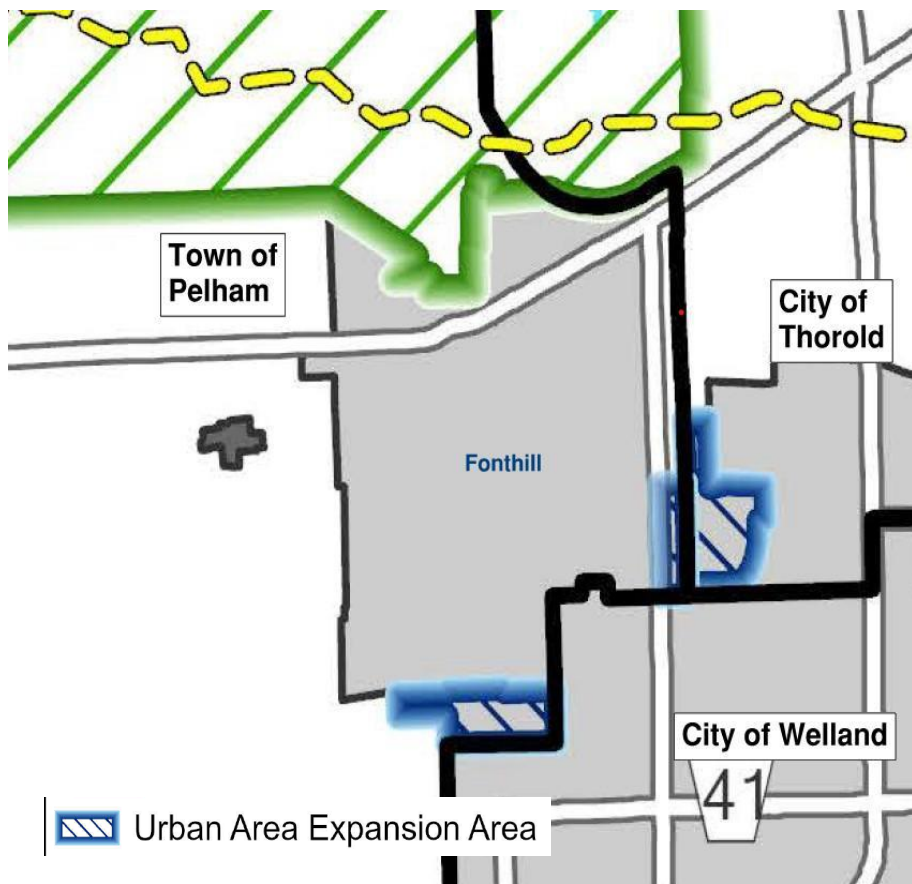


Figure 4: Urban expansion areas in the Town of Pelham

As part of the Town's update of its OP, these two areas should be included on the Schedule that illustrates the Town Structure, and additional policies should be added to Part A to guide how these lands may be considered for future development (i.e., servicing studies, a new secondary plan or extension of existing secondary plans, phasing). Pursuant to Section 2.2.5 of the Regional OP, the Town is required to determine, in consultation with the Region, the appropriate policy directions for urban area expansions through a Secondary Plan exercise.

Additional direction in the Town's OP will be required per policy 8.7.3 of the Regional OP to coordinate planning between the Town, the Region, and the City of Thorold for the urban expansion area between Rice Road and the Town's eastern municipal boundary, to the north and south of Merritt Road. These lands are directly adjacent to

the East Fonthill Secondary Plan, so there is an opportunity to build on the work of that Secondary Plan and include the urban expansion area within the Secondary Plan Area.

The other urban expansion area is entirely contained within the Town, but is directly adjacent to existing low-density residential development within the City of Welland's urban area. It is recommended that through the Secondary Planning exercise, consideration be given to planning for these lands to exceed the designated greenfield density target and include mixed-use development. This would be supported by several factors:

- > A lack of walkable amenities and services for residents in south Fonthill; and
- > The presence of Harold Black Park within the urban expansion area, which as a community use offers potential as an anchor around which to focus medium to high-density development.

It is recommended that the Town identify Urban Expansion Areas in the OP, both in the policies to direct for the development of Urban Expansion Areas through Secondary Plans, and on the Land Use Schedules.

2.1.3 Expanding Housing Options and Supporting Residential Intensification

Healthy, livable and safe communities are sustained by accommodating appropriate and affordable housing options across a range and mix of types. The PPS directs municipalities to provide a range and mix of housing options through new development and residential intensification to meet the needs of current and future residents. The Town is required by the Regional OP to establish targets in the OP for an overall housing mix by density type and affordability. To expand housing options across existing residential areas and achieve the Town's residential intensification target, two options were presented to the Town in the Discussion Paper:

- > **Introduce permissions for new building typologies in land use designations that permit residential uses, subject to criteria established in the OP, and provisions of the Zoning By-law, to encourage gentle density increases, where appropriate, in residential neighbourhoods.**
- > **Include minimum and maximum height requirements for building typologies that align with a structure for growth that permits context-specific densities.**

While out of scale with the Town, two best practice examples from the City of Toronto and City of London were provided to demonstrate to the Town how other municipalities are implementing these policy directions through OP policies. To adequately accommodate future housing demands across the Town, a range of new housing typologies will be required with respect to built form, location, and affordability across the designated greenfield area and residential intensification areas within the BUA, including intensification corridors. To accommodate the housing demand, there is a significant need to consider increases in the proportion of medium and high-density housing units forecasted to 2051.

It is recommended that, at a minimum, the Town introduce permissions for a range of building typologies that accommodate residential uses. This should include but not be limited to duplexes, triplexes, townhouses, and apartments. At a minimum, these typologies should be permitted and encouraged in areas that will support local intensification, as established by the new proposed Town structure described in Section 2.1.1. In doing so, the Town will be consistent with and conform to Provincial and Regional policy to establish efficient development patterns that promote a mix of housing particularly where there is convenient access to everyday services and transportation options. Residential intensification policies outlined in Section B1.1.3 of the existing OP should be revisited to introduce new policies directing the intensity and form of development within the Town's residential areas in appropriate areas.

2.1.4 Achieving Design Excellence in Public and Private Spaces

The PPS directs municipalities to promote healthy, active communities by planning for safe public streets, spaces and facilities that meet the needs of pedestrians and foster social interaction and community connectivity. Consistent with this direction, the Regional OP requires public realm enhancements through urban design and improvements and investments that contribute to safe, attractive complete streets and desirable communities.

To be consistent with and conform to Provincial and Regional policy and achieve design excellence in public and private spaces, the following option was presented to the Town in the Discussion Paper:

- > **Introduce general urban design policies applicable to all areas of the Town to accommodate the Town's anticipated intensification and growth while achieving the Town's expectations for a high standard of urban design in public and private development.**

As previously noted, the Regional OP requires that policies for urban design be included in local OPs to enhance the public realm, contribute to safe, attractive, and complete streets and communities. This includes sustainable design principles, but must be applied to the public realm, infrastructure, public services facilities, development, and streets. The Regional OP also requires that areas identified for intensification are designed to be pedestrian oriented with a vibrant mix of uses incorporating, where feasible, public gathering areas and public art. These are important elements and examples of design excellence in public and private spaces that the Town must plan for, particularly in those areas of the Town which may be opportunities for local intensification, as discussed in Section 2.1.1 of this TCR. One example from the City of Barrie's new Official Plan was presented in the Discussion Paper to demonstrate how urban design policies can be applied to all areas of the Town to achieve design excellence envisioned for the future of Pelham.

The existing OP establishes urban character as an overarching goal with associated objectives for the Town. There are also existing urban design guidelines specifically for areas identified as intensification corridors along major roads. However, there is an opportunity to introduce general policies applicable to all areas of the Town, including those outside of intensification corridors. These urban design policies should be aligned

with multiple objectives and priorities for the Town, including sustainable, climate resilient development and complete communities.

It is recommended that the Town establish general urban design policies applicable to all areas of the Town in order to achieve conformity with the Regional OP and to set a standard for urban design in the public realm and through public and private developments. This should include, at a minimum, policies for the public realm, built form types, sustainable development, and general urban design policies that promote and encourage the development of complete communities and human-scaled design.

It is also recommended that the Town apply development and urban design policies to areas suited for local intensification. These local opportunities are further discussed in Section 2.1.1 of this TCR. The existing OP currently identifies Intensification Corridors and establishes urban design guidelines specifically for these areas in Section B1.2.4.3 of the existing OP. The Town is encouraged to revisit and apply urban design policies to local areas for intensification to accommodate the Town's anticipated intensification and growth in a manner that creates a high quality urban environment.

2.2 Enhancing our Agricultural System

Through the Background Research Report and the Discussion Paper, it was established that the agricultural and rural policies in the Town's existing OP are generally in conformity with Provincial and Regional policies, and the OP contains a strong policy framework to protect the strong agricultural economy in the Town. Nevertheless, these policies can be revised to more directly align with Regional and Provincial language, particularly around the agricultural system.

2.2.1 Agricultural Land Base and the Agri-food Network

The Growth Plan and the Regional OP both describe an agricultural system that consists of the agricultural land base and the agri-food network (elements essential to the viability of the agricultural economy such as transportation corridors, farm markets, distributors, and primary processing facilities).

Through the Discussion Paper, several options were explored to protect the agricultural land base from erosion or the encroachment of non-agricultural land uses:

- > **Amend OP policies to specifically designate Prime Agricultural and Speciality Crop Area lands in the Town.**
- > **Enhance protections for agricultural lands and the “Right to Farm” through clearer policies around Minimum Distance Separation and requiring Agricultural Impact Assessments for certain non-agricultural uses in rural areas.**

These proposed changes to the Town's policies would bring the OP into better alignment with the language used by the Province through the PPS, the Growth Plan, and the Greenbelt Plan (“Prime Agricultural” and “Specialty Crop Area”), and makes it clear that these lands are incredibly valuable to the local, Regional, and Provincial agricultural system. Additionally, adding requirements for new lots and non-agricultural uses in these areas, in conformity with the 2022 Regional OP, further protect agricultural lands from conversion and encroachment.

The Town's existing OP is relatively silent on the importance of the agri-food network, although policies on agriculture-related and on-farm diversified uses were added to the OP in 2022 through Official Plan Amendment 15. In the Discussion Paper two options were explored for increasing the presence of the agri-food network in the Town's land-use planning framework:

- > **Include a specific section in the Town's updated OP which contains policies to strengthen the agri-food network, such as encouraging value-added uses to increase opportunities for processing and retail of Pelham-grown agricultural products in Pelham.**

This new section on the agri-food network can incorporate much of the work the Town has completed to date on diversifying the uses in the Agricultural System but introduce a new umbrella policy or policies which link together the disparate parts of the agri-food network into a cohesive strategy. This includes linking agricultural production to OP policies in other areas, such as transportation, employment, and policies for the Town's settlement areas.

- > **Expand goals and criteria for Community Improvement Plans (CIPs) to include supporting the diversification of the rural economy through expanded on-farm diversified and value-added uses.**

Another opportunity for improvement and support of the Town's agri-food network is through community improvement. The Town's CIP currently allows for the Town to provide financial incentives to landowners for improvements to that will increase investment in the downtown areas of Fonthill and Fenwick. This mandate could be expanded to encourage investment in agriculture-related and on-farm diversified uses. While policies in the Town's OP and Zoning By-law and the Niagara Escarpment Plan encourage agriculture-related and on-farm diversified uses, many farm owners and operators face hurdles in achieving the compliance with building, fire, and health codes required for many of these uses, particularly those uses that involve assembly. An agri-food network CIP could provide support for the costs related to achieving this compliance.

While this expansion of the CIP would require further study and funding outside the scope of the OP update, it must be enabled through OP policy. The Town could also consider developing an agriculture-specific CIP separate from the Town's existing CIP.

It is recommended that the Town update policies in Section B2.1 and B2.2 to designate Prime Agricultural and Speciality Crop Areas in the Town and establish additional requirements for non-agricultural uses and land division on agricultural lands; enhance protections for existing agricultural uses from erosion and encroachment; establish a specific policy section in Section B2 dedicated to the agri-food network; and update Community Improvement policies in Section E1.7 to support agri-food network development.

2.2.2 Mineral Aggregate Resources

The Town of Pelham is the site of significant mineral aggregate resources and the only primary sand and gravel deposits in Niagara Region. The Town is the current site of a major mineral aggregate extraction operation, and the Town's OP should be updated to plan for the protection of these resources. Further, the Regional OP contains more detailed policies regarding mineral aggregates than the Town's. The Town must find a balance between planning for the future use of mineral aggregate resources and the protection of its natural heritage features, most notably the Fonthill Kame Area of Natural and Scientific Interest (Earth Science). Through the Discussion Paper, two different policy approaches were presented:

- > **Option A: Emphasize the importance of the Town's mineral aggregate resources and significantly expand OP policies which will guide future expansion of mineral aggregate operations in the Town.**
- > **Option B: Significantly reduce the focus of the Town's OP on mineral aggregate resources and defer to Greenbelt Plan and Niagara Escarpment Plan policies.**

After discussion with Town staff and Region/key agency stakeholders, it is recommended that the Town employ **Option A** and increase the level and prescriptiveness of its mineral aggregate policies through the OP update. This approach allows the Town to be proactive in planning for extraction operations and balance the preservation of mineral aggregate resources with protection of natural heritage.

Additionally, the policies in Section C3 of the Town's existing OP which control development on the Fonthill Kame, and which were appealed at the time of adoption and deferred by the Ontario Municipal Board, should be reinstated. There may be an opportunity to more directly link the updated mineral aggregate policies (which conform to the Region's OP policies) and the protection of the Fonthill Kame.

It is recommended that Section B2.5 of the Town's OP be updated to conform with the Regional OP's policies on mineral aggregate resources and operations, including expanded criteria for assessment of mineral aggregate operations applications, more careful consideration of the impacts of aggregate extraction on the natural heritage system, and planning for the impacts of haulage and trucking from aggregate operations.

2.3 Promoting a Sustainable and Climate-Resilient Community

Since the Town's OP was last updated, the PPS was revised to include an increased emphasis on preparing for the impacts of climate change. The future of livability in the Town of Pelham, including its economic vitality, its social cohesion, and the well-being of its residents, depends upon a healthy natural and built environment that is sustainable and climate resilient.

Two policy directions and options to implement these policy directions were explored in the Discussion Paper. The subsections below provide recommendations for the Town to consider in implementing the policy directions and options.

2.3.1 Integrating a Proactive Response to Climate Change

Preparing for the impacts of a changing climate is an important and new direction established in the PPS since the Town's OP was last updated. Policies introduced through the Regional OP also provide guidance for strategies to reduce the impacts of climate change. To strengthen the relationship between land use planning and climate change in the Town's OP, two options were presented in the Discussion Paper:

- > **Establish a standalone chapter on climate change that identifies the Town's actions to reduce local contributions to climate change and to better prepare for a changing climate.**
- > **Implement policies that address climate change mitigation and adaptation across the various chapters of the OP.**

The best practice examples provided in the Discussion Paper demonstrate that some municipalities are choosing to establish a standalone chapter on climate change and identify policies throughout OPs that address both climate change mitigation and adaptation. Embedding climate change into the framework of planning policies is a necessary approach, particularly as awareness grows of the adverse impacts of climate change on communities and the built and natural environment. The Town should demonstrate leadership by identifying the role of the built environment and transportation systems in mitigating and adapting to climate change through specific policies that reflect Regional direction and local opportunities, as established by the Town's Corporate Climate Change Adaptation Plan.

It is recommended that the Town establish a standalone chapter on climate change with direction to promote a broad range of practices associated with sustainable and climate-resilient communities. This should include subsections or policies directing the Town to consider development of a local green development standards program for new development, incorporation of climate change projections as established by the Corporate Climate Change Adaptation Plan, direction to regularly review and update the Town's Corporate Climate Change Adaptation Plan, and promotion and support for the use of green infrastructure and /or renewable energy in new public and private developments. In doing so, the Town can bring greater urgency and action to addressing and preparing for the impacts of a changing climate.

2.3.2 Protecting and Enhancing the Natural Environment

Protecting the quality of the natural environment is an important part of the Province's vision for the land use planning system in Ontario. The Regional OP provides guidance for the protection, restoration, and enhancement of the Natural Environment System (NES), which are closely aligned with strategies to reduce the impacts of climate change. To implement the NES mapping and policies established in the Regional OP, two options were presented to the Town in the Discussion Paper:

- > **Map the natural heritage system and water resource system on separate schedules, with explanatory text in the OP to describe the interrelated components of the natural environment system.**
- > **Map the natural heritage system and water resource system on the same schedules, with explanatory text in the OP to describe the interrelated components of the natural environment system.**

The policy options presented in the Discussion Paper are both implemented by various municipalities in Ontario. Implementing the natural heritage system and water resources on two separate schedules provides the benefit of illustrating details that may otherwise be missed. Operative and non-operative text in the Town's OP should then describe the relationship between the natural heritage system and water resources system as two interrelated components that form the NES.

It is recommended that the Town map the Natural Heritage System and Water Resources System on separate schedules, with explanatory text in the OP to describe the interrelated components of the NES and provide guidance for the protection, restoration and enhancement of the NES.

3 Conformity Matrix

This Conformity Matrix builds on the table provided in the Background Research Report. The Conformity Matrix includes targeted recommended revisions to achieve conformity and consistency with Provincial and Regional Plans and policies.

Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
Indigenous Land Acknowledgement	There is no land acknowledgement or reference to Indigenous peoples in the Town’s OP.	<ul style="list-style-type: none"> > PPS (s. 1.2.2) > Current OP best practices 	The OP should include an acknowledgement of the traditional rights and territories of Indigenous peoples in the area. It is recommended that this be introduced at the beginning of the OP, prior to establishing the Community Vision and Goals and Objectives. The Town may choose to integrate the existing land acknowledgement used corporately.
Long-term Growth and Visioning	Section A1 articulates a Community Vision for Pelham, highlighting its environmental and topographical features, its agricultural lands, natural areas, and the intent of the Plan for guiding development in the Town’s urban settlement areas.	<ul style="list-style-type: none"> > <i>Planning Act</i> (ss. 2, 16) > Growth Plan (s. 4.2.6) > PPS (s. 1.1) > Regional OP (ss. 2.1, 2.3, 3.5, 4.1) 	<p>There is a need to update Section A1 to:</p> <ul style="list-style-type: none"> > Reflect updated population and employment projections established in the Regional OP for the Town of Pelham (28,830 and 7,140, respectively); > Reflect the housing policies in the Regional OP and establish direction for the Town of Pelham to provide a mix of housing options, provide affordable and attainable housing, and achieve affordable housing targets; > Identify the agricultural lands in the Town as Prime Agricultural Lands; and > Direct the Town to plan for the impacts of a changing climate through mitigation and adaptation efforts. <p>The Town’s Community Vision and Guiding Principles should be reviewed and updated through consultation and engagement with Town residents as part of the Town’s new OP.</p>

Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
Goals and Objectives	Section A2 establishes goals and objectives related to the Natural Environment, Growth and Settlement, Urban Character, the Economy, Infrastructure, Natural Resources, Cultural Heritage, and Community Improvement.	<ul style="list-style-type: none"> > <i>Planning Act</i> (ss. 2, 16) > Growth Plan > Regional OP (all sections) 	Section A2 should be updated to include goals and objectives related to climate change, agriculture, parks and open space, and diversity, equity, and inclusion (DEI). Existing goals and objectives should be reviewed against the Regional OP for conformity and revised accordingly.
Growth Management	Section A3 establishes a strategy for the settlement areas in Pelham, Fonthill and Fenwick. This includes establishing forecasts to 2031 for population, housing, and employment, and targeting specific growth in certain areas (e.g. accommodating up to 500 new jobs in the Mixed-Use Commercial-Employment centre in East Fonthill).	<ul style="list-style-type: none"> > Regional OP (ss. 2.1, 2.2) 	<p>Section A3 requires updating to establish population, housing, and employment forecasts, as well as intensification targets, to 2051 in conformity with the Regional OP.</p> <p>Additionally, policies directing growth more specifically between Fonthill and Fenwick should be reviewed in light of changes and trends since the current OP was adopted.</p>
Settlement Area Expansion	<p>Section A5.1 describes the Urban Area Boundary for Fonthill and Fenwick as the limit of urban development on full services.</p> <p>The limits of the Urban Area Boundary are shown on Schedules A, A1, and A2 (labelled as “Urban Settlement”).</p>	<ul style="list-style-type: none"> > Regional OP (ss. 2.2.5 and 6.1.4, 8.7, and Appendix 2 – Urban Expansion Areas and Future Employment Areas) 	<p>The Town’s new OP will require policies directing how growth will occur in the expansion areas (i.e., servicing studies, a new secondary plan or extension of existing secondary plans, phasing). Policy 2.2.5.6 in the Regional OP requires the development of a Secondary Plan for urban expansion areas, pursuant to Section 6.1.4 of the Regional OP. The Town is required to determine, in consultation with the Region, the appropriate policy directions for urban area expansions based on criteria established in the Regional OP.</p> <p>Additional direction in the Town’s OP will be required as per policy 8.7.3 of the Regional OP to coordinate planning between the Town, the Region, and the City of Thorold for the urban expansion area between Rice Road and the Town’s eastern municipal boundary, to the north and south of Merritt Road.</p> <p>Schedules A, A1, and A2 will also require updating to reflect the expanded urban area, and terminology should be aligned between policies and schedule.</p>

Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
Town Structure	NEW	<ul style="list-style-type: none"> > PPS (s. 1.1.2) > Regional OP (s. 2.2) 	Expand polices in Section A4 (Town Structure and Land Use) of the OP to delineate between the Urban Area as where growth is to be accommodated, and the Agricultural System (which includes the hamlets of North Pelham and Ridgeville) as to be protected and the site of limited non-agricultural residential growth.
			Identify Fonthill as the primary settlement area for new population and employment growth, followed by Fenwick.
			Create a new Town-wide Schedule showing the Town Structure, including: <ul style="list-style-type: none"> > Urban Area > Agricultural System > Fonthill > Fenwick > Hamlets > Downtown Fonthill Local Growth Centre > Intensification Corridors
Intensification and Phasing	<p>Section A5 provides context on key concepts and parts of the Provincial planning framework which guide development in the Town, including:</p> <ul style="list-style-type: none"> > Urban Area Boundaries; > The Built-up Area; > Greenfield Areas; 	<ul style="list-style-type: none"> > Growth Plan (s. 2.2) > Regional OP (s. 2.1, 2.2, 2.3, 7.7) 	<p>Section A5 should be reviewed against the Regional OP and updated accordingly. Updates that are required to Section A5 include:</p> <ul style="list-style-type: none"> > Update the existing intensification target of 300 new units in the Town's BUA between 2015 and 2031 to 1,030 new units between 2021 and 2051 as per the ROP; > Direct the Town to identify local growth centres and corridors in a new, updated Town structure and establish local intensification strategies; and

Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
	<ul style="list-style-type: none"> > Intensification Target; > Intensification Corridors; > Phasing; and > Urban Area Expansion. 		<ul style="list-style-type: none"> > Include reference to density targets for Designated Greenfield Areas (50 residents and jobs per hectares across the Region). <p>Identify Downtown Fonthill as a Local Growth Centre and the preferred location for growth and public and private investment in the Town.</p> <p>Expand policies for Intensification Corridors to:</p> <ul style="list-style-type: none"> > encourage intensification in those areas; > specify the types of uses and built form that the Town intends for the areas; s > specify where along the Corridor the policy applies (e.g., only to lands directly fronting on the Corridor); and, > apply requirements for transitions to adjacent areas.
Additional Residential Units	Sections B1.1.2 and B1.1.4 allow for second dwelling units within single-detached, semi-detached, townhouse and multiple dwellings in the Urban Living Area land use designation, and subject second dwelling units to a series of additional policies, such as providing adequate parking and ensuring that the character of the primary dwelling facing the street is maintained.	<ul style="list-style-type: none"> > <i>Planning Act</i> (ss. 3, 3.1, 3.2, and 3.3) > Regional OP (s. 2.3.3.2) 	<p>The existing policies require updating to meet the requirements of the <i>Planning Act</i> as amended by the <i>More Homes Built Faster Act, 2022</i> (Bill 23). The following revisions are required to the policies in Sections B1.1.2 and B1.1.4:</p> <ul style="list-style-type: none"> > Within urban areas, the Town's OP and Zoning By-law must allow for up to three residential units within the primary dwelling (if a single- or semi-detached or townhouse dwelling) or two residential units in the primary dwelling and one additional residential unit in an ancillary building; and > The Town cannot require more than one parking space per unit on a property.
Intensification	Sections B1.1.3 and B1.2.4.1 sections set an intensification target of 15%, or 300 new dwelling units, to be built within the built	<ul style="list-style-type: none"> > Regional OP (s. 2.2.2) 	Section B1.1.3 and B1.2.4.1 require updating to conform with the Regional OP's intensification target for Pelham of 25%, or 1,030 new units, between 2021 and 2051. These targets are established in Table 2-2 to the ROP.

Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
	boundaries of Fenwick and Fonthill between 2016 and 2031.		
Affordable Housing	Section B1.2.4.1 requires that at least 50% of dwellings constructed in Downtowns be affordable to low and moderate income households. Section B.1.7.3.2 establishes a minimum threshold for affordable housing in the East Fonthill Secondary Plan Area.	<ul style="list-style-type: none"> > PPS (s. 1.4.3) > Growth Plan (s. 2.2.6.1.a) > Regional OP (ss. 2.3.2.3, 2.3.2.4) 	<p>The existing OP does not have any dedicated section for affordable housing policies applicable Town-wide. The Regional OP requires local OPs to set the following minimum targets for affordable housing:</p> <ul style="list-style-type: none"> > 20% of all new rental housing; and > 10% of all new ownership housing. <p>A new section should be added that establishes minimum targets for affordable housing. This section should include additional policies directing for the identification of surplus public lands or buildings, as well as brownfield and grey field sites, that may be suitable for affordable housing development.</p> <p>Where implementation policies are reviewed and updated (Section E1), new policies should be introduced directing the Town to utilize tools for supporting affordable housing development, including providing flexibility of form and scale, streamlining of planning approvals, and financial incentive programs.</p>
Rental Conversion	Section B1.1.12 discourages the conversion of rental to condominium where the vacancy rate is less than 3% and the ownership being provided through the conversion is not affordable.	<ul style="list-style-type: none"> > Regional OP (s. 2.3.2.6) 	As per the Regional OP, the Town's OP must restrict conversion or demolition of rental housing except according to certain criteria. Section B1.1.12 must be updated to ensure alignment and conformity with the Regional OP, specifically policy 2.3.2.6.
Housing Strategy	Sections A3 and B1 broadly call for a number and variety of dwellings to satisfy existing and future residents. However, the Town's OP does not explicitly direct the Town to prepare a housing strategy.	<ul style="list-style-type: none"> > Regional OP (2.3.3.3) 	The Regional OP encourages local municipalities in the Region to develop housing strategies. It is recommended that, at a minimum, new policies be introduced in the Town's OP to enable and support the Town in pursuing these efforts or supporting the Region with these efforts. This policy or suite of policies may be introduced in Section A3 to accompany population, household and employment forecasts.
Housing Mix	Section A2.3.2 establishes a high-level objective to provide a mix of housing types in	<ul style="list-style-type: none"> > Growth Plan (s. 2.2.6.3) 	The Regional OP requires local municipalities to establish targets in their OPs for an overall mix of housing by density type (i.e. low-, medium-, and high-

Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
	neighbourhoods. There are no targets for housing by density (i.e., low-, medium-, and high-density) or level of affordability.	> Regional OP (ss. 2.3.1)	density) and level of affordability. The Town must include minimum affordable housing targets, as required by the Regional OP in policy 2.3.2.3. It is recommended that this policy be incorporated into Section B1.1.3 of the Town's OP. Alternatively, the Town may establish a standalone section or subsection for affordable housing policies given the breadth of policy revisions that are required to achieve conformity with the Regional OP.
Urban Design	<p>Section B1.2.4.3 and B1.3.4.3 outline detailed urban design and development criteria for new development or redevelopment in the Downtown and Downtown Transitional Area designations, respectively.</p> <p>Section B1.2.5 sets out a list of potential projects to revitalize the public realm in the Downtown designation.</p>	> Regional OP (ss. 6.2.1, 6.2.2)	These sections are generally in conformity with the Regional OP, but may require small revisions to ensure that certain concepts in the are being supported. This includes sustainable design and the promotion of active transportation.
Prime Agricultural Lands	Section B2.1 contains policies for the Good General Agricultural land use designation.	> Growth Plan (s. 4.2.6) > Greenbelt Plan (s. 3.1.3) > Regional OP (s. 4.1)	<p>Section B2.1 should be renamed to Prime Agricultural to delineate prime agricultural areas within the Town, based on Niagara's ROP, Growth Plan, and Greenbelt mapping and policy.</p> <p>Schedule A (Land Use) should be revised to show Prime Agricultural instead of Good General as a land use designation.</p>
Non-agricultural Uses in Prime Agricultural Lands	Section B2.1.3.10 outlines the restrictions on conversions to non-agricultural uses.	> Regional OP (Policy 4.1.3.3)	Section B2.1.3.10 should be revised to specifically require that applications for non-agricultural uses on Prime Agricultural (formerly Good General Agricultural) lands must be accompanied by an Agricultural Impact Assessment which evaluates the potential impacts of the proposed development on nearby agricultural operations and the broader agriculture system and recommends ways to avoid, or, if avoidance is not possible, minimize and mitigate adverse impacts.

Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
Lot Creation and Consents in Agricultural Areas	Sections B2.1.3 and B2.2.5 include policies guiding consents to sever and lot creation in agricultural areas, setting out certain criteria where severing new lot from an existing farm parcel may be permitted (e.g., to accommodate a surplus dwelling resulting from the consolidation of two farms).	> Regional OP (ss. 4.1.4 through 4.1.6)	Update Policy 2.1.3.1 to add the following criteria for creation of a new lot through a consent to sever within the Prime Agricultural (formerly Good General Agricultural) designation: <ul style="list-style-type: none"> > if the new lot is for an agricultural use, that it is appropriate for the farming activities proposed, is suited to the particular location and common in the area, and provides some flexibility for changes in the agricultural operation; > if the new lot is for an agriculture-related use, that the new lot is limited to the minimum size to accommodate the proposed use and required water and sewage services, and that residential uses are prohibited on the lot in perpetuity through the Town's zoning by-law
		>	While not strictly necessary for conformity, the Town should consider renaming the Specialty Agricultural designation to Specialty Crop Area for consistency of language with the Regional OP and Provincial planning documents. Update Policy B2.1.3.3 to add the following criteria for the creation of a new residential lot within the Prime Agricultural (formerly Good General Agricultural) designation as a result of a farm consolidation rendering a farm dwelling surplus: <ul style="list-style-type: none"> > the lot has adequate groundwater or other water supply; > the lot has sufficient frontage on an existing public road, and should use the existing road access to the farm operation wherever possible; and, the new lot will not have impact on surrounding farming operations and will not create a traffic hazard.

Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
		>	<p>Update Section B2.2.5 to add the following criteria for the creation of a new lot through a consent to sever within the Specialty Crop Area (formerly Specialty Agricultural) designation:</p> <ul style="list-style-type: none"> > the severance must be supported by a planning justification report; > the consent is for one of the following uses: <ul style="list-style-type: none"> ○ an agriculture-related use, provided that the new lots is large enough to accommodate the use and appropriate sewage and water services; ○ public infrastructure, if the use cannot be provided through easements or rights of way, the need for the infrastructure is demonstrated and no alternative exists, and an agricultural impact assessment for the proposed use has been completed.
Minimum Distance Separation (MDS)	Policies B2.1.4 and B2.2.4 require compliance with the Minimum Distance Separation Formulae for livestock facilities	<ul style="list-style-type: none"> > Regional OP (ss. 4.1.3, 4.1.9, 4.1.10) 	Policies B2.1.4 and 2.2.4 should be expanded to outline land use compatibility reasoning for MDS requirements and apply the policies to anaerobic digesters in addition to livestock facilities.
	New		Policies B2.1.3.1, B2.1.3.10, and B2.2.5 should be updated to require that new lots and non-agricultural development in Prime Agricultural and Speciality Crop Area lands comply with the Minimum Distance Separation formulae.
Agri-food Network	New Through OPA 15 (2022), policies were added to the Town's existing OP to permit agriculture-related and on-farm diversified uses, but the OP does not contain a dedicated section or set of policies on the agri-food network	<ul style="list-style-type: none"> > Growth Plan (4.2.6) > Regional OP (4.1) 	<p>A new subsection (or subsections) should be added to Section B2.1 and B2.2 of the Town's OP which established the concept of the agri-food network and its importance to the strength of the agricultural system. This section can include existing policies on agriculture-related and on-farm diversified uses, as well as new policies, including but not limited to:</p> <ul style="list-style-type: none"> > requiring that planning for settlement area expansions and infrastructure development consider potential impacts (positive and

Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
			<p>negative) on the processing and movement of agricultural goods and services;</p> <ul style="list-style-type: none"> > establishing a link between the agricultural system and employment in the Town; > promoting a strong and innovative rural brand the Town, such as supporting festivals and events that highlight the Township's farming character and agricultural products; > encouraging opportunities for urban agriculture such as community gardens, food co-ops, local food sourcing for municipal facilities, and other initiatives; and > encouraging connecting between local farmers and local retail food stores.
	Section E1.7 established Community Improvement Project Areas within the town and enabling policies for Community Improvement Plans, but does not enable the use of a CIP for agricultural or rural purposes.	> Best Practices	<p>Policies E1.7.2 and E1.7.3 should be updated to include the growth and diversification of the Town's agricultural economy as a goal of Community Improvement and enable value-added agriculture-related and on-farm diversified uses as opportunities for funding through a CIP.</p> <p>Policy E1.7.4 should also be updated to add agricultural areas to the criteria for the delineation of a Community Improvement Project Area.</p>
Topsoil Removal	New	> Regional OP (s. 4.1.1.5)	The Regional OP discourages the removal of topsoil in prime agricultural areas, specialty crop areas, and rural areas, and prohibits placement of fill dirt in prime agricultural areas and specialty crop areas. The Town's OP should be updated to include policies which conform with the above, as well as directing for the enactment of a municipal site alteration/fill by-law to support said policies.
Mineral Aggregate Resources	Section B2.5 contains policies guiding the use of land within the Mineral Aggregate Resource Area designation, including requirements and	> Regional OP (s. 4.3.1)	While the Town's OP contains substantial policies guiding the protection of mineral aggregates and their extraction, much of which is in conformity with

Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
	restrictions for development on or near aggregate resources, criteria for new or expansion of mineral aggregate resource extraction, and rehabilitation of mineral aggregate sites (e.g., returning a former extraction site to agricultural uses).		<p>the Regional OP, Section B2.5 should be updated to fill conformity gaps, particularly for the following:</p> <ul style="list-style-type: none"> > Planning for the impacts of mineral aggregate operations on natural heritage (Regional OP policies 4.3.4.5 to 4.3.4.10) > Expansion of the criteria for the evaluation of applications for new or expanded mineral aggregate operations and associated OP amendments (Regional OP policy 4.3.4.4) > Planning for haulage and truck traffic related to aggregate extraction (Regional OP Section 4.3.5) <p>Policies to encourage recycling of aggregate material in the Town wherever possible, including in Town-led infrastructure projects (Regional OP Section 4.3.7)</p>
Natural Heritage and Water Resource Mapping	<p>The Town's OP currently implements the Region's Natural Heritage System through a series of land use designations:</p> <ul style="list-style-type: none"> > Section B3.1: Niagara Escarpment Area > Section B3.2: Environmental Protection One – Regional Environmental Protection Area (EPA) > Section B3.3: Environmental Protection Two – Regional Environmental Conservation Area (ECA) > Section B3.4: Environmental Protection Three (Greenbelt Key 	<ul style="list-style-type: none"> > Growth Plan (s. 4.2.2 through 4.2.4) > Greenbelt Plan (s.3.2) > Niagara Escarpment Plan (s. 1.3, 1.4) > Regional OP (s. 3.1) 	<p>A new schedule should be introduced to map the Natural Environment System. As recommended in this TCR, it is recommended that the Natural Environment System, inclusive of the Natural Heritage System and Water Resources System, be mapped on at least two separate schedules. Implementing policies can be identified that speak to the integrated nature of the Natural Environment System.</p>


Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
	<p>Natural Heritage And Key Hydrological Features)</p> <p>These sections delineate which natural heritage and hydrological features are contained within each designation, and outline policies related to permitted uses within or adjacent those features.</p> <p>Sections C1 through C4 contain additional policies supporting the policies in Section B3, including for supporting corridors and linkages between natural heritage features.</p>		
Climate Change	<p>Section D3 encourages and supports energy conservation, district heating, and combined heat and power, but otherwise the Town's existing OP does not reference climate change.</p>	<ul style="list-style-type: none"> > <i>Planning Act</i> (s. 16(14)) > PPS (s. 1.1.3.2) > Regional OP (s. 3.5) 	<p>A new section on climate change should be introduced. This section may integrate current Section D3 and establish the relationship between energy conservation, district heating, and other alternative energy sources and climate change. The Town should introduce policies that support actions identified in the Town's Energy Management Plan and Corporate Climate Change Adaptation Plan to support reduction of greenhouse gas emissions and increase resiliency to the impacts of climate change, among other priorities and objectives established by the Town in these plans. This is further discussed in Section 2.3.1 of this TCR.</p>
Watershed Planning	<p>Section C5 contains a policy committing the Town to working with Niagara Region, the Niagara Peninsula Conservation Authority, and the Province in preparing watershed and subwatershed plans, but contains no other policies on watershed planning.</p>	<p>Regional OP (s 3.2)</p>	<p>The Town's OP must be updated to conform with the Watershed Plan and subsequent policies in the ROP, particularly around the responsibilities of local municipalities in the Region for the preparation of subwatershed studies.</p>

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Excess Soil	There are no existing policies on excess soil in the Town's OP.	<ul style="list-style-type: none"> > PPS (s. 3.2.3) > Regional OP (s. 3.7) 	<p>The Regional OP directs that local municipalities will use best practices for managing excess soil. New policies must be added to the Town's OP for the management of excess soil generated and fill received during development or site alteration. This may include:</p> <ul style="list-style-type: none"> > Explicit reference to the Town's Removal of Topsoil from Lands By-law; > Objectives and policies that speak to the importance of preventing the disruption and destruction of landscape features; and <p>Requiring appropriate identification for planning, design, grading, and construction practices that minimize mass grading, disturbance to landform character, and other factors that must be considered where the removal of topsoil or other alterations to the landscape are proposed.</p>
Complete Streets	There are no existing policies on complete streets in the Town's OP.	<ul style="list-style-type: none"> > Growth Plan (3.2.2.3) <p>Regional OP (s., 5.1.4)</p>	<p>The Regional OP directs that a complete streets approach be adopted by local municipalities for designing new or reconstructed local streets, and that in the absence of a local complete streets guideline or equivalent, that the Region's Complete Streets Design Manual and Guidelines should be used.</p> <p>The Town does not have complete streets guidelines available at the local level. The Town's Active Transportation Plan and Implementation Strategy directs the Town to implement the Region's resource. The OP should include policies that encourage and support a broad range of design standards that can be universally applied to achieve complete streets.</p>
Cycling	Section D2.6 commits the Town to preparing an Active Transportation Plan in partnership with the Region, and developing policies and zoning to support active transportation.	<ul style="list-style-type: none"> > Regional OP (s. 5.1.3) 	New policies should be introduced to implement the Strategic Cycling Network identified in the Regional OP. Additionally, there is an opportunity to expand the policies in Section D2.6 to reflect the Region's goal of an interconnected active transportation network, and not just individual facilities. The policies in Section B1.5 may also be updated as the Open Space designation incorporates the principles of active transportation.

Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
Public Transit	Section D2.7 directs that all Town Arterial and Collector roads be designed to accommodate a future transit network.	> Regional OP (s. 5.1.2)	While there is no explicit conformity requirement around public transit in the Town, there is an opportunity to build on the policies in Section D2.7, drawing from policies in the Regional OP around transit-supportive development.
Parkland and Open Space	Section D5.4 , which is nested within Section D5 (Subdivision of Land), sets out goals for public parkland in the Town, policies for the conveyance and dedication of parkland through the development process, and policies on park siting and design.	> <i>Planning Act</i> (s.42, s. 51.1) > Ontario Regulation 509/20: Community Benefits Charges And Parkland Regional OP (s. 5.3.1)	Since the last update of the Town's OP, significant changes have been made to the parkland conveyance tools under Section 42 and 51.1 of the <i>Planning Act</i> , including to dedication rates and cash-in-lieu rules. Additionally, the Regional OP directs local municipalities to include specific policies related to parkland and open space in their OPs, including but not limited to: <ul style="list-style-type: none"> > Integrating development with trails and parks; > Consideration of climate change in parks planning; and > Consideration of using surplus public lands for recreation and open space needs. > There is opportunity to introduce new policies in Section B1.5.4.1 guiding the development or trails and parks, and use of open space needs. If the Town chooses to introduce a new standalone chapter on climate change, there is an opportunity to implement new policies that require consideration of climate change in parks planning. This may include opportunities for green infrastructure, community gardens, renewable energy, and others.
Cultural Heritage	Section D4 includes policies around cultural and built heritage, including criteria for Heritage Impact Assessments (HIAs), restoration/rehabilitation of cultural heritage resources, and the framework for listing and designating heritage properties.	> <i>More Homes Built Faster Act</i> , 2022 (Schedule 6)	Section D4 requires review to ensure that policies related to listing properties on the heritage register, and subsequent designation of those properties, align with changes to the <i>Ontario Heritage Act</i> made under the <i>More Homes Built Faster Act</i> (Bill 23). Bill 23 removes the Town's ability to issue notice of intention to designate a property unless the property is already listed. Policies in Section D4.2.2.3 specifically must be revised and updated for conformity.

Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
Archaeology	Section D4.3 contains policies around archaeological preservation and criteria for archaeological assessments.	<ul style="list-style-type: none"> > PPS (s. 2.6) > Regional OP (s. 6.4) > Current best practices 	Section D4.3 should be revised to ensure conformity with the Regional OP's more robust framework around archaeology. New policies should be introduced guiding the Town through engagement with Indigenous communities and consideration of their interests when managing both cultural heritage and archaeological resources. Additional policies should be introduced
Site Plan Control	Section E1.4 designates all areas of the Town as a Site Plan Control area, and sets out of the elements of a development which fall under site plan control.	<i>Planning Act</i> (s. 41)	Section E1.4 requires revisions to align with changes to the <i>Planning Act</i> through the <i>More Homes Built Faster Act</i> (Bill 23). Revisions required to achieve conformity include: <ul style="list-style-type: none"> > Remove exterior design from site plan control (with certain exceptions). > Exempt residential buildings containing no more than 10 units from site plan control.
Community Planning Permit System	Section E1.8 enables the establishment of a development permit system for the Town, and proposes that the system apply to lands adjacent to any natural heritage feature which require some level of impact assessment prior to development. This section also sets out goals for the development permit system, scope of authority of the development permit system, and criteria and conditions for the modification of zoning regulations where the development permit system applies.	<ul style="list-style-type: none"> > Ontario Regulation 173/16 > Regional OP (3.1.32) 	The existing policies in Section E1.8 conform with the Province's requirements for OP policies related to community planning permits (the new term which has replaced "development permits"). The Regional OP contains policies providing additional guidance for local municipalities using community planning permit systems for development in the natural environment system, as in the case of the Town. The following revisions are recommended for conformity: <ul style="list-style-type: none"> > Minor updates can be made to Section E1.8 to reflect the change from "development permit system" to "community planning permit system". > Consider expanding the community planning permit system in Pelham beyond the natural environment context (e.g., to streamline infill development within the Downtown land use designation).

Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
Community Benefits Charges	Section B1.7.7.2(h) enables the Town to enact a height and/or density bonusing by-law.	<ul style="list-style-type: none"> > <i>Planning Act</i> (s. 37) 	<p>Through the <i>More Homes, More Choice Act</i> (Bill 108), the Province amended Section 37 of the <i>Planning Act</i> to remove height/density bonusing and replace it with the Community Benefits Charge.</p> <p>The Town's OP should be updated to introduce policies in Section E1 enabling the use of Community Benefits Charges and directing for the preparation of a Community Benefits Charge strategy and by-law. Example policies prepared by other Ontario municipalities have previously been provided to the Town in the Background Research Report and may be consulted to inform policies for the Town.</p>
Bill 109 Implementation	Section E3.1 enables Council to require that where appropriate, a development proponent attend a pre-consultation meeting with Town staff and/or Regional or NPCA staff. The section also prescribes what information will be required as part of any complete planning application, and what additional information may be required depending on the context of the application.	<ul style="list-style-type: none"> > <i>Planning Act</i> (s. 34(10.12)) > Current best practices 	The planning fee refunding regime to the <i>Planning Act</i> under the <i>More Homes For Everyone Act</i> (Bill 109) has implications for the pre-consultation process, which may require changes to ensure the Town can meet the timelines required by the <i>Planning Act</i> . It is not anticipated that this will result in significant changes to Section E3.1 of the OP.
Indigenous Engagement	There is currently no existing framework for consultation or engagement with Indigenous communities on planning applications or projects.	<ul style="list-style-type: none"> > PPS (s. 1.2.2) > Regional OP (7.10) 	<p>The PPS requires that municipalities engage with Indigenous communities on land use planning matters. The Regional OP builds on this requirement with robust policies guiding engagement with First Nations and other Indigenous communities, which should be integrated into the Town's OP as applicable.</p> <p>It is recommended that the Town follow the lead of the Region, as well as current best practices for OPs, and add policies setting out a framework for consultation, including consultation with Indigenous communities, on planning decisions by the Town. The Town is encouraged to engage with Indigenous communities in the development of these policies to support the enrichment of a of nation-to-nation relationship.</p>



Focus Area	Existing Town OP Characterization	Key Policy Drivers and Resources	Recommended Revisions for Conformity
Housekeeping	Since the adoption and approval of the Town's current OP, sixteen OPAs have been adopted, implementing a mix of site-specific and Town-wide policy changes.	> OPAs 1 through 16	Through the update to the Town's OP, these OPAs and any others that may be adopted between the publishing of this TCR and the adoption of the updated OP should be integrated.

4 Next Steps

The Technical Conformity Report will be presented to the Town for submission to Council. WSP will also prepare a draft template for the updated OP for the Town to use in subsequent phases of the OPR outside the scope of the Technical Conformity Review. This template document will be based on feedback from the Town on the OP format options presented in the Discussion Paper in Phase 2. This will include a high-level structure and suggested Table of Contents and select graphical elements.

Following submission to and endorsement by Council, the Technical Conformity Review will be completed for formal submission to the Town at which point Phase 1 of the Town's Official Plan Review will be completed.



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

Meeting #: PCOW-05/2023
 Date: Wednesday, June 14, 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 Wayne Olson, Councillor John Wink, Councillor Shellee Niznik

Staff Present: David Cribbs, Barbara Wiens, Sarah Leach, Lindsay Richardson, Jodi Legros

1. Call to Order and Declaration of Quorum

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

2. Land Recognition Statement

Mayor Junkin read the land acknowledgement into the record.

3. Adoption of Agenda

Moved By Councillor Wayne Olson

THAT the agenda for the June 14, 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 5.2.1.

For (4): Mayor Marvin Junkin, Councillor Wayne Olson, Councillor John Wink, and Councillor Shellee Niznik

Carried (4 to 0)

Motion as Amended:

Moved By Councillor Wayne Olson

THAT the agenda for the June 14, 2023, Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.

For (4): Mayor Marvin Junkin, Councillor Wayne Olson, Councillor John Wink, and Councillor Shellee Niznik

Carried (4 to 0)

4. Disclosure of Pecuniary Interest and General Nature Thereof

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

5. Review and Update of the Town of Pelham Official Plan

The Deputy Clerk read opening remarks into the record.

5.1 Planning Report and Presentation

The Consultants, Gregory Bender and Andria Sallese provided a presentation. A copy is available on the agenda and through the Clerk.

Ms. Barbara Wiens, Director of Community Planning and Development indicated that the public meeting was the first of a series of public consultation.

**5.1.1 Statutory Public Meeting Section 26(3) of the
Planning Act, Town of Pelham Official Plan Review,
2023-0138-Planning**

5.2 Public Input

Graham Pett, a representative of Pelham Advocates for Trees and Habitat (PATH), expressed concern regarding the health and sustainability of the tree canopy. Mr. Pett requested better tree management plans, naturalized parks, protection of wetland, greener building standards, a community wide emission reduction plan, protection of the Greenbelt and protection of the Twelve Mile Creek.

Craig Larmour indicated he represented the Pelham Greenhouse Growers Group. Mr. Larmour expressed concern with policies that restrict the size and intensity of greenhouses, identifying the 30% lot coverage provision. Mr. Larmour stated this provision is problematic as the owner would need to seek a zoning by-law amendment to expand their greenhouse, which is costly and time-consuming. Mr. Larmour discussed policy in adjacent municipalities, identifying a 70% lot coverage provision in West Lincoln, 30% in Thorold and the lack of restrictions in both Lincoln and St. Catharine's. Mr. Larmour indicated that such restriction disadvantages greenhouse growers. Mr. Larmour further indicated the Pelham Greenhouse Growers Group may bring a request to the Normal Farm Practices Board for review and decision prior to the official plan approval.

Councillor Niznik asked if the Pelham Greenhouse Growers Group was represented on the Agricultural Advisory Committee. Mr. Larmour indicated two members sit on the Agricultural Advisory

Committee. Councillor Niznik identified the Agricultural Advisory Committee as additional avenue for input.

Councillor Wink assured that all comments will be taken into consideration.

Major Junkin agreed that the 30% lot coverage restriction did not seem fair.

Jason Wieringa supported Mr. Lamour's comments regarding the 30% lot coverage restriction. Mr. Wieringa stated that opportunity for expansion is important for greenhouses. Additionally, Mr. Wieringa indicated hastily made regulations to limit cannabis operations could have unintended consequences on normal greenhouses growers. Mr. Wieringa discussed the rise in greenhouse expenses and stressed the need to consider farm succession and financial viability. He stated the 30% lot coverage restriction is a major hinderance.

Councillor Olson indicated that greenhouses must be provided the chance to compete on a level playing field to survive. Councillor Olson expressed the desire to support greenhouses.

Bill Heska stated he supported the agricultural industry and indicated a need to practice responsible planning in the community. Mr. Heska asked if there was opportunity to share Planning resources to save money. Mr. Wiens advised that local municipalities are exploring shared service opportunities.

Ms. Leach indicated she checked the clerks@pelham.ca email address at 6:44 pm and confirmed no e-mails have been received. Ms. Leach indicated the public comment portion could be closed. Ms. Leach reminded the viewing public that the Planning department will continue to collect comments beyond the public meeting and during the many future public consultation opportunities. The Committee agreed to close the public portion of the meeting and move to Committee input.

5.3 Committee Input

Councillor Olson identified three focal points for the official plan. He identified the urban boundary and its expansion, climate initiatives regarding development and the need for an aging strategy. Ms. Wiens indicated that urban boundaries are established by the Region and confirmed that climate initiatives such as low impact development are elements of policy direction. Ms. Wiens indicated that the aging population and housing standards can be looked at through a policy context.

Councillor Niznik emphasized the preservation of natural spaces within the community.

Councillor Wink expressed thanks for public input and encouraged the public to stay engaged in the consultation process.

Mayor Junkin expressed hope that Town policy will remain relevant in the wake of Provincial Policy.

5.4 Presentation of Resolutions

Moved By Councillor John Wink

THAT Committee receive Report # 2023-0138 Statutory Public Meeting Section 26(3) of the Planning Act, Town of Pelham Official Plan Review, for information.

For (4): Mayor Marvin Junkin, Councillor Wayne Olson, Councillor John Wink, and Councillor Shellee Niznik

Carried (4 to 0)

Moved By Councillor Shellee Niznik

THAT Committee receive the consultant's presentation for information.

For (4): Mayor Marvin Junkin, Councillor Wayne Olson, Councillor John Wink, and Councillor Shellee Niznik

Carried (4 to 0)

Moved By Councillor John Wink

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

AND THAT Committee receive the verbal presentations made by the public.

For (4): Mayor Marvin Junkin, Councillor Wayne Olson, Councillor John Wink, and Councillor Shellee Niznik

Carried (4 to 0)

6. Adjournment

Moved By Councillor Wayne Olson

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

For (4): Mayor Marvin Junkin, Councillor Wayne Olson, Councillor John Wink, and Councillor Shellee Niznik

Carried (4 to 0)

Mayor: Marvin Junkin

Deputy Clerk: Sarah Leach

Organization Name: POSITIVE LIVING NIAGARA	
Contact Name: DARRYL DYBALL	
Address: 120 QUEENSTON STREET	
City: ST. CATHARINES	Postal Code: L2R 2Z3
Phone: 905-984-8684 X120	Email Address: DDYBALL@POSITIVELIVINGNIAGARA.COM
Proclamation Requested:	
Date(s) of Proclamation: November 25 - December 1st - HIV AIDS Awareness Week / December 1st World AIDS Day / December 1-8 Indigenous HIV/AIDS Awareness Week	
Purpose of Proclamation: In Recognition of HIV/AIDS Awareness Week/World AIDS Day & Indigenous HIV/AIDS Awareness Week	
Description of Organization <i>(Please provide a brief description. Additional information may be attached to this form)</i> Positive Living Niagara is a community based organization that offers support services to those living with, or affected by HIV, Hepatitis C and other sexually transmitted blood borne infections. We also provide community education on HIV/AIDS, sexual health and harm reduction practices. Our StreetWorks Department also offers outreach through a Needle/Syringe Program along with a Consumption & Treatment Services Site.	
Has the same or a similar proclamation been requested <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No of the Town of Pelham Council in past years?	
You must provide the draft wording for your proclamation in order to receive an official signed proclamation from the Mayor.	
Personal information on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of processing your request. Question about this collection should be directed to the Town Clerk, 20 Pelham Town Square, P.O. Box 400, Fonthill, ON, L0S 1E0, 905-892-2607 Ext. 315.	
Please complete and submit your completed form at least two weeks in advance of the occasion.	
Signature <u>Darryl Dyball</u>	Date <u>8/25/2023</u>

HIV/AIDS Awareness Week Proclamation

We are here today to raise the Positive Living Niagara flag, in recognition of International HIV/AIDS Awareness Day.

Whereas it is estimated that more than 400 people in Niagara are living with HIV.

Whereas HIV related stigma and discrimination can prevent people from getting the treatment and care needed to strengthen their health and well-being.

Whereas myths and misinformation about HIV related issues limits people's capacity to make healthier choices which contributes to the spread of HIV infections.

Whereas HIV affects our friends, family and coworkers.

Therefore, I do by proclaim the week leading up to and including December 1st as International HIV/AIDS Awareness Week here in the Town of Pelham, province of Ontario.

BY EMAIL

Council for the Town of Pelham
c/o David Cribbs, Chief Administrative Officer
Town Hall Pelham
20 Pelham Town Square
Fonthill, Ontario L0S 1E0

August 31, 2023

Dear Members of Council for the Town of Pelham:

RE: Integrity Commissioner complaint fee and affidavit requirement

My Office received a complaint that the Town of Pelham charges a fee to make a complaint under the Code of Conduct to its appointed Integrity Commissioner. Under the Town's User Fees and Charges By-law 2023, there is no charge for an individual's first complaint to the Integrity Commissioner; however, there is a \$100.00 fee for a second complaint and a \$300.00 fee for any further complaints. The fee is refundable if the Integrity Commissioner finds that the Code of Conduct was contravened, and may be waived in certain circumstances.¹ The Town's Advice, Complaint and Investigation Protocol also requires individuals to include an affidavit in order to file a Code of Conduct complaint to the Integrity Commissioner.

The *Municipal Act, 2001* requires that all municipalities appoint an Integrity Commissioner, or make the services of an Integrity Commissioner available, to address complaints regarding the ethical conduct of members of council and local boards. This system is premised on a willing public coming forward to assist in ensuring that transparency is maintained at the municipal level.

There should be no fee or other barrier to make a complaint under a Code of Conduct to the Integrity Commissioner. While some municipalities have chosen to implement a complaint fee, my Office has publicly denounced this practice as it penalizes complainants for exercising their statutory rights, and may prevent legitimate complaints from being brought forward due to

¹ Motion of Council 11.5.1 on September 7, 2021

concerns about financial cost. Charging a fee to complain is entirely inconsistent with the primary intent of the Integrity Commissioner scheme, which is to foster democratic legitimacy and public trust at the local level.

I understand that the Town's complaint fee structure was implemented to offset costs and minimize the number of frivolous or vexatious complaints received by the Town.² The Town's Advice, Complaint and Investigation Protocol already provides the Integrity Commissioner with the authority to dismiss complaints that are frivolous, vexatious, not made in good faith, lack grounds or where there are insufficient grounds for an investigation or inquiry.³ This discretion should be sufficient to enable the Town's Integrity Commissioner to address concerns about unmeritorious complaints.

The fee may be waived by the Town's Clerk, Chief Administrative Officer, or Solicitor in their sole discretion. The fee may be returned if the Integrity Commissioner finds a contravention of the Code of Conduct but is forfeited if the complaint is not substantiated or is found to be frivolous, vexatious, made in bad faith, contains insufficient grounds to support an investigation, or is outside the jurisdiction of the Integrity Commissioner. Certain types of complaints are exempt from a fee, for example, complaints that relate to alleged physical or sexual harassment and criminal behavior.⁴ While I strongly encourage the Town to cease its practice of charging fees to members of the public for Integrity Commissioner services, should the Town continue this practice, it should at a minimum provide guidelines to assist staff in determining when to exercise the discretion to waive the fee depending on the circumstances, such as where the complainant does not have the means to pay or where those unfamiliar with the complexities of legal jurisdiction file complaints that are outside the Commissioner's authority or lack sufficient grounds.

The Town's complaint protocol also requires individuals to provide the Integrity Commissioner with an affidavit setting out reasonable and probable grounds for a Code of Conduct complaint.⁵ The Chief Administrative Officer told our Office that the affidavit requirement emphasizes the seriousness of the integrity commissioner process and acts as a deterrent against the submission of frivolous or vexatious complaints. The Town's website indicates that

² Town of Pelham, Report #2023-0026 Integrity Commissioner Fee Update Report, January 30, 2023 at page 1.

³ Town of Pelham: Council, Policy No. S201-16, *Advice, Complaint and Investigation Protocol* (19 April 2023), s. 6.9

⁴ Motion of Council

⁵ Town of Pelham: Council, Policy No. S201-16, *Advice, Complaint and Investigation Protocol* (19 April 2023), s. 5.8

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www.ombudsman.on.ca

Facebook : facebook.com/OntarioOmbudsman Twitter : twitter.com/Ont_Ombudsman YouTube : youtube.com/OntarioOmbudsman



the Clerk's Office will not charge a fee to commission this affidavit. However, requiring members of the public who wish to make a Code of Conduct complaint to swear an affidavit creates undue barriers for individuals. The Code of Conduct is an essential tool for members of the public to hold their elected officials accountable for their conduct and to maintain public trust in the democratic process. Members of the public who have a potential complaint should have an avenue to access the Integrity Commissioner without difficult or onerous requirements. When the burden of filing a complaint becomes too difficult, individuals may be discouraged from raising legitimate concerns, undermining the purpose of the Code of Conduct. The Town should eliminate barriers to exercising democratic rights such as the requirement that individuals provide an affidavit in order to make a Code of Conduct complaint to the Integrity Commissioner.

Conclusion

I strongly urge the Town of Pelham to amend its User Fees and Charges By-law and Advice, Complaint, and Investigation Protocol as soon as possible to remove all complaint fees and the affidavit requirement for Code of Conduct complaints. My Office has recently created a Guide for Municipalities on Codes of Conduct, Complaint & Inquiry Protocols, and Appointing Integrity Commissioners. Based on our experience in this area, we developed this best practice guide to help municipal councils and staff develop codes of conduct, establish complaint/inquiry protocols, and appoint integrity commissioners. I encourage the Town to review the Guide online: <https://www.ombudsman.on.ca/resources/brochures-and-posters/municipal-resources#TOCResources%20About%20Municipal%20Integrity%20Commissioners>.

Sincerely,



Paul Dubé
Ontario Ombudsman

cc: William Tigert, wtigert@pelham.ca

483 Bay Street, 10th Floor, South Tower / 483, rue Bay, 10^e étage, Tour sud
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Sarah Leach

From: Larry Dolan [REDACTED]
Sent: Tuesday, September 12, 2023 2:51 PM
To: clerks pelham
Subject: 2024 Budget submission

Climate change initiative.

It has become increasingly evident over the last few years that climate change is well underway with the extreme weather events that seem to be constantly occurring throughout Canada. We've witnessed wildfires, ice storms, excessive rainfall events and flooding. As a community, one of our greatest climate change threats here in Pelham is the loss of hydro service due to wind damage or ice storm events.

It is therefore imperative that Council plan a proactive strategy in co ordination with our local hydro providers to protect our electrical grid. The best way to protect the grid is to pursue a long term plan to bury our overhead wire network. It is interesting to witness Bell currently burying their cable throughout all of Pelham. Surely our electricity providers can undertake a similar initiative in partnership with the town that will not only protect us from future blackouts but also position Pelham as a leader in adapting to climate change.

Sincerely

Larry Dolan
[REDACTED]

Fonthill

Ms. Sarah Leach
Deputy Clerk
Town of Pelham
20 Pelham Town Square
PO Box 400
Fonthill, Ontario
L0S 1E0

[REDACTED]
[REDACTED]
[REDACTED]

Re: Reestablishing the Tennis Practice Wall in the Town of Pelham Budget 2024

Dear Ms. Leach, Deputy Clerk, Town of Pelham,

My interest in writing this request of the Town of Pelham Budget 2024 is to ask Council to kindly consider reestablishing a tennis practice wall in the vicinity of our present tennis courts, located in Centennial Park, Fenwick. The former Pelham Tennis Association, in conjunction with the Town, had constructed a practice wall some time ago; however with time passage, was considered not to code, demolished, with a utility building constructed in its place.

A tennis practice wall is a valuable tool in tennis development for all ages and is used by Tennis Pros during tennis lessons. I, personally, improved my tennis game those years ago practising against the wall. Members of the tennis club have told me that there is a proposal of a tennis wall to be reconstructed in the future. My hope is that consideration to reestablish this wall would be in 2024, to complement the wonderful recent refurbishment of the tennis courts.

I personally do not have the vision to see where this practice wall should be, but I would hope it would be accessible, close to the tennis courts. I would suspect that the pickle ball players could use it, too and I'm certain that the junior players taking lessons would make great use of it. Perhaps the side of the utility building might even be considered as a safe locale for such a wall.

Thank you for your consideration of this request for capital to be assigned to further improve our tennis facility with a tennis practice wall.

Sincerely,

Barbara Rybiak

Date: June 14, 2023

Time: 2:00 pm

Location: Council Chambers, Town Hall

Attendance: Councillor Kevin Ker
Dan DeVries, Regrets
Doug Wilson, Vice Chair
John Langendoen, Regrets
Joyce Sonneveld
Louis Damm, Chair (via ZOOM)
Sherry Rusin
Sandra Frayne

Staff: Barbara Wiens, Director, Community Planning & Development
Lindsay Richardson, Policy Planner

1. Call to Order and Declaration of Quorum

Noting that quorum was present, the Vice Chair called the meeting to order at 2:00 pm.

2. Land Recognition Statement

The Vice Chair recited the land recognition statement.

3. Approval of Agenda

Moved by Sherry Rusin
Seconded by Joyce Sonneveld

THAT the agenda for the June 14, 2023, regular meeting of the Agricultural Advisory Committee be adopted.

Carried

4. Declaration of Pecuniary Interest and General Nature

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

5. Approval of Meeting Minutes – April 26, 2023

Moved By **Joyce Sonneveld**
Seconded By **Sherry Russin**

THAT the meeting minutes from April 26, 2023, regular meeting of the Agricultural Advisory Committee be approved.

Carried

6. Regular Business

6.1. Update – Region of Niagara Agriculture Economic Development Action Plan

Town Staff provided a brief update on the Action Plan. No formal report has been provided to Staff at this time. Staff did attend a workshop in May where items were identified, and responsible agencies were suggested. Staff is of the understanding that the information from this workshop and other stakeholder consultation will be informing a final report which should be coming forward in the next month or so. Once received, Staff will forward to the Committee for their review and feedback.

6.2. Proposed Town of Pelham Backyard Hen By-law

The Committee reviewed the final draft proposed Backyard Hen By-law and requested the following be included:

- Rather than setback requirements (currently 30m frontage by 100m depth), the Committee would like to see a minimum lot area requirement of 0.4 ha, this will address lots that are irregular in shape, but still provide adequate space for the keeping of hens;
- Hen runs should be completely enclosed;
- An additional regulation that the occupant of the property (if they are not the owner) must have written permission from the owner to keep chickens before a license may be issued.

The Committee also discussed delaying the by-law for a year to monitor and address avian flu concerns, but ultimately determined that the regulations put in place should mitigate any concerns and that waiting to pass a by-law would not be beneficial to the Town.

Changes to the By-law as per the requested amendments above include:

- An additional clause in Section 4.4 of the By-law (b) that reads "in the case that the applicant is not the legal owner of the Property, a written approval letter from the registered owner or the Property acknowledging support of the application";
- Section 4.4 of the By-law (c) through (h) be renumbered accordingly;
- Section 3) on Schedule "A" be revised to read "The Licensee must lawfully occupy and reside at the Property where the Hens are kept. If the licensee is not the legal owner of the Property, they must have written approval from the legal owner of the Property.";
- Section 4) on Schedule "A" be revised to remove the lot frontage and depth requirements and instead read "(b) have a lot area of no less than 0.4ha";
- Section 9) on Schedule "A" be revised to read "Hen Coops and Hen Runs shall be completely enclosed"; and
- Section 9 be renumbered accordingly.

It was then:

Moved By **Sherry Rusin**
Seconded By **Louis Damm**

THAT the proposed draft Backyard Hen By-law, as amended, be endorsed by the Committee;

AND THAT Council be advised of the Committee's recommendations.

Carried

Staff have noted these comments and will update the draft By-law accordingly and provide the Committee's recommendations to Council for their consideration in July.

6.3. Proposed Town of Pelham Dark Sky By-law and Greenhouse Light Mitigation By-law

Staff provided a history of how the Greenhouse Light Mitigation By-law was created, and the Committee then discussed the proposed By-law including:

- The standards for lighting and curtains, and the amount of light and light pollution are actually being emitted by the greenhouses;
- The variable conditions in Leamington (which implemented a Greenhouse Light By-law which formed the basis of the Town's draft by-law);
- The various types of greenhouse uses and the level of light emissions from different uses (i.e. cannabis is one of the higher light users, vegetable tend to be in the mid-range, while flower growers typically use the least);
- The minimal complaints received in the Town for greenhouse lighting issues; and
- The fact that greenhouses are already subject to site plan control with a requirement that any new greenhouse must mitigate light pollution, and many existing greenhouses already have curtains.

The Committee further discussed the proposed Dark Sky By-law and determined that both By-laws should be considered in conjunction with each other. The Committee felt that the draft by-laws did not constitute a pressing matter and could wait a year. The Committee wants to take the time to review and research them in order to ensure that the recommendations for each are consistent with each other and meet the needs of the agricultural community.

It was then:

Moved By **Louis Damm**
Seconded By **Joyce Sonneveld**

That the Greenhouse Light Mitigation By-law and Dark Sky By-law discussions be deferred for a period of one year to gather further information, research, and best practices.

Carried

7. Next Meeting

The next meeting will take place on August 23, 2023 in Council Chambers at Town Hall at 2:00 pm.

8. Adjournment

Moved by Joyce Sonneveld
Seconded by Sandra Frayne

**THAT this Regular Meeting of the Agricultural Advisory Committee
be adjourned at 3:30 pm.**

Carried

Doug Wilson

Vice Chair, Doug Wilson

L Richardson

Lindsay Richardson, Policy Planner

**Committee of Adjustment
Minutes**

Meeting #: CofA 07/2023
Date: Tuesday, July 4, 2023
Time: 4:00 pm
Location: Meridian Community Centre - Accursi A and B
100 Meridian Way
Fonthill, ON
L0S 1E6

Members Present Colin McCann
Don Rodbard
John Cappa

Members Absent Brenda Stan
Isaiah Banach

Staff Present Sarah Leach
Andrew Edwards
Gimuel Ledesma

1. Attendance

Applicants, Agents and viewing members of the public via hybrid in-person and live-stream through the Town of Pelham YouTube Channel.

2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff

Noting that a quorum was present, Chair Cappa called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

3. Land Recognition Statement

4. Approval of Agenda

Moved By Colin McCann
Seconded By Don Rodbard

THAT the agenda for the July 4, 2023 Committee of Adjustment meeting be adopted, as circulated.

Carried

5. Disclosure of Pecuniary Interest and General Nature Thereof

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

6. Requests for Withdrawal or Adjournment

Ms. Sarah Leach, Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

7. Applications for Minor Variance

Applications A11/2023P, A12/2023P and A13/2023P were considered concurrently.

7.1 A11/2023P - 19 Arsenault Crescent

Purpose of the Application

Application A11/2023P is made for relief to construct a single detached dwelling, from: Section R2-95 "Maximum Front Yard" – to permit a maximum front yard setback of 6.5m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5m.

Application A12/2023P is made for relief to construct a single detached dwelling, from: Section R2-95 "Maximum Front Yard" – to permit a maximum front yard setback of 6.0m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5m.

Application A13/2023P is made for relief to construct a single detached dwelling, from: Section R2-95 "Maximum Front Yard" – to permit a maximum front yard setback of 6.5m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5m.

Representation

The Agent, Ethan Laman was present.

Correspondence Received

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building

Public Comments

Ms. Leach, Secretary Treasurer indicated she checked the clerks@pelham.ca email address and confirmed no e-mails have 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 deliberate.

Moved By Don Rodbard

Seconded By Colin McCann

THAT the public portion of the meeting be closed.

Carried

Member Comments

The Members offered no comments or concerns.

Moved By Colin McCann

Seconded By Don Rodbard

THAT Application A11/2023P for relief of Section R2-95 “Maximum Front Yard” – to permit a maximum front yard setback of 6.5m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5m, is hereby: GRANTED;

AND THAT Application A12/2023P for relief of Section R2-95 “Maximum Front Yard” – to permit a maximum front yard setback of 6.0m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5m, is hereby: GRANTED;

AND THAT Application A13/2023P for relief of Section R2-95 “Maximum Front Yard” – to permit a maximum front yard setback of 6.5m to the dwelling front face whereas the by-law requires a maximum front yard setback of 5.5m, is hereby: GRANTED;

The above decisions are based on the following reasons:

1. The variance is minor in nature as there will be minimal impacts on the streetscape, and there remains sufficient lot area to site the proposed dwelling on the lot.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land because it will facilitate the siting of the proposed dwelling on a lot with irregular frontage.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.
7. The applicant is aware no side yard walkways that impede side yard swales shall be permitted.

The above decisions are subject to the following conditions:

1. That all necessary building permits are obtained prior to construction commencing, to the satisfaction of the Chief Building Official.

Prior to Building Permit:

1. To the Satisfaction of the Director of Public Works
 1. Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, to the satisfaction of the Director of Public Works, or designate.

Carried

7.2 A12/2023P - 15 Arsenault Crescent

Application A12/2023P was heard concurrently with A11/2023P and A13/2023P. See A11/2023P for minutes.

7.3 A13/2023P - 11 Arsenault Crescent

Application A13/2023P was heard concurrently with A11/2023P and A12/2023P. See A11/2023P for minutes.

8. Applications for Consent

None.

9. Minutes for Approval

Moved By Colin McCann

Seconded By Don Rodbard

THAT the Committee of Adjustment minutes dated April 3, 2023, be approved.

Carried

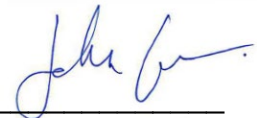
10. Adjournment

Moved By Don Rodbard

Seconded By John Cappa

BE IT RESOLVED THAT this Meeting of the Committee of Adjustment be adjourned until the next regular meeting scheduled for August 8, 2023 at 4:00 pm.

Carried



John Cappa, Chair



Sarah Leach, Secretary-Treasurer

Date: 24 May 2023
Time: 4:00pm - 5:30pm
Location: Meridian Community Centre – Kinsmen Meeting Room

Attendance: Frank Adamson (Committee Member)
Brian Baty (Committee Member)
Brian Eckhardt (Councillor Ward Two)
Rhys Evans (Committee Member)
Thom Hounsell (Committee Member)
Sarah Leach (Deputy Clerk)
Lori Lehne (Committee Member)
Jason Marr (Director, Public Works)
Sonia Simoes (Administrative Assistant, Public Works)

Regrets: Patrick O'Hara (Committee Member)
Lucas Smith (Engineering Technologist, Public Works)

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Chair Marr called the meeting to order at approximately 4:05 pm.

2. Land Recognition Statement

2.1 Land Acknowledged.

3. Approval of Agenda

Moved by Brian Baty
Seconded by Frank Adamson

THAT the agenda for the May 24, 2023, regular meeting of the Pelham Active Transportation Committee be adopted.

Carried.

4. Declaration of Pecuniary Interest and General Nature

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

5. Parliamentary Procedures Review

Advisory Committee Training hosted by Sarah Leach via PowerPoint presentation.

Action: Committee to receive a copy of the presentation

6. Introductions

Round table introductions accomplished.

Mandate reviewed by all members.

7. Elections of Chair and Vice-Chair

Brian Batty was selected as Chair

Moved by Thom Hounsell
Seconded by Frank Adamson

THAT Brian Baty be appointed as Chair of the Pelham Active Transportation Committee.

Carried.

Frank Adamson was selected as Vice-Chair

Moved by Lori Lehne
Seconded by Brian Batty

THAT Frank Adamson be appointed as Vice-Chair of the Pelham Active Transportation Committee.

Carried.

8. PATC Priorities for 2023-2026 Term

Capital Presentation to be added to a future Committee meeting.

Development Presentation to be added to a future Committee meeting.

Action: Secretary to send out a copy of Brian Baty's documents from 2019-2022 term including the prior term priorities to the Committee.

Possible QR Codes along routes.

Signage to be improved.

Summerfest event attendance to be determined.

9. 2023-2026 Meeting Schedule

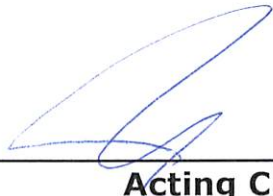
Deferred to the next scheduled meeting.

10. Adjournment

Moved by Brian Baty
Seconded by Frank Adamson

THAT this Regular Meeting of the Pelham Active Transportation Committee be adjourned at 5:20pm.

Carried



Acting Chair, Jason Marr

Secretary, Sonia Simoes

Date: 26 July 2023
Time: 4:00pm - 5:30pm
Location: Town Hall Council Chambers

Attendance: Frank Adamson (Committee Member)
Brian Baty (Committee Member)
Brian Eckhardt (Councillor Ward Two)
Lori Lehne (Committee Member)
Jason Marr (Director, Public Works)
Patrick O'Hara (Committee Member)
Sonia Simoes (Administrative Assistant, Public Works)
Lucas Smith (Engineering Technologist, Public Works)

Regrets: Rhys Evans (Committee Member)
Thom Hounsell (Committee Member)
Diana Huson (Regional Councillor)

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Chair Marr called the meeting to order at approximately 4:08 pm.

2. Land Recognition Statement

2.1 Land Acknowledged.

3. Approval of Agenda

Add 9.2 Pedestrian Friendly Proposal

Moved by Frank Adamson **Seconded by** Lori Lehne

THAT the agenda for the July 26, 2023, regular meeting of the

There seems to be no signage to Marlene Stewart Street Park Pool and Splashpad.

9. Other Business

9.1. Next Scheduled Meeting is August 23, 2023

9.2. Pedestrian Friendly Proposal

Town to consider more pedestrian crossing roads and lower the speed limit to 40 km/hr within the downtown core.

ACTION: Jason to review the Standards and follow up with the By-Law Office regarding speed limits.

Town is working with Niagara Region to get a crosswalk at Wellington Heights Public School.

The Region has hired a consultant to complete a street scaping plan on Hwy 20 from Fonthill Plaza to Pelham Street.

ACTION: Jason to ask Niagara Region for a status update.

10. Adjournment

Moved by Lori Lehne
Seconded by Patrick O'Hara

THAT this Regular Meeting of the Pelham Active Transportation Committee be adjourned at 5:18pm.

Date: 12, April 2023
Time: 1:00 pm
Location: Accursi Room, Meridian Community Centre

Attendance: Alan Bown
Tony Ferrara
Randy Gananathan
Brianna Harford, RCW Administrative Assistant
Sarah Leach, Deputy Clerk
Brittany MacLeod, Active Living Programmer
Bill McInerney
Shellee Niznik, Councillor
Pat O'Hara
Lynn Reynolds

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Active Living Programmer, Brittany MacLeod called the meeting to order at approximately 1:04 pm.

2. Land Recognition Statement

Brittany MacLeod recited the land recognition statement.

3. Approval of Agenda

Moved by Bill McInerney
Seconded by Pat O'Hara

THAT the agenda for the April 12, 2023, regular meeting of the Pelham Seniors Advisory Committee be adopted.

Carried

4. Review of Parliamentary Procedure

Deputy Clerk, Sarah Leach reviewed Parliamentary Procedure for the Committee.

5. Election of Chair and Vice Chair

Sarah Leach began the election of the Chair and Vice Chair. Randy Gananathan volunteered to be the Chair. Pat O'Hara nominated Bill McInerney as Chair. Randy stepped down and Bill accepted his

nomination as Chair. Lynn Reynolds volunteered to be Vice-Chair. Alan Bown nominated Randy as Vice-Chair. Lynn stepped down and Randy accepted his nomination as Vice-Chair.

6. Declaration of Pecuniary Interest and General Nature

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

7. Approval of Minutes

The Committee approved the minutes from the June 16, 2022, Pelham Seniors Advisory Committee Meeting.

Moved by Randy Gananathan
Seconded by Alan Bown

THAT the minutes of the June 16, 2022, Pelham Seniors Advisory Committee Meeting be approved.

Carried

8. Regular Business

8.1. Committee Goals and Priorities

Alan inquired about the Committee budget. Brittany will look into this and inform the Committee at a subsequent meeting. Councillor Niznik mentioned there is a breakdown in communication with seniors in the community due to communication platforms that were previously in print becoming virtual. The Committee discussed how to expand the reach to seniors in the community. Bill suggested a goal for the Committee can be increasing communication with seniors in the community. Bill also suggested continuing to focus on the previous Committee's goal of affordable housing for seniors. The Committee discussed ways to increase the ability of seniors to be active in the community by hosting weekly seniors' outings. The Committee agreed this can also be a goal. Councillor Niznik mentioned communication can be increased with seniors of different cultures and religions. The Committee asked for a list of activities, groups and initiatives currently offered for seniors. Brittany will compile a list to provide to the Committee at a subsequent meeting.

Moved by Lynn Reynolds
Seconded by Bill McInerney

THAT the Committee received Item 8.1, Committee Goals and Priorities, for information.

Carried

9. Adjournment

Moved by Randy Gananathan
Seconded by Pat O'Hara

THAT this Regular Meeting of the Pelham Seniors Advisory Committee be adjourned at 2:05 pm.

Carried



Chair, Bill McInerney



Brianna Harford, RCW Administrative Assistant

Date: 10, May 2023
Time: 1:00 pm
Location: Accursi Room, Meridian Community Centre

Attendance: Alan Bown
Katherine Champaigne, Masters of Gerontology Student
Tony Ferrara
Randy Gananathan, Vice-Chair
Brianna Harford, RCW Administrative Assistant
Brittany MacLeod, Active Living Programmer
Bill McInerney, Chair
Shellee Niznik, Councillor
Pat O'Hara
Lynn Reynolds

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Chair Bill McInerney called the meeting to order at approximately 1:03 pm.

2. Land Recognition Statement

Chair Bill McInerney recited the land recognition statement.

3. Approval of Agenda

Moved by Randy Gananathan
Seconded by Tony Ferrara

THAT the agenda for the May 10, 2023, regular meeting of the Pelham Seniors Advisory Committee be adopted.

Carried

4. Declaration of Pecuniary Interest and General Nature

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

5. Approval of Minutes

The Committee approved the minutes from the April 12, 2023, Pelham Seniors Advisory Committee Meeting.

Moved by Lynn Reynolds
Seconded by Alan Bown

THAT the minutes of the April 12, 2023, Pelham Seniors Advisory Committee Meeting be approved.

Carried

6. Unfinished Business
None.

7. Regular Business

7.1. Introduction – Katharine Champaigne, Summer Student, Masters of Applied Gerontology at Brock University

Brittany introduced Katharine to the Committee. Katharine provided a brief explanation of her education background.

Moved by Randy Gananathan
Seconded by Pat O'Hara

THAT the Committee received item 7.1, Introduction of Katharine Champaigne, for information.

Carried

7.2. Seniors Activities and Services in Pelham

Committee members received a list of seniors activities and services in Pelham, which Brittany reviewed with the Committee. Alan mentioned that many seniors attend the yoga classes at the MCC, but the participants are mostly women. The Committee discussed how to include more men in programming. The Committee also discussed the issue of transportation and accessibility for seniors. Alan suggested creating an information brochure to hand out at programs at the MCC that are well attended by seniors, to spread information. Randy suggested creating a brochure that can be distributed to every post box in the community. Councillor Niznik explained that a mass mailout may not be feasible but there will be a budget for the Committee. Some of this budget can be used to make large posters to display at common locations (library, drugstores) with information for seniors.

Moved by Alan Bown
Seconded by Lynn Reynolds

THAT the Committee received item 7.2, Seniors Activities and Services in Pelham for information.

Carried

7.3. Requests by Seniors for New Services

Brittany was asked to bring any requests by the seniors in Pelham in relation to programs or activities to the Committee so that they better understand the needs and interests of Seniors in Pelham.

Moved by Tony Ferrara
Seconded by Lynn Reynolds

THAT the Committee received item 7.3, Requests by Seniors for New Services, for information.

Carried

7.4. Collecting Feedback from Seniors – Retirement Home Visits

Brittany updated the committee that she contacted all retirement facilities in Pelham. One retirement facility responded and provided information on the number of suites in the facility. This retirement home is eager to share information for seniors and welcomes the Committee to come do presentations or hand out informational materials.

Moved by Lynn Reynolds
Seconded by Tony Ferrara

THAT the Committee received item 7.4, Collecting Feedback from Seniors – Retirement Home Visits, for information.

Carried

7.5. Development of Senior Contact List

The Chair continued discussion from the previous meeting on the difficulty some seniors experience in receiving information due to restraints in using technology. The Chair suggested developing a seniors contact list to distribute information to seniors. The Chair suggested posting an article in the local newspaper to inform seniors of the contact list and to ask for contact information. Councillor Niznik confirmed there is a link on the Town of Pelham's website where seniors can add their contact information to a digital database. Brittany confirmed there are currently over 500 people on the list. Tony mentioned that sometimes it is difficult to find information on the website. The Committee discussed making the link more visible on the website. Brittany will look into updating the website to increase the visibility of the link.

Moved by Randy Gananathan
Seconded by Lynn Reynolds

THAT the Committee received item 7.5, Development of Senior Contact List, for information.

AND THAT Brittany will update the website to make the link to sign-up for the seniors database more visible.

Carried

7.6. Alan Bown – Suggestions for Committee Goals

Alan compiled a list of his suggestions for the Committee, which each member received. Alan proposed organizing a weekly outing for seniors following one of the fitness programs at the MCC. This outing could include grocery shopping and would also be an opportunity for seniors to socialize. The Committee discussed options for transportation and the frequency of the outings. Lynn suggested organizing this for Seniors Month in June. The Chair suggested informing the contacts currently on the seniors database. Committee members will also share this information with their contacts. The Committee decided that Lynn will speak to the participants in Chair Yoga on May 16th, informing them of the opportunity to gather for coffee following Chair Yoga, the following week, on May 30th and provide them with an informational brochure.

Moved by Lynn Reynolds
Seconded by Randy Gananathan

THAT the Committee will begin organizing opportunities for seniors to socialize or go shopping following a seniors fitness class at the Meridian Community Centre.

AND THAT Lynn Reynolds will assist in organizing the first seniors gathering on May 30th, by informing the Chair Yoga participants on May 16th.

Carried

7.7. Presentation by Councillor Niznik – Recreation, Culture and Parks Draft Master Plan

Councillor Niznik reviewed information relevant to seniors from the draft Recreation, Culture and Parks Master Plan with the Committee, including a large support from the community for seniors services, forecasted growth in Pelham, and the five goals and the proposed vision of the Master Plan. Topics discussed included seniors housing, accessible park washrooms and Recreation opportunities.

Moved by Randy Gananathan
Seconded by Lynn Reynolds

THAT the Committee received item 7.7, Presentation by Councillor Niznik – Recreation, Culture and Parks Draft Master Plan, for information.

AND THAT the Committee will postpone the goal of affordable housing to a later date.

Carried

7.8. Seniors Month in June

The Committee discussed activities for Seniors Month in June. Councillor Niznik suggested incorporating the Bandshell nights into seniors month. Brittany updated the Committee that a seniors flag raising and social event are planned on June 5th at 10:00 am at the MCC. Brittany also reviewed past

activities with the Committee. To help promote activities available for seniors in Pelham as part of Seniors Month, Brittany and Katharine will create a brochure and poster, which Committee Members will volunteer to distribute throughout the community. Brittany will let the Committee know when the print materials are ready for pickup and distribution. Brittany will also contact Leah, the Communication Specialist, to reach out to the local newspaper regarding promotion for Seniors Month and the Seniors Database.

Moved by Lynn Reynolds
Seconded by Randy Gananathan

THAT the Committee will promote activities available for Seniors in Pelham during Seniors Month by distributing posters and brochures in the community.

Carried

7.9. PSAC Meetings During the Summer

The Committee discussed continuing meetings during the summer and decided to wait until closer to the summer meetings to make a decision.

Moved by Randy Gananathan
Seconded by Tony Ferrara

THAT the Committee will wait until the summer months to decide if meetings will continue.


Carried

8. Adjournment

Moved by Alan Bown
Seconded by Pat O'Hara

THAT this Regular Meeting of the Pelham Seniors Advisory Committee be adjourned at 2:30 pm.

Carried


Lynn Reynolds

Chair, Lynn Reynolds*Brianna Harford*

Brianna Harford, RCW Administrative Assistant

Date: 14, June 2023
Time: 1:00 pm
Location: Accursi Room, Meridian Community Centre

Attendance: Alan Bown
Tony Ferrara
Randy Gananathan, Vice-Chair
Brianna Harford, RCW Administrative Assistant
Brittany MacLeod, Active Living Programmer
Shellee Niznik, Councillor
Lynn Reynolds
Pat O'Hara

Regrets: Katherine Champaigne, Masters of Gerontology Student

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Vice-Chair Randy Gananathan called the meeting to order at approximately 1:05 pm.

2. Land Recognition Statement

The Vice-Chair recited the land recognition statement.

3. Approval of Agenda

Moved by Tony Ferrara
Seconded by Alan Bown

THAT the agenda for the June 14, 2023, regular meeting of the Pelham Seniors Advisory Committee be adopted.

Carried

4. Declaration of Pecuniary Interest and General Nature

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

5. Approval of Minutes

The Committee approved the minutes from the May 10, 2023, Pelham Seniors Advisory Committee Meeting.

Moved by Tony Ferrara
Seconded by Pat O'Hara

THAT the minutes of the May 10, 2023, Pelham Seniors Advisory Committee Meeting be approved.

Carried

6. Unfinished Business
None.

7. Regular Business

7.1. Election of New Chair

Due to Chair Bill McInerney's resignation from the Committee, an election was held to nominate a new Chair. Brittany asked the Committee for nominations. Lynn nominated herself as Chair. The Committee moved forward with Lynn as Chair and Randy as Vice-Chair. As per Lynn's request, Randy continued to run the meeting.

Moved by Tony Ferrara
Seconded by Alan Bown

THAT the Committee elected Lynn Reynolds as the new Chair of PSAC.

Carried

7.2. Seniors Month Events Debrief

Brittany updated the Committee on Katharine's behalf on the events that have taken place so far during Seniors Month. Events included a Seniors flag raising, SAY IT! On Stage workshop, a presentation by the Niagara Christian Gleaners, and two after program socials. Brittany informed the Committee that the socials were the most successful events, and a lot of feedback was received from seniors on programming. A significant factor that seems to have contributed to the number of participants and instructors attending the two socials was the enthusiasm generated by visits from Pat and Lynn to MCC classes including: Brock Fit, Men's 60+ Shinny, 55+ Aerobics, Zumba, Chair Yoga & Bridge. The visits were done in the weeks ahead of the socials and again as a reminder on the mornings of the socials. Brittany informed the Committee that participation was low for the

Niagara Christian Gleaners presentation which could be an area of improvement for future presentations. Brittany also mentioned that a free yoga class was held at the MCC on May 30 as part of Mental Health Awareness Month which had over 30 participants.

Moved by Alan Bown
Seconded by Tony Ferrara

THAT the Committee received item 7.2, Seniors Month Events Debrief for information.

Carried

7.3. Program Updates

Brittany updated the Committee on Katharine's behalf regarding the upcoming speaker series. Prior to arranging speakers, a survey was sent to the Seniors Database to gauge interest and feedback from seniors. Brittany reviewed the upcoming speakers with the Committee, as listed below:

July – Community Support Services of Niagara. The presentation will focus on available services for seniors in the community.

August – Ontario Caregiver Organization. This organization provides physical and emotional support to those supporting older adults in Ontario.

September – Osteoporosis Canada. This will include an active program component on bone health.

October – Lincoln Pelham Public Library to celebrate library month.

Brittany informed the Committee that speakers are still being arranged for November and December. Brittany asked the Committee for any suggestions for speakers. Councillor Niznik suggested Pelham Cares. Alan Bown suggested a history of the Pelham speaker who spoke at PROBUS. Lynn suggested including a holiday-based theme for the month of December including a presentation on staying healthy during the holidays. Randy will reach out to a contact and get back to Brittany to coordinate an insurance presentation. Brittany also updated the Committee that shuffleboard will continue to be a free activity available in the MCC lobby on Fridays as long as events are not taking place.

Brittany also provided the Committee with two handouts from Seniors Month and asked the Committee to forward feedback on the handouts. Once the Committee sends Brittany feedback, the handouts will be printed on higher quality paper. Brittany informed the Committee that the link to the seniors database was enlarged on the website and thirty new people have added their emails to the database.

Another program update included the dates of the senior's socials, as discussed during last month's meeting, changed from May 30 and June 1 to June 8 and 9.

Moved by Lynn Reynolds
Seconded by Pat O'Hara

THAT the Committee received item 7.3, Program Updates, for information, and will forward Brittany feedback on the Seniors Month handouts.

Carried

7.4. Business Cards for PSAC Members

Randy updated the Committee on an inquiry he had sent to Brianna via email regarding the possibility of having business cards made for PSAC members to give out to members of the community. Brianna reached out to the Deputy Clerk and was informed business cards are not included in the budget. Randy provided the Committee with this update. As an alternative, Brittany and Councillor Niznik suggested their Pelham business cards can be used instead as the main contact for PSAC. The Committee decided to move forward with this option and reassess how this is working in the fall.

Alan inquired if the open space on the Committee will be filled. Brittany informed the Committee that applications are currently being accepted for PSAC. Brittany also updated the Committee that in response to the Committee members interest in being identifiable to the community, Brittany has made each member a Pelham lanyard with a PSAC nametag to wear when attending public events.

Moved by Lynn Reynolds
Seconded by Pat O'Hara

THAT the Committee will use Brittany and Councillor Niznik's Pelham business cards as the main contact for PSAC and this will be reassessed in the fall.

Carried

7.5. Seniors Surveys

Brittany updated the Committee on two surveys that were created for Seniors Month. The speaker series survey will be online until the end of the month. This survey is specific to the grant for the speaker seminar. The second survey was created by Lynn to receive feedback on what is important to seniors in the community. The Committee discussed the survey including incentives for people to participate. The Committee decided to wait until the fall when more survey responses are received to reassess the survey and to see if any changes are necessary. The Committee decided to also leave surveys at the MCC Customer Service desk.

Moved by Tony Ferrara
Seconded by Pat O'Hara

THAT the Committee received item 7.5, Seniors Surveys, for information, and will wait until the fall to reassess the seniors survey.

Carried

8. Adjournment

Moved by Alan Bown
Seconded by Tony Ferrara

THAT this Regular Meeting of the Pelham Seniors Advisory Committee be adjourned at 2:00 pm.

Carried

Lynn Reynolds

Chair, Lynn Reynolds

Brianna Harford

Administrative Assistant, Brianna Harford

Date: 12, July 2023
Time: 1:00 pm
Location: Kinsmen Room, Meridian Community Centre

Attendance: Alan Bown
Tony Ferrara
Ty Bolibruk
Pat O'Hara
Shellee Niznik, Councillor
Randy Gananathan, Vice-Chair
Lynn Reynolds, Chair
Katharine Champaigne, Masters of Gerontology Student
Dorie Thomas, Facility Rentals Associate
Brittany MacLeod, Active Living Programmer

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Chair Lynn Reynolds called the meeting to order at approximately 1:03 pm.

2. Land Recognition Statement

Chair Lynn Reynolds recited the land recognition statement.

3. Approval of Agenda

Moved by Pat O'Hara
Seconded by Alan Bown

THAT the agenda for the July 12, 2023, regular meeting of the Pelham Seniors Advisory Committee be adopted.

Carried

4. Declaration of Pecuniary Interest and General Nature

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

5. Approval of Minutes

The Committee approved the minutes from the June 14, 2023, Pelham Seniors Advisory Committee Meeting.

Moved by Pat O'Hara
Seconded by Alan Bown

6. Unfinished Business

6.1 PSAC Meetings During the Summer

Meetings will continue through the summer months.

Moved by Alan Bown
Seconded by Tony Ferrara

7. Regular Business

7.1. Introduction – Ty Bolibruk, new member of Pelham Senior's Advisory Committee

Ty provided an outline of her education, employment, and interest in the older population. The Committee introduced themselves and welcomed Ty to the Committee.

Moved by Pat O'Hara
Seconded by Alan Bown

7.2. Upcoming Program Updates

Katharine provided information on the 55+ Seminar and Social Series. The sessions will be held on a monthly basis with presenters from various organizations. Session on July 19th will be presented by Community Support Services of Niagara (CSSN).

Brittany and Katharine asked for suggestions on what members would like for the December sessions. An intergenerational Holiday wreath making workshop is one suggestion the Committee Supported.

Brittany also had mentioned that Brock FIT, a very popular exercise program for Pelham's 55 plus population, would continue running for the summer.

Moved by Tony Ferrara
Seconded by Alan Bown

7.3. Seniors Survey Results

Responders to the survey was low. Of those who did participate, responses were positive. A suggestion was made to hand out surveys at the upcoming Seminar Series presentations and to encourage discussion at the end of the session. To meet the needs of seniors in Pelham, more feedback is needed.

Moved by Randy Gananathan
Seconded by Lynn Reynolds

7.4. Alternate Seniors Lounge Ideas

Discussion took place regarding bringing back a designated lounge area for seniors at the Meridian Community Centre. The former lounge area was too small and difficult to access. This in addition to COVID, a poor and noisy location and membership fee were likely all reasons that the lounge was transformed to a space that could be used more efficiently. Brittany mentioned that the entire facility can be used by Seniors, perhaps eliminating the need for a designated space. However, the Active Living Lounge was introduced after the Active Living Centre designation to complement the existing commitment to the 55+ crowd. \$13,000 was spent to provide furnishings and a wide screen TV. The purpose was to encourage social interaction and provide a dedicated space for Seniors. Further discussion is required to generate more ideas.

The Committee was reminded that self-serve coffee is available outside of the walking track Monday to Friday. Coffee, sugar, milk, cream, and a payment box is set out at 8:00 am.

Moved by Alan Bown
Seconded by Pat O'Hara

7.5. Communication with Seniors

Ideas on how to increase communication with seniors took place. The stand up posters used for the CSSN presentation seem very effective. There was further discussion around perhaps having a generic business card for committee members. Brittany will see if a 'question/contact us' area can be

added to the 55+ area of the website for communication. There was also discussion of TV advertising, COGECO flyers at events like Summer Fest and in condos, seniors residences, etc.

Katharine and Dorie will post signs and share information with local Seniors Residences about the Seminar next week.

It was discussed that the annual budget of \$5000.00 provided from Council has yet to be used, which can be put towards future communication methods.

Moved by Alan Bown
Seconded by Tony Ferrara

8. Adjournment

Moved by Alan Bown
Seconded by Tony Ferrara

THAT this Regular Meeting of the Pelham Seniors Advisory Committee be adjourned at 2:30 pm.

Carried

Lynn Reynolds
Lynn Reynolds (Sep 11, 2023 10:03 EDT)

Chair, Lynn Reynolds

Dorie Thomas

Dorie Thomas, Facility Rentals Associate

Subject: Proposed 2024 Council Meeting Schedule

Recommendation:

BE IT RESOLVED THAT Council receive Report #2023-0189 Proposed 2024 Council Meeting Schedule, for information;

AND THAT the 2024 Council Meeting Schedule as appended to this report be approved;

AND THAT Council direct Staff to publish the 2024 Council Meeting Schedule to the Town of Pelham website.

Background:

The Town of Pelham Procedural By-law 4507(2022) provides a framework for the Town's Council Meeting Schedule by stating that Council shall meet as Regular Council on the first and third Wednesday of the month. The Procedural By-law further calls Council to meet on the second Wednesday of the month for Public Meetings under the *Planning Act*.

On June 7, 2023, Council approved the 2024 Budget Meeting Schedule. 2024 Budget meetings have been included in the appended schedule for ease of reference. Please note, minor administrative corrections have been made to the budget schedule to align the approved date with the correct day of the week.

Council is traditionally presented a draft meeting schedule for the upcoming year. The proposed meeting schedule accommodates statutory holidays, world religious holidays, major municipal conferences, and other known events. Approval of the council meeting schedule in the preceding year allows staff to provide advance notice of meetings.

Analysis:

Staff propose scheduling the second regular meeting in March on the fourth Wednesday of the month to accommodate March break, being March 11 to March 15, 2024.

Section 45 of Procedural By-law 4507(2022) provides for a summer recess schedule consisting of three (3) regular meetings of Council in July and August. Staff propose regular meetings of Council occur on July 10, 2024, July 24, 2024, and August 14, 2024. July 17, 2024, and August 14, 2024, remain reserved for Public Meetings under the *Planning Act*, if required.

The proposed summer schedule currently mimics that of 2023. That said, staff are of the opinion the summer schedule may be reduced if it is the will of Council. Staff are confident that corporate business may adequately be addressed with a reduction of meetings. Additionally, if a time-sensitive matter arises, the Mayor maintains the ability to call for a Special Meeting.

To support this proposition, the summer schedule of local area municipalities is provided below:

Local Area Municipality Regular Council Meeting Schedule Comparison (July & August)

As of August 2023

Municipality	Frequency
Fort Erie	One meeting per month
Grimsby	Two meetings per month
Lincoln	One meeting per month
Niagara Falls	One meeting per month
Niagara-on-the-Lake	One meeting in July only
Port Colborne	One meeting per month
St. Catharines	One meeting per month
Thorold	One meeting per month
Wainfleet	One meeting in July, two meetings in August
Welland	One meeting per month
West Lincoln	One meeting per month

Financial Considerations:

Adopting the 2024 Council Meeting Schedule does not have a direct financial impact.

Alternatives Reviewed:

The 2024 Council Meeting Schedule has been prepared in accordance with the Town of Pelham Procedural By-law 4507(2022). Council may revise the schedule at this time.

As discussed in a preceding section, staff are of the opinion corporate business can adequately be addressed even with a further reduced summer schedule than what is provided for in the Procedural By-law. Should Council agree, the following alternatives may be considered:

Option One (1): Two (2) Summer Meetings

Council could amend the appended schedule to remove one (1) regular meeting of Council in the summer. Staff recommend the removal of July 24, 2024. This would provide for one (1) regular meeting of Council in July and one (1) in August.

Option Two (2): One (1) Summer Meeting

Council could amend the appended schedule to remove two (2) regular meetings of Council in the summer. Staff recommend the removal of July 10, 2024, and August 14, 2023. This would provide for one (1) regular meeting of Council in July, with no regular meeting in August.

Should Council wish to amend the schedule to accommodate either Option One (1) or Option Two (1), Council could pass the above motion to approve the appended schedule, as amended.

Should Council proceed with either option for 2024, this would act as a one-time approval. This action would not amend the Procedural By-law. Council could approach this as a one-year trial run.

Strategic Plan Relationship: Enhancing Capacity and Future Readiness

Developing a Council Meeting Schedule in advance of the calendar year allows for the publication of scheduled meetings on the Town's website, increasing initiatives in transparency, communication, and community engagement.

Consultation:

Local Area Municipalities
Senior Leadership Team

Other Pertinent Reports/Attachments:

Proposed 2024 Council Meeting Schedule.

Prepared and Recommended by:

Sarah Leach
Deputy Clerk

Prepared and Submitted by:

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

Subject: Electric Vehicle (EV) Charging Stations Pay for Service Report

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2023-187 EV Charging Stations Pay for Service Report, for information;

AND THAT Council approves the usage fees to be included in the 2023 User Fee and Rate Guide for the Level 2 EV and Level 3 EV Chargers.

AND THAT Council approve the net revenue acquired by the Town from the electric vehicle charging station user fee to be put into the Fleet Reserve Fund for the purpose of expanding and maintaining the electric vehicle charging station network;

AND THAT the Parking By-law be amended to restrict parking in the designated spaces for EV Chargers.

Background:

The Town applied for grant funding from multiple sources to install electric vehicle charging stations at the MCC and Town Hall. It is one of the best ways that the Town can support Pelham in reducing greenhouse gas emissions. The design and installation of 6 new level 2 chargers at Pelham Town Hall and 2 new level 3 rapid chargers at the Meridian Community Centre went out on an RFP process to seek qualified bidders on June 1st and closed on June 22nd.

Staff have awarded the project to Sid Grabell Contracting Limited for a total amount of \$243,103.29 (plus HST). The project is funded by the following grant partners:

- Charge for Change grant funded by Aviva (Earth Day Canada) for six level two EV chargers at Pelham Town Hall in the amount of \$72,693.94.
- Zero Emission Vehicle Infrastructure Support grant funded by Pollution Probe (Provincial) two level three EV chargers at the MCC in the amount of \$100,000.

The project began in August 2023 and is scheduled to be completed by September 30, 2023.

Analysis:

For the Town Hall location, the chargers are a single head charger that will allow for the charging of 6 Electric Vehicles at one time. The location for the EV charger is in six parking stalls in the North Parking Lot, close to Pelham Farmers Market, which are currently in use by the public and staff for the parking of City fleet vehicles (See Map A). At the MCC location, 2 dual head rapid chargers are to be installed at northside of the building which will allow to charge 4 Electric Vehicles at one time. These locations are ideal from a visibility standpoint, but also due to the proximity of the spaces to the buildings as the electrical feed for the charging station will come from the basement of Town Hall and by the garage doors at the MCC (See Map B). It will also allow a potential future expansion as the conduit will be run past the spaces adjacent.

Based on the winning bid by Sid Grabell Contracting Limited, the anticipated costs for the Level 2 EV chargers at Town Hall is approximately \$67,684.05 plus HST, plus other remedial costs. The purchase and direct installation costs for the Level 2 charging unit will be paid for by Charge for Change funded by Aviva (Earth Day Canada) (Federal). The Level 3 EV chargers at the MCC are anticipated to cost \$175,419.24 plus HST. The Level 3 charging stations will be funded through the Zero Emission Vehicle Infrastructure Support by Pollution Probe (Provincial). Capital Project VEH 09-23, has a \$100,000 budget which is funded through the Fleet Reserve. The original projected grant for this project was \$95,000 for a total project cost of \$195,000. With the additional grant funding of a total of \$172,694, more EV chargers were able to be purchased for a total project cost of approximately \$247,000; therefore approximately \$75,000 was needed from the Fleet Reserve.

To accommodate the EV charging stations, staff propose to modify the usage of these spaces to be reserved for EV vehicles only. These 8 spaces will be included in the parking supply at Town Hall and the MCC, which will require drivers wishing to charge their vehicles to pay for the service. To help ensure that the spaces are reserved for EVs, staff propose to make the spaces available only to vehicles that display a "green" license plate. "Green" license plates are only issued to Plug-in hybrid electric vehicles (PHEV), battery electric vehicles (BEV) and hydrogen fuel cell vehicles (HFCVs). For the next year, staff will monitor the usage of the charging stations to determine if the parking spaces should remain for electric vehicle use only or if a shared parking model is more practical. In the event that staff determine that the usage warrants dedicated usage for electric vehicles only staff will need to update the parking bylaw to create an offence for parking in a "restricted space". Signage will be installed indicating that the spaces are reserved for "green" license-plated vehicles, which will allow staff to enforce the "green" plate requirement.

Financial Considerations:

The purchase and installation costs of the Level 2 and Level 3 charging units will be paid for by the funding partners and the Fleet Reserve as approved in the 2023 Capital Budget.

The Town will be responsible for some incidental costs which are anticipated to be less than \$1,000, including minor signage modifications to inform drivers of the various requirements of the EV spaces.

While most EV Chargers in Ontario do not realize revenue, an increasing number charge \$2 per hour or a flat fee of \$4 per charge. In most municipalities, users are required to purchase parking from the Pay and Display machines the range cost of \$1.50 - \$2.00 per hour for a maximum of three (3) hours for Level 2 Chargers and ranging from \$20.00 - \$25.00 per hour for the Level 3 chargers.

The Town will be responsible for the maintenance after the one-year warranty period expires. The EV charging stations have the ability to require a fee to be paid by the user in order to operate them. Payment infrastructure is handled through a cellular gateway included with the charging station. Payment infrastructure is included with the station, however, when it is installed and commissioned, it can be set up to allow charging for free or at alternative rates as approved by Council.

The maintenance period for the chargers will be one year. FLO (the supplier of the technology) will monitor the uptake and usage of the charging stations without charging a fee during this period. Following the maintenance period and assuming a fee is charged, a third-party administrator (FLO) handles all the revenue collection at a cost of 15% of the revenue. The usage can be monitored via an online secure connection to the charging stations that are provided by the manufacturer. The connection to the web portal is through a cellular gateway and no connection to the Town's local IT network or any other physical connection is required.

There are no costs for the connection to the web portal service because it is bundled into the annual Global Management Service (GMC) contract with FLO. Commencing in year two, GMC rates for Level 2 Chargers are \$200.00 per head yearly and \$850.00 for the Level 3 Chargers per head. This will be a total annual operating cost of approximately \$2,900 (plus HST) in addition to 15% of revenue from the charging stations.

It is the staff's recommendation to proceed with the usage fees for the Level 2 EV

Chargers in the amount of \$2.00 and \$22.00 for the usage fee for the Level 3 EV Chargers to offset the costs of the charging units.

Based on the figures for Electric Vehicle Charging Stations (EVCS) from different municipalities for Level 2 chargers, the Town could realize up to \$2,920 per machine annually for the Town Hall chargers, or \$17,520 potential revenue total across six machines by charging \$2.00 per hour averaging 4 cars per day. For the Level 3 Chargers at the MCC, the potential revenue per machine is \$16,060 per machine, or \$32,120 across 2 machines by charging \$22.00 per averaging 2 cars per day.

Alternatives Reviewed:

An alternative could be that the Town would not charge for the usage of the EV chargers. Staff does not support this due to the potential revenue annually as well as ongoing maintenance and replacement costs.

Strategic Plan Relationship: Environmental and Climate Change Adaptation

Providing EV charging stations is in alignment with the Town's Climate Change Adaption Plan, might provide new sources of revenue, and will reduce greenhouse gas emissions.

Electric Vehicle Fleet and Charging Stations are an action item under the Environmental and Climate Change Adaptation Strategic Goal.

Consultation:

FLO (Supplier of Charging Stations),
Manager of Engineering,
Manager Financial Services and Deputy Treasurer,
Director of Corporate Services & Treasurer

Other Pertinent Reports/Attachments:

2023-0111 Information Regarding Electric Vehicle Charging Stations, May 03, 2022

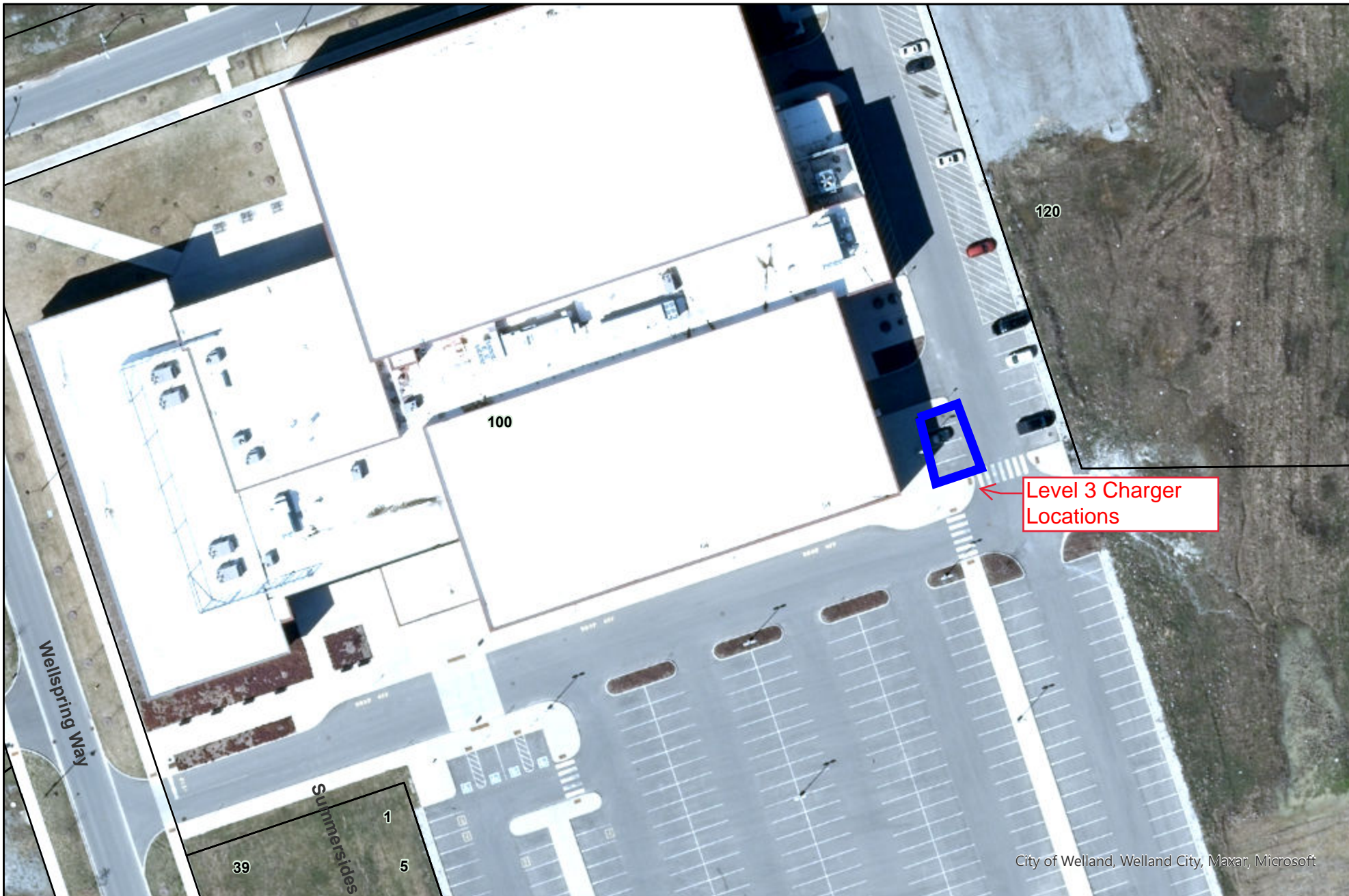
Prepared and Recommended by:

Gimuel Ledesma, C.Tech.,rcji
Engineering Technologist

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

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



Legend

- Road Labels
- Assessment Parcels
- Address Points
- Municipal Boundaries

0 0.010.01 0.03 0.04 0.06

Date: 2023-09-11 Time: 11:24 AM km

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Level 3 Chargers Location



NAVIGATOR



Subject: Vacation Policy Updates**Recommendation:**

BE IT RESOLVED THAT Council receive Report #0192, for information;

AND THAT Council approve the Vacation Policy S600-22, as amended.

Background:

The Town has been reviewing and revising assorted People Services policies over several months to ensure compliance with legislation and enhance the policies so they better reflect current Human Resource practices. Attached to this report is an updated version of the Vacation Policy S600-22. This policy in particular requires updates for clarity and to maintain competitiveness. The amendments proposed are for non-unionized employees, as unionized employees' vacation entitlement is set out in the collective agreement.

Analysis:

Very few new hires are willing to accept 2 weeks of vacation, which is the legal minimum pursuant to the *Employment Standards Act*. This is especially true of the more experienced candidates with many years in the municipal sector. The Town is striving to make itself a municipal employer of choice in what has become an increasingly difficult environment to recruit and retain talented staff.

The proposed Vacation Policy amendments better reflect the Town's municipal comparators, provides administrative rules to better manage vacation usage, and allows for staff to establish a healthier work/life balance. Changes from the previous document include a change in vacation days provided based on years of service, a procedure for the timely submission of time off requests to avoid large accrual issues, and rules around vacation pay for employees absent from work and who voluntarily cease their employment with the Town. It also now includes a calculation guide for those who negotiate more than the minimum entitlement at the time of hire, which will be relevant when hiring someone with many years of experience.

Financial Considerations:

The additional vacation entitlements are included in employees' salaries and not paid out separately, so the financial impact is limited. The majority of staff are not replaced when they go on vacation (with the exception of some positions at the MCC) thus these policy changes are more about lost productivity than increased costs. The managerial controls within the policy will not allow excessive vacation banks to carry over or staff to ignore taking their allotted vacation time. Lack of time away from work can lead to undue stress and illness, which can have a negative effect on benefit costs to the Town.

Alternatives Reviewed:

Council could leave the existing policy as is. This is not recommended however as a policy offering two weeks' vacation simply does not suffice to attract and retain the best candidates. The other amendments to the policy provide additional clarity, puts the onus on managers to monitor and ensure vacation time is used, and ensures this process is managed effectively and fairly.

Strategic Plan Relationship: Enhancing Capacity and Future Readiness

This vacation policy is a key element of an employees' compensation package and, as such, is an important part of the Town's attraction and retention strategy.

Consultation:

All members of the Senior Leadership Team were consulted regarding the proposed policy changes.

Other Pertinent Reports/Attachments:

Appendix "A" – Vacation Policy S600-22

Prepared and Submitted by:

Brianna Langohr, CHRL
Manager of People Services

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



Policy Name: Non-Union Vacation Policy	Policy No: S600-22
Committee approval date:	-
Council approval date:	February 18, 2014
Revision date(s):	November 30, 2021
Department/Division:	People Services

1. Purpose

- 1.1. The Town of Pelham ("the Town") understands the importance of time away from work to the health and well-being of its employees. The purpose of this policy is to explain the standards, guidelines, and procedures for paid vacation time for all **non-union** employees of the Town.

2. Policy Statement

- 2.1. The Town is committed to the well-being of its employees and recognizes the importance of paid vacation time to achieve a healthy and sustainable work-life balance and to promote physical and mental health.
- 2.2. This policy applies to all non-union employees of the Town. This policy does not apply to unionized employees, whose annual vacation entitlement is governed by the applicable provisions of the collective agreement.
- 2.3. The Town will comply with all legislative requirements relating to vacation entitlements and vacation pay for non-union employees as outlined in the *Employment Standards Act, 2000*, S.O. 2000, c. 41 ("ESA").

3. Annual Vacation Entitlements

- 3.1. Subject to subsections 3.4, 3.5, 3.6 and 3.7, full-time **non-union** employees in paygrades 1 to 9 on the Non-Union Salary Grid will receive an annual vacation time entitlement calculated on the basis of their years of service and will receive vacation pay in accordance with the following:



Years of Service as of December 31	Vacation Time Entitlement	Vacation Pay
Under 1 year	1 day for each full month of service to a maximum of 15 days	1 day's pay for each full month of service to a maximum of 15 days
1 year but less than 3 years	3 weeks	3 weeks' pay
3 years but less than 8 years	4 weeks	4 weeks' pay
8 years but less than 15 years	5 weeks	5 weeks' pay
15 years but less than 25 years	6 weeks	6 weeks' pay
25 years and over	7 weeks	7 weeks' pay

- 3.2. Effective January 1, 2018, full-time salaried employees in paygrades 10+ on the Non-Union Salary Grid are required to take the legislated minimum amount of vacation time under the ESA. The maximum amount of vacation time available to such employees is unrestricted, empowering them to take the time off they need, when they need it. Vacation pay is calculated at 100% of the employee's regular salary.
- 3.3. Part-time hourly employees are provided vacation pay in accordance with the ESA, which is paid out on a bi-weekly basis on the regular pay cycle.
- 3.4. Notwithstanding subsection 3.1, if an employee is absent for any reason for more than twenty-five percent (25%) of the number of standard working hours in a vacation entitlement year as defined in subsection 4.1 and is not paid by the Town during their absence, the following provisions apply:
- the employee will continue to accrue vacation time entitlement based on their years of service, including the period of unpaid absence;
 - the employee will not accrue vacation pay during the period of unpaid absence and will receive vacation pay that is pro-rated to reflect the percentage of standard working hours worked by the employee in that year.
- 3.5. Notwithstanding any other provision of this policy, but subject to the ESA, when hiring a new employee, the Town may negotiate a starting vacation entitlement that differs from the allotments in subsection 3.1. The Town may negotiate a new employee's starting vacation entitlement for various reasons including but not limited to an employee's additional qualifications, to recognize previous experience and/or in lieu of other compensation normally offered by the Town.



Any negotiated vacation entitlement will be specifically set out in the offer of employment.

3.6. Where a starting vacation entitlement of four (4) weeks is negotiated with a new employee at the date of hire, the employee's annual vacation entitlement in subsequent years will be calculated as follows:

Years of Service as of December 31	Vacation Time Entitlement	Vacation Pay
1 year but less than 6 years	4 weeks	4 weeks' pay
6 years but less than 12 years	5 weeks	5 weeks' pay
12 years but less than 22 years	6 weeks	6 weeks' pay
22 years and over	7 weeks	7 weeks' pay

3.7. Where a starting vacation entitlement of five (5) weeks is negotiated with a new employee at the date of hire, the employee's annual vacation entitlement in subsequent years will be calculated as follows:

Years of Service as of December 31	Vacation Time Entitlement	Vacation Pay
1 year but less than 10 years	5 weeks	5 weeks' pay
10 years but less than 20 years	6 weeks	6 weeks' pay
20 years and over	7 weeks	7 weeks' pay

3.8. Where a starting vacation entitlement of six (6) weeks is negotiated with a new employee at the date of hire, the employee's annual vacation entitlement will be calculated as follows:

Years of Service as of December 31	Vacation Time Entitlement	Vacation Pay
1 year but less than 15 years	6 weeks	6 weeks' pay
15 years and over	7 weeks	7 weeks' pay

4. General Provisions

4.1. A vacation entitlement year is the recurring twelve (12) month period between January 1 and December 31. For employees who start their employment mid-year, vacation entitlement and vacation pay for that year will be pro-rated.

4.2. Employees in paygrades 1 through 9 on the Non-Union Salary Grid must use their allotted vacation time in full each year. The Town reserves the right to



schedule time off on the employee's behalf if it appears that the employee is unable to schedule the time off in its entirety before the end of the calendar year.

- 4.3. Despite subsection 4.2, an employee may carry over up to five (5) days of vacation (35 or 40 hours, depending upon the specifics of the employee's regular hours of work) to the next calendar year with the approval of the employee's Director. Under exceptional circumstances a Director, or designate, may approve a carryover of more than five (5) days. All vacation time that is carried over must be used within the calendar year to which it is moved.
- 4.4. Employees in paygrades 1 through 9 on the Non-Union Salary Grid must submit requests to schedule at least two-thirds of their total vacation allotment by March 31 each year. Employees must make best efforts to submit requests to schedule their remaining vacation allotment at least ten (10) days prior to the proposed start date of the requested vacation time.
- 4.5. People Services may approve sick leave to be substituted for vacation, where it is satisfied that the employee has become incapacitated by sickness while on vacation.
- 4.6. While an employee in paygrades 1 to 9 of the Non-Union Salary Grid may, subject to management approval, take vacation at any time during the year, the annual vacation entitlement is premised on the employee remaining employed by the Town for a full calendar year. In the event that an employee voluntarily ceases employment with the Town during the year and has taken more vacation time than is proportionate to the amount of time worked in that year, the excess vacation will be recovered by means of a payroll deduction from the employee's final pay. If the cessation of employment is through the involuntary layoff or termination of an employee, however, no vacation will be deducted.
- 4.7. When the employment of an employee in paygrades 10+ of the Non-Union Salary Grid is terminated for any reason, either by the employee or by the Town, vacation payouts will be calculated based on 6 weeks' entitlement, barring unusual circumstances. The calculation will take into account the amount of vacation previously used by the employee in the calendar year to determine the value of time essentially remaining in their vacation bank, and six (6) weeks of



entitlement will be used as a component for the amount and duration of severance payments, if applicable.

DRAFT

Subject: MCC – Revised Draft Licence Agreements – Pelham Panthers Hockey Club Limited and Pelham Junior Hockey Club

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2023-0199 Town Solicitor, MCC – Revised Draft Licence Agreements – Pelham Panthers Hockey Club Limited and Pelham Junior Hockey Club, for information;

AND THAT Council authorizes and directs the Town to enter into a licence agreement with Pelham Panthers Hockey Club Limited in the form attached hereto;

AND THAT Council authorizes and directs the Town to enter into a licence agreement with Pelham Junior Hockey Club for concession and vending machine operations at the Meridian Community Centre in the form attached hereto.

Background:

On August 16, 2023, Council approved draft agreements with Pelham Panthers Hockey Club and Pelham Junior Hockey Club for operations at the Meridian Community Centre, which were to be reviewed with the licensees, and also approved a 60-day extension of the existing licence agreement if needed to permit finalization of the draft agreements and Council approval of same.

The licensees requested substantive revisions to the draft agreements, with the result that the 60-day extension of the existing agreement has been implemented. Staff have engaged in discussions with the licensees and have prepared revised draft agreements, which are appended to this report. The revisions are highlighted in yellow for ease of reference. The licensees are prepared to sign the revised draft agreements if approved by Council. The licensees are not prepared to engage in further negotiations or to agree to additional revisions.

Analysis:

The revisions to the draft agreements previously approved by Council are as follows:

Pelham Panthers Hockey Club Limited

- **Section 1.1:** The term of the agreement has been changed from three years to five years.

Staff recognize that Council has not been uniformly supportive of a longer term; however, staff note that the agreement can be amended at any time during the term by mutual agreement and that the Town has the ability to terminate the agreement with 90 days' notice. Staff also note that the request for a longer term is primarily driven by the preferences of the Greater Ontario Junior Hockey League (GOJHL) and not the team itself. If a longer term is unavailable at the MCC then the team may be required to relocate. Staff are of the view that the Town is adequately protected by the amendment and termination provisions in the revised draft agreement and that a term of five years is appropriate.

- **Section 4.7:** The language of paragraph b. has been revised to make clear that the Town will receive a portion of admission fees collected only for tickets in excess of 500.
- **Section 5.1:** The annual licence fee has been changed from a fee with annual incremental increases from \$1000 to \$1500 to a flat fee of \$1250 per year. Charging the same annual licence fee for the duration of the term is consistent with other licence agreements between the Town and MCC user groups.
- **Section 5.3:** This section has been simplified to provide that the team will pay adult ice rental rates for games and the youth rental rate for other operations. Staff are of the view that this is appropriate as the team has advised that it does not operate tournaments or clinics for adult players.

Pelham Junior Hockey Club

- **Section 1.1:** The term of the agreement has been changed from three years to five years to align with the draft agreement for the hockey team. Staff support this change for the reasons set out above.
- **Section 3.5:** This section has been revised to give the parties the ability to vary the hours of operation of the concession by prior agreement as there may be changes to the MCC event schedule that would make the regular hours unsuitable for either or both of the parties.

Financial Considerations:

The financial considerations associated with the proposed agreements are reviewed in Report #2023-0183.

Alternatives Reviewed:

Council may not approve the proposed revisions to the draft licence agreements.

Council may direct further revisions but as noted above, the licensees are not prepared to negotiate or revise the agreements further.

Strategic Plan Relationship: Community Development and Growth

The proposed agreements support the operations of a GOJHL team in Pelham, which supplies community entertainment, supports local businesses, facilitates youth development and encourages support for other community initiatives.

Consultation:

Staff consulted the licensees in preparing the revised draft licence agreements. The Chief Administrative Officer and Director of Recreation, Culture and Wellness were consulted in the preparation of the revised draft agreements and this report.

Other Pertinent Reports/Attachments:

1. Revised Draft Licence Agreement – Pelham Panthers Hockey Club Limited
2. Revised Draft Licence Agreement – Pelham Junior Hockey Club

Prepared and Recommended by:

Jennifer Stirton, BSc(Hons), LL.B.
Town Solicitor

Approved and Submitted by:

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

THIS AGREEMENT made on the ____ day of _____, 2023 ("the Agreement").

B E T W E E N:

THE CORPORATION OF THE TOWN OF PELHAM

("the Town")

- and -

PELHAM PANTHERS HOCKEY CLUB LIMITED

("the Licensee")

WHEREAS the Town owns the Meridian Community Centre located at 100 Meridian Way in the Town of Pelham ("the Facility"); and

WHEREAS the Licensee is a junior hockey organization that desires to use the Facility for its operations and to obtain a licence from the Town for that purpose; and

WHEREAS the Town has agreed to grant a licence to the Licensee on the terms and conditions set out in this Agreement; and

WHEREAS the Licensee is a corporation incorporated pursuant to the laws of Ontario and has properly authorized entering into this Agreement; and

WHEREAS By-law No. [XX-2023] was passed by the Council of the Town on [DATE], authorizing the Town to enter into this Agreement;

NOW THEREFORE, IN CONSIDERATION of the mutual covenants and agreements contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Town and the Licensee (each "a party" and collectively "the parties") agree as follows:

1. TERM

- 1.1. The Term of this Agreement shall be from September 1, 2023 to August 31, 2028 unless terminated earlier in accordance with the provisions herein.
- 1.2. This Agreement may be renewed or extended, on the same or different terms as contained herein, and subject to the following conditions:

- a. not less than six (6) months and not more than twelve (12) months prior to the end of the Term, the Licensee shall provide written notice to the Town of its desire to renew or extend this Agreement;
- b. the terms and conditions of the renewal or extension of this Agreement shall be mutually agreeable to the Town and the Licensee; and
- c. the renewal or extension of this Agreement shall be approved by Council of the Town.

2. GRANT OF LICENCE

- 2.1. The Town hereby grants to the Licensee a licence to enter and use the Facility during the Term for the purposes of hockey practices, games, tournaments, clinics, dryland training and fundraising events as set out in this Agreement and in accordance with all terms and conditions contained herein.
- 2.2. The Town covenants and agrees that during the Term, it shall not enter into an agreement with any junior hockey club other than the Licensee to grant a licence of the type described in subsection 2.1 of this Agreement.
- 2.3. Nothing in this Agreement shall be deemed, construed or interpreted to grant any easement, title, right or interest in the Facility to the Licensee or to create any partnership, agency or joint venture relationship between the parties.

3. PELHAM PANTHERS HOCKEY CLUB LIMITED PREMISES

- 3.1. Subject to subsections 3.4 and 3.5, during the Term the Licensee shall have an exclusive licence to use the dressing room area on the lower level of the Facility, adjacent to the Accipiter Arena, which consists of two (2) offices, one (1) kitchenette, one (1) changing room and shower facilities ("the Premises").
- 3.2. Subject to subsection 3.5, during the Term the Licensee shall further have an exclusive licence to use the areas of the Facility known as the Accipiter Arena and the Duliban Arena while rented by the Licensee pursuant to section 4 of this Agreement but shall otherwise have no licence in relation to those areas.
- 3.3. During the Term the Licensee shall have a non-exclusive licence to use other areas of the Facility for the purposes described subsection 2.1, subject to the Town's approval of any events or activities not otherwise provided for herein.
- 3.4. Notwithstanding subsection 3.1, the Town shall have the right to enter the Premises for any purpose whatsoever upon providing twenty-four (24) hours' notice to the Licensee. The Licensee shall not be entitled to any compensation for any inconvenience, nuisance or discomfort occasioned thereby.
- 3.5. Notwithstanding subsections 3.1 and 3.2, in the event of an emergency the Town shall have the right to enter all areas of the Facility without notice and the Licensee shall not be entitled to any compensation for any inconvenience, nuisance or discomfort occasioned thereby.

- 3.6. The Licensee shall be responsible for the installation, maintenance and repair of improvements within the Premises but shall not undertake any such work without first obtaining the prior written consent of the Town.
- 3.7. The Licensee shall be responsible for routine cleaning and maintenance of the Premises and shall keep the Premises in a condition satisfactory to the Town. The Town shall conduct periodic inspections of the Premises upon providing notice to the Licensee as required by subsection 3.4.
- 3.8. In the event that the Licensee fails to maintain the Premises in a condition satisfactory to the Town, the Town may arrange for cleaning of the Premises at the expense of the Licensee.

4. ARENA PREMISES

- 4.1. The Licensee acknowledges and agrees that in each year of the Term, it shall rent no fewer than seven (7) hours of prime time ice hours per week between the first (1st) day of September and the thirty-first (31st) day of March. The Licensee shall rent additional ice time as needed and as available for games, tournaments or clinics operated by the Licensee.
- 4.2. The parties acknowledge that the Town ordinarily removes the ice from the Accipiter Arena on or about the thirty-first (31st) day of March each year so that it can be used for non-hockey events and activities. Notwithstanding the foregoing, should the Licensee require use of the Accipiter Arena after the thirty-first (31st) day of March to compete in playoff games, the Town shall not remove the ice until the Licensee has concluded its playoff games.
- 4.3. In each year of the Term, the Licensee shall be entitled to summer ice rentals for three (3) weeks during the month of August to conduct hockey tryouts. The Licensee may request additional summer ice hours, which the Town shall distribute to all user groups pursuant to its allocation policy. For greater certainty, the Town shall be under no obligation to provide additional summer ice hours to the Licensee except in accordance with the allocation policy, as amended or updated from time to time.
- 4.4. On or before the first (1st) day of rental in each year of the Term, the Licensee and the Town shall agree in writing to a schedule of the rental hours that the Licensee has agreed to under subsection 4.1 and to which it is entitled under subsection 4.3.
- 4.5. The Licensee shall sign a standard facility rental agreement with the Town for each rental described herein.
- 4.6. The Licensee shall be responsible for the installation, removal and replacement of its on-ice logo in the Accipiter Arena on an annual basis and shall further repair or replace its on-ice logo as directed by the Town where the Town, acting reasonably, determines that this is required.

- 4.7. The Licensee shall have the following responsibilities in relation to all hockey games of the Licensee held at the Facility:
- to supply sequentially numbered admission tickets, which shall not exceed the maximum seating capacity of the Facility;
 - if the number of tickets sold for a game is five hundred (500) or more, to pay to the Town fifty percent (50%) of the admission fees collected for tickets in excess of five hundred (500);
 - where the Licensee reasonably anticipates that four hundred (400) or more patrons will be in attendance, to hire one (1) or more licensed security guards for every four hundred (400) patrons attending the game and to hire additional security guards as directed by the Town where the Town, acting reasonably, determines that this is required for the safety of patrons at the game; and
 - to remove its camera equipment from the arena at the end of each game.
- 4.8. Patrons who enter the Facility within one (1) hour prior to a hockey game or during a game shall not be permitted to use the walking track at the Facility without paying the admission fee.

5. FEES PAYABLE BY LICENSEE

- 5.1. In each year of the Term, the Licensee shall pay an annual licence fee for the licences granted under section 3 of this Agreement in the amount of twelve hundred and fifty dollars (\$1,250) including HST.
- 5.2. All annual licence fees are payable in advance and in full on or before the first (1st) day of September in each year of the Term.
- 5.3. In addition to annual licence fees, the Licensee shall pay rental fees at the for use of the Facility under section 4 of this Agreement. The Licensee shall pay the adult rental rate for games and the youth rental rate for practices, training and tryouts. The rates payable by the Licensee shall be the standard rental rates set by the Town each year.
- 5.4. The Licensee shall pay all rental fees within thirty (30) days after the ice time to which they relate, failing which the licence granted to the Licensee under subsection 3.2 shall be suspended and the Licensee shall forfeit all scheduled ice time until all outstanding rental fees are paid in full.

6. INSURANCE AND INDEMNITY

- 6.1. During the Term, the Licensee shall obtain and maintain in full force and effect one or more policies of commercial general liability insurance with aggregate limits of not less than five million dollars (\$5,000,000) per occurrence. The policy or policies shall include coverage for bodily injury, death and property damage and shall contain cross-liability and severability of interest clauses.

- 6.2. The Licensee's policy or policies of commercial general liability insurance shall name the Town as an additional insured with respect to this Agreement and shall contain an undertaking by the insurer(s) to give thirty (30) days written notice to the Town of any material change to the coverages and/or the expiry or cancellation of the said policy or policies.
- 6.3. The Licensee shall provide the Town with proof of insurance on or before the first (1st) day of September in each year of the Term.
- 6.4. Any failure by the Licensee to obtain or provide proof of insurance as required by this Agreement constitutes a default by the Licensee that entitles the Town to terminate this Agreement immediately and without further notice or liability.
- 6.5. The Licensee and the Town shall each indemnify and save harmless the other and its officers, employees, volunteers and agents from and against all losses, claims, actions, demands and liabilities for personal injury or property damage arising as a direct or indirect result of this Agreement, where such claims are caused wholly or in part by the negligence of the Licensee or the Town, as the case may be, or by anyone for whom it is in law responsible.
- 6.6. Notwithstanding subsection 6.5, the Licensee shall use the Facility at its sole risk and the Town shall not be liable for any loss or damage sustained by the Licensee or persons using the Facility pursuant to the licences granted herein, except to the extent that such loss or damage is caused by the negligence of the Town or anyone for whom it is in law responsible.
- 6.7. The Licensee shall give immediate written notice to the Town of any incident, injury or harm to any person using the Facility pursuant to the licences granted herein and shall further give immediate written notice to the Town of any loss, damage or defect at any part of the Facility that comes to the attention of the Licensee.

7. DEFAULT AND TERMINATION

- 7.1. This Agreement is conditional on the Licensee obtaining all necessary permits and approvals to construct any improvements at the Premises and to operate at the Facility. A failure by the Licensee to obtain any necessary permits or approvals constitutes a default by the Licensee that entitles the Town to terminate this Agreement immediately and without further notice or liability.
- 7.2. Failure to comply with any of the terms and conditions of this Agreement shall be just cause for its termination. If either of the Licensee or the Town defaults in the performance of any of its obligations under this Agreement, the non-defaulting party shall give written notice of the default and shall provide sixty (60) days to remedy it, failing which the non-defaulting party may terminate this Agreement by written notice or may, in its sole discretion, extend the remediation period where the defaulting party has made efforts to remediate the default.

- 7.3. The Town and the Licensee shall each have the option to terminate this Agreement at any time during the Term by giving written notice of termination to the other party as follows:
- a. where the notice is delivered during the annual hockey season, which the parties agree ordinarily commences in or around early September and ends in or around early May, not less than ninety (90) days prior to the end of the season; and
 - b. where the notice is delivered outside the annual hockey season, not less than ninety (90) days prior to termination date.
- 7.4. This Agreement may be amended or terminated at any time during the Term by mutual agreement of the parties. Any such agreement shall be made in writing, signed by the parties and appended to this Agreement.
- 7.5. Upon termination of this Agreement by expiry or otherwise, the Licensee shall promptly remove any fixtures, equipment, goods or chattels it has installed or placed at the Premises or the Facility and shall repair any damage resulting from such removal to the satisfaction of the Town. The Licensee shall further peaceably surrender to the Town vacant possession of the Premises.

8. DISPUTE RESOLUTION

- 8.1. In the event that a dispute arises as to the interpretation, application or execution of this Agreement, including but not limited to a party's rights or responsibilities or an allegation of default, the party that disputes the other party's position or conduct shall immediately provide written notice of the dispute to the other party.
- 8.2. Where a notice of dispute is received in accordance with subsection 8.1, the parties shall attempt to resolve the dispute through negotiation for a period of thirty (30) days from the date on which the notice is delivered. The parties may extend the negotiation period if they agree that a reasonable extension is likely to resolve the dispute.
- 8.3. If a dispute cannot be resolved by the parties through negotiation, it shall be arbitrated in accordance with the *Arbitration Act, 1991*, S.O. 1991, c. 17. The decision of the arbitrator shall be final and binding on the parties.
- 8.4. The Licensee and the Town shall each bear their own costs associated with the determination of disputes arising under this Agreement, including but not limited to legal and arbitration costs.

9. GENERAL

- 9.1. This Agreement constitutes the entire agreement between the parties relating to matters set out herein. There are no representations, promises, covenants or other terms relating to the subject matter of this Agreement and this Agreement supersedes any prior discussions, understandings or agreements between the parties in relation to its subject matter.

- 9.2. The rights and obligations specified in any provision of this Agreement which by their nature would reasonably be interpreted as intended by the parties to survive the termination of this Agreement shall survive such termination.
- 9.3. The invalidity or unenforceability of any particular term of this Agreement shall not limit the validity or enforceability of the remaining terms, each of which is distinct and severable from all other terms of this Agreement.
- 9.4. Waiver by a party of any provision of this Agreement shall not constitute a waiver in any other instance and any such waiver must be made in writing. Any delay or failure on the part of either party to enforce any right, power or remedy conferred by this Agreement shall not constitute a waiver and shall not operate as a bar to that party exercising or enforcing such right, power or remedy at any subsequent time.
- 9.5. This Agreement shall be binding upon and enure to the benefit of the parties and their respective successors and permitted assigns.
- 9.6. This Agreement shall be governed by and construed in accordance with the law of the Province of Ontario and laws of Canada applicable therein.
- 9.7. All communications required under or contemplated by this Agreement shall be considered to have been sufficiently given if delivered by hand, sent by registered mail or sent by email to the party to which such notice is directed as set forth below:

If to the Licensee:

NAME

ADDRESS

EMAIL

Attention: CONTACT NAME

If to the Town:

The Corporation of the Town of Pelham

P.O. Box 400

20 Pelham Town Square

Fonthill ON L0S 1E0

Attention: Jennifer Stirton, Town Solicitor

jstirton@pelham.ca

or such other address of which either party has notified the other, in writing, and any such notice mailed or delivered shall be deemed sufficient under the terms of this Agreement.

- 9.8. Notices delivered or sent by registered mail are deemed to be effective on the date of receipt. Notices sent by email are deemed to be effective on the day the email is sent or, if sent after 4:00 p.m., on the following day.

- 9.9. This Agreement may be signed in counterpart, each of which is an original and all of which together constitute a single document. Counterparts may be executed in original or electronic form and may be exchanged by way of mail or PDF file delivered by email or facsimile transmission.

[signature page follows]

DRAFT

IN WITNESS WHEREOF the parties have executed this Agreement by their authorized representatives and agree to be bound thereby as of the first day of the Term.

THE CORPORATION OF THE TOWN OF PELHAM

By: _____

Name:

Title:

By: _____

Name:

Title:

I/We have authority to bind the Corporation.

Date: _____

PELHAM PANTHERS HOCKEY CLUB LIMITED

By: _____

Name:

Title:

By: _____

Name:

Title:

I/We have authority to bind the Corporation.

Date: _____

THIS AGREEMENT made on the ____ day of _____, 2023 ("the Agreement").

B E T W E E N:

THE CORPORATION OF THE TOWN OF PELHAM

("the Town")

- and -

PELHAM JUNIOR HOCKEY CLUB

("the Licensee")

WHEREAS the Town owns the Meridian Community Centre located at 100 Meridian Way in the Town of Pelham ("the Facility"); and

WHEREAS the Licensee is a not-for-profit corporation incorporated pursuant to the laws of Ontario that desires to operate a concession premises and vending machines at the Facility and to obtain a licence from the Town for that purpose; and

WHEREAS the Town has agreed to grant a licence to the Licensee on the terms and conditions set out in this Agreement; and

WHEREAS the Licensee has properly authorized entering into this Agreement; and

WHEREAS By-law No. [XX-2023] was passed by the Council of the Town on [DATE], authorizing the Town to enter into this Agreement;

NOW THEREFORE, IN CONSIDERATION of the mutual covenants and agreements contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Town and the Licensee (each "a party" and collectively "the parties") agree as follows:

1. TERM

- 1.1. The Term of this Agreement shall be from September 1, 2023 to August 31, 2028 unless terminated earlier in accordance with the provisions herein.
- 1.2. This Agreement may be renewed or extended, on the same or different terms as contained herein, and subject to the following conditions:

- a. not less than six (6) months and not more than twelve (12) months prior to the end of the Term, the Licensee shall provide written notice to the Town of its desire to renew or extend this Agreement;
- b. the terms and conditions of the renewal or extension of this Agreement shall be mutually agreeable to the Town and the Licensee; and
- c. the renewal or extension of this Agreement shall be approved by Council of the Town.

2. GRANT OF LICENCE

- 2.1. The Town hereby grants to the Licensee a licence to enter and use the Facility during the Term for the purposes of concession and vending machine operations as set out in this Agreement and in accordance with all terms and conditions contained herein.
- 2.2. Nothing in this Agreement shall be deemed, construed or interpreted to grant any easement, title, right or interest in the Facility to the Licensee or to create any partnership, agency or joint venture relationship between the parties.

3. CONCESSION AND VENDING MACHINES

- 3.1. Subject to subsections 3.2 and 3.4, during the Term the Licensee shall have an exclusive licence to operate the concession premises on the lower level of the Facility, which consists of one (1) kitchen/food preparation area and one (1) seating area ("the Concession").
- 3.2. Notwithstanding subsection 3.1, the Town shall have the right to enter the Concession for any purpose whatsoever without prior notice to the Licensee. The Licensee shall not be entitled to any compensation for any inconvenience, nuisance or discomfort occasioned thereby.
- 3.3. Without limiting the generality of subsection 3.2, the Town shall supply all appliances in the Concession and shall inspect them on a monthly basis. The Town shall undertake any necessary maintenance or repairs of the appliances in the Concession at the expense of the Licensee.
- 3.4. The Licensee shall be responsible for routine cleaning of the Concession and shall keep it in a clean and sanitary condition to the satisfaction of the Town and in accordance with public health standards.
- 3.5. The Licensee shall provide minimum hours of operation for the Concession in accordance with subsections 3.6 to 3.8, during which times the Concession shall be open and operational, unless the parties agree otherwise in advance of the scheduled hours.
- 3.6. From the first (1st) day of January to the thirty-first (31st) day of December in each year of the Term, the Concession shall be open and operational from 4:00 p.m. to 9:00 p.m. from Monday to Friday.

- 3.7. From the fifteenth (15th) day of August to the thirty-first (31st) day of May in each year of the Term, the Concession shall be open and operational from 7:00 a.m. to 9:00 p.m. on Saturday and Sunday.
- 3.8. From the first (1st) day of June to the fourteenth (14th) day of August in each year of the Term, where one (1) or more weekend events are scheduled at the Facility, the Concession shall be open and operational from 7:00 a.m. to 9:00 p.m. on Saturday and Sunday. The Town shall give the Licensee no less than ten (10) days' notice of a weekend event to which this provision applies.
- 3.9. The Licensee may provide additional hours of operation for the Concession at any time during which the Facility is open.
- 3.10. Subject to subsection 3.11, during the Term the Licensee shall have an exclusive licence to supply and operate all vending machines at the Facility.
- 3.11. Notwithstanding subsection 3.10, the Town shall have the right to approve the type(s) of vending machines installed at the Facility and shall further have the right to approve the item(s) stocked in the vending machines.
- 3.12. The Licensee shall have the following responsibilities in relation to operating the Concession and vending machines:
 - a. to provide sufficient staff to maintain the minimum hours of operation of the Concession required by subsections 3.5, 3.6, 3.7 and 3.8;
 - b. to provide sufficient staff to ensure that vending machines are consistently and adequately stocked; and
 - c. to conduct all Concession and vending machine operations in accordance with all applicable public health and fire safety requirements.
- 3.13. Notwithstanding any other provision of this Agreement, the Licensee shall have no licence, right or entitlement whatsoever to supply food or beverage services for events at the Facility other than events of the Licensee as set out herein.

4. FEES PAYABLE BY LICENSEE

- 4.1. The Licensee shall pay an annual licence fee in the amount of three thousand dollars (\$3,000) plus HST for the licences granted under section 3 of this Agreement.
- 4.2. All annual licence fees are payable in advance and in full on or before the first (1st) day of September in each year of the Term.

5. INSURANCE AND INDEMNITY

- 5.1. During the Term, the Licensee shall obtain and maintain in full force and effect one or more policies of commercial general liability insurance with aggregate limits of not less than five million dollars (\$5,000,000) per occurrence. The policy or policies shall include coverage for bodily injury, death and property damage and shall contain cross-liability and severability of interest clauses.

- 5.2. The Licensee's policy or policies of commercial general liability insurance shall name the Town as an additional insured with respect to this Agreement and shall contain an undertaking by the insurer(s) to give thirty (30) days written notice to the Town of any material change to the coverages and/or the expiry or cancellation of the said policy or policies.
- 5.3. The Licensee shall provide the Town with proof of insurance on or before the first (1st) day of September in each year of the Term.
- 5.4. Any failure by the Licensee to obtain or provide proof of insurance as required by this Agreement constitutes a default by the Licensee that entitles the Town to terminate this Agreement immediately and without further notice or liability.
- 5.5. The Licensee and the Town shall each indemnify and save harmless the other and its officers, employees, volunteers and agents from and against all losses, claims, actions, demands and liabilities for personal injury or property damage arising as a direct or indirect result of this Agreement, where such claims are caused wholly or in part by the negligence of the Licensee or the Town, as the case may be, or by anyone for whom it is in law responsible.
- 5.6. Notwithstanding subsection 5.5, the Licensee shall use the Facility at its sole risk and the Town shall not be liable for any loss or damage sustained by the Licensee or persons using the Facility pursuant to the licences granted herein, except to the extent that such loss or damage is caused by the negligence of the Town or anyone for whom it is in law responsible.
- 5.7. The Licensee shall give immediate written notice to the Town of any incident, injury or harm to any person using the Facility pursuant to the licences granted herein and shall further give immediate written notice to the Town of any loss, damage or defect at any part of the Facility that comes to the attention of the Licensee.

6. DEFAULT AND TERMINATION

- 6.1. This Agreement is conditional on the Licensee obtaining all necessary permits and approvals to operate at the Facility. A failure by the Licensee to obtain any necessary permits or approvals constitutes a default by the Licensee that entitles the Town to terminate this Agreement immediately and without further notice or liability.
- 6.2. Further, this Agreement is conditional on the Licensee and any person(s) acting on behalf of the Licensee conducting the operations of the Licensee in an appropriate and professional manner that is respectful of the Town and its employees, users of the Facility and members of the public. A failure by the Licensee to maintain an acceptable standard of conduct constitutes a default by the Licensee that entitles the Town to terminate this Agreement immediately and without further notice or liability.

- 6.3. Failure to comply with any of the terms and conditions of this Agreement shall be just cause for its termination. If either of the Licensee or the Town defaults in the performance of any of its obligations under this Agreement, the non-defaulting party shall give written notice of the default and shall provide thirty (30) days to remedy it, failing which the non-defaulting party may terminate this Agreement by written notice.
- 6.4. The Town and the Licensee shall have the option to terminate this Agreement at any time upon giving ninety (90) days' written notice to the other party.
- 6.5. This Agreement may be amended or terminated at any time during the Term by mutual agreement of the parties. Any such agreement shall be made in writing, signed by the parties and appended to this Agreement.
- 6.6. Upon termination of this Agreement by expiry or otherwise, the Licensee shall promptly remove any fixtures, equipment, goods or chattels it has installed or placed at the Concession or the Facility and shall repair any damage resulting from such removal to the satisfaction of the Town. The Licensee shall further peaceably surrender to the Town vacant possession of the Concession and all vending machines at the Facility.

7. DISPUTE RESOLUTION

- 7.1. In the event that a dispute arises as to the interpretation, application or execution of this Agreement, including but not limited to a party's rights or responsibilities or an allegation of default, the party that disputes the other party's position or conduct shall immediately provide written notice of the dispute to the other party.
- 7.2. Where a notice of dispute is received in accordance with subsection 7.1, the parties shall attempt to resolve the dispute through negotiation for a period of thirty (30) days from the date on which the notice is delivered. The parties may extend the negotiation period if they agree that a reasonable extension is likely to resolve the dispute.
- 7.3. If a dispute cannot be resolved by the parties through negotiation, it shall be arbitrated in accordance with the *Arbitration Act, 1991*, S.O. 1991, c. 17. The decision of the arbitrator shall be final and binding on the parties.
- 7.4. The Licensee and the Town shall each bear their own costs associated with the determination of disputes arising under this Agreement, including but not limited to legal and arbitration costs.

8. GENERAL

- 8.1. This Agreement constitutes the entire agreement between the parties relating to matters set out herein. There are no representations, promises, covenants or other terms relating to the subject matter of this Agreement and this Agreement supersedes any prior discussions, understandings or agreements between the parties in relation to its subject matter.

- 8.2. The rights and obligations specified in any provision of this Agreement which by their nature would reasonably be interpreted as intended by the parties to survive the termination of this Agreement shall survive such termination.
- 8.3. The invalidity or unenforceability of any particular term of this Agreement shall not limit the validity or enforceability of the remaining terms, each of which is distinct and severable from all other terms of this Agreement.
- 8.4. Waiver by a party of any provision of this Agreement shall not constitute a waiver in any other instance and any such waiver must be made in writing. Any delay or failure on the part of either party to enforce any right, power or remedy conferred by this Agreement shall not constitute a waiver and shall not operate as a bar to that party exercising or enforcing such right, power or remedy at any subsequent time.
- 8.5. This Agreement shall be binding upon and enure to the benefit of the parties and their respective successors and permitted assigns.
- 8.6. This Agreement shall be governed by and construed in accordance with the law of the Province of Ontario and laws of Canada applicable therein.
- 8.7. All communications required under or contemplated by this Agreement shall be considered to have been sufficiently given if delivered by hand, sent by registered mail or sent by email to the party to which such notice is directed as set forth below:

If to the Licensee:

NAME

ADDRESS

EMAIL

Attention: CONTACT NAME

If to the Town:

The Corporation of the Town of Pelham

P.O. Box 400

20 Pelham Town Square

Fonthill ON L0S 1E0

Attention: Jennifer Stirton, Town Solicitor

jstirton@pelham.ca

or such other address of which either party has notified the other, in writing, and any such notice mailed or delivered shall be deemed sufficient under the terms of this Agreement.

- 8.8. Notices delivered or sent by registered mail are deemed to be effective on the date of receipt. Notices sent by email are deemed to be effective on the day the email is sent or, if sent after 4:00 p.m., on the following day.

- 8.9. This Agreement may be signed in counterpart, each of which is an original and all of which together constitute a single document. Counterparts may be executed in original or electronic form and may be exchanged by way of mail or PDF file delivered by email or facsimile transmission.

[signature page follows]

DRAFT

IN WITNESS WHEREOF the parties have executed this Agreement by their authorized representatives and agree to be bound thereby as of the first day of the Term.

THE CORPORATION OF THE TOWN OF PELHAM

By: _____

Name:

Title:

By: _____

Name:

Title:

I/We have authority to bind the Corporation.

Date: _____

PELHAM JUNIOR HOCKEY CLUB

By: _____

Name:

Title:

By: _____

Name:

Title:

I/We have authority to bind the Corporation.

Date: _____



The Corporation of the Town of Pelham

By-law No. 51-2023

Being a By-law to Stop Up and Close a Portion of the Unopened Road Allowance Between Concession 3 and Concession 4, Part Lot 1-2, Concession 3 and Part Lot 1, Concession 4, Pelham.

WHEREAS sections 11 and 27 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*") provide that a lower-tier municipality may pass by-laws respecting highways under its jurisdiction;

AND WHEREAS section 34 of the *Municipal Act, 2001* permits a municipality to pass a by-law permanently closing a public highway under its jurisdiction;

AND WHEREAS the unopened road allowance described herein is a public highway under the jurisdiction of the Town of Pelham;

AND WHEREAS the Council of The Corporation of the Town of Pelham deems it desirable to stop up and permanently close a portion of the unopened road allowance described herein and to enact this By-law for that purpose;

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

1. The portion of the unopened road allowance contained within PIN 64039-0087(LT), being between Concession 3 and Concession 4 on the property legally described as PT LT 1-2 CON 3 PELHAM; PT LT 1 CON 4 PELHAM; PT RDAL BTN CON 3 & 4 PELHAM AS IN RO696483 (FIRSTLY), S/T INTEREST OF THE MUNICIPALITY; S/T PE12978, PE13007; PELHAM, is hereby permanently stopped up and closed.
2. The Corporation of the Town of Pelham hereby releases its interest in the lands described in PIN 64039-0087 (LT) and consents to the deletion of the notation "S/T INTEREST OF THE MUNICIPALITY" from the property description set out therein.
3. The Mayor and the Clerk of the Town of Pelham are hereby authorized to execute all documentation as may be necessary in connection with the stopping up and closing of the said road allowance, the release of the municipality's interest in the said lands and/or the consent to delete the said notation from the property description.
4. The Clerk of the Town of Pelham is hereby directed to register a certified copy of this By-law in the proper Land Registry Office.
5. The Clerk of the Town of Pelham is hereby authorized to register the release of the municipality's interest in the lands described in PIN 64039-0087 (LT) in the proper Land Registry Office.
6. This By-law shall come into force and take effect on the date it is passed by Council and registered in the Land Registry Office.

Read, enacted, signed and sealed this 20th day of September, 2023.

John Wink, Deputy Mayor

William Tigert, Town Clerk



The Corporation of the Town of Pelham

By-law No. 52-2023

Being a by-law to appoint members to the Environmental and Climate Adaptation Advisory Committee for the 2022-2026 Term of Council.

WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to appoint members to Advisory Committees;

AND WHEREAS on February 21, 2023, Council established various Advisory Committees;

AND WHEREAS on May 03, 2023, Council established the creation of the Environmental and Climate Adaptation Advisory Committee;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts appointments as follows in the attached schedule, as listed below:

- 1. THAT** appointments to the Environmental and Climate Adaptation Advisory Committee as listed in Schedule "A" attached hereto and forming part of this By-law.
- 2. THAT** from time to time, changes to Schedule "A" are necessary due to vacancies created for various reasons, it shall be deemed acceptable for Council to do so by resolution. The resolution be in effect only until the new appointments by-law is brought forward at the usual time at which Council strikes and confirms its appointments, and at which time a new by-law is enacted.

3. Effective Date

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

Read, enacted, signed and sealed this 20th day of September, 2023.

John Wink, Deputy Mayor

William Tigert, Town Clerk

Schedule "A" to By-law 52-2023

Advisory Committees

Environmental and Climate Adaptation Advisory Committee

Council Representative	Councillor Wayne Olson
Public Representatives	Mike Jones Jackie Oblak Natalie Seniuk Michael Hoch



The Corporation of the Town of Pelham

By-law No. 53-2023

Being a By-law to amend Zoning By-law 4481(2022), as amended, to rezone lands located at 550 Webber Road, legally described as Part of Lot 11, Concession 14, Town of Pelham, Regional Municipality of Niagara, from the Rural Employment-72 (RE-72), Environmental Protection One (EP1) and Rural Employment (RE) zones to the amended site-specific Rural Employment-72 (RE-72), Environmental Protection One (EP1) and Rural Employment (RE) zones.

File No. AM-04-2023

WHEREAS Section 34 of the *Planning Act*, RSO 1990, c. P. 13, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of the Corporation of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it to be in the public interest that such a by-law be enacted;

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

1. **THAT** Schedule 'A' to Zoning By-law 4481(2022) as amended, is hereby further amended by rezoning the lands identified on Schedule 'A' attached hereto and forming part of this By-law from the Rural Employment-72 (RE-72), Environmental Protection One (EP1) and Rural Employment (RE) zones to the amended Rural Employment-72 (RE-72), Environmental Protection One (EP1) and Rural Employment (RE) zones;
2. **THAT** Section 10 of Zoning By-law 4481(2022) as amended, is hereby amended by replacing the RE-72 zone with the following:

Rural Employment-72 (RE-72)

Notwithstanding Section 4.1.4.1(a) of the Parking and Loading Requirements and 5.3.1 of the Rural Employment Zone, the following special regulations shall apply:

4.1.4.1 Parking Space Dimensions and Requirements

- (a) The minimum dimensions of a parking space shall be 2.4m by 5.8m with a minimum vertical clearance of 4.2m;

5.3.1 Permitted Uses

- (r) Place of Worship

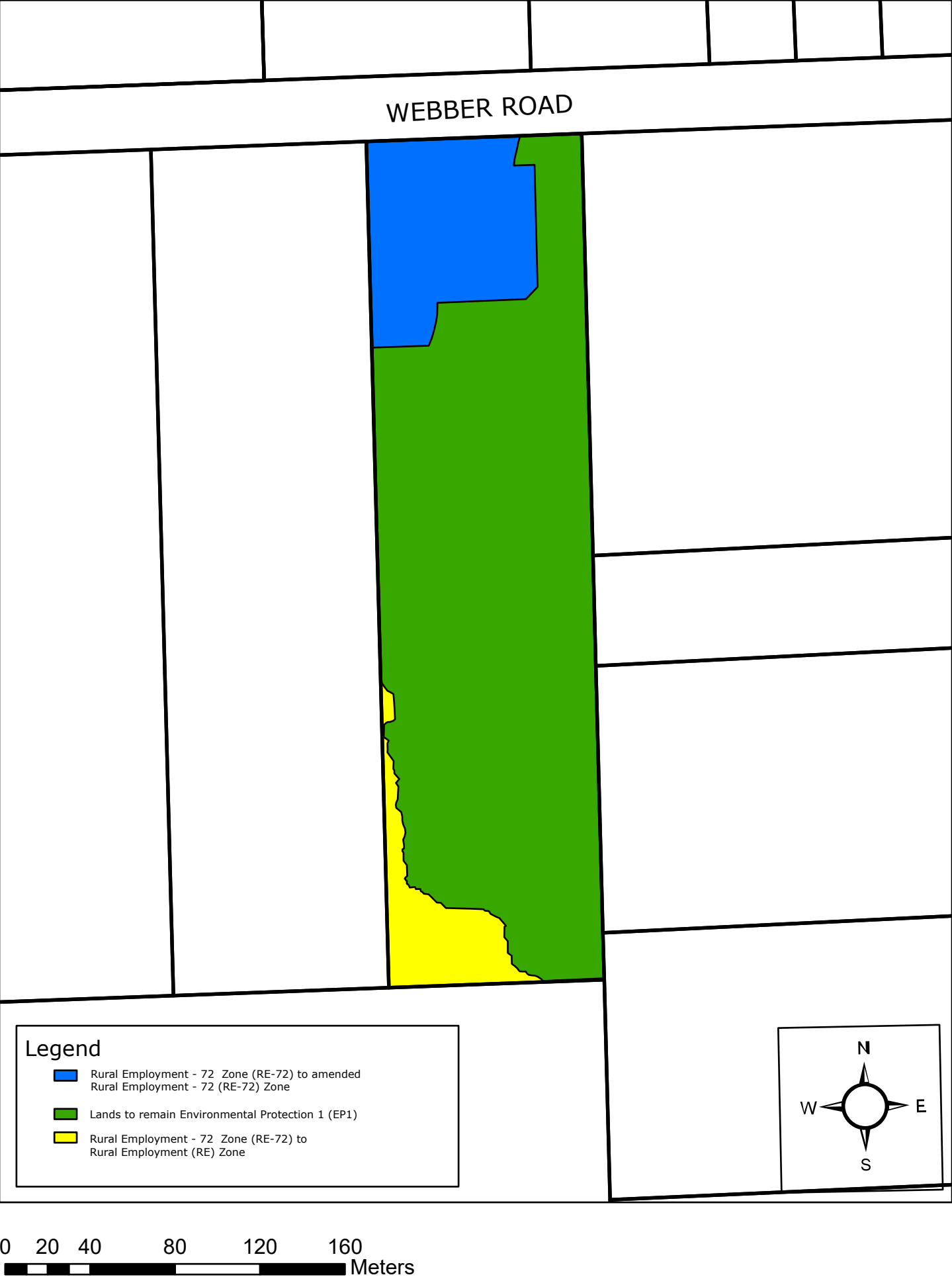
3. **THAT** this Bylaw shall come into force and effect from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the *Planning Act*, 1990, as amended.

Read, enacted, signed and sealed this 20th day of September 2023.

John Wink, Deputy Mayor

William Tigert, Town Clerk

Schedule 'A'



This is Schedule 'A' to By-law No. 53-2023 passed the 20th day of September, 2023.

Deputy Mayor: John Wink

Clerk: William Tigert



The Corporation of the Town of Pelham

By-law No. 54-2023

Being a By-law to adopt Official Plan Amendment No. 19 for the Town of Pelham Planning Area.

550 Webber Road
File No. OP-AM-01-2023

The Council of the Corporation of the Town of Pelham, in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O., 1990, as amended, hereby enacts as follows:

1. **THAT** Amendment No. 19 to the Official Plan of the Town of Pelham consisting of the attached explanatory text is adopted;
2. **AND THAT** the Clerk of the Town of Pelham is authorized to effect any minor modifications or correction solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after passage of this by-law.

Read, enacted, signed and sealed this 20th day of September 2023.

John Wink, Deputy Mayor

William Tigert, Town Clerk

AMENDMENT NO. 19
TO THE
OFFICIAL PLAN (2014)
FOR THE
CORPORATION OF THE TOWN OF PELHAM

CONTENTS

PART "A" – THE PREAMBLE

- Section 1 Title and Components
- Section 2 Purpose of the Amendment
- Section 3 Location of the Amendment
- Section 4 Basis of the Amendment
- Section 5 Implementation of the Amendment

PART "B" – THE AMENDMENT

- Introductory Statement
- Details of the Amendment
- Appendix A Schedule 'A' to the Official Plan Amendment

PART "A" – THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document was approved in accordance with Section 17 and 21 of the Planning Act, R.S.O. 1990, as amended and shall be known as Amendment No. 19 to the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Town of Pelham Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text constitutes Amendment No. 19 to the Official Plan adopted by By-law 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014 for the Town of Pelham Planning Area.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to amend Policy B2.1.2 to permit a place of worship on the property located at 550 Webber Road.

The effect of the amendment will be to permit the development of the property for a church.

SECTION 3

LOCATION OF THE AMENDMENT

The lands that are subject to this Amendment are located at 550 Webber Road within the Good General Agricultural Area.

SECTION 4

BASIS OF THE AMENDMENT

The Planning Act, R.S.O. 1990, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors:

1. The Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.
2. The Amendment aims to adaptively re-use the existing building, with minor extensions, which will be within the developable limits of the subject lands.
3. The amendment conforms to Policy 2.1.3.10 of the Town Official Plan and will have no direct impact on agricultural land within the vicinity of the subject lands.
4. The amendment conforms to the Policy B3.2.4 of the Town Official Plan with no significant negative impacts to the Provincially Significant Wetlands located on the southern portion of the Subject Lands.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, of the Town of Pelham Planning Area shall apply to the implementation and interpretation of this Amendment.

PART "B" – THE AMENDMENT

The Amendment consisting of the following policies and attached map designated as Schedule 'A', identifies the Special Policy Area that constitutes Amendment No. 19 to the Official Plan adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014.

The Official Plan, adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014 is hereby amended as follows:

1. The revision of the following Policy:

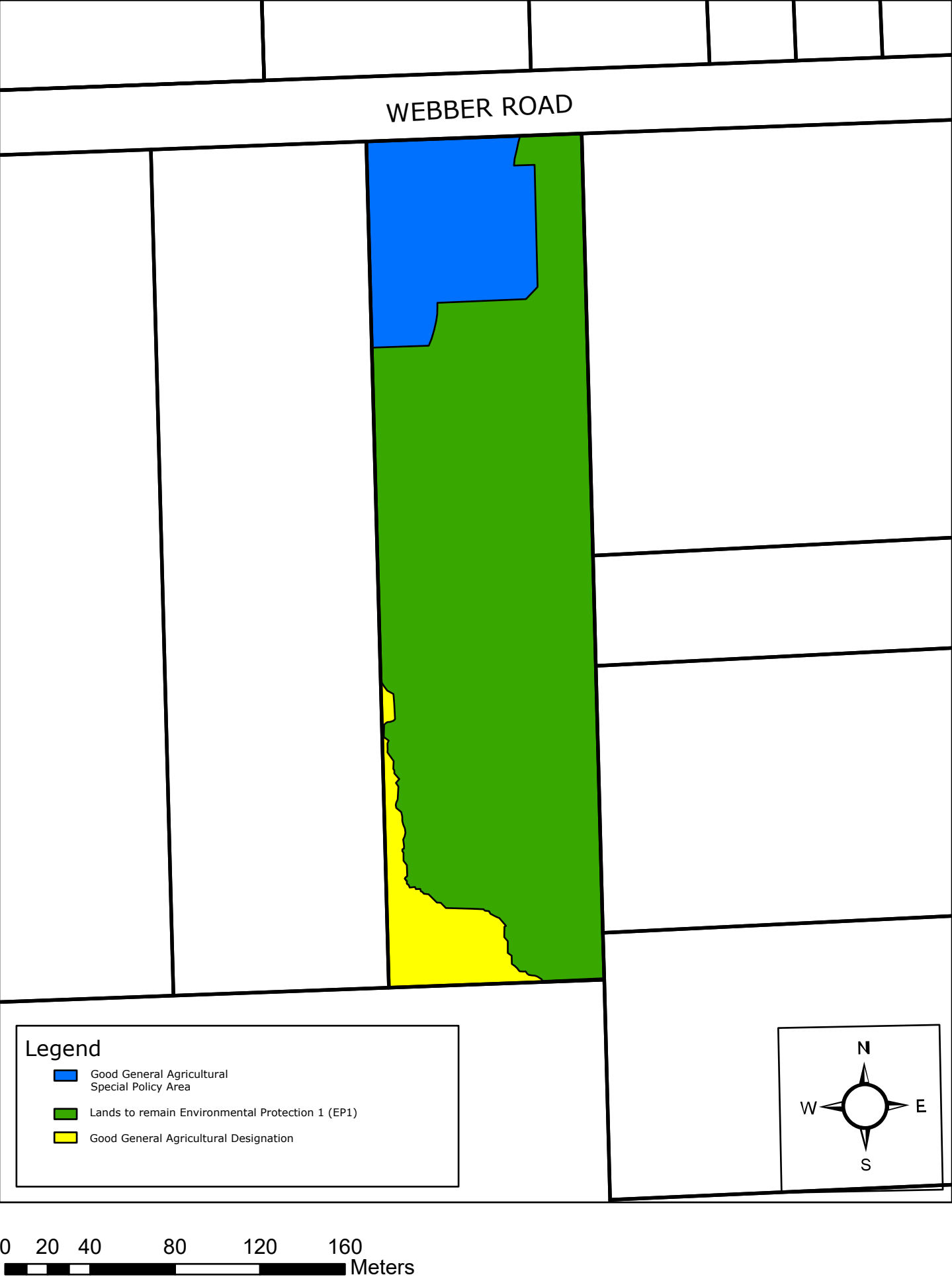
Part "B" – The Amendment consisting of the following policy and attached map designated as Schedule 'A', identifies the Special Policy Area that constitutes Amendment No. 19 to the Official Plan adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014.

The Official Plan, adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014 is hereby amended as follows:

The addition of the following to Policy B.2.1.2 Permitted Uses:

- I) Place of Worship;

Schedule 'A'



This is Schedule 'A' to By-law No. _____ (2023) passed the 20th day of September, 2023.

Mayor: Marvin Junkin

Acting Clerk: William Tigert



The Corporation of the Town of Pelham

By-law No. 55-2023

Being a By-law to amend Zoning By-law 4481(2022), as amended, to rezone lands located at 1039 Church Street, legally described as Parts 2, 3 and 5, Plan 16 and Part 1, RP 59R-4712 Part of Lot 11, Concession 14, Town of Pelham, Regional Municipality of Niagara, from the Residential One (R1) zone to the site-specific Residential 1-148 (R1-148), Residential Multiple 2-149 (RM2-149) and Environmental Protection 1 (EP1) zones.

File No. AM-06-2023

WHEREAS Section 34 of the *Planning Act*, RSO 1990, c. P. 13, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of the Corporation of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it to be in the public interest that such a by-law be enacted;

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

1. THAT Schedule 'B' to Zoning By-law 4481(2022) as amended, is hereby further amended by rezoning the lands identified on Schedule 'A' attached hereto and forming part of this By-law from the from the Residential One (R1) zone to the site-specific Residential 1-148 (R1-148), Residential Multiple 2-149 (RM2-149) and Environmental Protection 1 (EP1) zones.

2. THAT Section 10 of Zoning By-law 4481(2022) as amended, is hereby amended by adding the following:

Residential One-148 (R1-148)

Notwithstanding Section 6.1.2 of the Residential One Zone, the following special regulation shall apply:

Minimum Lot Frontage	12.0 m
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Residential Multiple Two-149 (RM2-149)

Notwithstanding Sections 3.15(a) of the General Provisions, 4.1.4.8 of the Parking and Loading Requirements and 6.5.2 of the Residential Multiple Two Zone, the following special regulations shall apply:

3.15 Landscaped Strips

a) Where land is required to be used for no other purpose than a landscape strip, it shall have a minimum width of 1.5m, measured perpendicular to the lot line it adjoins, except in the case of a rear yard swale where a minimum width of 1.5m shall be required.

4.1.4.8 Parking Area Location on Lot

Apartment dwelling

Shall be permitted except in any front yard and corner yard provided that no part of any parking area, other than a driveway is located closer than 7.5m to any street line and no closer than 1.5m to any side lot line or rear lot line.

6.5.2 Zone Requirements

Minimum Lot Frontage	9.4 m
Minimum Lot Area	232 m ² per unit
Minimum Front Yard	78.0 m
Maximum Front Yard	78.0 m
Minimum Rear Yard	5.0 m

3. **THAT** this Bylaw shall come into force and effect from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the *Planning Act*, 1990, as amended.

Read, enacted, signed and sealed this 20th day of September 2023.

John Wink, Deputy Mayor

William Tigert, Town Clerk

Schedule 'A'



This is Schedule 'A' to By-law No. _____ (2023) passed the 20th day of September, 2023.

Mayor: Marvin Junkin

Acting Clerk: William Tigert



The Corporation of the Town of Pelham

By-law No. 56-2023

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 20th day of September 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 20th day of September, 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 20th day of September, 2023.

John Wink, Deputy Mayor

William Tigert, Town Clerk