REGULAR COUNCIL
REVISED AGENDA

C-22/2023
Wednesday, December 6, 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**

6. Hearing of Presentation, Delegations, Regional Report

6.1 Delegations

6.1.1 Hospice Niagara 6 - 20

Update on Hospice Palliative Care - Carol Nagy Executive Director

6.1.2 Wayne Robins re: Redecan Odour 21 - 23

6.1.3 Judy Johnson re: Redecan Odour 24 - 27

6.2 Presentations

6.2.1 Storm Water Management Pond Assessment Report 28 - 37

Adam Spargo, Senior Project Manager, Matrix Solutions Inc.

6.2.2 2023 Town of Pelham Holiday Cards 38 - 47

Presentation by Ryan Cook

6.3 Tax Write-Off Under Municipal Act, Section 357 & 358 48 - 48

7. Adoption of Council Minutes

7.1 C-21/2023 - Regular Council Meeting - November 15, 2023 49 - 57

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

9. Consent Agenda Items to be Considered in Block

9.1 Presentation of Recommendations Arising from Committee of Council, for Council Approval 58 - 58

1. PCOW-10/2023 - Public Meeting under the Planning Act - November 8, 2023

9.2 Minutes Approval - Committee of Council 59 - 61

1. PCOW-10/2023 - Public Meeting under the Planning Act - November 8, 2023

9.3 Staff Reports of a Routine Nature for Information or Action

9.3.1 Stormwater Management Facility Needs Program Report, 2023-0257-Public Works 62 - 130

9.3.2 Installation of Services to the Fonthill Platform Tennis Club, 2023-0266-Public Works 131 - 138

9.3.3 Cemetery Operations Update, 2023-0259-Public Works 139 - 142

9.3.4 Front Row Sport LTD Lease Agreement, 2023-0269-Recreation 143 - 144

9.4 Information Correspondence

9.4.1 Royal Canadian Legion Remembrance 145 - 145

9.5 Regional Municipality of Niagara Correspondence for Information or Action

9.5.1 Niagara Transit Commission - OnDemand Service Statistics (Jan-Aug 2023) 146 - 156

9.5.2 PDS 37-2023 Niagara Region Unbuilt Housing Supply Update 157 - 162

9.6 Advisory Committee Minutes for Information

9.6.1 Pelham Finance and Audit Committee - May 23, 2023 163 - 172

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

11. Presentation and Consideration of Reports

11.1 Members of Council Reports

11.1.1 Councillor Hildebrandt - Update re Niagara Region Waste Committee 173 - 174

11.2 Staff Reports Requiring Action

11.2.1 Review of Capital Financing Using Debt, Reserves and In-Year Cash, 2023-0256-Corporate Services 175 - 235

11.2.2	Gas Hedging Agreement, 2023-0263-Corporate Services	236 - 264
11.2.3	MCC Elevators Oil Coolers Installation, 2023-0268-Corporate Services	265 - 266
*11.2.4	HONK paid parking, 2023-0247-Corporate Services WITHDRAWN	
11.2.5	Administrative Penalty System Improvements to Promote By-law Compliance and Facilitate Enforcement, 2023-0270-Town Solicitor	267 - 309
11.2.6	Recommendation Report – Housekeeping Zoning By-law Amendment, 2023-0261-Planning	310 - 342

12. Unfinished Business

13. New Business

14. Presentation and Consideration of By-Laws 343 - 344

1. By-law 66-2023 - Being a By-law to exempt Block 168 on Plan 59M-505, municipally known as 68, 70, 72, 74, and 76 William Street, from Part Lot Control. Saffron Meadows Phase 3 (Mountainview Building Group). File No. PLC-02-2023

2. By-law 67-2023 - Being a By-law to exempt Block 170 on Plan 59M-505, municipally known as 178, 180, 182, and 184 Klager Avenue, from Part Lot Control. Saffron Meadows Phase 3 (Mountainview Building Group. File No. PLC-03-2023

15. Motions and Notices of Motion

15.1 Mayor Junkin - Sidewalk Connection along Canboro Road

Mover: Mayor Junkin

Seconder: Councillor Olson

WHEREAS Council for the Town of Pelham supports pedestrian safety and is dedicated to enhancing walkability and active transportation throughout the Town;

AND WHEREAS the existing sidewalk along Canboro Road between the Villages of Fonthill, Ridgeville, and Fenwick is not continuous;

NOW THEREFORE BE IT RESOLVED THAT Council direct staff to prepare a report addressing the cost and feasibility of connecting the sidewalks along Canboro Road between the Villages of Fonthill, Ridgeville, and Fenwick;

AND THAT Council directs staff to report back to Council in Q2 of 2024.

16. Resolution to Move In Camera

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

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

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

17. Rise From In Camera

18. Confirming By-Law 345 - 345

19. Adjournment

Request to Appear Before Council

Administration Services

Please fill out and return no later than 12 p.m. noon ten (10) days prior to the Meeting you wish to appear. Completed forms, including presentation materials are to be submitted to the Clerk's department and can be dropped off or emailed to clerks@pelham.ca

Name or Organization or Firm: Hospice Niagara	
Name and Title of Presenter(s): Carol Nagy, Executive Director	
Address: 403 Ontario St., Unit 2, St. Catharines, ON L2N 1L5	
Telephone: 905-984-8766 x225	Email: cnagy@hospiceniagara.ca

Date of Meeting Requested: December 6, 2023

How will you attend Council? ■ In-person □ Electronically

*The delegate shall notify the Clerk at least five (5) business Days in advance.

Subject matter to be discussed:	Update on Hospice Palliative Care - Approved Expansions in Niagara Region
If not for information, identify the desired action requested:	

Have you previously spoken on this issue? □ Yes ■ No

If a group or individual has previously appeared as a delegate, a further delegation from the same group or individual on the same topic will not be permitted, unless there is significant new information to be brought forward.

Do you have presentation material or speaking notes? ■ Yes □ No

Delegations are required to provide the Clerk's department presentation materials for publication in Council's agenda package. Materials must be provided no later than 12 p.m. noon ten (10) days prior to the Meeting.

I have read and understand the Delegation Protocol attached to this form and understand that the information contained on this form, including any attachments submitted, will become public documents and listed on the Town's meeting agenda and posted to the Town's website. I also understand that as a participant of this meeting, I will be recorded and further understand that this recording with be posted to the Town of Pelham's YouTube Channel.

CNagy.

Signature

October 30, 2023

Date

Delegation Protocols

The Clerk shall list a maximum of four (4) delegations per meeting. Delegations will be considered on a first come first serve basis, unless prioritized otherwise at the discretion of the Clerk, in consultation with the Chief Administrative Officer.

The purpose of the delegation process is to allow residents to make their views known to Council, based on the requirements of the Town of Pelham Procedural By-law. The views of interested citizens are valued and input is welcome, along with comments and constructive suggestions. Council must consider a large number of issues and concerns at any given time, thus the following protocol is observed:

1. The delegate shall arrive to the meeting by 8:45 am.

2. A presentation by a delegate, who is a member of the public, shall be a maximum of five (5) minutes (whether the Delegation consists of an individual or a group). A presentation by a delegate, who is a member of Town or Regional staff, shall be a maximum of twenty (20) minutes.

3. Where the delegate is a group of persons, a primary speaker is to be assigned to address Council.

4. Discussion topics, other than the subject matter of the written request to appear as a delegation, will not be permitted. Subsequent delegations on the same topic, without significant new information, will not be permitted.

5. A delegate shall not speak disrespectfully, use offensive language and/or disobey the rules of procedure or a decision of the Chair. Remarks or questions concerning topics identified within Section 28.7 of the Procedural By-law shall be immediately ruled out of order. A subsequent offense during the same presentation will result in the speaker forfeiting their right to speak. The Chair reserves the right to immediately end the delegation if the remarks are considered severe.

6. Upon completion of remarks, the speaker(s) will remain in position to allow for any questions from Members. Members may ask questions for clarification purposes. After completion of any questions, the speaker will be asked to be seated or will be placed into the waiting room of the Zoom meeting.

7. Delegations will not be permitted on items that will be the subject of an upcoming or closed public meeting pursuant to the *Planning Act*, unless exceptional circumstances apply, which have been reviewed and approved by Council. Persons should present their concerns and opinions at the scheduled Public Meeting where their comments can be considered along with other submissions.

Briefing Note: Update Hospice Palliative Care - Approved Expansions in Niagara Region

Hospice Niagara is currently underway with the provincially-approved expansion of hospice care with the addition of 20 new hospice suites within the region. In Welland, the new hospice centre, Walker House, is currently at 20% of construction completion. Willson House in Fort Erie, is in the final design stage.

Along with this increased capacity in hospice suites, expansion planning has also been submitted to provincial funders for increased capacity in palliative care to serve people in their homes and in Long-Term Care.

On behalf of the Hospice Niagara Board of Directors and our community, we thank Town of Pelham for $85,000.00 of capital funding to bring these much needed facilities to everyone in our region.

It is important to consider and continue planning for other opportunities in Niagara to expand hospice care to serve the Region, as ministry planning and funding cycles can take several years. Hospice Niagara is well-positioned and willing to move in this direction, given the current expansion projects are well underway.

Why it's important for ALL Municipalities to Invest Now in Hospice Palliative Care

The hospice capacity in Niagara with these new suites will increase to approximately 6 beds per 100,000 resident, (not including West Niagara). However, the Auditor General in 2014 recommended 7-10 beds per 100,000, which highlights the need for further hospice expansion in Niagara. It is also important to consider Niagara's need and capacity given our demographic trend towards an aging population.

Hospice care is delivered at a fraction of the cost of hospital care. The average cost of a hospice bed is $500 per day, while a hospital bed costs over $1,200 per day, saving our health care system millions of dollars each year. While end of life and dying in hospital or their home meets the needs or necessities for many people, hospices provide people and their families with individual care, input into all care decisions and most important, focuses on specialized palliative care and dignity at end-of-life.

Economical Planning

Based on recent construction cost inflation, a typical stand-alone hospice residence build falls within the range of $600-$700 per square foot, for specialized building features and increased infection prevention requirements.

If new hospice sites are approved in the future, the Ministry of Health potentially will provide Hospice Niagara with $2,500,000 toward approved standard elements, with an opportunity for special circumstances grant request for exceptional circumstances. Regional funding contributions, along with all municipal support toward the current approved projects and any new projects demonstrates the importance of these projects in our region and is a strong element to the business case for provincial approval of these types of grants.

Sustainable Growth

Hospice Niagara has existing professional management and infrastructure to sustainably manage the associated administrative and professional staffing demands to expand its operations and accredited hospice services in Niagara. In addition, the organization has the community recognition and support to raise the required $2.8M annually to operate a 10-bed facility and leverage existing volunteer recruitment, training and retention programs in place to offset operational costs.

Hospice Niagara has demonstrated and proven success to ensure that the capital builds and hospice services that are provided in its current and future model are viable and sustainable to serve Niagara's hospice needs for future generations.

Capital Campaign Contributions

Hospice Niagara's capital campaign has launched, with a target of raising $18M toward the build costs for the Fort Erie and Welland sites. Hospice Niagara is working to secure contributions from every municipality, exempting communities in West Niagara that are served by McNally House. Hospice expansions that occur in Niagara benefit all residents of Niagara.

Improved Care for Niagara

Niagara's much needed Hospice expansion is important to every community. Provincially approved expansion models in Niagara create a template for other communities in Niagara to plan alongside Hospice Niagara for future hospice resource expansions.

Most importantly, expansion means:

- Increased local access to weekly hospice wellness programs, caregiver and bereavement support;
- Influx of palliative care professionals working within communities;
- The expansion of Francophone programs and services;
- Culturally safe programs, that focus on health equity;
- Onsite expert consultations to help people living in LTC homes throughout Niagara to avoid hospital admissions due to pain crisis and complex end-of-life care and;
- Better planning, transitions and improved quality of life for patients and families, who will have access to vital hospice and community palliative care services.

These and future projects are community and provincial investments that will maintain Hospice Niagara's proven record in providing exceptional care according to best practice standards, while ensuring sustainable expansion through partnerships and integration.

It is important for all Niagara communities to support Hospice Niagara with its existing, approved expansion plans, and equally important for Hospice Niagara to support communities to continue their efforts to expand hospice services to meet growing demands.

We thank all municipalities for their confirmed commitments to the Hospice Niagara expansion and encourage the remaining communities to consider your local contribution request.

403 Ontario Street, Unit 2, St. Catharines, ON L2N 1L5
T: 905-984-8766 | Fax: 905-984-8242
info@hospiceniagara.ca | hospiceniagara.ca | Charitable Registration#: 89971 6294 RR0001

We rely on your donations to provide our programs and services throughout Niagara.
Official income tax receipts are provided for donations of $20 or more.

HOSPICE NIAGARA

Close to Home Campaign

Presentation to Council
Presenter: Carol Nagy, Executive Director

EXPANDING ACROSS NIAGARA

TWO New Centres of Excellence

WELLAND WALKER HOUSE

Projected Opening:
Summer 2025

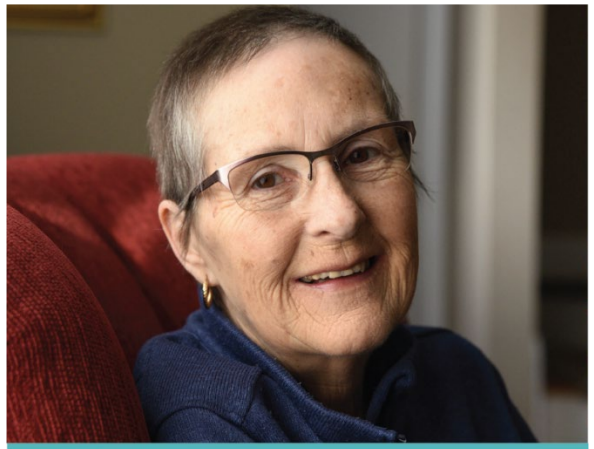
EXPANDING ACROSS NIAGARA

TWO New Centres of Excellence

FORT ERIE WILLSON HOUSE

Projected Opening:
2026

PROGRAMS and SERVICES



living well at HOME

Support for people throughout their illness, improving quality of life and well-being.

living well at HOSPICE

Care, compassion and dignity for people at end of life and their families.

living well with GRIEF

Children, youth and adults explore feelings of grief and loss, in a safe and supportive space.

living well as a CAREGIVER

Family caregivers learn healthy ways to cope and care for themselves, as they care for others.

MUNICIPAL PARTNERS

City of Port Colborne
City of St. Catharines
City of Thorold
City of Welland
Niagara Region
Town of Fort Erie
Town of Pelham

THE IMPACT

This expansion will ensure that every year in Niagara:

900+

3,700+

800+

THE IMPACT

Our volunteer base will increase to 700 volunteers giving approximately 75,000 hours per year.

ECONOMIC IMPACTS

Niagara will see 60 NEW health care jobs and add over $1M annually to the local business economy.

CONTRIBUTIONS UPDATE

Public Contribution:

$18M Target

Progress to Target:

79% ($14.3M)

With MoH & HN contributions:

91% to Target

THE HOSPICE DIFFERENCE

We all experience dying, death and bereavement. It touches each and every person multiple times. Supporting people to live well until last breath is a measure of our humanity.

Investing in Hospice Palliative Care

Improved Population Health

Trusted Services

Value for Money

QUESTIONS

For more information,
please contact: 905.984.8766 x224
campaign@hospiceniagara.ca

hospiceniagaraclosetohome.ca

Request to Appear Before Council

Administration Services

Please fill out and return no later than 12 p.m. noon ten (10) days prior to the Meeting you wish to appear. Completed forms, including presentation materials are to be submitted to the Clerk's department and can be dropped off or emailed to clerks@pelham.ca

Name or Organization or Firm:	
Name and Title of Presenter(s): Wayne Robins	
Address: 171 Sumbler Rd, Fenwick	
Telephone: 905-714-1530	Email: cathway48@gmail.com

Date of Meeting Requested: _____

How will you attend Council? ☒ In-person ☐ Electronically

*The delegate shall notify the Clerk at least five (5) business Days in advance.

Subject matter to be discussed:	Impacts of odour emmisions from Redecan on Foss Rd
If not for information, identify the desired action requested:	

Have you previously spoken on this issue? ☐ Yes ☒ No

If a group or individual has previously appeared as a delegate, a further delegation from the same group or individual on the same topic will not be permitted, unless there is significant new information to be brought forward.

Do you have presentation material or speaking notes? ☒ Yes ☐ No

Delegations are required to provide the Clerk's department presentation materials for publication in Council's agenda package. Materials must be provided no later than 12 p.m. noon ten (10) days prior to the Meeting.

I have read and understand the Delegation Protocol attached to this form and understand that the information contained on this form, including any attachments submitted, will become public documents and listed on the Town's meeting agenda and posted to the Town's website. I also understand that as a participant of this meeting, I will be recorded and further understand that this recording with be posted to the Town of Pelham's YouTube Channel.

Wayne Robins _____ November 17, 2023

Signature Date

Delegation Protocols

The Clerk shall list a maximum of four (4) delegations per meeting. Delegations will be considered on a first come first serve basis, unless prioritized otherwise at the discretion of the Clerk, in consultation with the Chief Administrative Officer.

The purpose of the delegation process is to allow residents to make their views known to Council, based on the requirements of the Town of Pelham Procedural By-law. The views of interested citizens are valued and input is welcome, along with comments and constructive suggestions. Council must consider a large number of issues and concerns at any given time, thus the following protocol is observed:

1. The delegate shall arrive to the meeting by 8:45 am.

2. A presentation by a delegate, who is a member of the public, shall be a maximum of five (5) minutes (whether the Delegation consists of an individual or a group). A presentation by a delegate, who is a member of Town or Regional staff, shall be a maximum of twenty (20) minutes.

3. Where the delegate is a group of persons, a primary speaker is to be assigned to address Council.

4. Discussion topics, other than the subject matter of the written request to appear as a delegation, will not be permitted. Subsequent delegations on the same topic, without significant new information, will not be permitted.

5. A delegate shall not speak disrespectfully, use offensive language and/or disobey the rules of procedure or a decision of the Chair. Remarks or questions concerning topics identified within Section 28.7 of the Procedural By-law shall be immediately ruled out of order. A subsequent offense during the same presentation will result in the speaker forfeiting their right to speak. The Chair reserves the right to immediately end the delegation if the remarks are considered severe.

6. Upon completion of remarks, the speaker(s) will remain in position to allow for any questions from Members. Members may ask questions for clarification purposes. After completion of any questions, the speaker will be asked to be seated or will be placed into the waiting room of the Zoom meeting.

7. Delegations will not be permitted on items that will be the subject of an upcoming or closed public meeting pursuant to the *Planning Act*, unless exceptional circumstances apply, which have been reviewed and approved by Council. Persons should present their concerns and opinions at the scheduled Public Meeting where their comments can be considered along with other submissions.

Wayne Robins
171 Sumbler Rd
Fenwick, ON L0S 1C0

November 22, 2023

Town of Pelham
20 Pelham Town Square, PO Box 400
Fonthill, ON. L0S 1E0

Att: Town of Pelham Council

My name is Wayne Robins and I am before you to discuss the Ontario Land Tribunal (OLT) ruling handed down on August 23, 2022 with regards to the cannabis production from Redecan on Foss Road. Redecan backs on to my property.

Since Redecan has built their facility on Foss Rd, my family has experienced many negative impacts due to the odor being emitted from this facility. The odors have limited the use of our backyard, as we cannot enjoy meals outside or bonfires in the evening due to the strong smell of cannabis coming from Redecan. The smell also causes us to increase our electricity use by running the air conditioning during milder weather as we cannot open the windows, or else the smell of cannabis will enter the house.

When we built our house in 1994, we were mandated to have an air exchanger to bring in fresh air, now of which is shut off to stop the smell entering the house. We are also forced to run our clothes drier, as we cannot hang laundry out to dry on the line without running the risk of our clothes being saturated in the smell of cannabis. This did occur once, and a member of the household was questioned by management at work regarding their use of cannabis. None of the household members smoke or use marijuana.

With the Ontario Land Tribunal (OLT) ruling handed down on August 23, 2022 the Town of Pelham and council need to remedy the issues that are occurring, which is seriously negatively impacting the livelihoods of those who live in the surrounding areas of this cannabis operation. The smell of cannabis has been found to be worse in evenings, on weekends, and on holidays, when town hall is closed, and no one can respond or investigate the smell.

Wayne Robins

Pelham NIAGARA

Request to Appear Before Council

Administration Services

Please fill out and return no later than 12 p.m. noon ten (10) days prior to the Meeting you wish to appear. Completed forms, including presentation materials are to be submitted to the Clerk's department and can be dropped off or emailed to clerks@pelham.ca

Name or Organization or Firm:	
Name and Title of Presenter(s): Judy Johnson	
Address: 2 Wellington Ct.	
Telephone: 289-897-8539	Email: judyajohnson11@gmail.com

Date of Meeting Requested: December 6, 2023

How will you attend Council? ■ In-person □ Electronically

*The delegate shall notify the Clerk at least five (5) business Days in advance.

Subject matter to be discussed:	Cannabis Odor
If not for information, identify the desired action requested:	

Have you previously spoken on this issue? □ Yes ■ No

If a group or individual has previously appeared as a delegate, a further delegation from the same group or individual on the same topic will not be permitted, unless there is significant new information to be brought forward.

Do you have presentation material or speaking notes? ■ Yes □ No

Delegations are required to provide the Clerk's department presentation materials for publication in Council's agenda package. Materials must be provided no later than 12 p.m. noon ten (10) days prior to the Meeting.

I have read and understand the Delegation Protocol attached to this form and understand that the information contained on this form, including any attachments submitted, will become public documents and listed on the Town's meeting agenda and posted to the Town's website. I also understand that as a participant of this meeting, I will be recorded and further understand that this recording with be posted to the Town of Pelham's YouTube Channel.

Judy Johnson
Signature

November 19, 2023
Date

REDECAN FACILITY PRESENTATION

Wednesday, December 6, 2023 at 9:00 a.m.

Good morning Mr. Mayor, Councilors, Staff and Fellow Residents

I live a farmer's field north of the Redecan facility on Foss Rd. Since 2018, I have been subjected to the foul odor emanating from this facility. My initial formal complaint was on July 3, 2018, but I had endured the stench for months before. I received little to no response to my complaints and questions and the odor continues.

Although the odor occurs year-round, the summer is noticeably the worst, because I am, or try to be outside as much as possible. The summer wind tends to blow from the south and I am in the direct line of fire from Redecan. Therefore, my outside time is severely restricted, especially on the weekends when there is no one to call to complain. While gardening, one of my favorite hobbies, I have been driven inside with a splitting headache caused by the putrid odor. We try to BBQ on our deck to enjoy a meal outside, but are forced inside. The odor is so strong, that when I open my mouth to take a bite, I can actually taste the stench. At times, it feels like there is fresh road kill skunk in our garden. Inviting friends from out of town for a BBQ is a gamble. You never know what to expect. I made that mistake once and my out of town guests were horrified and couldn't believe how we were expected to live with that stench. They questioned that since there are bylaws to control various nuisances such as ongoing noise, why not ongoing stench? One day, while gardening, my windows and doors were opened. Of course the odor was present. Eventually, I was forced inside because

I couldn't tolerate the smell any longer, but I was too late. The odor had permeated the house. All windows and doors had to be closed. Ceiling and exhaust fans had to be turned on. Spraying air fresheners made the smell worse. Burning scented candles helped.

Periodically, a Redecan truck comes into our court. Sometimes he stops momentarily, sometimes he doesn't. On one occasion I asked him what he was using as an air quality monitoring device. He pointed to his nose. Of course, he was not going to report the ever-present noxious odors to the company that employed him. I say ever present because you will experience the odor depending on which way the wind blows.

On Thursday, November 16, 2023 about one p.m., I was driving West on Foss Rd. going toward Redecan. I had a friend in my car and we agreed that this was one of the most putrid experiences yet. After we passed Redecan, the odor dissipated. Later that day, about 5 p.m., I was leaving her house on Concord Dr., in the vicinity of Haist St. and Canboro Rd. The wind had changed direction and when my friends walked me to the door, they both said how strong the odor was at that time.

My neighborhood is comprised mainly of elderly people who tend to not spend a lot of time outside. Many have lawn care companies to do their landscaping. They don't BBQ or entertain outside mostly due to the heat and humidity and are more comfortable inside with their air conditioning. When I talk to them, they admit that they are bothered by the foul odors, but don't have the energy to attend meetings or write emails. They say they have

fought enough battles in their lives. That partially explains why there are not as many complaints as one might expect.

I question how the odor impacts other parts of our lives. How are people with respiratory problems affected? Are there long-term health issues related to breathing these odors? We are aware of the dangers of secondhand smoke, but what about these putrid emissions? The odors are ever present and we are at the mercy of which way the wind blows and if there is a blanket of fog, the odor hovers, until the fog dissipates. Unless you have experienced living on a daily basis for over 5 years with these horrendous odors, you can't begin to understand the misery Redecan has quite literally brought to our door.

Thank you for your time.

Judy Johnson

Stormwater Pond Assessment Town of Pelham

Adam Spargo

December 6, 2023

Matrix Solutions Inc.
A Montrose Environmental Company

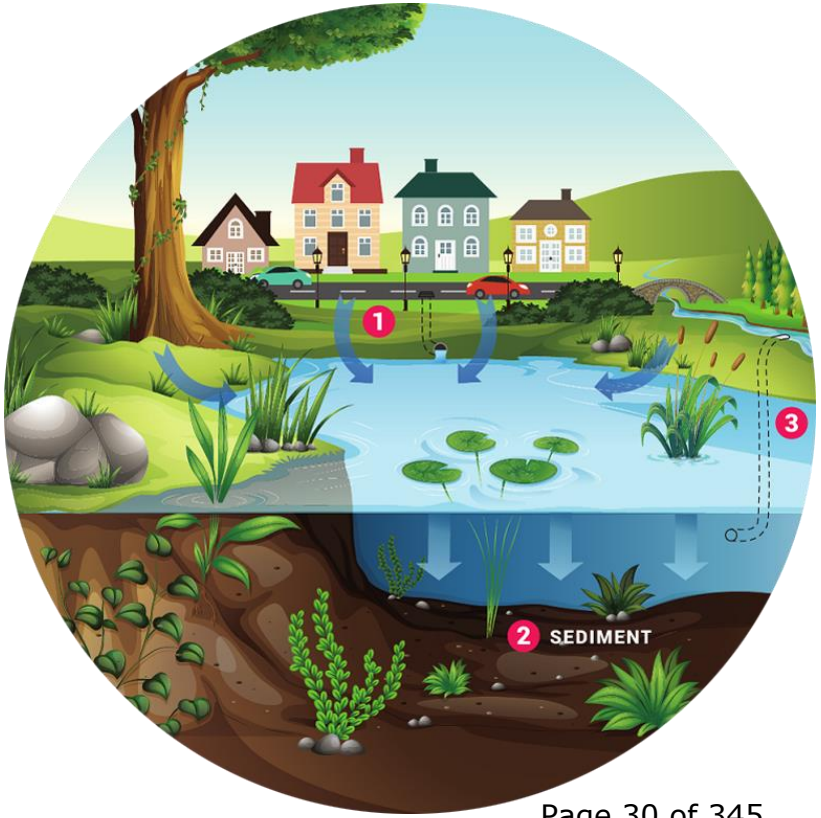
Agenda

- What is a Stormwater Management Pond
- Design and Approvals
- Stormwater Management Pond Assessment Program
- Results and Recommendations

Matrix Solutions Inc.
A Montrose Environmental Company

What is a Stormwater Management Pond

- Water quality control
  - Removes sediment from urban runoff
  - Target based on suspended solids removal efficiency
- Water quantity and erosion control
  - Attenuates flow to prevent downstream flooding and erosion
- Infrastructure that needs to be maintained



Matrix Solutions Inc.
A Montrose Environmental Company

Design and Approvals

- Stormwater Management Ponds are designed to MECP guidelines
- Approval is received from MECP via an Environmental Compliance Approval (ECA)
- All approvals now fall under the Consolidated Linear Infrastructure (CLI) ECA managed by the Town
- The CLI ECA requires Municipalities to monitor and maintain Stormwater Management Ponds
- So where to start?

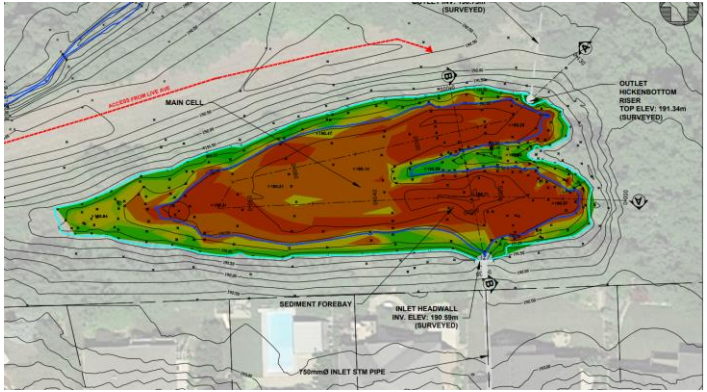
Matrix Solutions Inc.
A Montrose Environmental Company

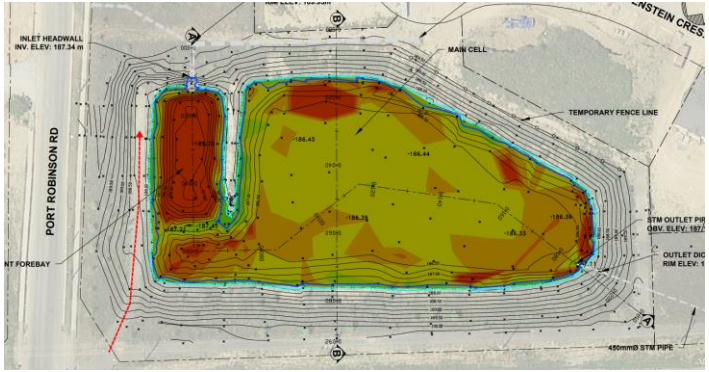
Stormwater Management Pond Assessment

- Assess the condition of infrastructure
  - Is the facility functioning proper?
  - Blocked outlets, high water levels, erosion, etc.
- Determine the available storage volume
  - Is the facility providing water quality treatment?
  - Remove sediment when suspended solids removal target is not met

Results and Recommendations

- Field program included:
  - 21 stormwater management ponds
  - 8 oil grit separators / 1 underground storage tank
- Sediment Results:
  - 7 ponds require cleanout
    - Timber Creek – 100% full
    - The Orchards – 62% full
    - Timmsdale – Forebay 64% full
    - River Estates – Forebay 42% full
    - Rosewood Estates – Forebay 39% full
    - Daimler Woods – Dry pond 14% full
    - East Fonthill – Forebay 32% full
  - Estimated cost for design and construction = $1.5 Million

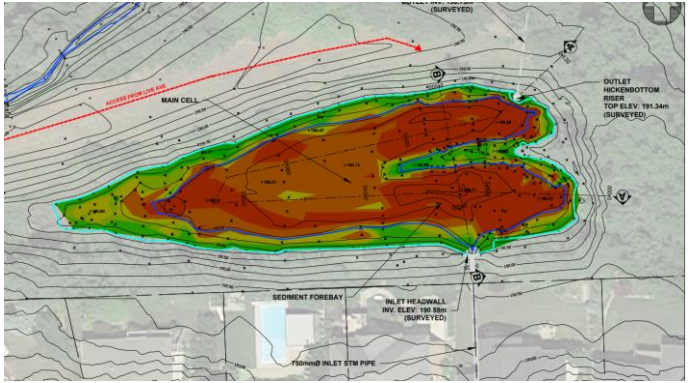


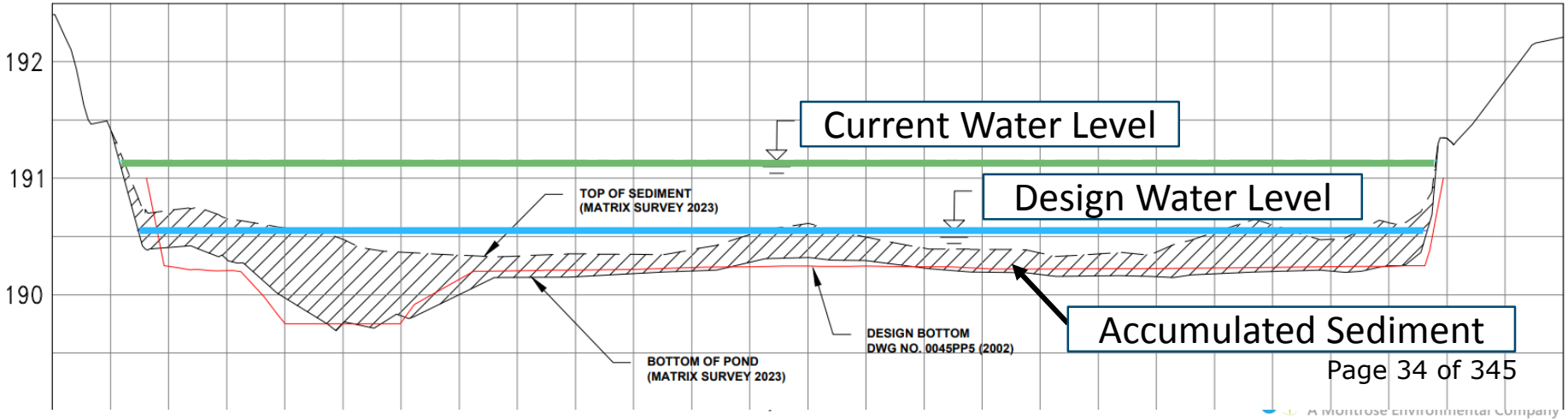


Matrix Solutions Inc.
A Montrose Environmental Company

Sediment Accumulation Results

- Timber Creek

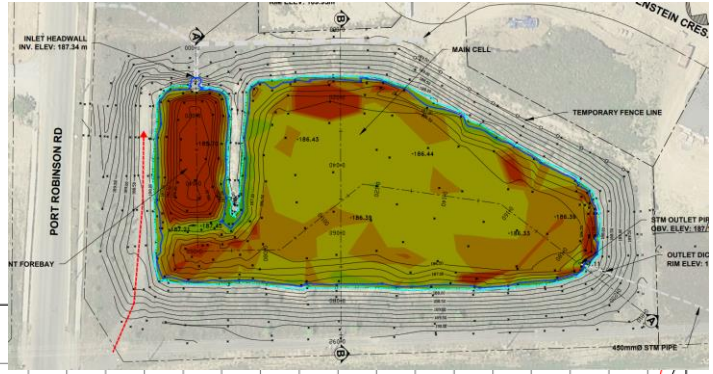


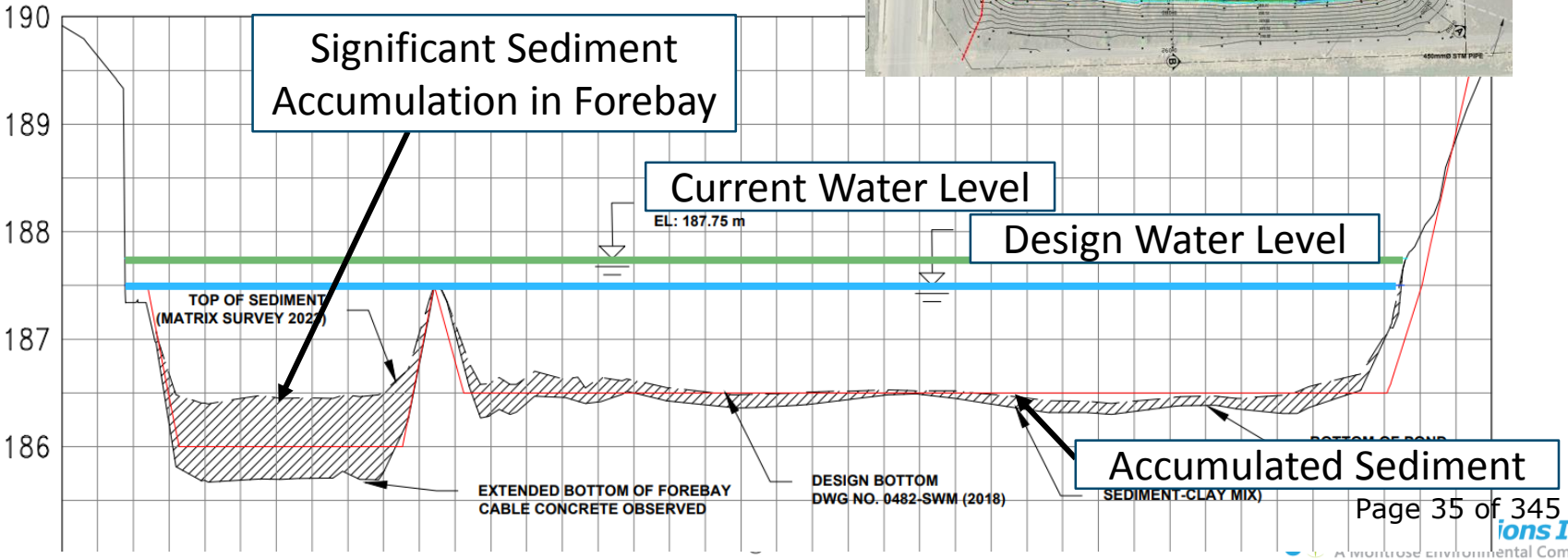


A Montrose Environmental Company

Sediment Accumulation Results

- River Estates



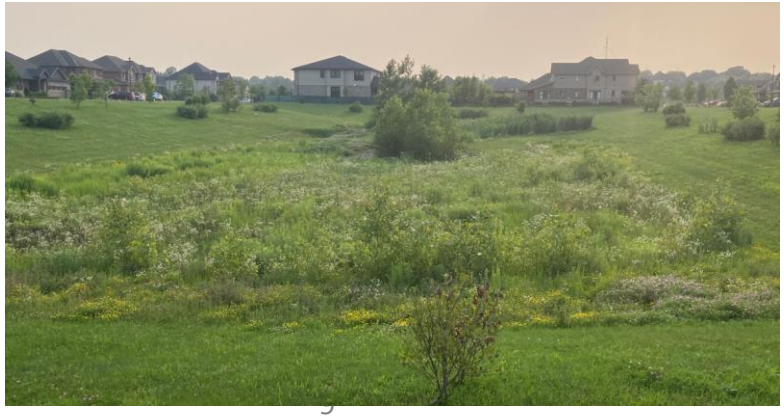


Results and Recommendations

- Condition Assessment:
  - 3 “leaky” ponds with no permanent pool that require new clay liners
  - 4 ponds with erosion and scour issues that require short to medium term repair
  - Estimated cost for design and construction = $1.0 Million

Weiland Heights

Residences at Lookout



Shorthill Meadows

Questions

Matrix Solutions Inc.
A Montrose Environmental Company

2023 Annual Holiday Card Winners

Pelham NIAGARA

Emerson

Age 8

Glynn A. Green

Lorenzo

Age 4

St. Alexander

Pelham NIAGARA

Laura

Age 12

St. Alexander

Addison

Age 7

A.K. Wigg

Pelham NIAGARA

Jacob

Age 10

St. Ann

Pelham NIAGARA

Olivia

Age 12

St. Alexander

Pelham NIAGARA

Esmee

Age 3

St. Alexander

Pelham NIAGARA

Annabel

Age 7

Glynn A. Green

Pelham NIAGARA

Congratulations to all and thank you for taking part in this much loved holiday tradition!

Pelham NIAGARA

Taxes Written-off Under Section 357/358 of the Municipal Act, 2016

Roll #	Address	Reason	From	To	# of Days Effective	Property Class	Original Assessment	New Assessment	Increase/ Decrease	Rate	Subtotal	Total Adjustment
2021												
2732 020 009 03100	444 Sixteen Rd	Razed by Fire	1/1/2021	12/31/2021	365	RT	178,100	21,100	(157,000)	0.01325985	(2,081.80)	(2,081.80)
2022												
2732 020 009 03100	444 Sixteen Rd	Razed by Fire	1/1/2022	12/31/2022	365	RT	178,100	21,100	(157,000)	0.01361497	(2,137.55)	(2,137.55)
2023												
2732 020 009 03100	444 Sixteen Rd	Razed by Fire	1/1/2023	12/31/2023	365	RT	178,100	21,100	(157,000)	0.01450014	(2,276.52)	(2,276.52)
Total Taxes Written Off Under Section 357/358												(6,495.87)

REGULAR COUNCIL

MINUTES

Meeting #:	**C-21/2023**
Date:	**Wednesday, November 15, 2023**
Time:	**9:00 AM**
Location:	**Town of Pelham Municipal Office - Council Chambers** **20 Pelham Town Square, Fonthill**
Members Present:	**Mayor Marvin Junkin** **Councillor Bob Hildebrandt** **Councillor Wayne Olson** **Councillor John Wink** **Councillor Shellee Niznik** **Councillor Brian Eckhardt**
Regrets:	**Councillor Kevin Ker**
Staff Present:	**David Cribbs** **Teresa Quinlin-Murphy** **Jennifer Stirton** **Vickie vanRavenswaay** **Barbara Wiens** **Sarah Leach, Deputy Clerk** **Brianna Langohr** **Ryan Cook**

---

1. Call to Order and Declaration of Quorum

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

2. National Anthem

3. Land Recognition Statement

The Mayor read the land acknowledgment into the record.

4. Approval of the Agenda

Moved By Councillor John Wink
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the agenda for the November 15, 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 Pelham Summerfest Working Group - 2023 Pelham Summerfest Final Report

Bea Clark, representative of the Pelham Summerfest Working Group, provided a recap of the 2023 Pelham Summerfest Event.

Moved By Councillor John Wink
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive the 2023 Pelham Summerfest Final Report presentation from Bea Clark of the Pelham Summerfest Working Group, for information.

Carried

7. Staff Report

7.1 Pelham Summerfest 2023 Final Report , 2023-0248-Recreation

Moved By Councillor Brian Eckhardt
Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive Report #2022-0244 - Pelham Summerfest 2023 Final Report, for information;

AND THAT Council maintain the same level of funding for 2024 Pelham Summerfest, being $15,000;

AND THAT Council declare Pelham Summerfest 2024, running from July 18-21, 2024, as a "Municipally Significant" event;

AND THAT the Clerk be authorized to make an application for a Special Occasion Permit for Pelham Summerfest on Thursday, July

18, 2024, Friday, July 19, 2024, Saturday, July 20, 2024 and Sunday

July 21, 2024;

AND THAT Council authorize a variance to the Town of Pelham Noise Bylaw No. 4454(2022), for the purpose of facilitating the Summerfest musical venues being conducted as part of the event from 4:00 pm Friday, July 18, 2024, until 1:00 am on Sunday, July 21, 2024;

AND THAT Council authorize the following road closures:

Pelham Town Square from the rear entrance to the Fonthill Plaza to 60 m west from 4:00 pm Thursday, July 18, 2024 to 10:00 pm of the same day;

Pelham Town Square entrance off Pelham Street from 7:00 am, Friday, July 18, 2024 to noon, Monday, July 22, 2024;

Pelham Street from Regional Road #20 (Hwy 20) to the south property line of 1419 Pelham Street from 7:00 am Friday, July 18, 2024 to 12:00 pm on Sunday, July 21, 2024;

Pelham Street from the south property line of 1419 Pelham Street to College Street from 7:00 am Saturday, July 20, 2024, to 6:00 pm on the same day;

Pelham Town Square from 150 m west of Station Street to its termination at the Fonthill Plaza entrance from 7:00 am Sunday, July 21, 2024 to 5:00 pm of the same day.

Carried

8. Adoption of Council Minutes

Moved By Councillor John Wink
Seconded By Councillor Bob Hildebrandt

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

1. C-20/2023 - Regular Council Meeting - November 1, 2023

Carried

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

10. Consent Agenda Items to be Considered in Block

Moved By Councillor Shellee Niznik
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the Consent Agenda items as listed on the November 15, 2023 Council Agenda be received and the recommendations contained therein be approved:

10. Consent Agenda Items to be Considered in Block

10.1 Staff Reports of a Routine Nature for Information or Action

10.1.1 2023 Updated Marketing Tools and Distribution, 2023-0255-Chief Administrator Officer

BE IT RESOLVED THAT Council receive Report # 2023-0255 – 2023 Updated Marketing Tools and Distribution, for information.

10.1.2 Memo: Update on the Canboro Road Roadside Safety Review to Investigate the Potential Removal of Rumble Strips, 2023-0258-Public Works

BE IT RESOLVED THAT Council receive the November 15, 2023, memo entitled Canboro Road Roadside Safety Review and Potential Rumble Strip Removal, for information.

10.1.3 Q3 2023 Financial Report, 2023-0246-Corporate Services

BE IT RESOLVED THAT Council receive Report #2023-0246- Q3 Financial Reports at September 30, 2023, for information;

AND THAT Council approve the cancellation of the following projects: RD 15-20 Foss Rd Resurfacing (#300683) in the amount of $500,000 and WST 06-20 Foss Rd Sanitary Sewer Installation (#700175) in the amount of $800,000, so they can be included as part of the larger 2025 Foss Rd road and sanitary sewer project.

10.2 Information Correspondence

10.3 Advisory Committee Minutes for Information

10.3.1 Agricultural Advisory Committee Minutes-August 23 2023

BE IT RESOLVED that Council receive the August 23, 2023 Agricultural Advisory Committee Meeting Minutes, for information.

10.3.2 Committee of Adjustment Minutes - September 5 2023 and October 3 2023

BE IT RESOLVED THAT Council receive the Committee of Adjustment minutes dated September 5, 2023 and October 3, 2023, for information.

Carried

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

12. Presentation and Consideration of Reports

12.1 Members of Council Reports

12.1.1 Councillor Olson - Niagara Regional Transit Budget Update

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive the report from Councillor Olson regarding the Niagara Regional Transit Budget Update, for information.

Carried

12.1.2 Councillor Niznik - Update re: Pelham Seniors Advisory Committee

Moved By Councillor John Wink
Seconded By Councillor Brian Eckhardt

BE IT RESOLVED THAT Council receive the report from Councillor Niznik regarding the Pelham Seniors Advisory Committee, for information.

Carried

12.1.3 Councillor Hildebrandt - Verbal Update re AMO Municipal Energy Symposium

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive the verbal update from Councillor Hildebrandt regarding the AMO Municipal Energy Symposium, for information.

Carried

12.2 Staff Reports Requiring Action

12.2.1 2023 Tree Maintenance Summary Report and Policy Update, 2023-0252-Public Works

Moved By Councillor Brian Eckhardt
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report #2023-0252 – 2023 Tree Maintenance Program Summary Report and Policy Update, for information;

AND THAT Council amend Invasive Species Management Policy S802-03 to add Appendix A, which establishes the invasive species action threshold for Oak Wilt to be set at one confirmed case.

Carried

12.2.2 Potential Pilot Project for Personal Alcohol Consumption in Town Parks, 2023-0249-Town Solicitor

Moved By Councillor Brian Eckhardt
Seconded By Councillor Shellee Niznik

BE IT RESOLVED THAT Council receive Report #2023-0249 – Potential Pilot Project for Personal Alcohol Consumption in Town Parks, for information;

AND THAT Council provide direction to staff to proceed with Option 3: Repeal and replace the existing by-laws and implement a pilot project that runs from May 1, 2024 to October 31, 2024 to permit personal alcohol consumption in Peace Park at prescribed times and to prohibit it in other parks and recreational areas.

Carried

12.2.3 Summer Chill Series 2023 Final Report , 2023-0239-Recreation

Moved By Councillor Shellee Niznik
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report 2023-0239 Summer Chill Series 2023 Final Report, for information;

AND THAT Council designate Pelham Summer Chill Supper Market, to be held on Thursdays between June – September 2024 in Peace Park, as a Municipally Significant Event on the following dates:

June 13, 2024 – 4:00pm-11:00pm

June 20, 2024 – 4:00pm-11:00pm

June 27, 2024 – 4:00pm-11:00pm

July 4, 2024 - 4:00pm-11:00pm

July 11, 2024 – 4:00pm-11:00pm

July 18, 2024 - 4:00pm-11:00pm

July 25, 2024 – 4:00pm-11:00pm

August 1, 2024 – 4:00pm-11:00pm

August 8, 2024 – 4:00pm-11:00pm

August 15, 2024 – 4:00pm-11:00pm

August 22, 2024 – 4:00pm-11:00pm

August 29, 2024 – 4:00pm-11:00pm

September 5, 2024 – 4:00pm-11:00pm

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

AND THAT Council direct Staff to proceed with Option 1: Expand the licensed area to include the entire Peace Park event area;

AND THAT Council approve road closures on Thursday nights from June 13, 2024 – September 5, 2024, from 5:00 p.m. – 9:00 p.m. between 39 Pelham Town Square and 31 Pelham Town Square.

Carried

13. Unfinished Business

14. New Business

15. Presentation and Consideration of By-Laws

Moved By Councillor John Wink
Seconded By Councillor Wayne Olson

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 62-2023 - Being a by-law to amend By-law 13-2023, confirming various appointments to Advisory Committees of the Town of Pelham for the 2022-2026 Term of Council and to appoint members to the Pelham Cultural Advisory Committee.

2. By-law 63-2023 - Being a By-law to amend Zoning By-law 4481(2022), as amended, to rezone lands located at 56 Philmori Boulevard, legally described as Lot 107, Plan 59M403, Town of Pelham, Regional Municipality of Niagara, from the Residential 1-64 (R1-64) zone to the site-specific Residential 1-128 (R1-128) zone.

Carried

16. Motions and Notices of Motion

16.1 Downtown Fenwick Decorative Streetlights

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Shellee Niznik

WHEREAS Downtown Fenwick has 17 decorative streetlights, 12 LED and five gas-lit;

AND WHEREAS Council for the Town of Pelham recognizes that gas-lit streetlights are costly to maintain due to glass replacement and operational costs, as well as their inability to produce sufficient lumens;

NOW THEREFORE BE IT RESOLVED THAT Council direct staff to prepare a report for Q1 of 2024 providing for efficient and sustainable options to replace the existing five decorative gas-lit streetlights in Fenwick.

Carried

16.2 Mayor Junkin - Notice of Motion

Mayor Junkin provided a verbal notice of motion regarding sidewalk connections between Fonthill and Fenwick.

17. Resolution to Move In-Camera

Moved By Councillor Bob Hildebrandt
Seconded By Councillor John Wink

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

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

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

Carried

18. Rise From In Camera

Moved By Councillor Shellee Niznik
Seconded By Councillor Brian Eckhardt

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

AND THAT Council directs the Chief Administrative Officer and Manager of People Services to ratify the collective agreement with CUPE Local 1287 for a four-year term.

Carried

19. Confirming By-Law

Moved By Councillor Wayne Olson
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. 64-2023 to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 15th day of November, 2023.

Carried

20. Adjournment

The meeting adjourned at 12:18 pm.

Moved By Councillor Brian Eckhardt
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for December 6, 2023 at 9:00 am.

Carried

_____

Mayor: Marvin Junkin

_____

Deputy Clerk: Sarah Leach

Recommendations of the Public Meeting under the *Planning Act* held November 8, 2023 – PCOW-10/2023

BE IT RESOLVED THAT COUNCIL HEREBY approves the following Recommendations Resulting from the Public Meeting under the *Planning Act* meeting of November 8, 2023:

1. **THAT the agenda for the November 8, 2023, Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.**

2. **THAT Committee receive Report #2023-0232 for information as it pertains to File No. AM-09-2023;**

   AND THAT Committee direct Planning staff to prepare the By-law.

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

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

Committee of the Whole Meeting

Public Meeting under the Planning Act

Minutes

Meeting #:	PCOW-10/2023
Date:	Wednesday, November 8, 2023
Time:	5:30 PM
Location:	Town of Pelham Municipal Office - Council Chambers 20 Pelham Town Square, Fonthill
Members Present:	Mayor Marvin Junkin, Councillor Wayne Olson, Councillor Kevin Ker, Councillor Brian Eckhardt, Councillor Shellee Niznik
Staff Present:	Barbara Wiens, Sarah Leach, Andrew Edwards, 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 p.m.

2. Land Recognition Statement

The Mayor read the land acknowledgment into the record.

3. Adoption of Agenda

Moved By Councillor Wayne Olson

THAT the agenda for the November 8, 2023 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

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

5. Planning Act Application: AM-09-2023 305 Canboro Road

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

5.1 Planning Report and Presentation

Andrew Edwards, Town Planner provided an overview of the application before Council. A copy is available through the Clerk.

5.1.1 AM-09-2023 - Information Report - 305 Canboro Road , 2023-0232-Planning

5.2 Applicant's Presentation

The Agent, Mr. Savriga, stated the APO rezoning request was a condition of consent granted by the Committee of Adjustment. Mr. Savriga asked if this condition was to be applied to all properties seeking consent within the Greenbelt Plan. Ms. Barb Wiens, Director of Community Planning and Development, stated that a lot cannot be created that permits residential use in the Greenbelt Plan and surrounding rural agricultural area.

5.3 Public Input

Ms. Leach, Deputy Clerk, indicated there were no pre-registered members of the public. Ms. Leach checked the clerks@pelham.ca email address at 5:42 p.m. 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 move to Committee input.

5.4 Committee Input

A Member of Council asked if a home could be situated on Part 2 in the future. Ms. Wiens stated that the rezoning would prohibit future residential development. Ms. Wiens stated that Part 1 is zoned Village Commercial and could be used for various purposes. The Member asked if other properties in the area that front Canboro Road were also zoned agricultural and would be held to the same standard. Ms. Wiens confirmed.

A Member of Council asked if any agricultural use is acceptable, specifically referencing help houses. Ms. Wiens stated that a help house may be permitted if it is associated with a larger farming operation than what the property currently allows.

5.5 Presentation of Resolutions

Moved By Councillor Wayne Olson

THAT Committee receive Report #2023-0232 for information as it pertains to File No. AM-09-2023;

AND THAT Committee direct Planning staff to prepare the By-law.

Carried

Moved By Councillor Brian Eckhardt

THAT Committee receive the applicants verbal presentation for information.

Carried

6. Adjournment

The meeting was adjourned at 5:47 pm.

Moved By Councillor Shellee Niznik

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

Carried

_____

Mayor: Marvin Junkin

_____

Deputy Clerk: Sarah Leach

Public Works Department
Wednesday, December 06, 2023

Subject: Stormwater Management Facility Needs Program Report

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2023-0257 Stormwater Management Facility Needs Program, for information;**

Background:

Council approved capital project RD 11-23 Stormwater Facility Maintenance in the amount of $100,000. In addition, Council approved prior projects RD 10-22 and RD 09-21 in the amount of $25,000 and $20,000 respectively for the purposes of evaluating the condition and developing a long-term strategy for the ongoing maintenance and upkeep of the Town's Stormwater Management Facilities.

In the fall of 2022, Town Staff retained the services of Matrix Solutions Inc. through a competitive procurement process in the amount of $93,352.59 (including non-rebated HST of 1.76%) to undertake topographic, bathymetric, and condition assessments at 21 Stormwater Management Facilities (SWMFs), 8 Oil and Grit Separators, and 1 underground storage tank. (See Appendix A – Location Map of SWMFs). The goal of the assignment was to determine the amount of sediment buildup, assess the overall condition, recommend maintenance and capital construction investments, and ensure the facilities are operating in accordance with Ministry of Environment Culture and Parks (MECP) guidelines.

The purpose of this report is to provide information to Council with respect to the condition of the Town's SWMFs and the recommended maintenance and capital investment program to ensure they are functioning properly.

Analysis:

The Town of Pelham retained Matrix Solutions Inc. (Matrix) to undertake topographic, bathymetric, and condition assessments at 21 Stormwater Management Facilities (SWMFs), 8 Oil and Grit Separators, and 1 underground storage tank to determine sediment removal and maintenance requirements. The following objectives were established for the study:

• Provide a high-resolution bottom of the pond surface (as-built bottom);

• Complete a condition assessment to identify deficiencies that should be addressed during future maintenance works.
• Provide a high-resolution top of sediment surface;
• Estimate the sediment volume in the SWMFs;
• Calculate annual sediment loading rates;
• Compare surveyed sediment volumes to cleanout trigger volumes to determine the timing for future sediment removal works;
• Compare the surveyed pond volumes to the design volumes to determine if the pond was constructed as the design intended, which may impact the timing for the removal works; and
• Prepare a prioritization list and cost estimates to support future capital works planning.

The purpose of the assignment was to develop a comprehensive list of maintenance requirements needed at each SWMF to maintain or bring the facilities into compliance with the relevant approval documents.

The main impact on SWMF functionality is the accumulation of sediment and reduction in storage capacity. The cost of sediment removal is also the largest component of maintenance programs. Therefore, the sediment volume calculations and removal forecasting were a significant part of this facility needs report.

There are basically two types of SWM facilities that the Town owns and maintains – Wet Ponds and Dry Ponds.

Wet ponds are designed to provide water quality and/or water quantity control for urbanized catchments to protect downstream receiving watercourses from flooding, erosion, and water quality impacts. Water quality control is achieved by providing a permanent pool volume that allows total suspended solids (TSS) to drop out of suspension as stormwater moves through the facility.

As sediment is deposited in the facility the permanent pool volume decreases, reducing the removal efficiency and function of the facility (the pond fills up and becomes less effective). The MECP recommends removing the stored sediment when the TSS removal rate drops by 5% below the required design removal rate.

Additionally, the forebay is designed to capture sediment before it enters the main cell and reduce sediment cleanout efforts. However, the forebay typically constitutes a small percentage of the permanent pool volume and the reduction in TSS removal efficiency may occur long after the forebay is full of sediment. To ensure the forebay is operating appropriately sediment should be removed from the forebay once it has reached 50% of the forebay permanent pool volume.

Water quantity control (flood control) is incorporated in SWMFs, either wet or dry, to mitigate heightened flooding potential caused by increased stormwater runoff from urbanized catchments. Water quantity control is achieved by providing

sufficient available storage volume in the facility to detain stormwater up to a specified level of control, such as the 100-year storm event. Peak flows are attenuated by restricting discharges from the facility via an outlet control structure, often controlling post-development flow rates to pre-development flow rates for the site. In dry facilities, active storage is provided in the form of dry cells with an outlet controlling detention time.

In Dry Ponds, excessive sedimentation, vegetation growth, or construction deficiencies may result in a reduction of water quantity storage volume compared to the design volume. As the active storage is reduced, the flood control function of a dry pond is reduced which could lead to upstream and/or downstream flooding and erosion issues. Where the remaining storage is more than 10% lower than the design storage volume, it is recommended to remove sediment to restore the design storage volume in the facility.

Of the 21 stormwater management ponds inspected, there are seven (7) ponds that require cleanout including Timber Creek, The Orchards, Timmsdale, River Estates, Rosewood Estates, Daimler Woods, and East Fonthill. (See Appendix B – Stormwater Management Facility Needs Program Report, Matrix Solutions Inc.). The estimated cost to complete the sediment removal (including design) is $1.5M.

A condition assessment was undertaken on the 21 SWM facilities. There were three (3) ponds that were found to leak and require new clay liners. In addition, there were four (4) ponds that had erosion and scour issues. The estimated cost to complete this work is $1M. Shorthill Meadows (Station Street Stormwater Management Pond) has been designed and awarded in the amount of $300,000. Staff are currently working with the contractor to complete the erosion project which is expected to be completed by the end of 2024.

Financial Considerations:

The Town owns and operates 21 SWM Facilities, 8 oil grit separators, and 1 underground storage tank. There will be ongoing maintenance and operation costs associated with these assets.

Of the 21 SWM ponds (wet and dry) there are seven ponds that have reached the threshold and require cleanout. The estimated capital cost (including design) of this work is $1.5M.

In addition, there are seven (7) ponds that require remediation based on the condition assessment. The estimated capital cost of this work (including design) is $1M of which $300,000 has already been approved by Council through capital project RD 14-20.

The estimated capital improvements to the SWM Facilities is approximately $2.5M (including $300,000 prior approved funding through Capital Project RD14-20). Staff have included a capital project in the amount of $300,000 for Council's consideration to commence the rehabilitation work on a priority basis. In addition, unused funds remaining from project RD 11-23 will be used in 2024 to complete design work on ponds that will require maintenance and repairs. The remaining investment will be included in the Town's ten (10) year capital forecast and will be presented to Council for consideration as part of future capital budgets. (See Appendix C – Summary of SWM Facility Budget Forecast).

Alternatives Reviewed:

There were no alternatives considered in this report as it was for information purposes only.

Strategic Plan Relationship: Infrastructure Investment and Renewal

Maintaining and operating SWMFs in good condition and in accordance with MECP guidelines ensures that the stormwater management system is able to perform as designed. With increasing occurrences and severity of wet weather events especially related to the effects of climate change having well-maintained and operated SWM facilities will help to mitigate against failures in the Town's stormwater management infrastructure.

Consultation:

Consultation was undertaken with Matrix Solutions Inc. in the preparation of this report.

Other Pertinent Reports/Attachments:

Appendix A – Location Map of Town of Pelhams SWMFs

Appendix B - Stormwater Management Facility Needs Program Report, Matrix Solutions Inc., September 2023.

Appendix C – Summary of SWM Facility Budget Forecast

Prepared and Recommended by:

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

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

Town of Pelham - Stormwater Management Facilities

LEGEND

- Pelham Municipal Boundary
- Assessment Parcels
- Stormwater Management Facility
- Oil-Grit Separator

Date Saved: 11/23/2023 1:25 PM
Spatial Reference: NAD 1983 CSRS UTM Zone 17N
Scale: 1:3,500
0 125 250 500 Meters

Pelham NIAGARA

N

Shorthill Place
Shorthill Meadows
Leslie Place
Stonegate Place
East Fonthill
Pelham Street North (OGS)
Residences at Lookout
Summersides Boulevard
Village of Chestnut Ridge
Weighland Heights
Fire Station 1 (OGS)
Highway 20 (OGS)
River Estates
Timmsdale
Concord Street
Line Avenue Outfall Channel
Timber Creek
Line Avenue Channel
Marylea Street (OGS)
Rolling Meadows
Haist Street Storage Tank
Rosewood Estates
Beckett Crescent 2 (OGS)
Darby Lane (OGS)
Beckett Crescent 1 (OGS)
Daimler Woods
Drapers Creek

Fenwick

Cherry Ridge
Fire Station 2 (OGS)
The Orchards

Scale: 1:7,000
0 175 350 700 Meters

Matrix Solutions Inc.
ENVIRONMENT & ENGINEERING

STORMWATER MANAGEMENT FACILITY NEEDS PROGRAM REPORT

FINAL REPORT

Prepared for:
TOWN OF PELHAM

Prepared by:
MATRIX SOLUTIONS INC.

Version 1.0
November 2023

STORMWATER MANAGEMENT FACILITY NEEDS PROGRAM REPORT

FINAL REPORT

Ryan Lee, E.I.T.
Water Resources Engineering Intern

reviewed by
Adam Spargo, B.Sc.
Project Manager and Water Resources Specialist

DISCLAIMER

Matrix Solutions Inc. certifies that this report is accurate and complete and accords with the information available during the project. Information obtained during the project or provided by third parties is believed to be accurate but is not guaranteed. Matrix Solutions Inc. has exercised reasonable skill, care, and diligence in assessing the information obtained during the preparation of this report.

This report was prepared for Town of Pelham. The report may not be relied upon by any other person or entity without the written consent of Matrix Solutions Inc. and of the Town of Pelham. Any uses of this report by a third party, or any reliance on decisions made based on it, are the responsibility of that party. Matrix Solutions Inc. is not responsible for damages or injuries incurred by any third party, because of decisions made, or actions taken based on this report.

TABLE OF CONTENTS

1 INTRODUCTION 4
2 METHODOLOGY 9
3 DESIGN CRITERIA AND SEDIMENT REMOVAL TRIGGERS 11
4 SEDIMENT VOLUME RESULTS AND FUNCTIONAL ASSESSMENT 15
5 CONDITION ASSESSMENT 18
6 MAINTENANCE PRIORITIZATION AND PRELIMINARY COST ESTIMATES 20
7 OIL GRIT SEPERATOR CONDITION ASSESSMENT 26
8 REFERENCES 27

IN-TEXT FIGURES

FIGURE 1 Graphical Representation of Table 3.2 from MECP (2003) for a Wet Pond 12

IN-TEXT TABLES

TABLE 1 Background Documents 4
TABLE 2 Wet Pond Design Details 7
TABLE 3 Dry Pond Design Details 8
TABLE 4 MECP Water Quality Storage Requirements (MECP, 2003) 11
TABLE 5 Decrease in Permanent Pool Volume at 5% Decrease in TSS Removal Efficiency 13
TABLE 6 Dry Pond Sediment Volumes, Functional Assessment and Removal Forecasting 15
TABLE 7 Wet Pond Sediment Volumes, Functional Assessment, and Removal Forecasting 16
TABLE 8 Condition Assessment Deficiencies and Recommended Maintenance Works 18
TABLE 9 Sediment Removal and Maintenance Prioritization 22
TABLE 10 Determination of SWMF's within NPCA Regulation Limit 24
TABLE 11 Determination of SWMF's within NPCA Regulation Limit 26

APPENDICES

APPENDIX A SWM Facility Plan and Profile Drawing (*Provided separately due to file size*)
APPENDIX B Wet Pond Detailed Condition Assessments and Photolog
APPENDIX C Dry Pond Detailed Condition Assessments and Photolog
APPENDIX D OGS and Storage Tank Condition Assessments and Photolog

1 INTRODUCTION

The Town of Pelham retained Matrix Solutions Inc. (Matrix) to undertake topographic, bathymetric and condition assessments at 21 Stormwater Management Facilities (SWMFs), 8 Oil and Grit Separators, and 1 underground storage tank to determine sediment removal and maintenance requirements. The following objectives were established for the study:

- Provide a high-resolution bottom of pond surface (as-built bottom);
- Complete a condition assessment to identify deficiencies that should be addressed during future maintenance works;
- Provide a high-resolution top of sediment surface;
- Estimate the sediment volume in the SWMF's;
- Calculate annual sediment loading rates;
- Compare surveyed sediment volumes to cleanout trigger volumes to determine timing for future sediment removal works;
- Compare the surveyed pond volumes to the design volumes to determine if the pond was constructed as the design intended, which may impact the timing for the removal works;
- Prepare a prioritization list and cost estimates to support future capital works planning.

The purpose of this report is to develop a comprehensive list of maintenance requirements needed at each SWMF to maintain or bring the facilities into compliance with the relevant approval documents. The main impact on SWMF functionality is the accumulation of sediment and reduction in storage capacity. The cost of sediment removal is also the largest component of maintenance programs. Therefore, the sediment volume calculations and removal forecasting are a significant part of this facility needs report.

1.1 Background Review

Table 1 presents the background documents reviewed to support the SWMF assessment.

TABLE 1 Background Documents

SWMF ID	Documents
Cherry Ridge	• Cherry Ridge SWM Report • Detention Pond • Cherry Ridge Stormwater Management Study • Cherry Ridge Overall Plan • Cherry Ridge Extension CofA • Cherry Ridge - PP12 (92) • Amec, Cherry Ridge Development, Stormwater Management Plan, Final Report, March 2011
East Fonthill	• 5694-9WRGLA (2015-06-15 (302)) • ECA No. 5329-ACQGBL Town of Pelham • EnvirPrelStormwaterMgmtPl-Apr2014 • TENDER SET

SWMF ID	Documents
Daimler Woods	• Daimler woods - lot drainage plan • Daimler woods -01 • Daimler woods -06 • Daimler Woods Extension CofA • FOREST HEIGHTS-8
Leslie Place	• Leslie Hills - Extension - C1 • Leslie Hills - Extension - C2 • Leslie Hills - Extension - G1 • Leslie Hills - Extension - S1 • Leslie Hills - Extension - S2 • Leslie Hills - Phase1 - C3 • Leslie Hills - Phase1 - G1 • Leslie Hills - Phase1 - S3
Line Avenue Detention Pond	• 86-161-C1 • 86-161-C2 • General Plan.dwg
Concord Street	• OAKRIDGE ESTATES-DTP1 • OAKRIDGE ESTATES-GSP • OAKRIDGE ESTATES-PP7 • OAKRIDGE ESTATES-PP8
Residents at lookout	• Environmental Compliance Approval, Residences at Lookout • Residences at Lookout as-built drawings • Residences at Lookout GP • Residences at Lookout SWM report figures • Residences at Lookout SWM report • STMDA • SWM ECA 4475 9BER5Y • SWMFAC (pond drawing)
River Estates	• SWM Report River Estates • 14 - 0482-SWM - SWM Facility • 13 - 0482-CH2 - Channel Plan & Profile 2 • 12 - 0482-CH1 - Channel Plan & Profile • 14 - 0482-SWM - SWM Facilityb146890f
Rolling Meadows	• FILE000442efbb54 • 89-015-G1 • 89-015-G2 • FILE0001 • FILE0002 • FILE0004 • FILE0007
Rosewood Estates	• As Constructed Set • Letter, April 17, 2014, UCC to NPCA Rosewood STM Manage and Watercourse Relocation • Rosewood Subdivision Stormwater Management Facility ECA

SWMF ID	Documents
Shorthill Meadows	• Shorthill Meadows - F02 • SHORTHILL MEADOWS-01 • SHORTHILL MEADOWS-02 • SHORTHILL MEADOWS-04 • SHORTHILL MEADOWS-05 • SHORTHILL MEADOWS-06 • SHORTHILL MEADOWS-09 • SHORTHILL MEADOWS-10 • SHORTHILL MEADOWS-11
Stonegate Place	• Stonegate Place Drainage • 5665STM/dwg • 5665pp3.dwg
Summersides	• TENDER SET • 5694-9WRGLA (2015-06-15 (302)) • SWM Report River Estates
The Orchards	• Approved Const Dwgs-PP3(POND) • ORCHARDS AS-BUILTS GSP • ORCHARDS AS-BUILTS PP1 • ORCHARDS AS-BUILTS PP2 • ORCHARDS AS-BUILTS PP3
Timber Creek	• 86-161-C1 • 86-161-C2 • Engineering DWGS (2002) • General Plan • KUNDA PARK-7 • SWM Catchment Area Plan
Timmsdale	• 5279Asbuilt • 5279base • 5279STM • Timmsdale Estates (Phase 1) As-built Set • Timmsdale Estates (Phase 2) As-built Set
Village of Chestnut Ridge	• Agreement - Village of Chestnut Ridge 2006 • Draft P1 SWM Report • The Village of Chestnut Ridge Nov 2005 • Village of Chestnut Ridge Amended Environmental Compliance Approval
Weiland Heights	• 0167_AsConstructedPOND • 0167_AsConstructedPP1 • Weiland Heights Detention Pond • Weiland SWM environmental compliance approval 001 • Weiland Heights Detention Pond5e28f1b7 • Weiland Heights Detention Pond5f4b5075 • Weiland Heights Detention Pond347fc2dc • Weiland Heights Detention Pond604b98fe • Weiland Heights Detention Pond9463f896 • Weiland Heights Detention Pond45540225 • Weiland Heights Detention Pondc8dbfbab • Weiland Heights Detention Pondc9cd3e40 • Weiland Heights Detention Pondd76277d9

1.2 SWMF Details

A summary of each wet pond SWMF is provided in Table 2 and a summary of each dry pond SWMF is provided in Table 3. Several wet ponds and most dry ponds did not have sufficient background information to ascertain the catchment parameters and design storage volumes. For the SWMFs with missing information, the survey has been used to determine the as-built storage volumes and estimate when a cleanout is required.

TABLE 2 Wet Pond Design Details

SWMF ID	Year Constructed	Location	Catchment Area (ha)	Impervious Percentage	Level of Protection	MECP Required Permanent Pool Volume (m^3)	MECP Required Extended Volume (m^3)	Design Permanent Pool Volume (m^3)
Cherry Ridge	1993	45 Ker Crescent, Fenwick, ON L0S 1C0	49.2	40%	Unknown	Unknown	Unknown	Unknown
East Fonthill	2018	160 Hwy 20 E, Fonthill, ON L0S 1E6	14.58	85%	Enhanced	3,062	3,645	3,216
Residences at Lookout	2018	17 Brewerton Blvd, Fonthill, ON L0S 1E5	14.26	45%	Enhanced	1,783	2,352.9	2,353
River Estates	2018	30 Bergenstein Cres, Pelham, ON L3B 5N5	37.22	45%	Normal	2,233	3,722	6,530
Rosewood Estates	2014	61 Rosewood Cres, Welland, ON L3C 2W2	4.52	Unknown	Normal	Unknown	Unknown	304
Summersides Boulevard	2018	39 Wellspring Wy, Pelham, ON L3B 5N5	10.32	85%	Normal	1,135	1,548	1,789
The Orchards	2006	32 Martha Court, Fenwick, ON L0S 1C0	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
Timber Creek	2002	2 Steflar St, Fonthill, ON L0S 1E4	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
Timmsdale	2003	32 Timmsdale Crescent, Fonthill, ON L0S 1E5	4.61	40%	Unknown	Unknown	691.5	Unknown
Village of Chestnut Ridge	2005	1575 Lookout St, Ridgeville, ON L0S 1M0	12.3	55%	Normal	861	1,353	890
Weiland Heights	2013	57 Abbott Pl, Fonthill, ON L0S 1E5	6	Unknown	Normal	420*	Unknown	560

TABLE 3 Dry Pond Design Details

SWMF ID	Year Constructed	Location	Catchment Area (ha)	Impervious Percentage	Design Total Storage Volume (m^3)
Concord Street	1995	40 Concord St, Fonthill, ON L0S 1E5	Unknown		
Daimler Woods	1994	158 Beckett Crescent, Fonthill, ON L0S 1E4	Unknown		
Drapers Creek	1970	953 Haist St, Fonthill, ON L0S 1E4	Unknown		
Leslie Place	1986	20 Leslie Pl, Fonthill, ON L0S 1E3	Unknown		
Line Avenue Detention Pond	1987	2 Steflar St, Fonthill, ON L0S 1E4	Unknown		
Line Avenue Outfall Channel	1987	2 Steflar St, Fonthill, ON L0S 1E4	Unknown		
Rolling Meadows	1998	23 Meadowvale Dr, Fonthill, ON L0S 1E4	11.41	38%	N/A
Shorthill Meadows	1986	23 Meadowvale Dr, Fonthill, ON L0S 1E4	Unknown		
Shorthill Place	1986	10 Shorthill Pl, Fonthill, ON L0S 1E3	Unknown		
Stonegate Place	1996	18 Stonegate Pl, Fonthill, ON L0S 1E3	Unknown		

2 METHODOLOGY

2.1 Bathymetric and Topographic Survey

The main objective of the bathymetric and sediment survey was to collect information to support the calculation of sediment volumes in the facility and to identify main features that contribute to the hydraulic conditions of the facility. The bathymetric and sediment survey was conducted by Matrix staff in July of 2023, using GPS (centimeter accuracy). Additional features surveyed at the SWMFs included the water surface elevation, inlet elevation, outlet elevation, berm elevations, and permanent pool elevation.

During the bathymetric survey, the surveyor collects top and bottom limits of sediment points in reference to the water level of the facility at the time of survey. The top of sediment points are collected by extending the survey rod down into the water until the top of the sediment is felt by the surveyor. The surveyor will then probe the sediment up to three times to confirm the top of the sediment. The bottom of pond points are then collected by advancing the survey rod down into the sediment until sufficient resistance is felt, indicating the pond bottom (typically either turfstone or clay liner).

If feasible, the permanent pool elevation is captured by the survey crew at the elevation of the outlet pipe or orifice in the outlet structure.

At dry pond facilities, a topographic survey was completed for the extent of the pond storage area, along with key features of the SWMF. Where sediment was present in the dry ponds, top of sediment and bottom of pond survey shots were collected in a similar manner to the bathymetric survey by forcing the rod through the sediment until sufficient resistance was felt to indicate the pond bottom.

A condition assessment was also undertaken to identify deficiencies or maintenance requirements.

2.2 Sediment Volume Calculations

Survey points were imported to AutoCAD Civil 3D and reviewed for accuracy. Data anomalies were removed as required. Top of sediment and bottom of pond surfaces were created. Breaklines were added, as required, to improve surface interpolation around the waters edge and the forebay berm. Sediment volumes were calculated by subtracting the bottom of pond surface from the top of sediment surface. A permanent pool surface is also digitized within Civil 3D to determine the water quality volume for the cleanout triggers. If the permanent pool elevation was unable to be captured in the field, or the surveyed elevation is within 0.05m of the design elevation, the design elevation is applied. A section through the SWMF is generated and reviewed for accuracy. The plan and profile drawings showing the top of sediment and bottom of pond surface are provided in ***Appendix A***.

The 2023 as-constructed permanent pool volume was calculated using the surveyed pond bottom and permanent pool elevation. The 2023 as-constructed permanent pool volume was then compared with the

original design permanent pool volume and the MECP required permanent pool volume (if catchment area and impervious percentage were available in the background information) to determine if the SWMF was built to design specifications or undersized / oversized. Where significant discrepancies were identified, further investigation was undertaken to determine the potential cause for the discrepancies. Typically, it is one of the following issues:

- Where the as-constructed permanent pool is oversized:
  - The facility has been over-excavated during construction resulting in additional permanent pool capacity and extending the cleanout frequency; or,
  - The survey rod has penetrated through the soft pond bottom and the surveyed pond bottom is inaccurately identified to lower than originally constructed. In this case, the 2023 sediment volume is recalculated using the design bottom elevation. This is more common in ponds with unconsolidated or uncompacted bottoms (i.e., no turfstone or clay liner).

- Where the as-constructed permanent pool is undersized:
  - The difference between the MECP required permanent pool volume and the as-constructed permanent pool volume was added to the 2023 sediment volume to determine the total removal volume (sediment and native soils) to increase the storage volume to meet the MECP required volume and the target TSS removal rate.

2.3 Sediment Removal Forecasting

Sediment removal forecasting was determined using the following process:

- The total pond annual sediment loading rate was estimated by dividing the total volume of sediment in the SWMF by the number of years since the facility was constructed.
- The forebay annual sediment loading rate was estimated by dividing the forebay sediment volume by the number of years since the facility was constructed.
- The loading rates were then cumulatively added to the 2023 sediment volume until the cleanout trigger volumes were reached.

3 DESIGN CRITERIA AND SEDIMENT REMOVAL TRIGGERS

3.1 Wet Ponds

3.1.1 Permanent Pool Design

Wet ponds are designed to provide water quality and/or water quantity control for urbanized catchments to protect downstream receiving watercourses from flooding, erosion, and water quality impacts. Water quality control is achieved by providing a permanent pool volume that allows total suspended solids (TSS) to drop out of suspension as stormwater moves through the facility. The permanent pool volume required is dependant on the following three factors:

- The type of SWMF (wet pond, wetland, etc.);
- The percent of impervious cover within the catchment; and
- The level of water quality control required as defined in the relevant subwatershed study:
  - Enhanced or Level 1, (provides 80% TSS removal efficiency);
  - Normal or Level 2 (provides 70% TSS removal efficiency); and
  - Basic or Level 3 (provides 60% TSS removal efficiency).

The Ministry of Environment, Conservation and Parks (MECP) Stormwater Management Planning and Design Manual provides SWMF design guidelines (MECP, 2003) which prescribe the permanent pool volume required to meet the water quality targets based on these three factors. **Table 4** provides the MECP unit area permanent pool volumes (m^3/ha) required to achieve the water quality target based on percent impervious.

TABLE 4 MECP Water Quality Storage Requirements (MECP, 2003)

Protection Level	SWMP Type	Storage Volume (m^3/ha) for Impervious Level			
		35%	55%	70%	85%
Enhanced 80% long-term S.S. removal	Infiltration	25	30	35	40
	Wetlands	80	105	120	140
	Hybrid Wet Pond/Wetland	110	150	175	195
	Wet Pond	140	190	225	250
Normal 70% long-term S.S. removal	Infiltration	20	20	25	30
	Wetlands	60	70	80	90
	Hybrid Wet Pond/Wetland	75	90	105	120
	Wet Pond	90	110	130	150

3.2 Wet Pond Sediment Removal Triggers and Functional Assessment

As sediment is deposited in the facility the permanent pool volume decreases, reducing the removal efficiency and function of the facility. The MECP recommends removing the stored sediment when the TSS removal rate drops by 5% below the required design removal rate. For example, a SWMF requiring enhanced protection should have a permanent pool volume that provides 80% TSS removal for the upstream catchment. When the permanent pool volume is reduced so that the SWMF only provides 75% TSS removal, the sediment should be removed.

To streamline the facility sediment clean-out prioritization process, the 5% reduction in TSS removal was equated to an average percentage of the design permanent pool volume. Figure 1 shows a comparison of TSS removal efficiency against the required storage volume in the permanent pool (m^3/ha) based on Table 3.2 of the Stormwater Management Planning and Design Manual (MECP, 2003) for three levels of imperviousness (55%, 70% and 85%). An exponential trendline was fit to the data points. Using the equation of the trendline, the storage volume that corresponds to a 5% reduction in the TSS removal efficiency can be determined. As shown in Table 5, a 5% reduction in TSS removal efficiency corresponds to an average decrease of 30% in permanent pool storage volume (or equivalently, a permanent pool that is 30% full of sediment). If the permanent pool is more than 30% full it is recommended that sediment be removed. This is referred to as the "30% full trigger volume."

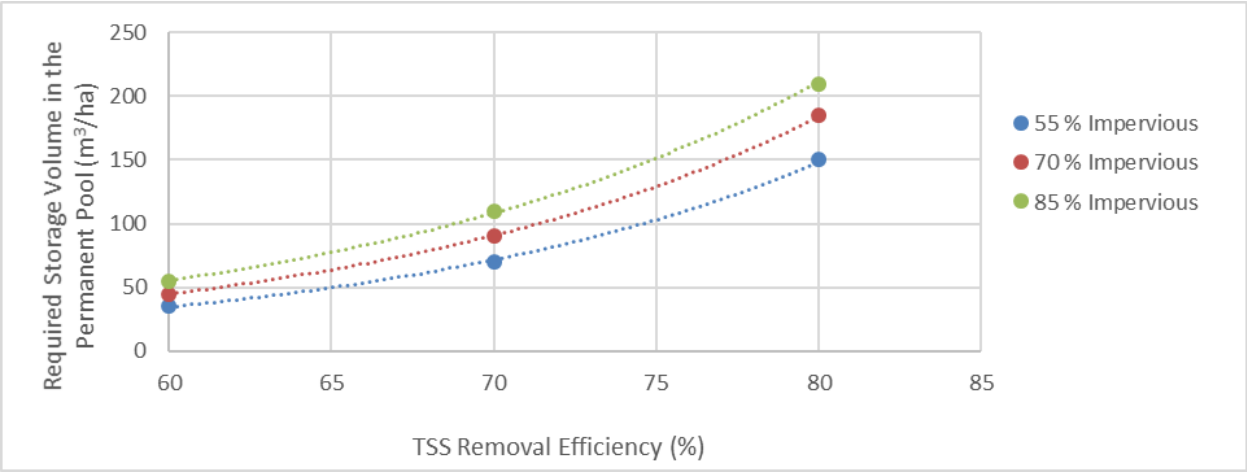


FIGURE 1 Graphical Representation of Table 3.2 from MECP (2003) for a Wet Pond

TABLE 5 Decrease in Permanent Pool Volume at 5% Decrease in TSS Removal Efficiency

Original TSS Removal Efficiency	TSS Removal Efficiency Trigger for Sediment Removal	Percent Decrease in Permanent Pool Storage Volume / Percent Full of Sediment		
		55% Impervious Catchment	70% Impervious Catchment	85% Impervious Catchment
80%	75%	31%	30%	28%
70%	65%	29%	29%	30%
60%	55%	31%	30%	28%

Additionally, the forebay is designed to capture sediment before it enters the main cell and reduce sediment cleanout efforts. However, the forebay typically constitutes a small percentage of the permanent pool volume and the reduction in TSS removal efficiency may occur long after the forebay is full of sediment. Therefore, we have also established a forebay cleanout trigger. To ensure the forebay is operating appropriately sediment should be removed from the forebay once it has reached 50% of the forebay permanent pool volume. Maintaining a clean forebay will reduce the main cell cleanout frequency and long-term project costs.

In summary, the following two sediment removal triggers have been established to guide the sediment removal forecasting matrix:

- Trigger 1: The volume of sediment required to fill 30% of the total permanent pool volume.
- Trigger 2: The volume of sediment required to fill 50% of the forebay permanent pool volume.

Alternatively, in some cases, the as-constructed permanent pool volume is significantly oversized or undersized compared to the MECP required permanent pool volume. In these cases, applying a 30% removal trigger does not accurately represent the 5% reduction in TSS removal efficiency for the catchment area. For these cases, the total pond cleanout trigger was determined using the Sustainable Evaluation Program Technologies (STEP) Inspection and Maintenance Guide for Stormwater Management Facilities Table 4.1 minimum SWMF permanent pool volumes prior to maintenance (cleanout). This is referred to in this report as the STEP Table 4.1 Trigger and could only be applied where the catchment area and impervious percentage were identified in the background documents.

3.3 Dry Ponds

3.3.1 Storage Volume Design

Water quantity control (flood control) is incorporated in SWMFs, either wet or dry, to mitigate heightened flooding potential caused by increased stormwater runoff from urbanized catchments. Water quantity control is achieved by providing sufficient available storage volume in the facility to detain stormwater up to a specified level of control, such as the 100-year storm event. Peak flows are attenuated by restricting discharges from the facility via an outlet control structure, often controlling post-development flow rates to pre-development flow rates for the site. In dry facilities, the active storage is provided in the form of dry cells with an outlet controlling detention time.

Water quantity storage requirements are determined based on hydrologic characteristics of the upstream catchments under pre-development and post-development conditions, capacity of the downstream receiving watercourse, and the specified level of flood control.

3.3.1 Dry Pond Sediment Removal Trigger

Excessive sedimentation, vegetation growth, or construction deficiencies may result in a reduction of water quantity storage volume compared to the design volume. As the active storage is reduced, the flood control function of a dry pond is reduced which could lead to upstream and/or downstream flooding and erosion issues.

To determine compliance with the water quantity control targets, the current active storage volume of each dry pond has been compared to the design storage volume to ensure sufficient storage is being provided for the specified level of water quantity control. Where the remaining storage is more than 10% lower than the design storage volume, we recommend removal of sediment restore the design storage volume in the facility. At this point the sediment is also likely impeding the function of the outlet structure.

4 SEDIMENT VOLUME RESULTS AND FUNCTIONAL ASSESSMENT

The dry pond surveyed sediment volumes are provided in Table 6. The wet pond surveyed sediment volumes and annual loading rates are provided in Table 7. Discrepancies between the design and as-constructed permanent pool volume are noted. Recommendations for cleanout based on the triggers are provided.

TABLE 6 Dry Pond Sediment Volumes, Functional Assessment and Removal Forecasting

SWMF ID	Design Storage Volume (m^3)	Derived Storage Volume (m^3)	Sediment Volume (m^3)	Storage Percent Full	Comments
Concord Street	n/a	355	60	17%	Sand has reduced flood storage volume by 17% and should be removed to maintain storage volume. A pond cleanout is recommended in 2024.
Daimler Woods	2,355	646	323	14%	Sediment has reduced flood storage volume by 14% and should be removed to maintain storage volume. A pond cleanout is recommended in 2024.
Drapers Creek	Not available	N/A	<10	N/A	Limited sediment accumulation. A pond cleanout is not required at this time. A sediment survey should be completed in approximately 10 years to confirm the sediment accumulation rate and re-evaluate the cleanout timing.
Leslie Place	Not available	786	< 10	0%	Limited sediment accumulation. A pond cleanout is not required at this time. A sediment survey should be completed in approximately 10 years to confirm the sediment accumulation rate and re-evaluate the cleanout timing.
Line Avenue Swale	Not available	498	< 10	0%	Limited sediment accumulation. A pond cleanout is not required at this time. A sediment survey should be completed in approximately 10 years to confirm the sediment accumulation rate and re-evaluate the cleanout timing.
Line Avenue Outfall Channel	Not available	N/A	0	N/A	Limited sediment accumulation. A pond cleanout is not required at this time. A sediment survey should be completed in approximately 10 years to confirm the sediment accumulation rate and re-evaluate the cleanout timing.
Rolling Meadows	Not available	473	< 10	0%	Limited sediment accumulation. A pond cleanout is not required at this time. A sediment survey should be completed in approximately 10 years to confirm the sediment accumulation rate and re-evaluate the cleanout timing.
Shorthill Meadows	Not available	1,715	93	5%	Limited sediment accumulation. A pond cleanout is not required at this time. A sediment survey should be completed in approximately 5 years to confirm the sediment accumulation rate and re-evaluate the cleanout timing.
Shorthill Place	Not available	1,072	32	3%	Sediment accumulation in the low flow channel. A pond cleanout is not triggered; however, annual inspections should be completed to confirm the inlet is flowing freely.
Stonegate Place	Not available	551	20	4%	Limited sediment accumulation. A pond cleanout is not required at this time. A sediment survey should be completed in approximately 5 years to confirm the sediment accumulation rate and re-evaluate the cleanout timing.

TABLE 7 Wet Pond Sediment Volumes, Functional Assessment, and Removal Forecasting

Pond ID	Year Con-structed	2023 Surveyed Permanent Pool Volume (m^3)		2023 Sediment Volume (m^3)		2023 Percent Full		Design Permanent Pool Volume (m^3)	Level of Protection	MECP Table 3.2 Required Permanent Pool Volume (m^3)	Permanent Pool Comparison	2023 Permanent Pool Remaining	STEP Table 4.1 Minimum Permanent Pool Volume at Cleanout (m^3)	Estimated Annual Loading Rate (m^3/yr)		Trigger 1 Cleanout Year	Trigger 2 Forebay Cleanout Year	STEP Table 4.1 Cleanout Year	Comments
		Total Pond	Fore-bay	Total Pond	Fore-bay	Total Pond	Fore-bay							Total Pond	Fore-bay				
Cherry Ridge	1993	1,572	577	229	111	15%	19%	Unknown	Unknown	Unknown	Design information not available	1,343	1,833	23	11	2034	2039	2081	Dry pond was retrofitted to a wet pond in 2013. Sediment accumulation is moderate, and cleanout is not recommended until 2034.
East Fonthill	2018	4,835	500	295	188	6%	37%	3,216	Enhanced	3,062	Oversized compared to MECP requirement	4,540	2,187	74	47	2039	2 024	2083	Significant sediment accumulation in the forebay. As-constructed permanent pool is oversized compared to MECP and the STEP 4.1 Trigger can be applied for total pond cleanouts. The forebay is 37% full and should be cleaned to maintain forebay function.
Residences at Lookout	2018	2,255	2,056	122	66	5%	3%	2,353	Enhanced	1,783	Oversized compared to MECP requirement	2,133	1,148	15	8	2060	2140	2158	Facility is not operating as designed. There is no permanent pool suggesting water is infiltrating through the bottom of the facility. As a result, sediment accumulation is low. A geotechnical investigation should be undertaken to confirm compaction of clay liner and requirement to install a new clay liner.
River Estates	2018	5,817	864	484	360	8%	42%	6,530	Normal	2,233	Oversized compared to MECP requirement	5,332	1,545	121	90	2034	2023	2067	Significant sediment accumulation in the forebay. As-constructed permanent pool is oversized compared to MECP criteria and STEP Table 4.1 trigger can be applied to total pond cleanout. However, the forebay is 39% full and should be cleaned to maintain forebay function.
Rosewood Estates	2014	492	184	141	72	29%	39%	304	Normal	316*	Oversized compared to MECP requirement if % IMP is 55	351	N/A	18	9	2024	2025	2041	Significant sediment accumulation in the forebay. As-constructed permanent pool is oversized compared to MECP criteria and STEP Table 4.1 trigger can be applied to total pond cleanout. However, the forebay is 39% full and should be cleaned to maintain forebay function.
Summerside Boulevard	2018	2,057	408	94	54	5%	13%	1,789	Normal	1,135	Oversized compared to MECP requirement	1,963	764	24	14	2046	2034	2104	Limited sediment accumulation in facility. Cleanout not required until 2046. Undertake sediment survey in 10 years to confirm accumulation rates.
The Orchards	2006	223	126	139	64	62%	51%	Unknown	Unknown	Unknown	Information not available	84	N/A	9	4	2023	2023	N/A	Significant sediment accumulation. Cleanout recommended in 2024.
Timber Creek	2002	272	80	302	87	111%	109%	Unknown	Unknown	Unknown	Information not available	-30	N/A	15	4	2023	2023	N/A	Permanent pool volume is almost completely full of sediment. Limited standing water for water quality treatment. Cleanout recommended in 2023.
Timmsdale	2003	490	43	101	93	21%	215%	Unknown	Unknown	246*	Assume normal protection, pond oversized. Undersized if enhanced	388	327	5	5	2032	2023	2083	Moderate sediment accumulation in facility. Significant sediment accumulation in the forebay. As-constructed permanent pool is oversized compared to MECP criteria and STEP Table 4.1 trigger can be applied for the total pond cleanout. Despite significant sediment accumulation, the targeted TSS removal rate for the facility is still achieved. However, the forebay is 64% full and should be cleaned to maintain forebay function.

Pond ID	Year Con-structed	2023 Surveyed Permanent Pool Volume (m^3)		2023 Sediment Volume (m^3)		2023 Percent Full		Design Permanent Pool Volume (m^3)	Level of Protection	MECP Table 3.2 Required Permanent Pool Volume (m^3)	Permanent Pool Comparison	2023 Permanent Pool Remaining	STEP Table 4.1 Minimum Permanent Pool Volume at Cleanout (m^3)	Estimated Annual Loading Rate (m^3/yr)		Trigger 1 Cleanout Year	Trigger 2 Forebay Cleanout Year	STEP Table 4.1 Cleanout Year	Comments
		Total Pond	Fore-bay	Total Pond	Fore-bay	Total Pond	Fore-bay							Total Pond	Fore-bay				
Village of Chestnut Ridge	2005	928	783	39	4	4%	1%	890	Normal	861	Slightly oversized compared to MECP requirement	890	615	2	<1	2129	3674	2393	Facility is not operating as designed. There is no permanent pool suggesting water is infiltrating through the bottom of the facility. As a result, sediment accumulation is low. A geotechnical investigation should be undertaken to confirm compaction of clay liner and requirement to install a new clay liner.
Weiland Heights	2013	713	612	17	11	2%	2%	560	Normal	420*	Assume 55% impervious, Oversized compared to MECP requirements	696.248	N/A	2	1	2128	2258	2373	Facility is not operating as designed. There is no permanent pool suggesting water is infiltrating through the bottom of the facility. As a result, sediment accumulation is low. A geotechnical investigation should be undertaken to confirm compaction of clay liner and requirement to install a new clay liner.

5 CONDITION ASSESSMENT

Table 8 summarises the deficiencies and maintenance recommendations identified at each facility during the condition assessments completed by Matrix. Cost estimates have been provided. Detailed condition assessment tables and photos for wet ponds are provided in **Appendix B** and for dry ponds in **Appendix C**.

TABLE 8 Condition Assessment Deficiencies and Recommended Maintenance Works

SWMF ID	Recommendations	Estimated Cost
Cherry Ridge	• Spray Phragmites	$2,000
	• Clear and grub pond perimeter to maintain access to inlets and outlets.	$8,000
East Fonthill	• Install bollards at access road	$3,000
	• Spray phragmites	$2,000
Residence at Lookout	• Clear and grub vegetation within facility	$5,000
	• Geotechnical investigation of leaky facility, confirm presence of clay liner	$10,000
	• Install clay liner	$150,000
	• Spray or remove Phragmites	$2,000
River Estates	• Install permanent safety measure between pond and play facility (fencing or dense shrubbery)	$10,000
	• Monitor DICB and inlet erosion	Not applicable
	• Flush outlet pipes and monitor for blockages	$3,000
Rosewood Estates	• Clear vegetation and flush pipes of inlet ant outlet headwalls	$2,000
Summersides Blvd	• Remove filter fabric and debris on outlet	Not applicable
	• Install master SWMF lock on bollards	Not applicable
	• Monitor swale during annual inspection • Monitor vegetation in inlet • Monitor sediment accumulation in front of outlet pipe	Not applicable
The Orchards	• Clear and grub vegetation to establish access to inlet or outlet structures.	$5,000
	• Install no dumping signs	$1,000
Timber Creek	• Flush inlet and outlet pipes, remove debris	$3,000
	• Extend facility fencing to make access more difficult, or around entire perimeter	$1,000
Timmsdale	• Clear and grub access to inlet and outlets, assume maintenance of access paths as part of regular landscaping program.	$3,000
	• Flush outlet pipes	$3,000
	• Provide residents with education about dumping, (clearing off signage or mail brochure)	Not applicable
Village of Chestnut Ridge	• Geotechnical investigation of leaky facility, confirm presence of clay liner	$10,000
	• Verification of inflows during storm event (CCTV)	$3,000
	• If infiltration is not desired, install clay liner.	$150,000

SWMF ID	Recommendations	Estimated Cost
	• Vegetation removal may be required to restore quantity control	$5,000
	• Install perimeter fencing	$7,500
Weighland Heights	• Geotechnical investigation of leaky facility, confirm presence of clay liner	$10,000
	• Install clay liner	$150,000
	• Verification of inflows during storm event (CCTV)	$3,000
	• Flush pond outlet	$3,000
	• Add locks to all facility gates	Not applicable
Concord Street	• Clear and grub vegetation blocking inlet and outlet infrastructure.	$5,000
	• Establish ground cover over exposed sanitary pipe (high priority). Fix erosion issue of channel.	$20,000
	• Flush upstream pipes to remove sand deposition	$3,000
Daimler Woods	• Clear Blockage at low flow outlet	$3,000
Drapers Creek	• Clear and grub vegetation upstream and downstream of outlet	$2,000
	• Investigate or rehabilitate pedestrian bridge function	$2,000 ($25,000)
Leslie Place	• Install permanent metal SWMF warning signs	Not applicable
	• Clear debris and vegetation around inlet headwalls	$2,000
	• Reinstall outlet riser	$20,000
Line Avenue Detention Pond	• Flush all inlet pipes and culverts.	$5,000
	• Remove accumulation at inlets and outlet of pipes. Grade pond bottom to match inlet or outlets of pipes	$7,500
Line Avenue Outfall Channel	• Flush and remove debris from all storm pipes	$5,000
	• Clear and grub access to berm culverts	$2,000
	• Perform annual unblocking of culverts	Not applicable
Rolling Meadows	• Remove debris and trim grass that has established on catch basin structure	Not applicable
Shorthill Meadows	• Address extreme erosion concern at outlet pipe (repair spillway)	$50,000
	• Flush and clear apron at inlet pipes	$3,000
Shorthill Place	• Re-establish cover over outlet pipe	$2,000
	• Dredge low flow channel between inlet and outlet	$5,000
Stonegate Place	• Repair spillway and fill in erosion concern. Berm height may need to be re-established	$10,000
	• Flush inlet and outlet pipes, remove debris accumulation	$3,000

6 MAINTENANCE PRIORITIZATION AND PRELIMINARY COST ESTIMATES

6.1 Rating System

The following sediment removal and condition rating systems were developed to support the prioritization of future maintenance works.

- Sediment Removal Timing:
  - Rating 1 (Very Good): Forecasted cleanout year 2044 or greater (i.e. > 20 years).
  - Rating 2 (Good): Forecasted cleanout year 2034 to 2043 (i.e. 10 to 20 years).
  - Rating 3 (Fair): Forecasted cleanout year 2029 to 2033 (i.e. 6 to 10 years).
  - Rating 4 (Poor): Forecasted cleanout year 2025 to 2028 (i.e. 2 to 5 years).
  - Rating 5 (Very Poor): Forecasted cleanout year 2024 (i.e. < 1 year).

- Condition Assessment:
  - Rating 1 (Very Good): No issues identified.
  - Rating 2 (Good): Small number of minor issues present that require ongoing monitoring.
  - Rating 3 (Fair): Moderate issue or several minor issues present that require ongoing monitoring.
  - Rating 4 (Poor): Several moderate issues requiring repair within 2 to 5 years.
  - Rating 5 (Very Poor): Major issues requiring repair within 1 year (i.e. outlet blockage or immediate safety issue).

6.2 Prioritization

Tables 9 presents the prioritization for sediment removal and maintenance works. Preliminary construction cost estimates were developed based on Matrix previous experience with SWMF sediment removal projects in London, Kitchener, Mississauga and Caledon. Recent tendered prices for sediment removal have ranged between \$200/m^3 to \$300/m^3 of sediment, and include the following items:

- Construction access and site clearing;
- Dewatering, bypass pumping;
- Fish capture and release;
- Permitting;
- Sediment removal and disposal; and,
- Site erosion control, tree protection, MH cleaning, pipes, and site restoration.

For this study, a unit rate of \$300/m^3 has been applied. Bathymetric surveys have inherent inaccuracies that can lead to underestimating sediment volume. When small sediment volumes are involved, small increases in volume can have a significant impact on construction costs. Therefore, we have doubled the surveyed sediment volumes when estimating construction costs to ensure the capital works budget is funded sufficiently for any increase in volume. This essentially applies a 100% contingency to the costs. Costs have not been estimated for facilities where the forecasted cleanout year is greater than 10 years.

6.3 Clay Liner Replacement

The Residences at Lookout, Village of Chestnut Ridge, and Weiland Heights wet ponds were found to have no permanent pool. This is likely caused by infiltration through the pond bottom to the underlying material. While infiltration is an accepted form of stormwater water quality treatment, the three ponds may be overlying a karstic network, which limits the potential for the SWMF to provide filtration quality control. Karstic networks do not typically provide filtration as they convey flow through subsurface cavities rather than through subsurface soils. It is possible that stormwater will pass through the karstic network with minimal treatment and enter the downstream system untreated. Additionally, it is ill advised to promote flow to karst networks as it can increase the size of subsurface fissures and potentially facilitate sinkholes.

The following recommendations are made to restore the function of the Residences at Lookout, Village of Chestnut Ridge, and Weiland Heights wet ponds:

- Retrofit design, including a shallow borehole investigation (hand auger), for the replacement / installation of the clay liner.
- Construction of the clay liner replacement / installation. This will likely require excavation and disposal off-site of the existing pond bottom to a depth of 600 mm, and installation of a new clay liner to a depth of 600 mm, completed in 300 mm lifts and compacted to 98% Standard Procter Density.

6.4 Annual Flushing and Vegetation Removal

Many of the SWMFs, in particular the dry ponds, have sediment accumulation in the inlet and outlet pipes and vegetation growing around the inlet and outlet structures. These maintenance issues can be addressed during future sediment removal projects, however, there are several dry ponds that are not forecasted for cleanout in the next 10 years. Therefore, we recommend the Town undertake an annual or semi-annual flushing and vegetation removal program.

6.5 Future Surveys and Inspections

While sediment accumulation is the primary factor for reducing TSS removal efficiency, other site conditions may impair the function of a SWMF. Additionally, sediment loading may change over time as the upstream catchments develop or change. It is recommended that the SWMFs be surveyed approximately every 5 to 10 years to confirm the sediment removal forecasting recommendations. Additionally, targeted maintenance works at these SWMFs should also be based on operational experience in the field. The function of a SWMF can deteriorate quickly following an outlet blockage. Annual inspections should be undertaken to identify site deficiencies that should be addressed ahead of future sediment removal works.

TABLE 9 Sediment Removal and Maintenance Prioritization

Priority	Facility ID	Functional Assessment	Forecasted Cleanout Year	Sediment Removal Rating	Condition Assessment Rating	Estimated Volume to be Removed at Cleanout (m3) (100% contingency applied)	Sediment Removal Cost Estimate	Estimated Cost for Maintenance works	Total Capital Costs (rounded up to nearest $10,000)
1	Timber Creek	• Permanent pool is completely full of sediment (> 100% full) • Flushing and vegetation removal also recommended during cleanout	2024 (Full Pond)	5 (Very Poor)	3 (Fair)	634	$200,000	$6,000	$210,000
2a	Residences at Lookout	• The three ponds have no permanent pool. It appears inflow is infiltrating through the pond bottom. • A retrofit design and shallow borehole investigation should be undertaken at each pond to design the new clay liner. • A clay liner should be installed in each pond.	• Complete geotechnical studies in 2024 • Install clay liner in 2025 or later	Not applicable	5 (Very Poor)	Not applicable	Retrofit Design (2024): $40,000 Replace Clay Liner: $200,000		
2b	Village of Chestnut Ridge			Not applicable	5 (Very Poor)		Retrofit Design (2024): $40,000 Replace Clay Liner: $110,000		
2c	Weiland Heights			Not applicable	5 (Very Poor)		Retrofit Design (2024): $40,000 Replace Clay Liner: $90,000		
3	The Orchards	• Permanent pool is 62% full of sediment • Flushing and vegetation removal also recommended during cleanout	2024 (Full Pond)	5 (Very Poor)	3 (Fair)	296	$90,000	$4,000	$100,000
4	Timmsdale	• Currently meets sediment removal target • Forebay requires cleanout (64% full) • Flushing and vegetation removal also recommended during cleanout	2024 (Forebay Cleanout)	5 (Very Poor)	3 (Fair)	196 (Forebay volume)	$60,000	$6,000	$70,000
5	Concord Street	• Sediment (sand) deposition has reduced storage volume and is impeding flow. • There is an exposed sanitary pipe downstream of the SWMF. Repair erosion and establish appropriate cover over sanitary sewer. • Remove sediment and vegetation debris. Restore pond to original condition. • Temporary access and tree removal required during construction. Estimated to add an additional $20,000 to construction cost.	2024 (Dry Pond Cleanout)	4 (Very poor)	5 (Very Poor)	120	$70,000 (includes $20,000 for temporary access and tree removals)	$28,000	$88,000
6	River Estates	• Currently meets sediment removal target • Forebay requires cleanout (42% full) • Flushing and vegetation removal also recommended during cleanout • Consider installing fence during cleanout	2024 (Forebay Cleanout)	5 (Very Poor)	3 (Fair)	900 (Forebay volume)	$270,000	$15,000	$290,000
7	Rosewood Estates	• Currently meets sediment removal target • Forebay requires cleanout (39% full) • Vegetation removal required around outlet and inlet pipes	2024 (Forebay Cleanout)	5 (Very Poor)	3 (Fair)	162 (Forebay volume)	$50,000	$3,000	$60,000
8	Daimler Woods	• Dry pond storage is 14% full of sediment. Full cleanout required. • Temporary access and tree removal required during construction. Estimated to add an additional $20,000 to construction cost.	2024 (Dry Pond Cleanout)	5 (Very Poor)	3 (Fair)	646	$220,000 (includes $20,000 for temporary access and tree removals)	Costs included in sediment removal	$220,000
9	East Fonthill	• Currently meets sediment removal target • Forebay requires cleanout (32% full)	2024 (Forebay Cleanout)	5 (Very Poor)	1 (Very Good)	470 (Forebay volume)	$150,000	$5,000	$160,000
10	Shorthill Meadows	• A deep scour bowl has formed at the downstream side of the outfall. A formalised scour bowl with rock protection should be designed and constructed at the outfall to prevent further scour and undermining. • A temporary access and tree removals will be required to facilitate the erosion repairs.	2025 to 2028 Outfall repairs should be completed in 2 to 5 years.	1 (Very Good)	4 (Poor)	Not applicable	Outfall Scour Bowl Design: $40,000 Construction: $160,000		

Priority	Facility ID	Functional Assessment	Forecasted Cleanout Year	Sediment Removal Rating	Condition Assessment Rating	Estimated Volume to be Removed at Cleanout (m3) (100% contingency applied)	Sediment Removal Cost Estimate	Estimated Cost for Maintenance works	Total Capital Costs (rounded up to nearest $10,000)
11	Stonegate Place	• Minimal sediment accumulation in the pond. • The emergency spillway is partially eroded and likely lower than the design elevation. • Dense vegetation has established in the pond. • The spillway should be repaired, and the outlet pipe flushed. A temporary access and tree removals will be required to facilitate the work.	2025 to 2028 Emergency spillway should be completed in 2 to 5 years.	1 (Very Good)	4 (Poor)		Design and Permitting: $40,000 Construction: $110,000		
12	Drapers Creek	• Minimal sediment accumulation. • Remove vegetation around inlet and outlet structures. • Upstream pedestrian bridge pier footings are exposed. Investigate condition of bridge and provide recommendations for repair. • Undertake sediment survey in 5 to 10 years.	Complete bridge inspection in 2 to 5 years	1 (Very Good)	3 (fair)	Not applicable	Not applicable		
13	Shorthill Place	• Minimal sediment accumulation. • Outfall pipe is exposed. Place stone over outfall pipe. • Complete sediment survey in 5 to 10 years.	5 to 10 years for stone placement	1 (Very Good)	3 (Fair)	Not applicable	Construction: $15,000. Works should be included with other pond maintenance works to reduce costs.		
14	Cherry Ridge	• Currently meets sediment removal target • Cleanout recommended in 2035 • Town could consider phragmites treatment at an earlier date	2035	3 (Fair)	3 (Fair)	1012	$310,000	$10,000	$320,000
15	Summersides Boulevard	• Currently meets sediment removal target • Forebay reaches cleanout in 2034 • Recommend follow-up sediment survey in 5 to 10 years to confirm sediment accumulation rate.	2034 (Forebay Cleanout)	3 (Fair)	1 (Very Good)	388 (Forebay volume)	$120,000	$0	$120,000
16	Leslie Place	• Minimal sediment accumulation. • Vegetation growth around inlets and outlets • Complete sediment survey in 5 to 10 years.	Not required	1 (Very Good)	3 (Fair)	Not applicable	Not applicable		
17	Line Avenue Detention Pond	• Minimal sediment accumulation • Flush inlet and outlet pipes • Complete sediment survey in 5 to 10 years.	Not required	1 (Very Good)	3 (Fair)	Not applicable	Not applicable		
18	Line Avenue Outfall Channel	• Minimal sediment accumulation • Conduct annual inspections to remove debris from culvert grates. • Complete sediment survey in 5 to 10 years.	Not required	1 (Very Good)	3 (Fair)	Not applicable	Not applicable		
19	Rolling Meadows	• Minimal sediment accumulation. • Complete sediment survey in 5 to 10 years.	Not required	1 (Very Good)	1 (Very Good)	Not applicable	Not applicable		

[A] Costs rounded up to $10,000.

[B] Costs do not include inflation.

6.6 Sediment Removal Planning

6.6.1 Permitting and Approvals

The following permitting and approvals requirements apply to SWMF sediment removal projects.

Niagara Peninsula Conservation Authority Permit

SWMF's located within the NPCA regulation limit will require Section 28 permit from NPCA. NPCA permitting typically requires the preparation of a natural heritage baseline assessment (including a Species at Risk screening), an erosion and sediment control plan and a dewatering plan. The NPCA regulation limit ARC GIS online mapping tool was used to determine if the SWMFs are located within the NPCA regulation limit (refer to **Table 10**). Consultation with NPCA should be undertaken during the design phase of future sediment removal projects.

TABLE 10 Determination of SWMF's within NPCA Regulation Limit

SWMF ID	Comments
Rosewood Estates	Within regulation limit – NPCA permit required.
The Orchards	Adjacent to regulation limit - NPCA permit may be required.
Timber Creek	Within regulation limit – NPCA permit required.
Timmsdale	Within regulation limit – NPCA permit required.
East Fonthill	Adjacent to regulation limit - NPCA permit may be required.
River Estates	Adjacent to regulation limit - NPCA permit may be required.
Cherry Ridge	Within regulation limit – NPCA permit required.
Summersides Boulevard	Adjacent to regulation limit - NPCA permit may be required.
Residences at Lookout	Adjacent to regulation limit - NPCA permit may be required.
Village of Chestnut Ridge	Adjacent to regulation limit - NPCA permit may be required.
Weiland Heights	Adjacent to regulation limit - NPCA permit may be required.
Rosewood Estates	Within regulation limit – NPCA permit required.
The Orchards	Within regulation limit – NPCA permit required.
Timber Creek	Within regulation limit – NPCA permit required.
Timmsdale	Adjacent to regulation limit - NPCA permit may be required.
East Fonthill	Within regulation limit – NPCA permit required.
Concord Street	Within regulation limit – NPCA permit required.
Daimler Woods	Within regulation limit – NPCA permit required.
Drapers Creek	Within regulation limit – NPCA permit required.
Leslie Place	Within regulation limit – NPCA permit required.
Line Avenue Swale	Adjacent to regulation limit - NPCA permit may be required.
Line Avenue Outfall Channel	Within regulation limit – NPCA permit required.
Rolling Meadows	Adjacent to regulation limit - NPCA permit may be required.
Shorthill Meadows	Within regulation limit – NPCA permit required.
Shorthill Place	Adjacent to regulation limit - NPCA permit may be required.
Stonegate Place	Adjacent to regulation limit - NPCA permit may be required.

Ministry of Natural Resources and Forestry (MNRF) Authorization

Protection of fish and aquatic wildlife (turtles and frogs) is required during SWM facility sediment removal works. Where fish and aquatic wildlife are present, a fish and aquatic wildlife capture is required to ensure fish and aquatic wildlife are not harmed during the sediment removal works. An MNRF fish capture authorization is required to undertake a fish and aquatic wildlife capture. A fish and aquatic wildlife management plan should also be prepared by a qualified aquatic biologist to outline the capture approach and ensure compliance with relevant provincial and federal guidelines.

Dewatering and a fish and aquatic wildlife capture will be required due to the presence of open water at the facility and an MNRF Authorization will be required prior to undertaking the capture.

6.6.2 Baseline Natural Heritage Assessment and Species at Risk Screening

To determine the existing environmental conditions within the study area, a desktop review of significant environmental features is recommended. This should also include communication with MNRF to obtain any known Species at Risk (SAR) records. Documents that should be reviewed include, but are not limited to:

- Department of Fisheries and Oceans (DFO) Aquatic Species at Risk Mapping;
- Environment Canada Species at Risk Data;
- Ministry of Natural Resources and Forestry (MNRF), Aylmer District Office;
- Natural Heritage Information Centre (NHIC) database;
- Conservation Authority Fisheries Data; and
- Ontario Breeding Bird Atlas (OBBA).

The review should be documented in a Natural Heritage Baseline conditions memo including a description of the existing natural heritage features, assessment of the significance of features found, identify any constraints or opportunities, and provide recommendations for mitigation measures during construction.

6.6.3 Construction Timing Windows

The MNRF nesting birds and hibernating turtles timing windows are the most relevant to the sediment removal works:

- **Hibernating Turtles:** Turtles hibernate over the winter by burying into sediment. They begin the hibernation process in October. No sediment removal works can be undertaken after October 1 unless the area has been dewatered and cleared by a qualified aquatic biologist prior to October 1.
- **Nesting Birds:** Birds will nest and raise their young from April through August. Vegetation clearing cannot be undertaken during this period unless inspected by a qualified ecologist.

Considering these timing windows, sediment removal should generally occur during summer (mid July to September) when dry weather is ideal for dewatering and sediment removal. Any vegetation removal should be undertaken outside of the nesting birds window in advance of the sediment removal works.

7 OIL GRIT SEPERATOR CONDITION ASSESSMENT

There was no available background information for the OGS units therefore it has been assumed that the OGS units have been designed such that sediment removal is required when the sediment depth reaches 15% of the total volume which is typical for an appropriately sized Stormceptor OGS unit. Once this depth is exceeded, there is insufficient residence time for suspended solids to settle in the unit.

Table 12 summarises the sediment depths in each OGS unit. Detailed condition assessment tables and photos are provided in **Appendix D**.

Of the seven OGS units inspected, six have exceeded the 15% sediment depth and require cleanout in 2024. The Fire Station 2 unit is recommended for cleanout in 2028. The Fire Station 1 unit could not be accessed due to a Fire Station operations vehicle being permanently parked over the lid. The Haist Street Underground Storage Tank was in good condition and does not require cleanout, however, the catchbasins connected to the underground storage tank have full sumps and should be cleaned in 2024 as part of the OGS cleanout program.

TABLE 11 Determination of SWMF's within NPCA Regulation Limit

SWMF ID	Date Installed	Depth of Sediment (m)	% Full	Est. Volume Sediment (m^3)	Condition	Recommendations
Highway 20	UNK	0.35	181%	0.9	4 (poor)	Release outlet side sediment Lid Cleanout required in 2024
Marylea	2013	1.4	73%	1.6	3 (fair)	Cleanout required in 2024
Beckett Crescent 1	1995	1.4	41%	0.9	3 (fair)	Cleanout required in 2024
Darby Lane	1995	2.0	74%	1.2	3 (fair)	Cleanout required in 2024
Becket Crescent 2	1995	1.73	61%	1.1	3 (fair)	Cleanout required in 2024
Fire Station 2	2010	0.06	11%	0.15	2 (good)	Clear and grub access path for inspection Repair access fence Cleanout required in 2028
Pelham St N	2021	0.47	40%	0.9	1 (very good)	Cleanout required in 2024
Fire Station 1	UNK	Not accessible				
Haist Street Storage Tank	UNK	Not applicable			Main inlets and outlets in very good condition	Catchbasins connected to facility on Haist street should be cleaned out in 2024

8 REFERENCES

Ministry of the Environment, Conservation and Parks. (2003). Stormwater Management Planning and Design Manual.

Sustainable Technologies et. al. 2015. Draft Stormwater Management Pond and Wetland Inspection and Maintenance Guide.

APPENDIX A
SWM Facility Plan and Profile Drawing

*Refer to attached PDF drawings

APPENDIX B
Wet Pond Detailed Condition Assessments and Photolog

Cherry Ridge

Inspection Details		
Inspector: RL, BM	**SWM Facility Location:** 45 Ker Crescent, Fenwick, ON L0S 1C0	**Date of Inspection:** July 12th , 2022
SWMF Item	**Condition**	**Recommendations**
Inlets	• Vegetation reducing ease of access to inlet structure	• Clear and grub vegetation to establish access to inlet or outlet structures. Assume maintenance of access paths as part of standard landscaping program • Confirm sizing requirements • Establish spillway
Outlet Structure	• Vegetation reducing ease of access to outlet structure • Minor sediment deposition	
Forebay	• Significant sedimentation in front of inlet	
Main Cell	• Mostly uniform sedimentation	
Invasive Species	• Heavy presence of phragmites	
Overall Pond Condition	• Pond has significant changes from last available background data • Pond access is fence from Ker Cres., no barrier to access from Maple Street other than vegetation • Little to no trash found within facility • No spillway directing overflow • Downstream residents have complained about flooding	

Site Photos

Inlet 1	Inlet 2	Inlet Pipe
outlet	outlet	outlet
Overflow Berm	Overview of pond	Overview of pond

East Fonthill

Inspection Details		
Inspector: RL, BM	**SWM Facility Location:** 160 Hwy 20 E, Fonthill, ON L0S 1E6	**Date of Inspection:** July 10th, 2023
SWMF Item	**Condition**	**Recommendations**
Inlets	• Inlets in good condition	• Remove Sediment from Forebay • Continue annual inspection • Spray phragmites
Outlet Structure	• Very good condition	
Forebay	• Forebay has significant sedimentation and aquatic vegetation	
Main Cell	• Low sedimentation moderate vegetation	
Invasive Species	• Phragmites present low trash	
Overall Condition	• Vey good	

Site Photos

Inlet

Inlet show high water level

High flow outlet grate

Vegetation on berm

Vegetation on berm

Vegetation in pond

Fallen tree

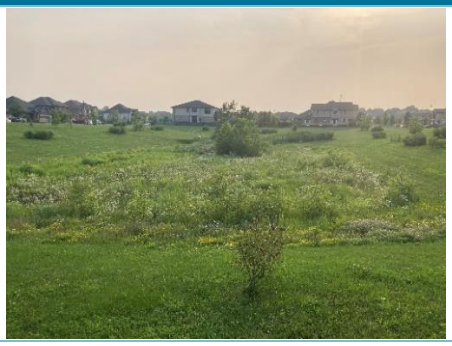
Evidence of beaver activity

berm

Residents at Lookout

Inspection Details		
Inspector: BM	**SWM Facility Location:** 17 Brewerton Blvd, Fonthill, ON L0S 1E5	**Date of Inspection:** July 18th, 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• Minor Sedimentation present in inlet pipes (<10%)	• Geotechnical investigation to confirm suitability of infiltration with regards to karst or water quality • Spray or remove Phragmites • Remove vegetation
Outlet Structure	• Outlet in good condition	
Forebay	• Forebay I Heavily vegetation, uniform sedimentation	
Main Cell	• Main cell heavily vegetated with	
Invasive Species	• Heavy presence of phragmites and some trash	
Overall Condition	• No Water present in facility y • Clay Liner should retain quality control volume • Permeable access path in fair conditions minor signs of erosion beginning	

Site Photos

		
Pond overview	Main cell	Outlet and infiltration trench
Inlet headwall	Sediment accumulation at inlet pipe	View inside ditch inlet structure
Heavily vegetated forebay	Maintenance Pipe	Phragmites

River Estates

Inspection Details		
Inspector: RL, BM	**SWM Facility Location:** 30 Bergenstein Cres, Pelham, ON L3B 5N5	**Date of Inspection:** July 11th, 2022
SWMF Item	**Condition**	**Recommendations**
Inlet	• Inlet structure in very good condition • Some erosion behind wingwalls due to high water level	• Consider installing permanent safety measure between pond and play facility (fencing or dense shrubbery) • Monitor DICB and inlet erosion • Flush outlet pipes and monitor for blockages
Outlet Structure	• Unable to view intake of reverse slope pipe due to vegetation • Debris and filter cloth on DICB. Minor erosion at structure. • Water level was 25 cm above the permanent pool. Possible low flow outlet blockage	
Forebay	• Forebay has extensive sediment accumulation	
Main Cell	• Aquatic vegetation has been firmly established	
Invasive Species	• Some phragmites present	
Overall Condition	• No major permanent barrier between facility and play area	

Site Photos

Pond Overview

Headwall **(deficiency)**

Inlet headwall

Outlet Structure **(deficiency)**

Sediment forebay

Pond from forebay

Outlet location

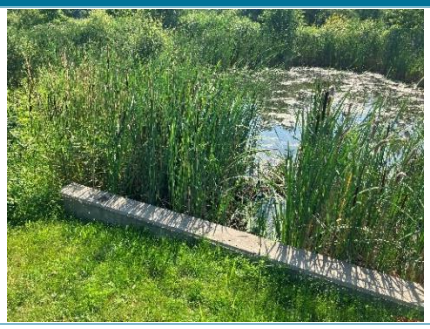
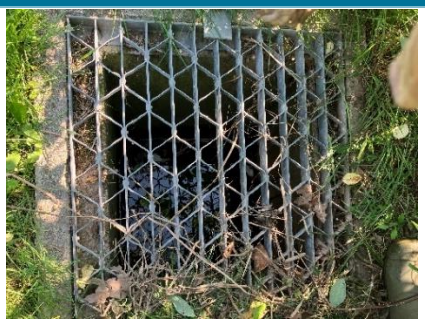
Outlet covered by aquatic vegetation

Access Path

Rosewood Estates

Inspection Details		
Inspector: NY	**SWM Facility Location:** 61 Rosewood Cres, Welland, ON L3C 2W2	**Date of Inspection:** July 11th, 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• Inlet has vegetation sediment, debris accumulation	• Clear vegetation and flush pipes of inlet ant outlet headwalls
Outlet Structure	• Discharge side of outlet pipe heavily vegetated • Intake DICB has minor debris	
Forebay	• Heavy vegetation and sedimentation, no erosion issues observed	
Main Cell	• Heavy vegetation and sedimentation no erosion issues observed	
Invasive Species	• Phragmites present, low trash	
Overall Pond Condition	• Pond in Fair condition, minor maintenance issues • Bollards on access road not locked	

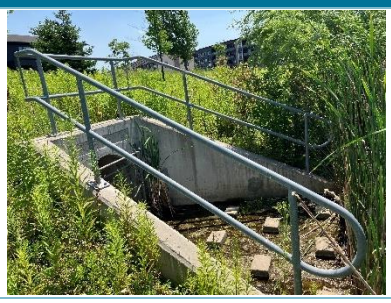
Site Photos

		
Inlet headwall **(deficiency**)	Inlet headwall	Outlet structure grate
Main cell	Outlet Headwall **(deficiency)**	Access path
Forebay access path	Forebay	Inlet Manhole

Summersides

Inspection Details		
Inspector: RL, LC	**SWM Facility Location:** 39 Wellspring Wy, Pelham, ON L3B 5N5	**Date of Inspection:** July 11th, 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• Minor vegetation establishment in inlet	• Remove filter fabric on outlet • Install master SWMF lock on bollards • Monitor swale during annual inspection • Monitor vegetation in inlet • Monitor sediment accumulation in front of outlet pipe
Outlet Structure	• Filter fabric blocking emergency outlet DICB • Reverse slope intake pipe in very good condition	
Main cell	• Very low sedimentation, entire pond has aquatic vegetation	
Forebay /	• Heavier sedimentation in forebay • Minor erosions concern at North edge along access path	
Invasive Species	• No significant signs of invasive species	
Overall Pond Condition	• Access In good condition • Bollards can be removed and replaced, no lock present • Pond in very good condition • Small Swale forming in NW corner of facility from pathway	

Site Photos

		
Inlet headwall submerged	Outlet riser	View inside outlet riser
Main cell at outlet	Overview of main cell	Overview of main cell
Pond overview	Forebay	Swale

The Orchards

Inspection Details		
Inspector: PM	**SWM Facility Location:** 5597 Magnolia Drive	**Date of Inspection:** March 25, 2022
SWMF Item	**Condition**	**Recommendations**
Inlet	• Vegetation reducing ease of access to inlet structure	• Clear and grub access paths to infrastructure, maintain access along with other landscaping programs • Install no dumping signs or fencing
Outlet Structure	• Vegetation reducing ease of access to outlet structure • Outlet DICB heavily covered in debris	
Forebay	• No Berm was observed or surveyed between forebay and main cell	
Main Cell	• Uniform sediment depth throughout main cell	
Invasive Species	• No significant signs of invasive species	
Overall Pond Condition	• Significant amount of trash thrown in drainage swale behind 833 Foss Rd, reducing capacity and posing health risk • Significant amount of vegetation within drainage swale • No Fencing around facility • Bollards not placed in a location to prevent vehicular access to or through facility from Martha Crt	

Site Photos

East inlet

South-west inlet

Outlet grate 1

Main cell

Outlet to Swale **(deficiency)**

Inlet Manhole

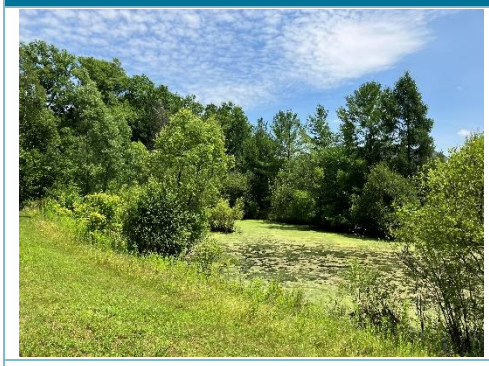
Outlet DICB **(deficiency)**

Outlet to swale **(deficiency)**

Forebay

Timber Creek

Inspection Details		
Inspector: PM	**SWM Facility Location:** 2 Steflar St, Fonthill, ON L0S 1E4	**Date of Inspection**: July 12th, 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• Inlet in fair condition. • Vegetation growth around inlet.	• Remove sediment and vegetation from pond. • Remove debris at outlet • Extend facility fencing to make access more difficult, or around entire perimeter
Outlet Structures	• Outlet covered by rip rap. Some shallow ponded water. Outlet appears to be operating properly.	
Invasive Species	• Phragmites present throughout pond	
Overall Pond Condition	• Vegetation and phragmites throughout pond. • Pond in fair condition. • Evidence of pathway bypassing access gate/ fencing	

Site Photos		
		
Pond Overview	Vegetation around inlet	Outlet **(deficiency)**
Forebay	Inlet Headwall	Main cell

Timmsdale

Inspection Details		
Inspector: LC, BS	**SWM Facility Location:** 32 Timmsdale Crescent, Fonthill, ON L0S 1E5	**Date of Inspection:** July 19th
SWMF Item	**Condition**	**Recommendations**
Inlet	• Clear of debris • Minor cracking/ damage to invert no impact to function • Grate is slightly bent	• Clear and grub access to inlet and outlets, assume maintenance of access paths as part of regular landscaping program. • Provide residents with education about dumping, (clearing off signage or mail brochure) • Flush outlet pipes
Outlet Structures	• Vegetation is beginning to establish around hickenbottom riser and CB. • Moderate amount of debris accumulating in sump of DICB • No visible signs of damage	
Forebay	• Minor sedimentation distributed throughout cell	
Main Cell	• Minor sedimentation distributed throughout cell	
Invasive Species	• Dumping of grass clippings, yard waste and Christmas trees. No signs of invasive species	
Overall Pond Condition	• Good overall condition. • Thick vegetation around pond Path to inlet is overgrown • Dumping signage covered by overgrown vegetation	

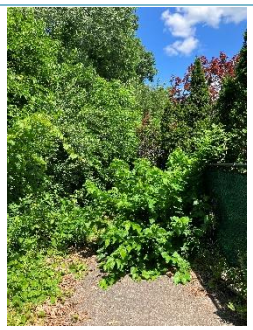
Site Photos

Inlet headwall

Outlet DICB

Outlet riser

Debris in outlet DICB **(deficiency)**



Overgrown vegetation on path **(deficiency)**

Pond Overview

Village of Chestnut Ridge

Inspection Details		
Inspector: BS	**SWM Facility Location:** 1575 Lookout St	**Date of Inspection:** July 17th 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• Structures in good condition, minor vegetation growth	• SWM report indicates pond is to provide level 1 quality control. Pond may not be performing as designed. • Geological investigation required to determine suitability of infiltration. • Verification of inflows during storm event (CCTV) • If infiltration is not desired, pond bottom re-design required. • Vegetation removal may be required to restore quantity control • Install SWMF warning signs at all sides of pond • Flush pond outlet
Outlet Structures	• Good condition clear of vegetation and debris • Slight erosion around outlet • Heavy sedimentation within pond outlet DICB	
Forebay	• Upland vegetation has been established within the extents of the pond • Little to no sedimentation	
Main Cell	• Upland vegetation has been established within the extents of the pond • Minor amounts of sedimentation throughout pond bottom	
Invasive Species	• No invasive species or trash	
Overall Pond Condition	• Design drawings designate SWMF as a wet pond, no water present within facility. • No fencing, low risk to residents • SWMF warning sign facing Lookout street. • Evidence of retirement residents using pond perimeter (lawn chairs)	

Site Photos

Overview of pond

Inlet headwall

View facing east from inlet headwall

Vegetation growth inlet pipe

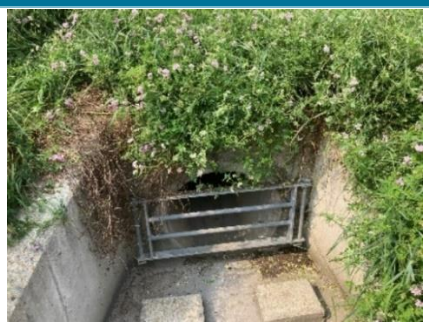
Outlet intake

Overview of pond

Emergency overflow DICB	Sediment laden DICB	Outlet manhole

Weiland Heights

Inspection Details		
Inspector: BM	**SWM Facility Location:** 57 Abbott Pl, Fonthill, ON L0S 1E5	**Date of Inspection:** July 17th, 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• Structures in good condition, • Severe drop from concrete ww to bottom of pond	• SWM report indicates pond is to provide normal level quality control. Pond may not be performing as designed. • Geological investigation required to determine suitability of infiltration. • Verification of inflows during storm event (CCTV) • If infiltration is not desired, pond bottom re-design required • Vegetation removal may be required to restore quantity control • Flush pond outlet • Add locks to facility gates
Outlet Structures	• Good condition clear of vegetation and debris • Slight erosion around outlet	
Forebay	• Upland vegetation has been established within the extents of the pond • Moderate sedimentation within forebay	
Main Cell	• Upland vegetation has been established within the extents of the pond • Minor amounts of sedimentation throughout pond bottom	
Invasive Species	• No invasive species or trash	
Overall Pond Condition	• Design drawings designate SWMF as a wet pond, no water present within facility. (Leaky facility) • Clay liner either not installed or poorly functioning • Fencing around entire perimeter, warning sign at Abbot Place • 2/3 access gates not secure • High volume of decaying vegetation throughout pond bottom	

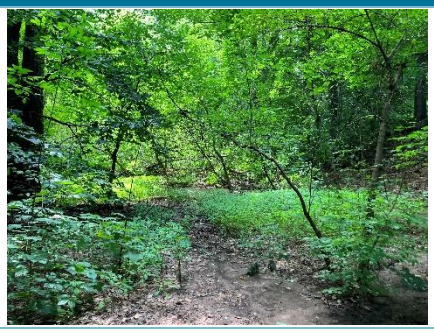
Site Photos		
		
Inlet headwall	View from above inlet headwall	Vegetation growth around outlet riser (

Rusted outlet riser with plugged perforations and dislodged outlet pipe cap	DICB outlet at high water level	DICB outlet after temporarily clearing blockage
Partial blockage at DICB grate	Concrete overflow spillway	Outfall to drainage channel

APPENDIX C
Dry Pond Detailed Condition Assessments and Photolog

Concord

Inspection Details		
Inspector: LC, RL	**SWM Facility Location:** 40 Concord St, Fonthill, ON L0S 1E5	**Date of Inspection:** July 21st, 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• Partial blockage of inlet headwall due to heavy vegetation • Infrastructure in good condition • Upstream culverts show sand deposition	• Clear and grub vegetation blocking inlet and outlet infrastructure. • Establish ground cover over exposed sanitary pipe (high priority). Fix erosion issue of channel. • Flush upstream pipes to remove sand deposition. • Monitor sand deposition rates
Outlet Structures	• Partial blockage of outlet structure due to heavy vegetation debris. • Debris fall has caused minor damage to gabion baskets	
Wetland Cell	• Pond bottom has uniform 15 cm of sand deposition (not sediment) could be from erosion concern upstream	
Invasive Species	• No invasive species present, stinging nettle and poison oak may be present within facility	
Overall Pond Condition	• Pond drains towards Pancake Ln; flow path has been blocked by residents	

Previous Inspection Items			
Date	**SWMF Item**	**Issue**	**Current Status**
			
Inlet headwall **(deficiency)**		Inlet headwall	View facing south from inlet headwall
West cell facing NE		East cell bottom facing NE	Upstream side of outlet structure **(deficiency)**

Downstream end of outlet structure	Blockage along outflow path **(deficiency)**	Upstream low flow channel
Upstream culvert 25% full with sand **(deficiency)**	Upstream low flow channel from berm	Exposed Sanitary Pipe in low flow channel **(deficiency)**

Daimler Woods

Inspection Details		
Inspector: JT	**SWM Facility Location:** 158 Beckett Cres.	**Date of Inspection:** July 19th 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• Headwall and pipes in good condition • Some stones in culverts	• Clear Blockage at outlet low flow • Continue annual inspection
Outlet Structures	• Good condition no damage • Debris build up around low flow outlet	
Detention Cell	• Consistent depth of Sediment throughout pond • Little to no sedimentation in low flow channel	
Invasive Species	• No trash or invasive species observed	
Overall Pond Condition	• Fence around entire SWMF perimeter, site locked. • SWMF warning signs at access points	

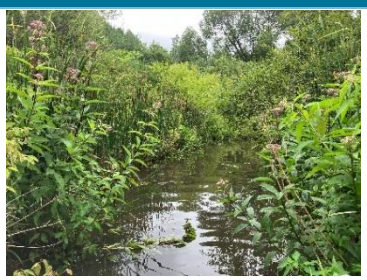
Site Photos

Inlet headwall	Low flow channel	Outlet structure
Blockage at outlet low flow channel **(deficiency)**	Pond Bottom	Pond Bottom
Pond overview	Pond overview	Pond Access

Drapers Creek

Inspection Details		
Inspector: RL,LC	**SWM Facility Location:** 953 Haist St, Fonthill, ON L0S 1E4	**Date of Inspection:** July 24th, 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• Upstream limit at trail bridge crossing • Channel meandering westerly under bridge, exposing footings	• Clear and grub vegetation upstream and downstream of outlet pipe • Investigate pedestrian bridge function
Outlet Structures	• Outlet control via gabion berm and 3x outlet CSP pipes • Partial blockages due to vegetation on US and DS ends of outlet pipes • No sedimentation in pipes	
Channel	• Pond bottom has uniform 15 cm of sand deposition (not sediment) could be from erosion concern upstream	
Invasive Species	• Phragmites present, minor amounts of trash	
Overall Pond Condition	• Flow is channelized for 150m downstream of bridge where it begins ponding (>1.2m) Upstream of gabion berm • Good access has been maintained to top of outlet berm	

Site Photos

		
Upstream Bridge	Channel undercutting bridge **(deficiency)**	Channel
Ponding Upstream of outlet	Gabion berm	Upstream side of outlet structure
DS Outlet pipe	DS outlet pipe	DS outlet pipe

Leslie Place

Inspection Details		
Inspector: BS	**SWM Facility Location:** 20 Leslie Place	**Date of Inspection:** July 20th, 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• Both Inlets in good structural condition • Sediment, silt soxx, and debris on west Inlet	• Install permanent metal SWMF warning signs • Clear and grub access paths • Clear debris and vegetation around inlet headwalls • Reinstall outlet riser
Outlet Structure	• Some woody debris and rocks around outlet riser bottom of riser has hole from corrosion (CSP)	
Detention Cell	• Minor vegetation throughout cell • Very little sedimentation, minor build up between East inlet and low flow channel	
Invasive Species	• No invasives identified.	
Overall Pond Condition	• Access path from Leslie Pl has vegetation/ woody debris throughout, possibly from residence, laminated paper sign showing wear	

Site Photos		
Inlet 1	Inlet 1 Concrete Pipe	Inlet 2
Inlet 2 CSP	Low flow Channel	Overview of pond
Outlet	Outlet riser	Laminated warning sign

Line Avenue Detention Pond (Drainage Swale)

Inspection Details		
Inspector: PM	**SWM Facility Location:** 2 Steflar St, Fonthill, ON L0S 1E4	**Date of Inspection:** July 21sr, 2022
SWMF Item	**Condition**	**Recommendations**
Inlet	• Inlets all have various degrees of sedimentation throughout	• Flush all inlet pipes and culverts. • Remove accumulations at inlets and outlet of pipes. Grade pond bottom to match inlet or outlets of pipes
Outlet Structure	• Outlets of pipes are buried	
Invasive Species	• No invasive species observed	
Overall Pond Condition	• Facility in fair condition, some ponding • Broken storm lead pipe end. Continue to review during annual inspections.	

Site Photos

Upstream inlet	Inlet of culvert at Timber Creek Cres.	Outlet of culvert at Timber Creek Cres.
Culvert at 0+110	Timber Creek Culvert **(deficiency)**	Broken storm lead
Pond overview North	Pond overview South	road runoff inlet

Line Avenue Outfall Channel

Inspection Details		
Inspector: RL, LC	**SWM Facility Location:** 2 Steflar St, Fonthill, ON L0S 1E4	**Date of Inspection:** July 21st, 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• Moderate sedimentation in inlet pipe • Headwall in good condition	• Flush and remove debris from all storm pipes connected to facility • Clear and grub access to berm culverts • Perform annual unblocking of culverts
Outlet Structure	• Outlet culverts have substantial blockage on upstream side of berm	
Invasive Species	• No invasives identified.	
Overall Pond Condition	• Creek flows 250m East of Line Avenue inlet, passing through 2 berms, receives outflows of Timber Creek Detention Pond • Backwater and marshy section between the berms, could be due to outlet blockage • Heavy vegetation throughout facility • No major erosion concerns observed	

Site Photos		
Inlet headwall	Timber Creek Pond outlet headwall	Interior of Timber Creek Pond outlet pipe
Dual CSP West Berm Culverts	Interior of berm culvert	Dual outlet culverts East berm
Blockage of outlet pipes **(Deficiency)**	Creek between inlet and west berm	Creek between West and East berms

Rolling Meadows

Inspection Details		
Inspector: BS	**SWM Facility Location:** 8183 Orchard Grove Parkway	**Date of Inspection:** July 18th, 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• No Inlet observed	• Remove debris and trim grass that has established on catch basin structure
Outlet Structure	• Outlet structure in good condition • Debris and ground establishment on top of DICB	
Trash / Invasive Species	• No trash or invasive species observed in facility	
Overall Pond Condition	• Pond bottom is manicured grass, in good condition	

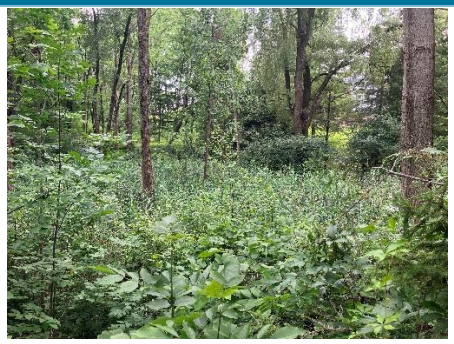
Site Photos

DICB **(Deficiency)**	East Pathway	Pond overview facing South
DICB	Pond overview facing North	Pond overview facing West

Shorthill Meadows

Inspection Details		
Inspector: BM, LC	**SWM Facility Location:** 1605 Station St	**Date of Inspection:** July 20th, 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• Main Inlet 1. Fair condition. Ponding suggests some buildup of sediment around apron of inlet pipe • Minor sediment build-up within pipe	• Address extreme erosion concern at outlet pipe • Flush and clear apron of inlet pipe
Outlet Structure	• Extreme erosion at outfall of outlet, Pipe in fair condition • Spillway above CSP has collapsed	
Invasive Species	• Phragmites present throughout pond • No trash observed	
Overall Pond Condition	• Detention cell is in fair condition. • Heavily vegetated with shrubs throughout, moderate establishment of trees • No fencing or warning signs at perimeter of pond • Access through easement North of 1605 Station St	

Site Photos



Pond overview

Extreme erosion concern **(deficiency)**

Manhole

Outlet

South Inlet, Origin unknown

Inlet CSP

Shorthill Place

Inspection Details		
Inspector: BS	**SWM Facility Location:** 7 Shorthill Pl	**Date of Inspection:** July 20th 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• Inlet headwall in very good condition • Minor sedimentation in inlet pipe	• Re-establish cover over outlet pipe • Re-establish low flow channel between inlet and outlet
Outlet Structure	• Outlet structure shows signs of erosion behind intake, possibly short circuiting.	
Invasive Species	• Phragmites present, minor trash and debris in pond	
Overall Pond Condition	• Detention cell in fair condition, sedimentation has raised pond bottom to above invert of inlet	

Site Photos

Overview of pond North	Inlet headwall	Inlet concrete pipe
Pond bottom	Outlet Pipe	Interior of outlet pipe
Erosion behind outlet pipe **(Deficiency 1)**	Outlet spillway	Pond overview South

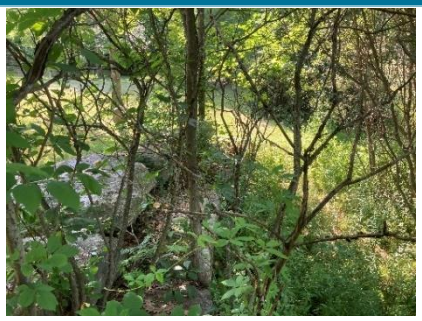
Stonegate Place

Inspection Details		
Inspector: BS	**SWM Facility Location:** 18 Stonegate Pl	**Date of Inspection:** July 17th 2023
SWMF Item	**Condition**	**Recommendations**
Inlet	• Inlet headwall in fair condition • Minor sedimentation build-up in front of pipe	• Repair spillway and fill in erosion concern. Berm height may need to be re-established • Remove sedimentation causing blockage of outlet pipe
Outlet Structure	• Outlet pipe 75% full of sediment, severe loss of function • Structure in fair condition	
Invasive Species	• No invasive species or trash observed in facility	
Overall Pond Condition	• Substantial gullies have been created along spill way, possibly due to blockage at outlet pipe • Possible erosion around DICB outlet structure • Entire facility perimeter is fenced with warning sign at entrance • Facility heavily vegetated	

Site Photos

Overview of pond North

Inlet headwall



Inlet concrete pipe

Pond bottom

Outlet Pipe

Erosion

Erosion along spillway

Outlet DICB

Outlet DICB

APPENDIX D
OGS and Storage Tank Condition Assessments and Photolog

Marylea

Inspection Details		
Inspector: RL	**SWM Facility Location:** 18 Marylea St, Fonthill, ON L0S 1E4	**Date of Inspection:** July 30th 2023
SWMF Item	**Condition**	**Recommendations**
Overall Condition	• Network of 5 chambers make up OGS system • 4/5 chambers in extremely good condition no cracking, no evidence of leaking, low sedimentation , pipes in very good condition • Main OGS chamber has approximately 1.4m deep of sediment • Main OGS unit has damaged lid risers • Main OGS Chamber in good condition, no cracks, • Ladder in good condition • Inlet one way flow valve not seated correctly. • OGS is estimated at 75% full • OGS estimated to be full before 2027	Cleanout Recommended within 4 years Monitor annually to confirm loading rates

Site Photos

Chamber 1	Chamber 1 to OGS	
Chamber 2	Chamber 3	Chamber 4
Chmaber 5 (OGS)	Chmaber 5 (OGS)	Chmaber 5 risers (OGS)

Beckett Crescent 1

Inspection Details		
Inspector: RL	**SWM Facility Location:** 158 Beckett Crescent, Pelham, ON L0S 1E4	**Date of Inspection:** July 28th 2023
SWMF Item	**Condition**	**Recommendations**
Overall Condition	• OGS in fair condition • Vertical cracking at propagating from connection bolt to inner chamber wall • Single Ladder rung, no permanent access to chamber • Approximately 1.4m deep of sediment • OGS is 41% Full • Will be 100% full before 2064	Cleanout not recommended within next 10 years. Monitor annually to confirm loading rates

Site Photos		
Rim	Sediment chamber	Risers
	Vertical Crack	

Beckett Crescent 2

Inspection Details		
Inspector: RL	**SWM Facility Location: 1**76 Beckett Crescent, Pelham, ON L0S 1E4	**Date of Inspection:** July 28th 2023
SWMF Item	**Condition**	**Recommendations**
Overall Condition	• OGS in fair condition • Single Ladder rung , no permanent access to chamber • Approximately 1.7m deep sediment • OGS is 61% Full • Will be 100% full before 2041	Cleanout not recommended within next 10 years. Monitor annually to confirm loading rates

Site Photos

Rim	Sediment Chamber	Valve 1
Valve 2	Main chamber	Outlet

Darby Lane

Inspection Details		
Inspector: RL	**SWM Facility Location:** 1055 Darby Ln, Fonthill, ON L0S 1E4	**Date of Inspection:** July 28th 2023
SWMF Item	**Condition**	**Recommendations**
Overall Condition	• OGS cell offset from MH lid • Two ladder rungs, can access MH chamber, no access to separation unit • Depth of Sediment 1.9m • OGS unit 74% full • will be 100% full before 2033	Cleanout recommended within next 10 years. Monitor annually to confirm loading rates
Site Photos		
Rim	Separation unit	MH Chamber

Pelham

Inspection Details		
Inspector: RL	**SWM Facility Location:** 1581 Pelham St, Pelham, ON L0S 1E3	**Date of Inspection:** July 28th 2023
SWMF Item	**Condition**	**Recommendations**
Overall Condition	• OGS in very good condition • no access to separation unit • Depth of Sediment 0.5m • OGS unit 40% full • Will be 100% full before 2026	Cleanout recommended in the next 2 years
Site Photos		

Lid	Rim	Chamber
	Invert	

HWY 20

Inspection Details		
Inspector: RL	**SWM Facility Location:** 165 Hwy 20 W, Fonthill, ON L0S 1E5	**Date of Inspection:** July 28th 2023
SWMF Item	**Condition**	**Recommendations**
Overall Condition	• OGS is Stormceptor STC system • DS access Lid not removable possibly due to asphalt coating • Intake access lid was removable • Vertical crack formed at inlet pipe • Sediment chamber 50% full of sediment • Inlet pipe parging connection sub optimal, cracking and voids	• Release outlet side sediment Lid • Monitor pipe connections annually
Site Photos		

Lids	Inlet	Sediment riser
	Outlet	

Fire Station 2

Inspection Details		
Inspector: RL	**SWM Facility Location:** 766 Welland Rd, Fenwick, ON L0S 1C0	**Date of Inspection:** July 28th, 2023
SWMF Item	**Condition**	**Recommendations**
Overall Condition	• OGS is Stormceptor STC system • Both Intake and outlet access lids were removable • Pipe Connection very good condition • 5cm depth of sediment • OGS is less than 5% full • Damaged access fence • Heavy vegetation growth around unit	Clear and grub access path for inspection Repair access fence Cleanout not recommended for 10+ years
Site Photos		

Rim	Outlet	Outlet
Inlet	Sediment chamber access	Outlet pipe

Fire Station 1

Inspection Details		
Inspector: RL	**SWM Facility Location:** 177 RR 20, Fonthill, ON L0S 1E6	**Date of Inspection:** July 28th 2023
SWMF Item	**Condition**	**Recommendations**
Overall Condition	• Not accessible • Fire Department Training bus parked on access • Unit may not be Installed as of date of inspection	N/A
Site Photos		
New OGS to Install	No access due to bus	No access due to bus

Haist Street Storage Tank

Inspection Details		
Inspector: RL	**SWM Facility Location:** Haist Street	**Date of Inspection:** July 30th 2023
SWMF Item	**Condition**	**Recommendations**
Overall Condition	• Assessed Inlets and outlets • Inlet in very good condition, no structural issues, low sedimentation observed. • Outlet sections comprised of 2 chambers, east chamber has 5cm sediment throughout, main outlet chamber in good condition no sedimentation in pipes or structural concerns. • Catch basins on Haist street are >50% full,	Flush and hydro vac catch basins that feed into storage tank

Site Photos

STORMWATER MANAGEMENT FACILITY MAINTENANCE

The following is an approximate Budget Forecast for the rehabilitation of the Town's Stormwater Management Facilities which is based on the recommendations provided in the Consultant's report:

Budget Year	SWM Facility	Maintenance/Design	Budget Amount
2024	Timber Creek	Sediment Cleanout	$210,000
	Residences at Lookout	Design	$40,000
	Village of Chestnut Ridge	Design	$40,000
	Weiland Heights	Design	$40,000
2025	Residences at Lookout	Replace Clay Liner	$200,000
	Village of Chestnut Ridge	Replace Clay Liner	$110,000
	Weiland Heights	Replace Clay Liner	$90,000
2026	The Orchards	Sediment Cleanout	$100,000
	Timmsdale	Sediment Cleanout	$70,000
	Concord Street	Sediment Cleanout	$88,000
2027	River Estates	Sediment Cleanout	$290,000
	Rosewood Estates	Sediment Cleanout	$60,000
2028	Daimler Woods	Sediment Cleanout	$220,000
	East Fonthill	Sediment Cleanout	$160,000
2029	Shorthill Meadows	Scour Removal/Outlet	$200,000
	Stonegate Place	Spillway Repair	$150,000
2030	Cherry Ridge	Sediment Cleanout	$320,000
	Summersides Boulevard	Sediment Cleanout	$120,000

Ref: Matrix Solutions Inc. Stormwater management Facility Needs Program Report 2023

Public Works Department
Wednesday, December 06, 2023

Subject: Installation of Water and Sewer Services to the Fonthill Platform Tennis Club

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2023-0266 Installation of Water and Sewer Services to the Fonthill Platform Tennis Club, for information.**

Background:

The Fonthill Platform Tennis Club is a long-standing Pelham Organization that has been servicing the community for the past 50 years. The club has been operating out of the Old Pelham Arena grounds, 1120 Haist Street, for the past 35 years.

After the opening of the Meridian Community Centre, the lands surrounding the club were sold in 2020 to be developed as the Emerald Trail Subdivision. The underground water and sewer lines that serviced both the arena and club through the property were decommissioned at the time the arena was demolished.

Since that time the Town of Pelham has been providing the club with a porta potty until water and sewer services could be reconnected when the developer installed primary services to the lands.

At its regular meeting on March 22, 2023, Council endorsed the following motion:

AND THAT Council approves funding in the amount of $25,000 (plus applicable taxes) for the installation of a sanitary sewer and water service from the Platform Tennis Club facility funded by the Water and Wastewater Reserves. Staff will review the two options available and choose one of the following options: (1) either providing services from Welland Road or (2) to service it from the new development.

Analysis:

To service the club from Welland Road is entirely possible, however doing so would require service lengths of 200m. The water and sewer lines would be directional bored through the green space, retained by the Town, between the Emerald Trail subdivision development and Rhodes Court. As this area is not normally inhabited by humans, failure of either service line could result in drinking water loss, or raw

sewage contamination. The length of service and location would make future maintenance and repair extremely difficult, as well as lead to higher operating and maintenance costs for the club related to the increased use of electricity required to pump the wastewater this distance.

As directed by Council, Staff decided that connecting the underground services through the Emerald Trail subdivision development was the best option for both the Municipality and the Fonthill Platform Tennis Club. Providing services through the development will allow for a gravity wastewater service and the elimination of the clubs existing mechanical sewage pump.

Staff anticipated that the developer would begin to install primary services to the lands in the spring of 2023. Although slightly delayed the developer has recently begun site servicing in November of 2023 and is working with Staff to ensure that underground services are installed to the clubhouse during construction.

Based on the contractor's schedule it is anticipated that the servicing on-site will be completed by the end of February 2024. Once the services are installed, staff will facilitate the connections to existing plumbing in the building.

Also, during the site servicing the club will not have access to the building through the site. It is anticipated that the roadways will be completed by the end of May 2024 at which time the club will regain access to parking adjacent to the facility. In the meantime, the club members will be required to park along Meadowvale Drive and access the facility through the Town parkland. Also, Town staff have made arrangements to have garbage collected weekly and the temporary porta-potty serviced on its regular schedule through the construction site. Staff have made the club aware of the temporary accommodations that are required.

Financial Considerations:

Through recent communication with the developer, the costs of installing water and wastewater service lines to the club are within the approved funding amount of $25,000.

Alternatives Reviewed:

No further alternatives were reviewed in the preparation of this report.

Strategic Plan Relationship: Infrastructure Investment and Renewal

Providing the Fonthill Platform Tennis Club water and wastewater services through the Emerald Trail subdivision development reduces the long-term operating and maintenance costs for both the municipality and the club.

Consultation:

The Manager of Engineering, and Supervisor of Water/Wastewater were consulted in the authoring of this report.

Other Pertinent Reports/Attachments:

2023-0075 Recreation – Fonthill Platform Tennis Club Inc. Lease Agreement Renewal Report

Prepared and Recommended by:

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

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

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

Recreation, Culture and Wellness Department
Wednesday, March 22, 2023

Subject: Fonthill Platform Tennis Club Inc. Lease Agreement Renewal

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2023-0075 Recreation – Fonthill Platform Tennis Club Inc. Lease Agreement Renewal, for approval;**
>
> **AND THAT Council authorizes and directs staff to negotiate a lease agreement with Fonthill Platform Tennis Club Inc.;**
>
> **AND THAT Council approve funding in the amount of $25,000 (plus applicable taxes) for the installation a sanitary sewer and water service from the Platform Tennis Club facility funded from the Water and Wastewater Reserves. Staff will review the two options available and choose one of the following options: (1) either providing services from Welland Road or (2) to service it from the new development.**

Background:

The Fonthill Platform Tennis Club is a long-standing Pelham organization that has been serving the community for the past 50 years. The Club will be celebrating its 50th Anniversary this May.

In the 1970s Fonthill Platform Tennis Club was founded by Denis Evans and Tim McGee. Courts were originally erected on quarry lands, corner of Highway 20 and Centre Street, now known as Peninsula Lakes Golf Club.

In 1987 the Club requested assistance from the Town of Pelham to find a suitable location on Town property for the courts to be moved, as the quarry lands were going to be developed into a golf course, now known as Peninsula Lakes Golf Club. The courts were temporarily moved down the road to North Pelham Park on Cream Street. A public meeting was held with the North Pelham community, and it was decided location was not suitable and the facility was sustaining substantial vandalism.

In 1988, courts were relocated to the Pelham Arena grounds, 1120 Haist Street, Fonthill, which is the existing site. On November 21, 1988, the Town of Pelham and Fonthill Platform Tennis Club entered into a lease agreement for Town-owned land on which the Club would construct a building and up to four platform tennis courts. The lease provided that the Club was responsible for all utilities and realty taxes for structures on the leased property. The lease was for a period of 10 years, for $1.00 per year, with an option to renew the lease for a further 5-year period.

In 1989, the Club requested a subsidy of $4,400.00 for the installation of sanitary sewers, water, and hydro, to the Club's facilities. Utilities were provided from the adjacent Pelham Arena on site. On October 15, 1990, the lease was amended to increase the annual amount payable by the Club to $550.00 for the remaining eight years of the existing lease term and to return to $1.00 per year if the lease was renewed. All other provisions of the original lease remained in effect.

In 1990 the then existing lease agreement was amended to include a repayment of $4,400.00 for the services. The Club was to pay the Town $550.00 per year for the remainder of the 10-year agreement, being 8 years.

In 1991 the Club was issued its first tax bill in the amount of $1,443.12. The Club requested the Town to consider taking over ownership of the clubhouse facility and leasing it back to the Club for $1.00. This would avoid paying property tax as the Club is nonprofit and trying to provide a service to the community on municipal land. Council was sympathetic although it wanted the Club to appeal the tax notice. In 1993 the Assessment Review Board ruled the tennis courts should be treated like an above ground pool therefore the courts were not assessed although the clubhouse and the land were assessed at $2,080.00 taxes.

In 1995, an Assessment Commissioner appealed the review board decision to the Ontario Municipal Board. The Board allowed the appeal and fixed the assessment including the courts commencing January 1 at $3,755.00. Once again, the Club requested the Town to assume all assets of the Club, as the facility would become tax exempt if it was the property of the Town.

On November 21, 1995, a new agreement was signed in which the Club conveyed ownership of the clubhouse to the Town. The Town leased the clubhouse back to the Club for $1.00 per year, in addition to the $550.00 annual payment for the land. The agreement provided that the Club had the right to re-purchase title to the clubhouse at no cost; however, there is no indication that it exercised this option at any time. Consequently, the Town presently owns the land and the clubhouse. The agreement provided that the Club would pay municipal taxes assessed against the land and the clubhouse. The agreement was to expire on November 21, 1998, with an opportunity to extend for an additional 5 years.

In 2003 the Club requested another extension to the agreement. Due to the unknown future of the Pelham Arena and surrounding lands, Council was not in a position to enter into a lease extension at that time. It was unknown what was going to happen to the arena and lands surrounding. Many recreation facility reviews and needs assessment reports were conducted along with multiple community committees formed during this 10-year period to determine the future of the Pelham Arena and possible community centre.

The design of the new community centre was finalized, and the Town started construction on the new community centre in late 2016. In 2017 the Town undertook a community design process to determine the future land uses of the former arena lands. That process determined how much land would be retained for community recreational purposes and how much land could be repurposed for developed purposes and what type of development. Retaining the platform tennis facility in its current location was determined to be appropriate. In June 2018 Council approved an Official Plan and Zoning By-law amendment that provided for the future land uses of the arena lands that would be subject to future development applications. The Meridian Community Centre opened July 2018 and the former arena facility was decommissioned. The arena lands were sold in 2020. Since the expiry of the Lease Agreement with the Fonthill Platform Tennis, the Club has continued to be a community partner and worked with staff to continue to operate. The Club is once again paying property taxes.

When the Pelham Arena lands were sold the parkland/greenspace and lands the platform tennis courts are located upon were retained as municipal lands to accommodate the platform tennis courts and neighbourhood play. When the Pelham Arena was demolished by the developer the water and sewer services to Platform Tennis Courts were disconnected at that time. The Town has since installed a porta potty to accommodate the Platform Tennis Club until water and sewer services are connected.

The Platform Tennis Club has installed their own hydro service to the facility and cover the cost of hydro themselves.

Analysis:

The Fonthill Platform Tennis Club has always been self-sustaining: the membership fees charged off-set facility maintenance and utilities. The Club has recently applied for funding through the Ontario Trillium Foundation (OTF) twice for facility improvements, both times being unsuccessful. Since the last application they have met with OTF and have been told their applications were strong although they require at least a 5-year lease with the Town of Pelham to be successful. It is their intention to apply again in May and would like to have a lease agreement in place.

The Fonthill Platform Tennis Club was previously serviced with a municipal water line and a force sewer main utilizing a sewage ejector pump. The existing water and wastewater infrastructure that once serviced the club through the Pelham Arena lands have been decommissioned and are no longer viable to provide municipal services. There are three locations from which the club may be serviced:

1. Welland Road,

2. Rhodes Court,

3. Meadowvale Drive.

All locations would require the installation of a force sewer main. The installation of both water and sewer services would be completed through trenchless directional boring to reduce damage to the municipal park land and trees as conventional trenching methods would disturb the use of the park for an extended period of time, increase restoration costs and damage trees through the municipal property to Welland Road.

Providing services from both Rhodes Court and Meadowvale Drive would require trenching through new asphalt road surface and disturbing a concrete driveway on Rhodes Court. Servicing from Meadowvale Drive would require the installation of a gravity sewer lateral from the sewer main to the municipal property line which increases costs substantially.

Staff recommend providing services from Welland Road. Although it is a slightly longer servicing run it does not require the installation of a sanitary sewer lateral as a maintenance hole is available on Welland Road within the road allowance fronting municipal property for direct installation of the force sewer main. The watermain is located on the boulevard fronting municipal property which serves to decrease the amount of asphalt and concrete restoration required.

The total cost of providing services from Welland Road is estimated at $25,000. The cost breakdown is as follows:

1. Pipe and Materials - $8,000
2. Sewage Ejector Pump and associated plumbing - $2,500
3. Trenchless Directional Bore Services - $9,500
4. Restoration - $5,000

It is anticipated that the new owner of the Emerald Trails subdivision will begin construction on the installation of the services in April 2023. One further option to service the platform tennis facility is to service it from this new development.

Staff recommend entering into a new lease agreement with the Club for a period of no more than five (5) years, with an option to renew or renegotiate the lease at the end of the term. The lease agreement should encompass both the lands and the clubhouse facility. Staff propose to negotiate the terms of the lease with the Club and to return to Council with a draft agreement that has been agreed to by the parties, subject to Council approval.

Financial Considerations:

The estimated cost to install a sanitary sewer and water main service to the Platform Tennis Club facility is $25,000 (plus applicable taxes).

Alternatives Reviewed:

Various alternatives were reviewed for providing sanitary and water services to the Platform Tennis Club. Based on the increased cost of restoration services and disruption to parkland and local residents the recommended option is to service the facility by directional boring the services on the west side of development site (Town owned lands) with a connection on Welland Road.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The Platform Tennis Club has a long history in this community and hundreds of members. Providing a lease and direct municipal services should allow this community organization to remain viable, thus creating a stronger and healthier community.

Consultation:

Terry Molkoski, President, Fonthill Platform Tennis Club
Jason Marr, Director of Public Works
Jennifer Stirton, Town Solicitor
Barbara Wiens, Director of Planning & By-law Services

Other Pertinent Reports/Attachments:

None

Prepared and Recommended by:

Vickie vanRavenswaay, RRFA
Director of Recreation, Culture and Wellness

Prepared and Submitted by:

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

Public Works Department
Wednesday, December 06, 2023

Subject: Cemetery Operations Update

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2023-0259 Cemetery Operations Udpdate, for information.**

Background:

The Town of Pelham owns and operates 3 cemeteries, Fonthill Cemetery, Hillside Cemetery, and Hansler Cemetery. Fonthill Cemetery and Hillside Cemetery are the only two that are active with plot purchases and interments.

Currently, all cemetery records are being held between two digital network drives and all original documents, dating back to the early 1800s are being held in the upstairs vault/meeting room. At this time, there is no organization associated with the filing of these records. Staff hope to improve this over the next several months as this information is extremely valuable when investigating internment location and plot owners. The Town of Pelham, unfortunately, does not have access to some of the oldest burial and rights holder records for Fonthill Cemetery or Hillside Cemetery as specific parcels of land were assumed by the Town years after they commenced operation.

One of the main challenges that administrative staff faces with its current cemetery operations is the significant amount of time it takes to complete paperwork for a plot purchase or interment. Due to the multiple data storage spaces, it can take an hour to get documents prepared. The steps include entering information into the cemetery data management software [Stone Orchard] to ensure the interment is recorded, referencing original scanned documents, referencing AutoCAD drawings, entering invoice information in the financial software iCity, and then creating a document with all of the interment information to provide to the Town's Cemeteries Attendant and Supervisor of Beautification.

Depending upon the circumstances, administrative staff may require additional assistance from the Cemeteries Attendant and Supervisor of Beautification to find specific graves that have poor documentation. Recently, there have been a lot of challenges with misplaced documents, or improperly documented interments and/or plot purchases, and due to the discrepancies, the investigative portion of new interment has become very time-consuming.

Analysis:

Several years ago, the Town purchased a Central Square software, Stone Orchard. Stone Orchard is a cemetery software system that allows for all administrative functions to take place within one software platform including buying and selling plots, interments, invoicing, cost reporting, historical burials, and GIS mapping capabilities for quick reference to plots within each of the municipal cemeteries.

Currently, Stone Orchard is being used for only very specific functions, such as new interments and plot purchases. The challenge staff are currently facing within the cemetery operations is the inefficiencies with various administrative functions with the present filing and record management system such as the accuracy of records and burial locations of previously interred individuals, monument locations, available plots within old sections, and the amount of time it takes to complete a plot purchase and interment paperwork due to the several locations and formats currently employed to house cemetery records.

In 2010, the Town of Pelham retained Hilton Landmarks Inc. Cemetery Consultants, Planning and Design to develop the Fonthill and Hillside Cemeteries Master Plan. The plan outlines the future of each of the Town of Pelham cemeteries and the capabilities the Town may have to increase their capacities. The Master Plan touches on future planning initiatives, such as the addition of columbariums within Hillside Cemetery and Fonthill Cemetery, the potential use of undeveloped land adjacent to the Fonthill Cemetery, and the planting of a variety of trees and plants to allow for more visually appealing space for visitors.

At the time of completion, the Cemetery Master Plan indicated that there was 25 years of capacity within the Fonthill and Hillside Cemetery at the projected need. At this time, there remains sufficient plot availability within Fonthill and Hillside Cemeteries. Currently, the Town is selling plots within the Dickson Section of Fonthill Cemetery, and Plan 6 of Hillside Cemetery. Both sections have been recently opened for plot sales.

To address the cemetery data and documentation issues, the Town consulted with GM BluePlan last year on a pilot project to move forward with developing a Geographic Information System (GIS) platform to allow for the town's current plot, interment, and cemetery location data to be integrated into one interactive mapping system.

GM BluePlan has completed the pilot for the New Browns North section within the Fonthill Cemetery. Staff will utilize the lessons learned from the pilot study to develop and tender through a competitive bid process, mapping, and digitization of

cemetery records project in 2024. To prepare, Staff are actively working to input all archival data into Stone Orchard to allow for a smoother transition in the future.

Staff goals with the upcoming changes include digitization and GIS map creation to help eliminate time spent investigating each interment, seamless documentation and data retention, the administrative process to be more accessible for users, and providing compatibility with the resources already maintained within the Town. Ultimately, with Stone Orchard and GIS mapping, staff hope to develop a public-facing ESRI map that allows members of the public to access monument images and locations of interred individuals within each of the Town of Pelham cemeteries.

Financial Considerations:

Staff have included a capital budget amount of $35,000 for Council consideration in the 2024 budget. This project will be to move forward with the digitization of archival Fonthill Cemetery and Hillside Cemetery records, to allow for better use of staff time and more accurate documentation and record retention within the Cemetery Operations.

In January of 2023, staff received a quote for an additional 96 niche columbarium for the Fonthill Cemetery as it was a recommendation within the Master Plan. The cost associated would be approximately $90,000. The addition of another columbarium is currently in the 10-year budget forecast for 2033.

Alternatives Reviewed:

The alternative would be to not proceed with the administrative and GIS upgrades and to not proceed with recommended changes to the Towns Cemetery Operations. Administrative and operational staff recommend moving forward with the updates.

Strategic Plan Relationship: Enhancing Capacity and Future Readiness

Investing in the Town of Pelham Cemetery Operations will allow the Town to better serve and create a better experience for residents of Pelham, ultimately improving and enhancing the Towns customer experience.

Consultation:

Undertaken with the Manager of PW, Director of Corporate Services, and Manager of IT.

Other Pertinent Reports/Attachments:

None

Prepared and Recommended by:

Sydney Van Leeuwen, BA Hons.
Administrative Assistant, Public Works

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

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

Memo

To: **Town of Pelham Mayor & Members of Council**

From: **Vickie vanRavenswaay, Director of Recreation, Culture & Wellness**

Date: **December 6, 2023**

RE: **Front Row Sports LTD Lease Agreement for Meridian Community Centre (MCC) Pro Shop**

BE IT RESOLVED THAT Council receive the Memo 2023-0269-Recreation entitled Front Row Sports LTD Lease Agreement for Meridian Community Centre (MCC) Pro Shop, for information.

November 15, 2023, Staff received a rental proposal from Front Row Sports LTD for Meridian Community Centre (MCC) Pro Shop. Front Row Sports has been in business since 1991 and has 25 years of arena pro shop operating experience.

The Pro Shop was originally operated by Good Sports Excellence from 2018 until January 2022 when the agreement was terminated due to failure to provide services. In January 2022, a Request for Proposals for the operation of the Pro Shop was advertised. At that time no proposals were received.

Jennifer Stirton, Town Solicitor, and Vickie vanRavenswaay, Director of Recreation, met with Dave Marrone, owner, Front Row Sports Ltd and negotiated a lease agreement. Given that this is the busiest ice season time Mr Marrone wanted the lease to begin as soon as possible.

The lease is for a 2 year, 4 month term commencing December 1, 2023 and ending on March 31, 2026. The Town and Front Row may renew the lease for up to 3 successive terms of 2 years, subject to approval of Town Council. Front Row will pay an annual fee of $4,000.00 inclusive of all fees, expenses and taxes. The first annual fee will be for 16 months, December 1, 2023 – March 31, 2025, at a rate of $5,300.00. The first renewal term April 1, 2026 – March 31, 2028 at a rate of $4,500.00 annually paid in advance in full

prior to April 1, 2026. The second renewal term April 1, 2028 – March 31, 2030 at a rate of $5,000.00 annually. The third possible renewal term is April 1, 2030 to March 31, 2032 at a rate of $5,500.00 annually.

Dave Marrone, owner, is a Pelham resident and looks forward to providing quality merchandise and skate sharpening services. Front Row will be investing approximately $40,000.00 in equipment, lighting, and fixtures to enhance the optics of the Pro Shop.

ROYAL CANADIAN LEGION

Branch 613 Talbot Trail

141 Hwy. 20 E., P.O. Box 42 Fonthill, ON L0S 1E0

Tel: 905-892-6293 Fax: 905-892-9470

November 14, 2023

Town of Pelham
20 Pelham Town Square
Fonthill, ON

Remembrance

We express our thanks and gratitude

Dear Mayor and Staff:

On behalf of our veterans, their families and the members of Branch 613, I wish to thank you for allowing us to place poppies and collection boxes at your place of business during the period October 27, 2023 to November 11, 2023 inclusive.

By allowing us to do so, we have been able to conclude a successful Poppy campaign for 2023. The monies collected from the collection boxes will allow us to continue to provide assistance to veterans and their families as well having funds available to support cadet and youth programs.

In closing, we thank you again for your support and unless we hear from you otherwise, we look forward to your participation in our Poppy campaign.

All the best to you and your colleagues,

Yours truly,

Jim Garner
2023 Chairperson,
Branch 613 Poppy Campaign.

Legion *Lest we Forget*

niagara
transit
commission

MEMORANDUM

NTC-C 5-2023

Subject: Niagara Region Transit (NRT) OnDemand Service Statistics

Date: October 24, 2023

To: Niagara Transit Commission Board

From: Carla Stout, General Manager

The purpose of this memorandum is to provide the Commission Board with performance statistics for the NRT OnDemand service for the period of January 1 to August 31, 2023.

Inter and/or Intra-municipal NRT OnDemand services are currently contracted to a single provider (Via) in and to the communities and Councils of the Towns of Grimsby, Lincoln, Niagara-on-the-Lake (NOTL), Pelham, Port Colborne, Wainfleet and West Lincoln. The NRT OnDemand pilot project and contract conclude on December 31, 2023.

Various structures of payment for either their own delivered hours of service (NOTL) and/or a portion of the initial Regionally subsidized pilot project (Grimsby, Lincoln, Pelham, and Port Colborne) were allocated by service hour + assessment costing in the 2023 Budget to each community as appropriate. The Towns of Wainfleet, and West Lincoln procure only intermunicipal cross-boundary trips through this NTC contracted service and their allocations reflect this in their costing being only assessment based. Actual unsubsidized costs by service hour portion will be reflected by municipality with an adjusted overall assessment to be forwarded in the 2024 budget process through the Transit Special Levy. The Board will receive the results of a public RFP in November this year which will award the provision of this level of service past January 1, 2024.

Of note in the attached service metrics is recovery in ridership as well as a continued demand and growth of the OnDemand services across Niagara. Communities like Lincoln and Port Colborne show strong use of the service and Grimsby provided double the trips of their next closest comparator. Overall customer satisfaction is extremely high for the riders surveyed both after booking or completing a trip. Mobile booking their OnDemand trips is still the preferred method by our riders to access this service.

niagara
transit
commission

Further to the Board's review, this information will be forwarded to all participating municipalities' Clerk and Council for their general information and review.

Respectfully submitted and signed by

_____

Carla Stout, DPA
General Manager

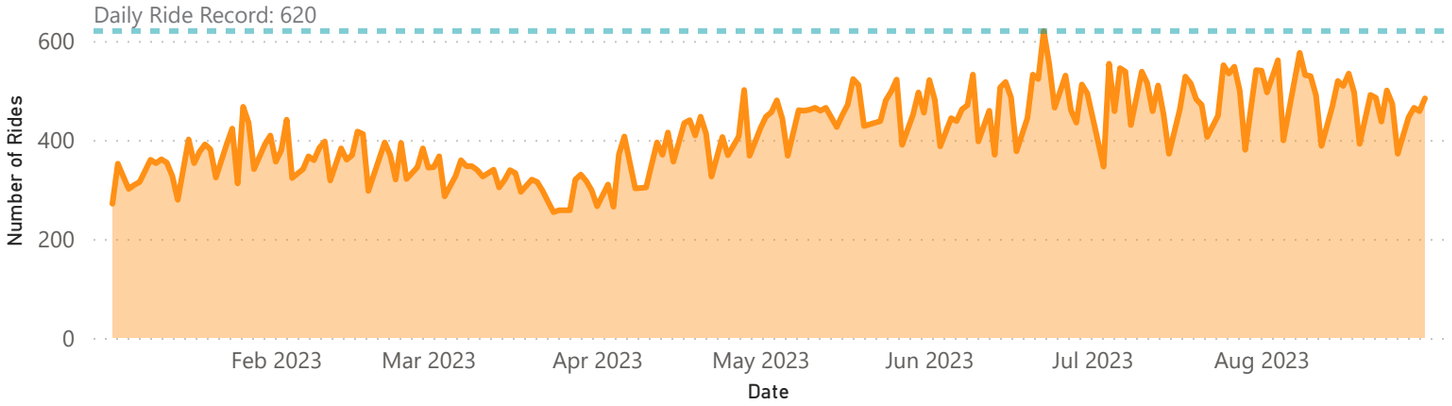
Appendix 1 NRT OnDemand Statistics

Overall NRT OnDemand Service Metrics - 2023

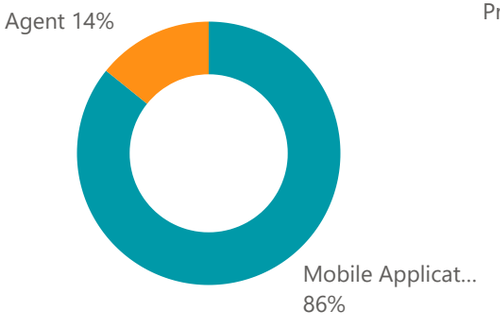
Data as of:
August 31, 2023:

Number of Rides	Number of Trips	WAV Trips
84,303	75,432	659

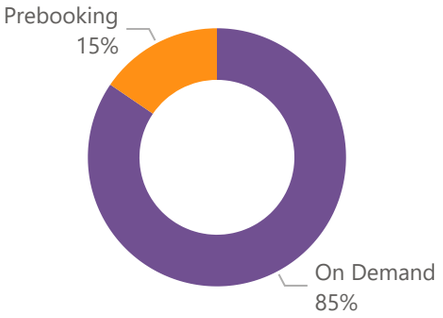
Daily Ridership



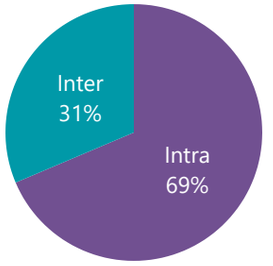
Booking Method



Booking Type

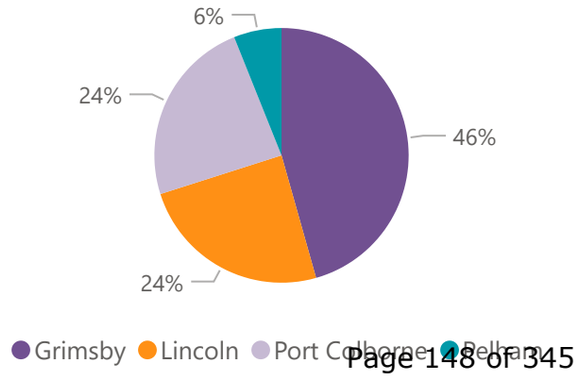


Inter vs. Intra-Municipal Rides



Origin \ Destination	Fort Erie Transfer Point	Grimsby	Lincoln	Pelham	Port Colborne	Seaway Mall	St Catharines Transfer Point	Wainfleet	Welland Transfer Point	West Lincoln	Total
Fort Erie Transfer Point					241						**241**
Grimsby		16,103	4,104	194	186	26	913	37	104	2,181	**23,848**
Lincoln		3,564	6,345	108	136	84	1,243	64	148	741	**12,433**
Pelham		194	129	1,419	130	209	552	75	136	131	**2,975**
Port Colborne	309	188	135	124	11,135	1	1	568	1	74	**12,536**
Seaway Mall		56	47	181				60		65	**409**
St Catharines Transfer Point		547	924	391	3			44		159	**2,068**
Wainfleet		36	51	82	518	55	35	1	57	16	**851**
Welland Transfer Point		175	113	139				49		108	**584**
West Lincoln		1,813	757	129	80	64	270	15	114	2	**3,244**
Total	**309**	**22,676**	**12,605**	**2,767**	**12,429**	**439**	**3,014**	**913**	**560**	**3,477**	**59,189**

Intra-Municipal Rides



Overall NRT OnDemand Service Metrics - 2023

Data as of:
August 31, 2023

INTER On-Demand Trip Average Wait Time (min)

34.03

INTRA On-Demand Trip Average Wait Time (min)

21.49

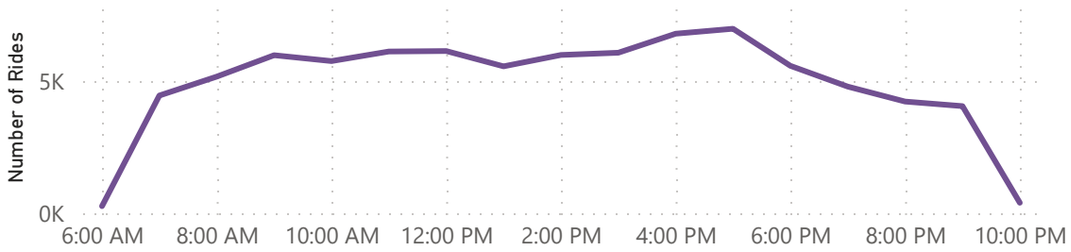
Average Trip Duration (min)

17.24

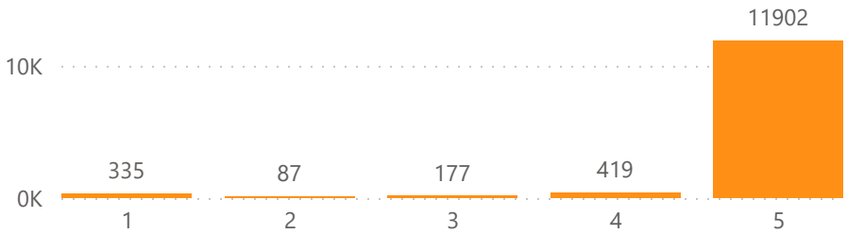
Average Trip Distance (km)

13.30

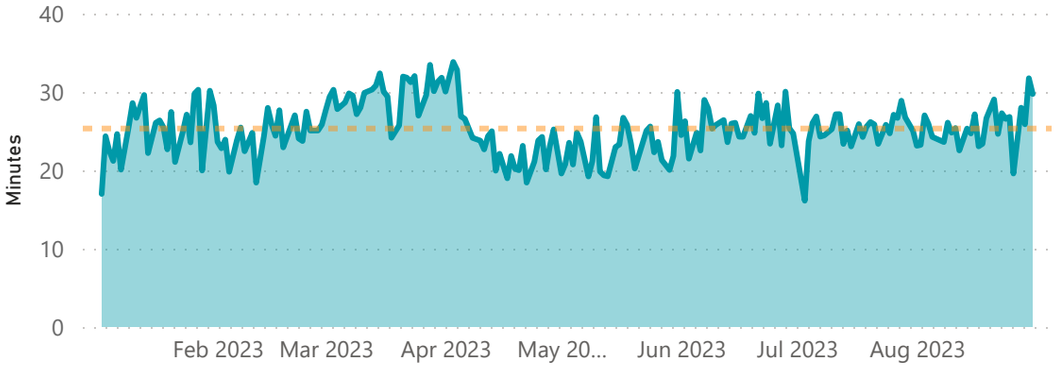
Peak Hours



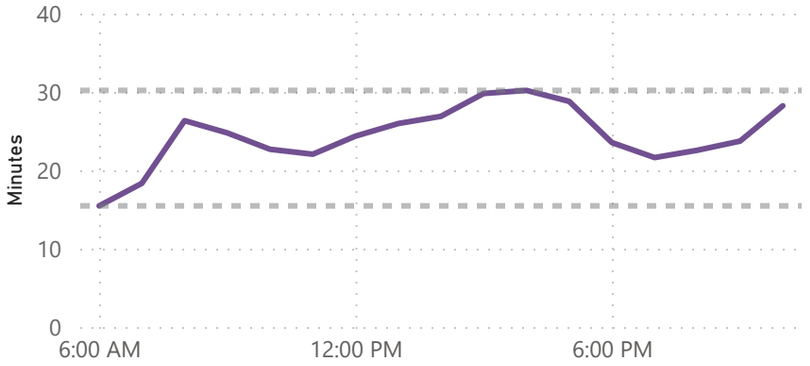
Trip Rating



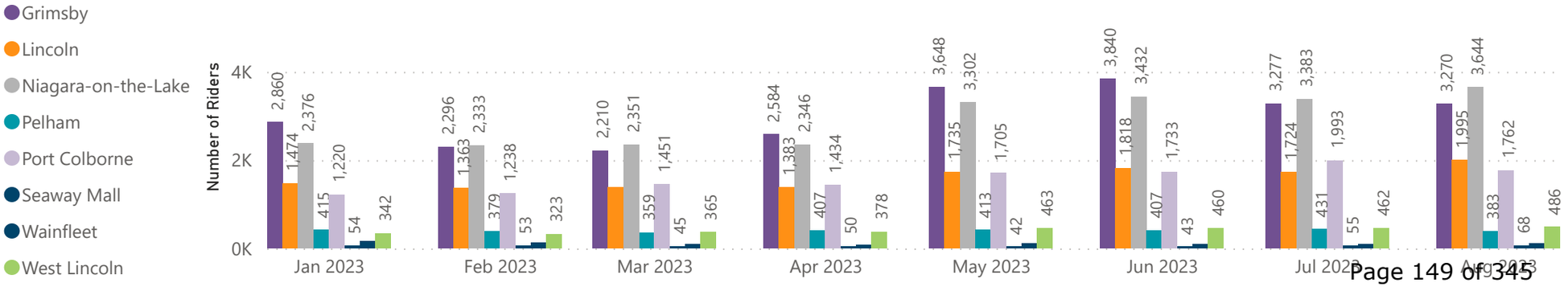
Average Daily Wait Time



Average Wait Time by Time of Day



Monthly Ridership By Ride Origin



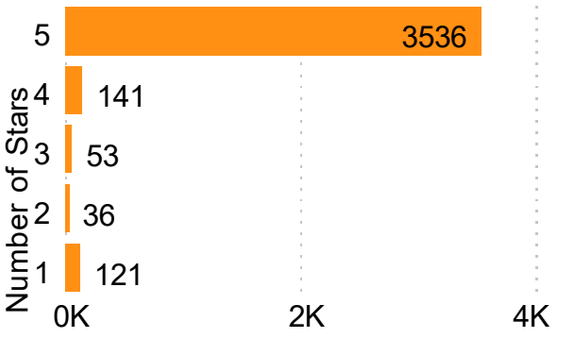
Overall NRT OnDemand Service Metrics - 2023

Grimsby
Origin and/or Destination Municipality

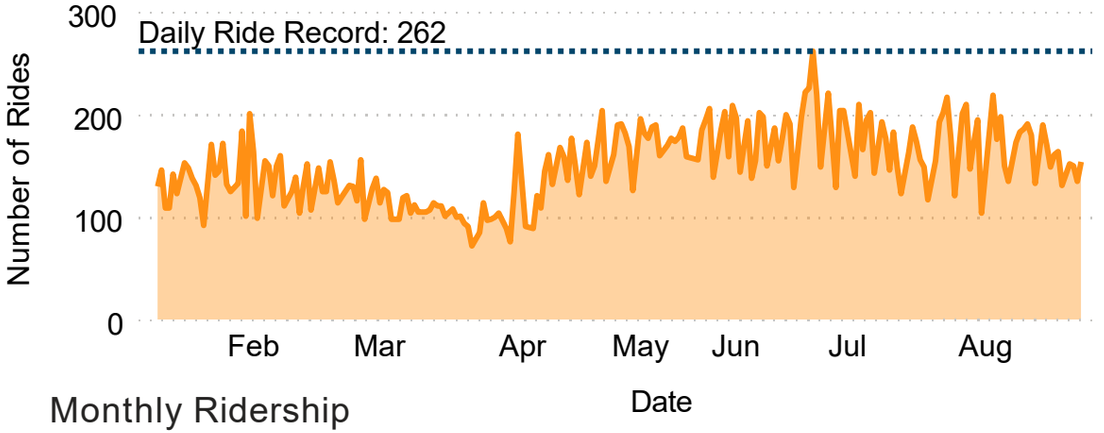
Data as of:
August 31, 2023

Number of Rides	Number of Trips	WAV Trips	INTER On-Demand Trip Average Wait Time (min)	INTRA On-Demand Trip Average Wait Time (min)
30,725	27,604	133	33.24	24.42

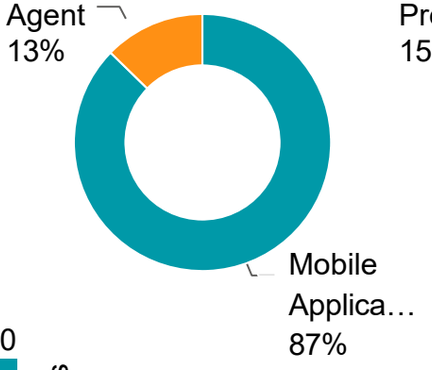
Trip Rating



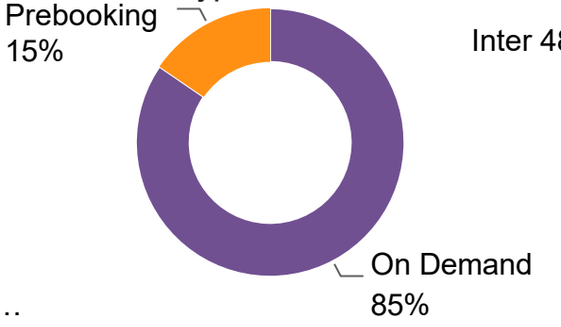
Daily Ridership



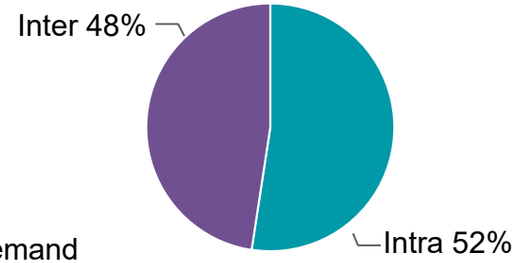
Booking Method



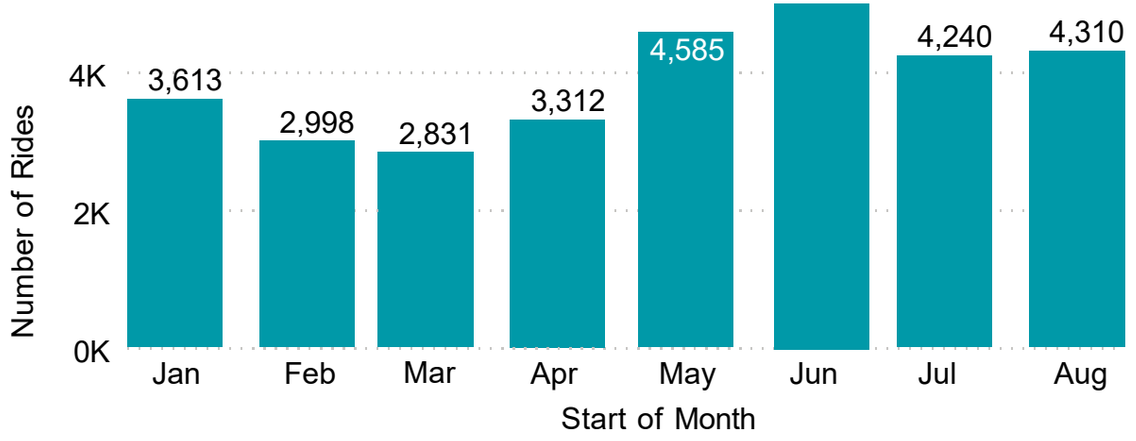
Booking Type



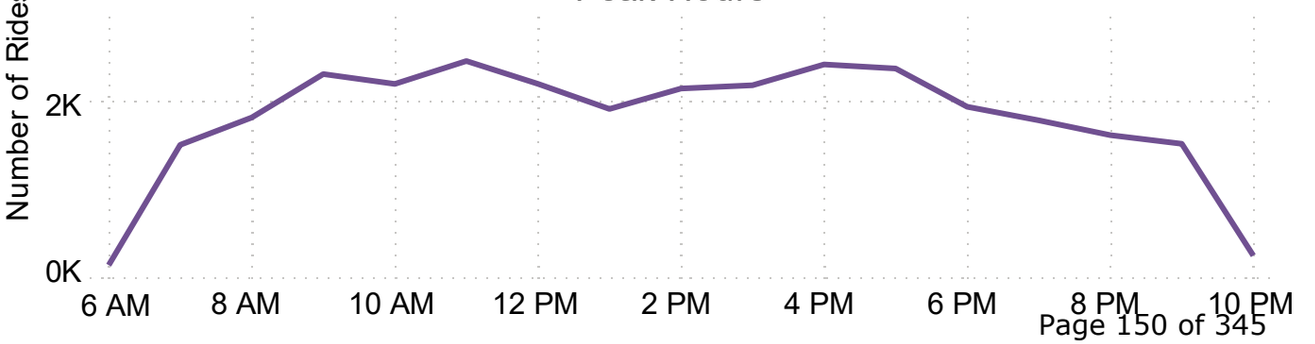
Inter vs. Intra-Municipal Rides



Monthly Ridership



Peak Hours



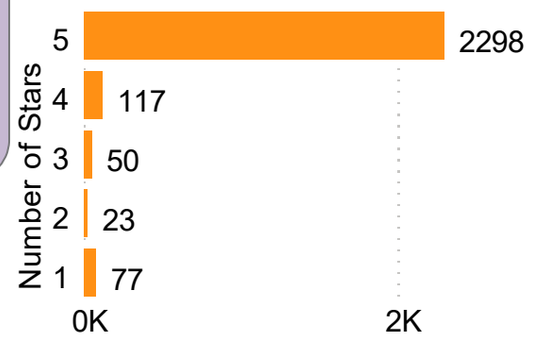
Overall NRT OnDemand Service Metrics - 2023

Lincoln
Origin and/or Destination Municipality

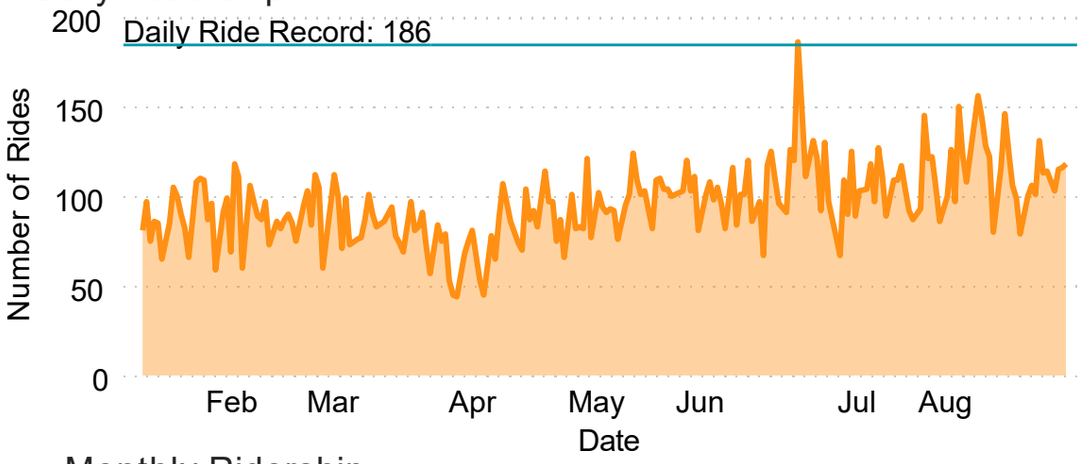
Data as of
August 31, 2023

Number of Rides	Number of Trips	WAV Trips	INTER On-Demand Trip Average Wait Time (min)	INTRA On-Demand Trip Average Wait Time (min)
19,588	17,389	144	33.58	30.52

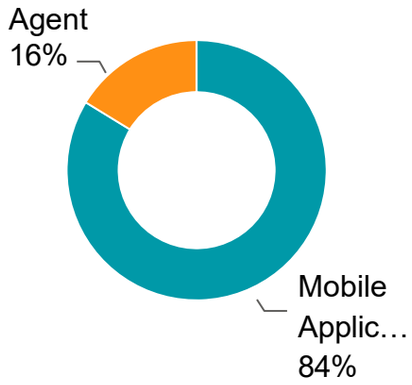
Trip Rating



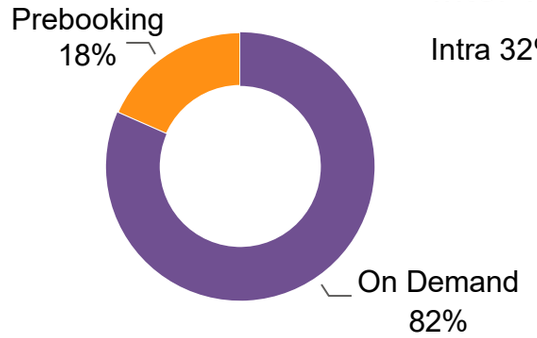
Daily Ridership



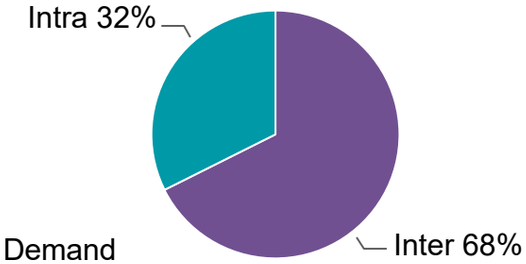
Booking Method



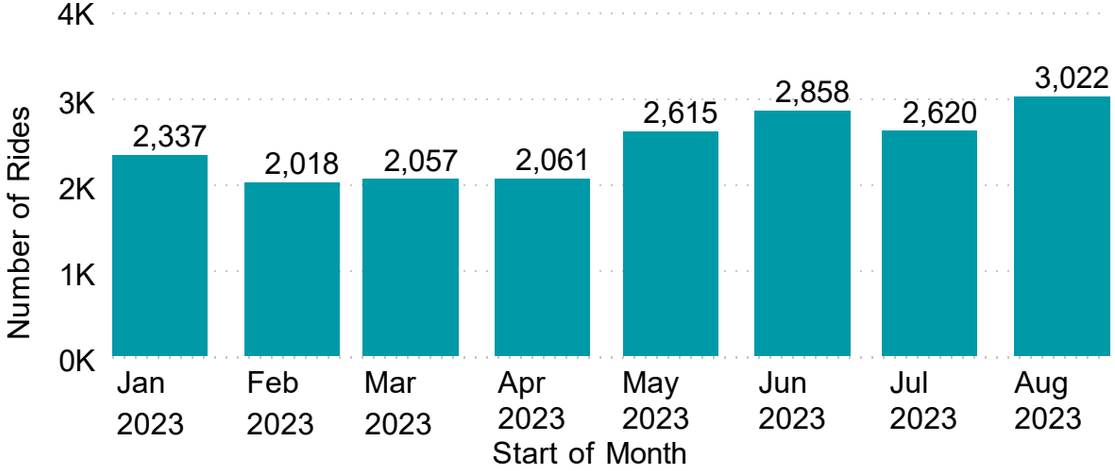
Booking Type



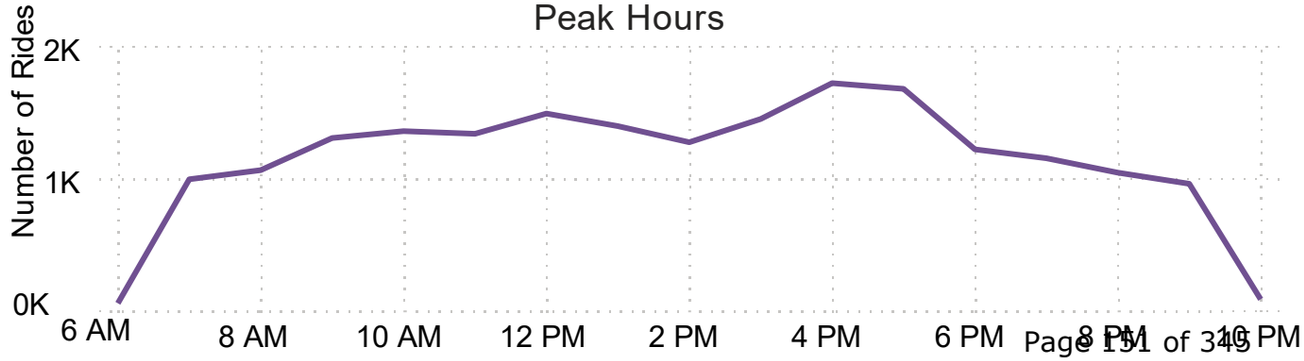
Inter vs. Intra-Municipal Rides



Monthly Ridership



Peak Hours



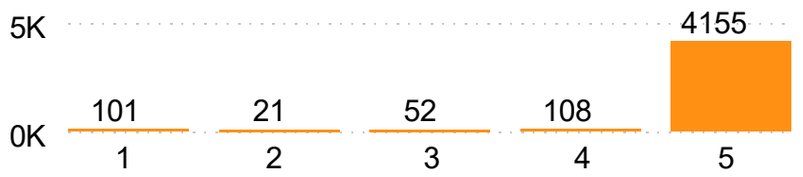
Overall NRT OnDemand Service Metrics - 2023

Niagara-on-the-Lake
Origin and/or Destination Municipality

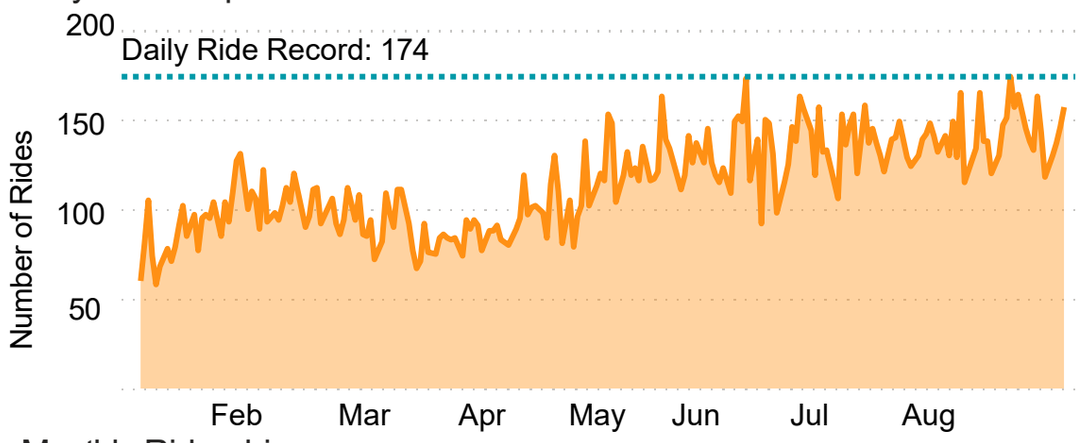
Data as of:
August 31, 2023

Number of Rides	Number of Trips	WAV Trips	INTRA On-Demand Trip Average Wait Time (min)
23,371	21,462	262	20.92

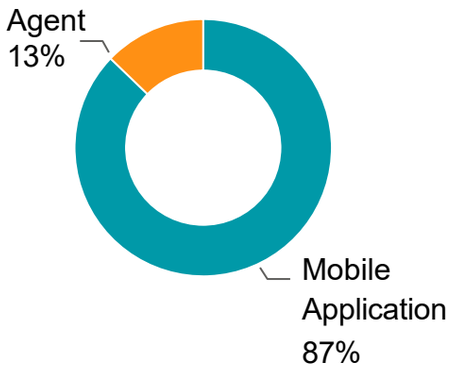
Trip Rating



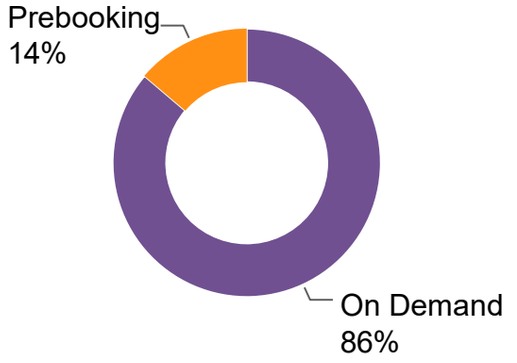
Daily Ridership



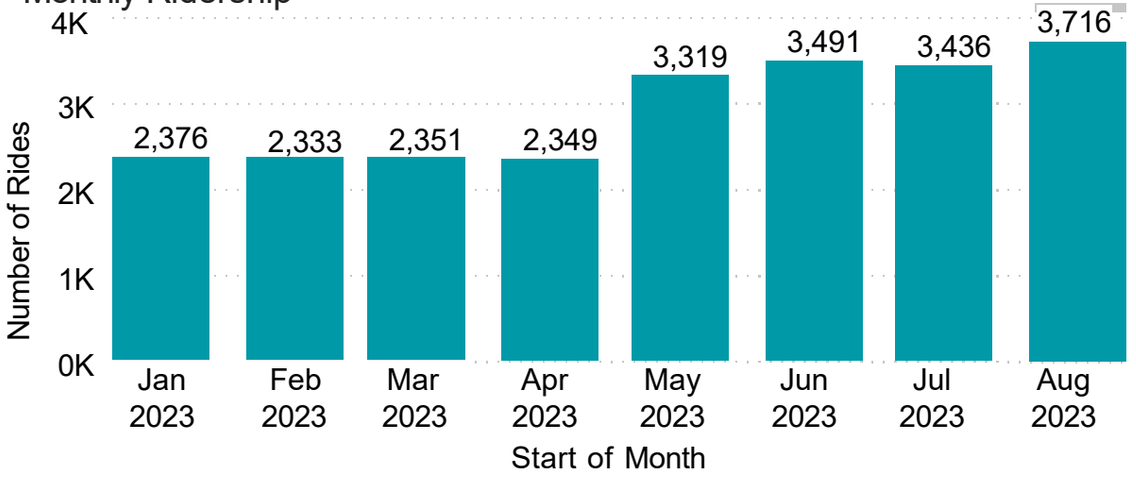
Booking Method



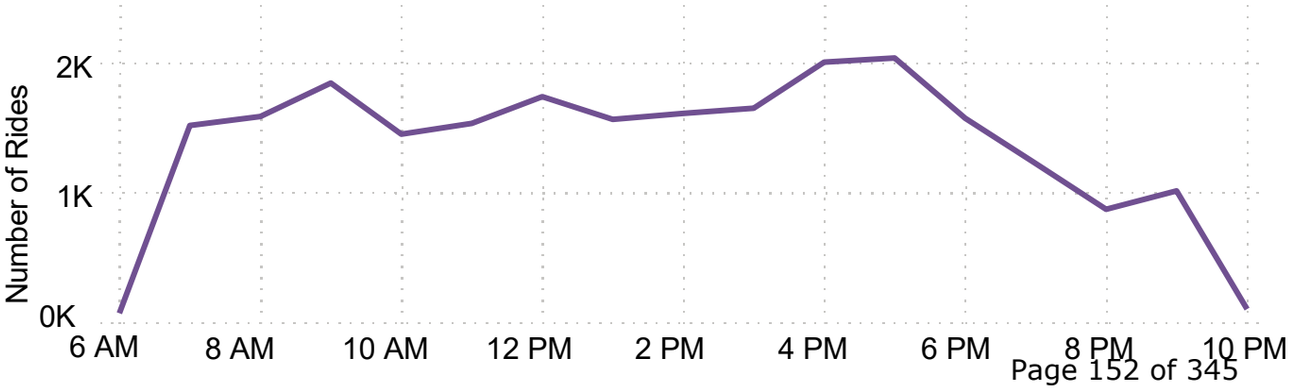
Booking Type



Monthly Ridership



Peak Hours

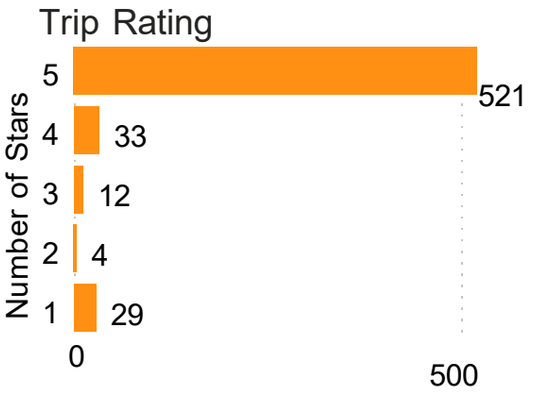


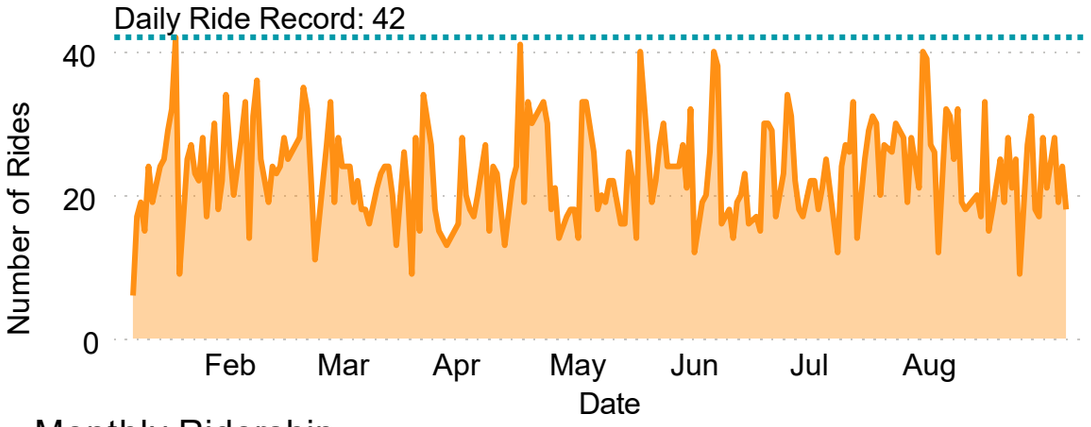
Overall NRT OnDemand Service Metrics - 2023

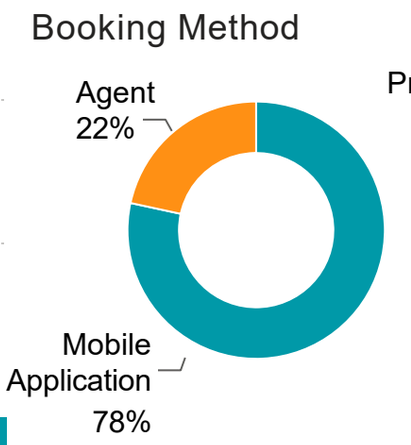
Pelham
Origin and/or Destination Municipality

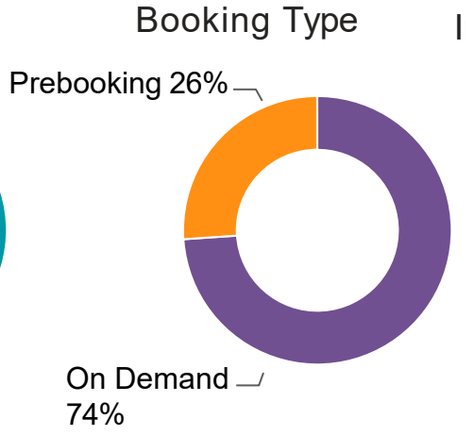
Data as of:
August 31, 2023

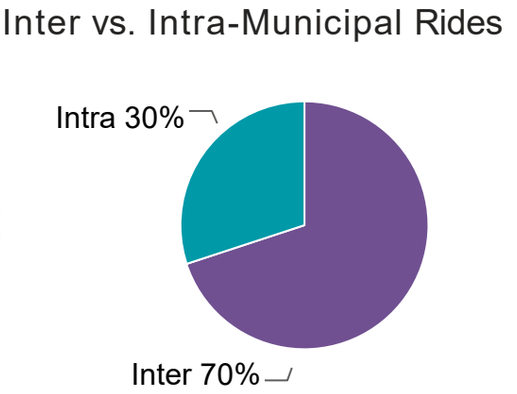
Number of Rides	Number of Trips	WAV Trips	INTER On-Demand Trip Average Wait Time (min)	INTRA On-Demand Trip Average Wait Time (min)
4,721	4,338	36	36.43	33.78

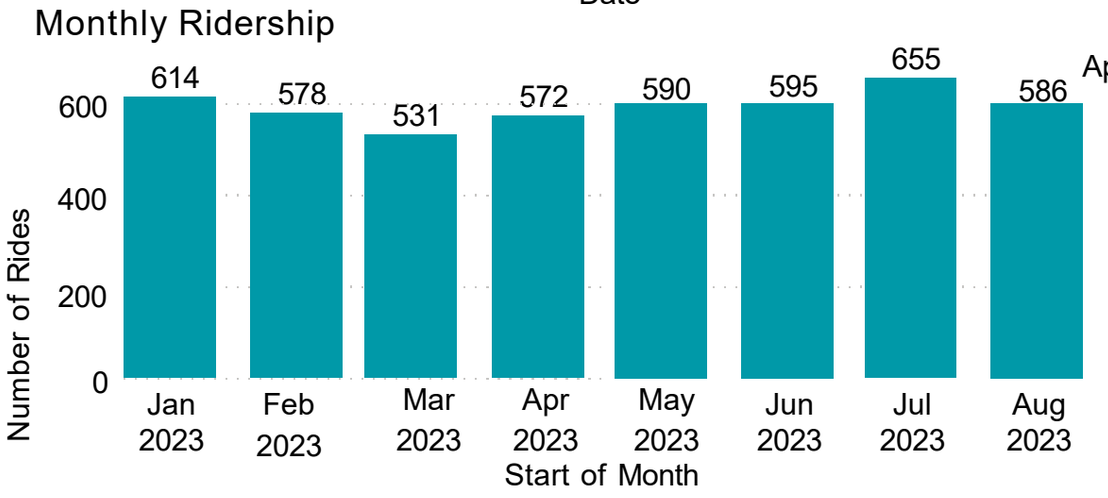


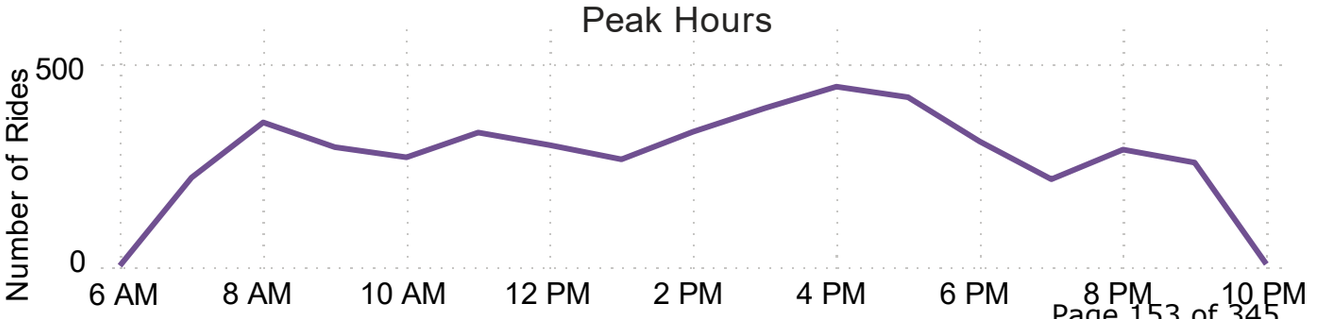










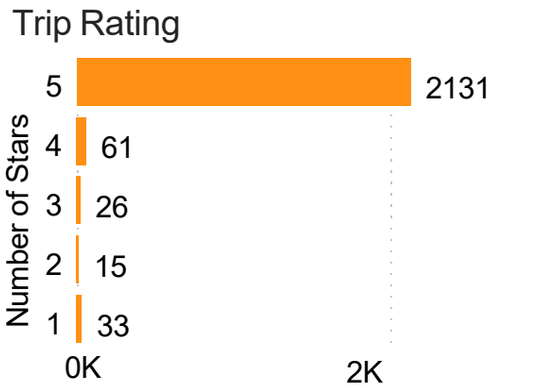


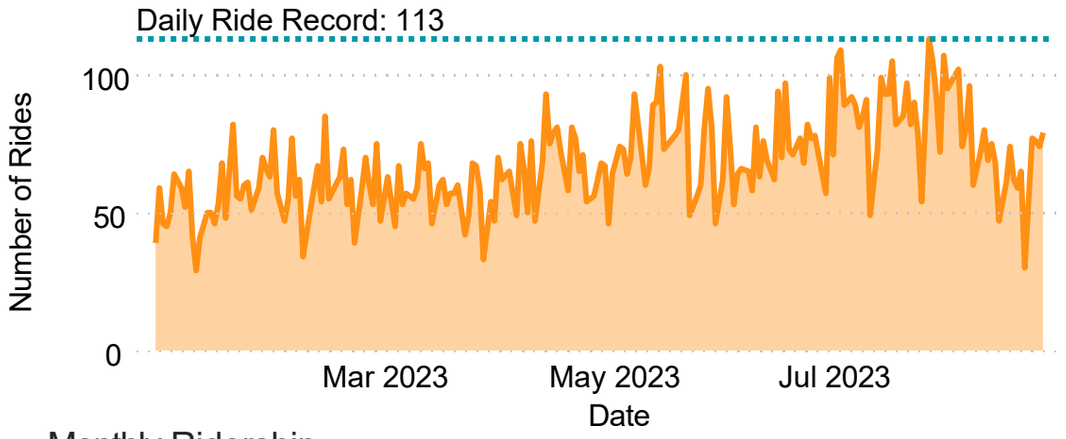
Overall NRT OnDemand Service Metrics - 2023

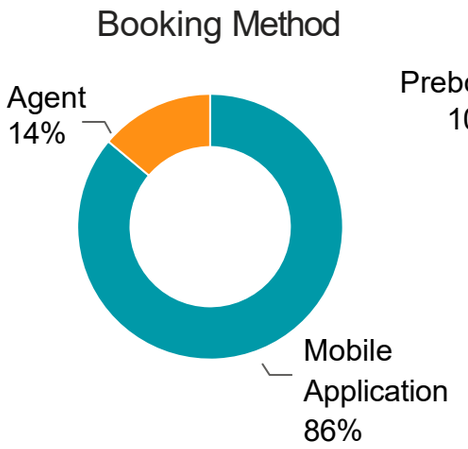
Port Colborne
Origin and/or Destination Municipality

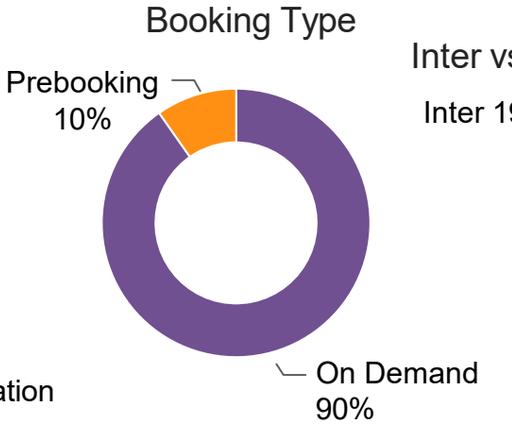
Data as of:
August 31, 2023

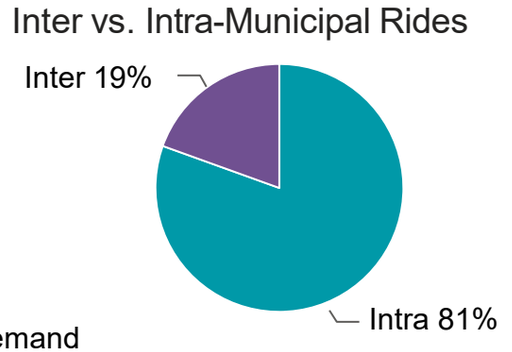
Number of Rides	Number of Trips	WAV Trips	INTER On-Demand Trip Average Wait Time (min)	INTRA On-Demand Trip Average Wait Time (min)
13,832	11,609	102	33.27	12.81

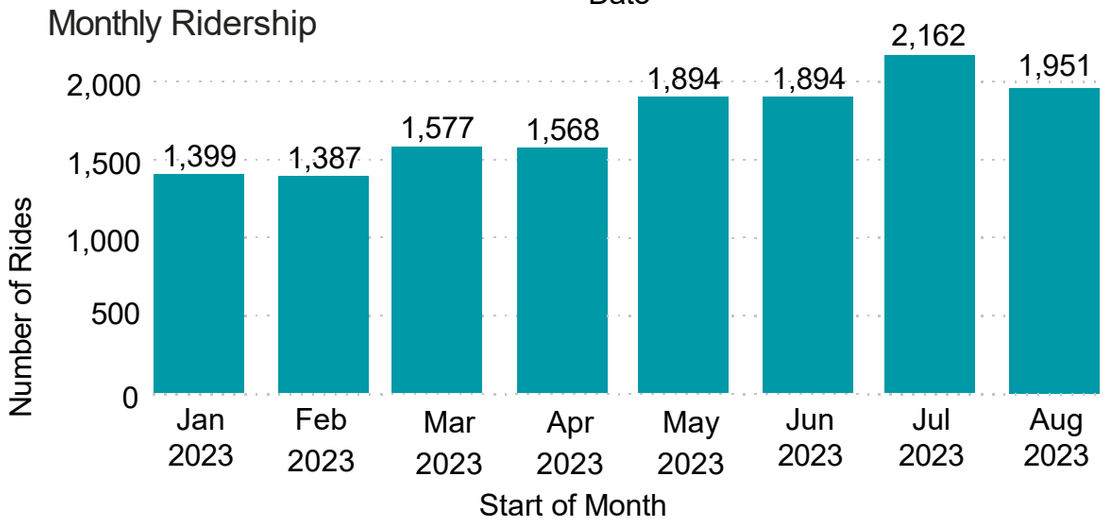


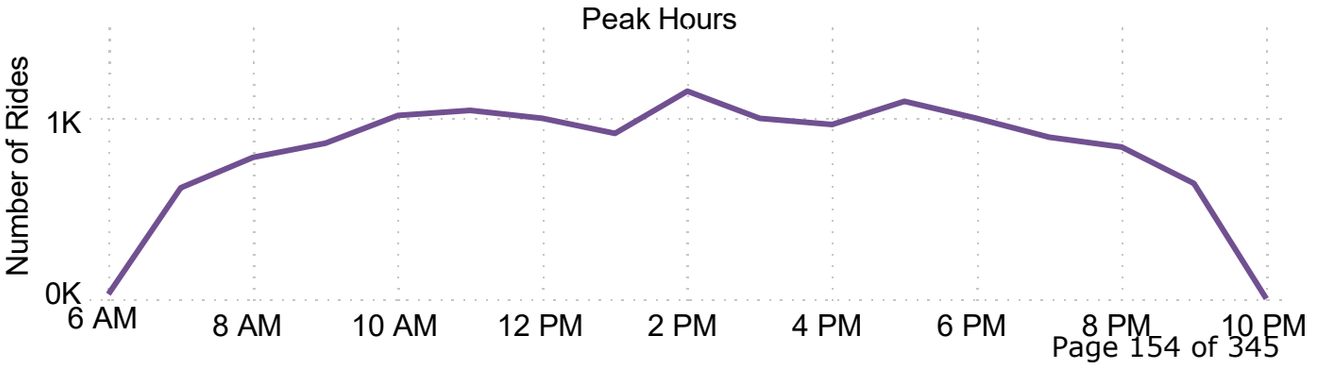












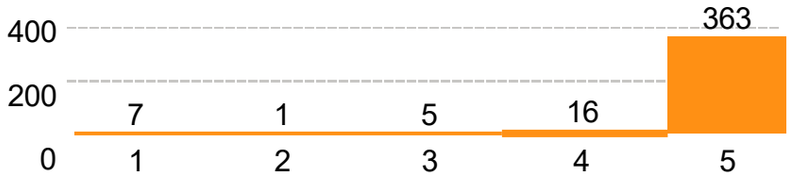
Overall NRT OnDemand Service Metrics - 2023

Wainfleet
Origin and/or Destination Municipality

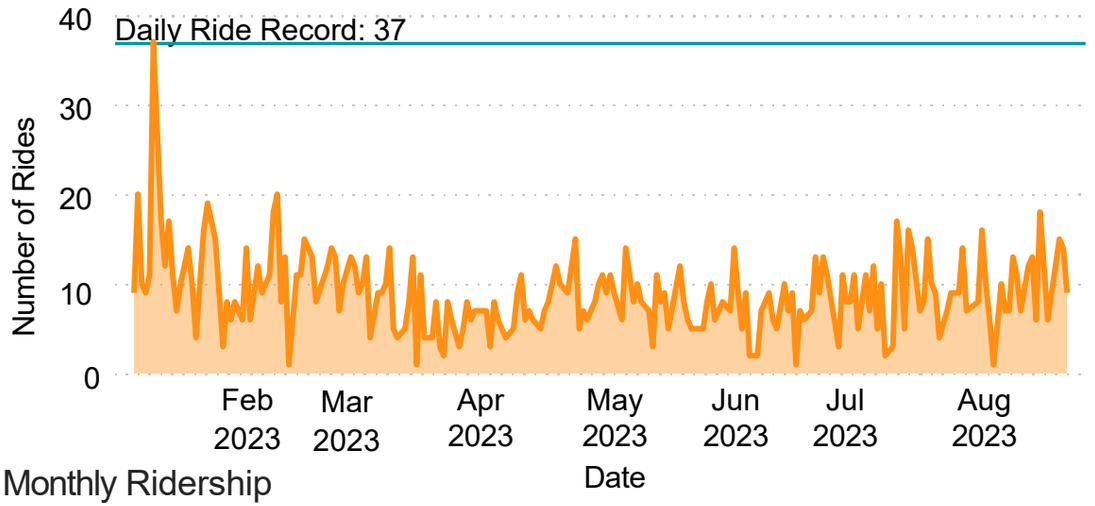
Data as of:
August 31, 2023

Number of Rides	Number of Trips	WAV Trips	INTER On-Demand Trip Average Wait Time (min)
1,842	1,598	51	37.08

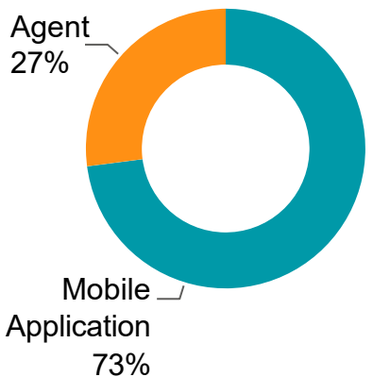
Trip Rating



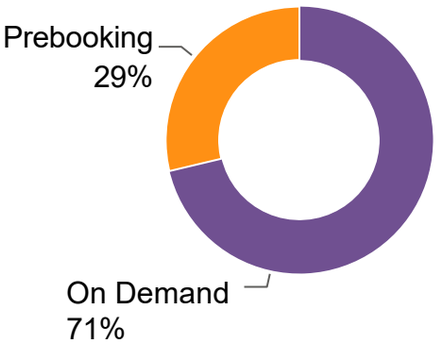
Daily Ridership



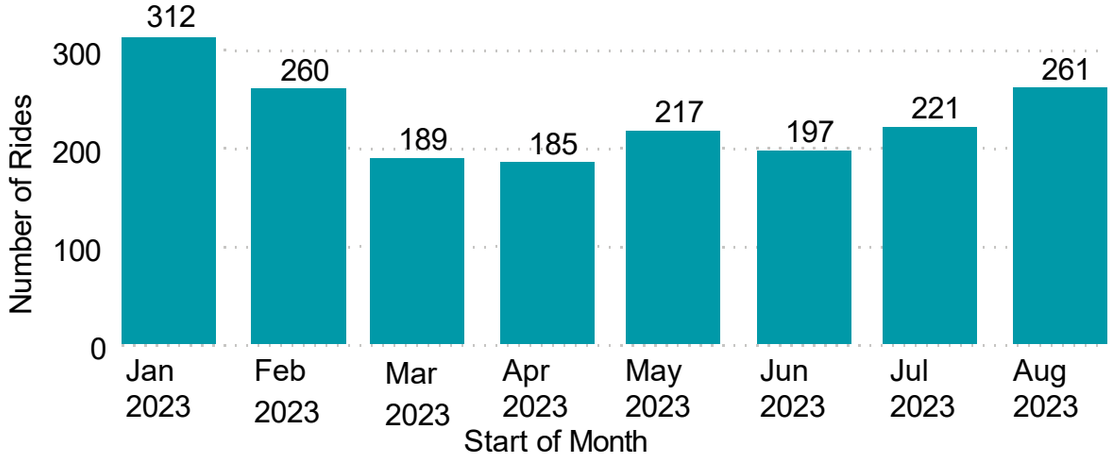
Booking Method



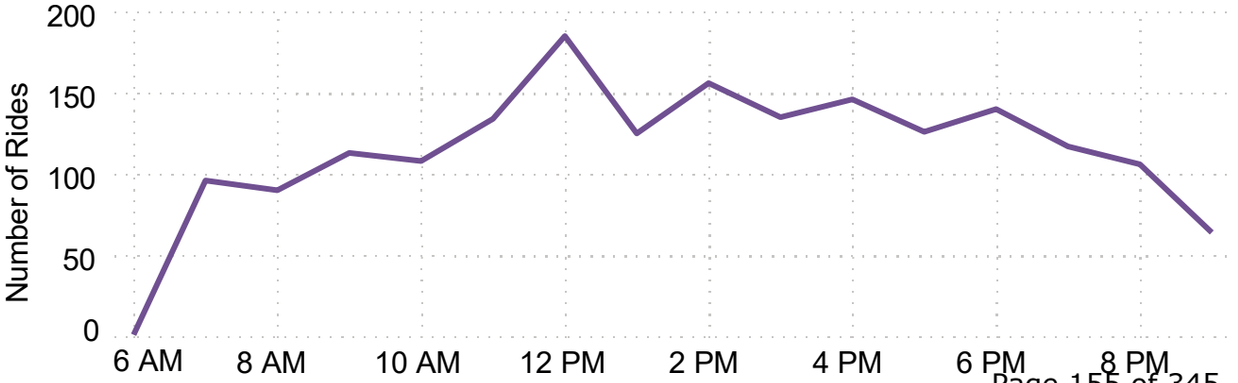
Booking Type



Monthly Ridership



Peak Hours

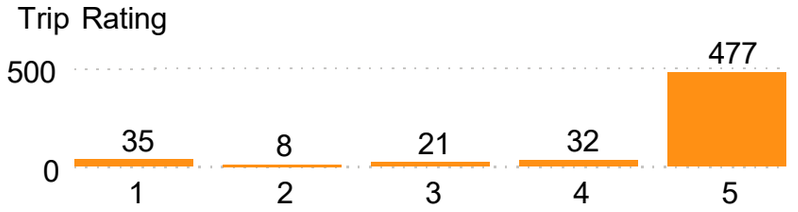


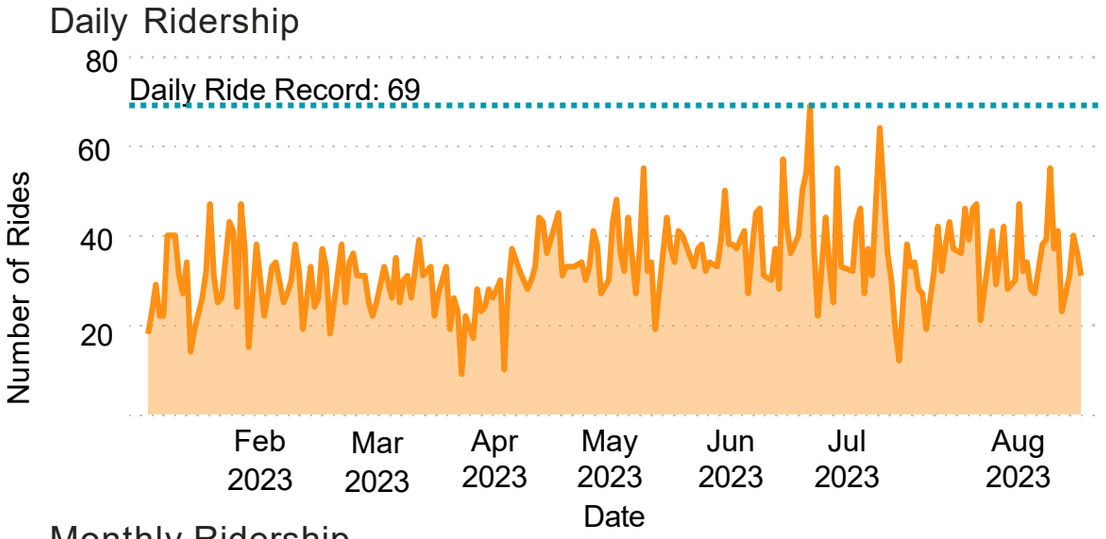
Overall NRT OnDemand Service Metrics - 2023

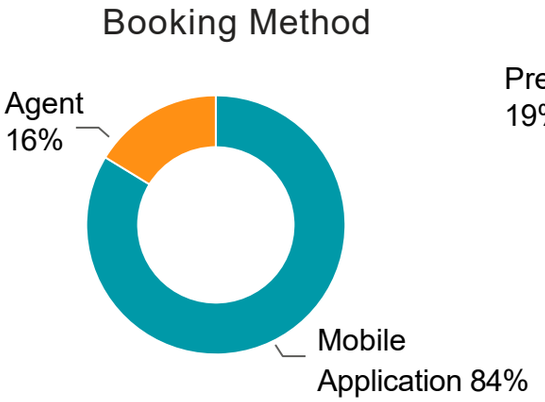
West Lincoln
Origin and/or Destination Municipality

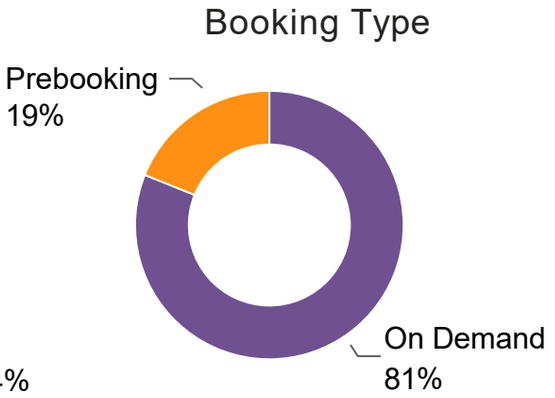
Data as of:
August 31, 2023

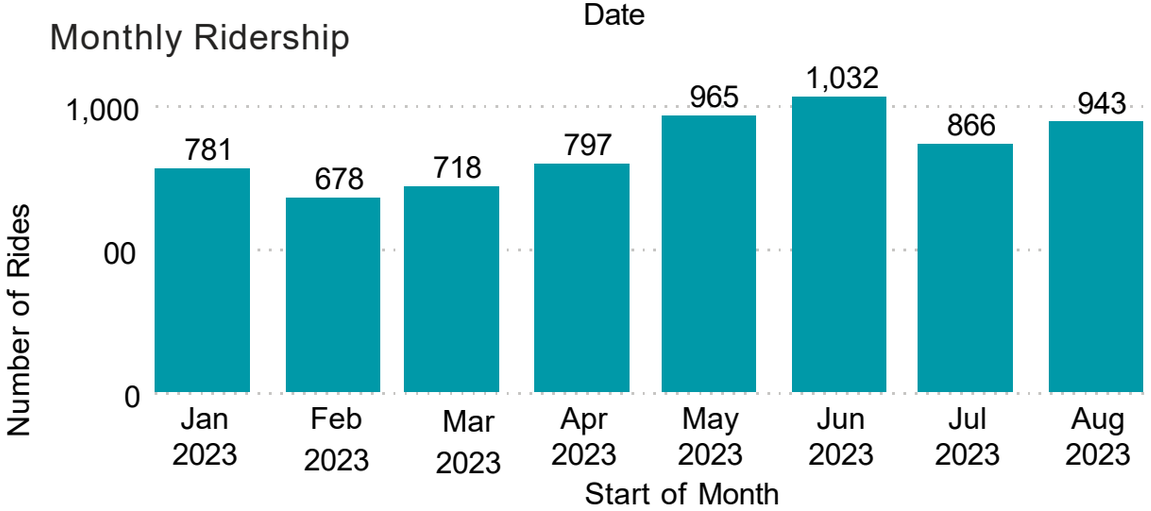
Number of Rides	Number of Trips	WAV Trips	INTER On-Demand Trip Average Wait Time (min)
6,780	6,190	32	35.50

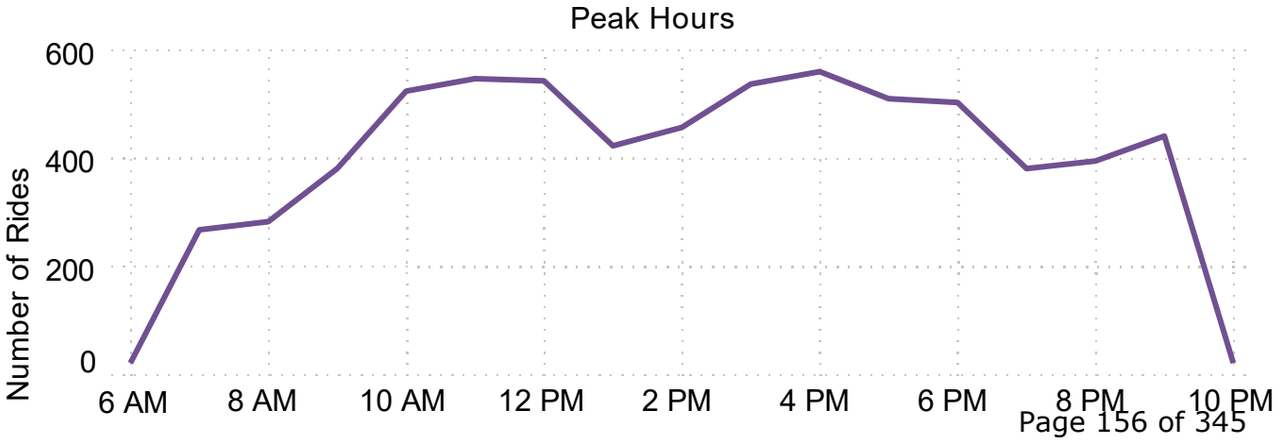












Administration
Office of the Regional Clerk
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977
www.niagararegion.ca

November 20, 2023

CL 15-2023, November 16, 2023
PEDC 11-2023, November 8, 2023
PDS 37-2023, November 8, 2023

LOCAL AREA MUNICIPALITIES

NIAGARA HOME BUILDERS ASSOCIATION

SENT ELECTRONICALLY

Niagara Region Unbuilt Housing Supply Update
PDS 37-2023

Regional Council, at its meeting held on November 16, 2023, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 37-2023, dated November 8, 2023, Niagara Region Unbuilt Housing Supply Update, **BE RECEIVED** and **BE CIRCULATED** to Local Area Municipalities and the Niagara Home Builders Association.

A copy of PDS 37-2023 is enclosed for your reference.

Yours truly,

Ann-Marie Norio
Regional Clerk
js
CLK-C 2023-129

cc: J. Federici, Senior Planner
M. Sergi, Commissioner, Growth, Strategy and Economic Development
N. Oakes, Executive Assistant to the Commissioner, Growth, Strategy and Economic Development

Subject: Niagara Region Unbuilt Housing Supply Update

Confidential Report to: Planning and Economic Development Committee

Report date: Wednesday, November 8, 2023

Recommendations

1. That Report PDS 37-2023 **BE RECEIVED** for information; and

2. That a copy of Report PDS 37-2023 **BE CIRCULATED** to the Local Area Municipalities and the Niagara Home Builders Association.

Key Facts

- In March 2023, the Regional Planning Commissioners of Ontario (RPCO) issued an inventory of Ontario's unbuilt housing supply in response to the Province of Ontario's target of creating 1.5 million homes by the year 2031.

- The unbuilt housing supply is defined as the number of housing units in the development application approvals process, specifically within plans of subdivision, plans of condominium and site plan applications that have not yet obtained a building permit.

- Niagara Region submitted data to RPCO in support of the unbuilt housing supply inventory issued in March 2023, which included all unbuilt units in plans of subdivision and condominium as of year end 2022.

- Since that time, staff have undertaken a more detailed review of the housing supply, to include site plan applications. This report provides an update to Niagara Region's housing supply as of June 30, 2023.

- Overall, there are 39,283 unbuilt units in the housing supply across the region in site plans, plans of condominium and plans of subdivision in various stages of the development approval process. This equates to an 10 to 11 year of supply of housing units across the region.

Financial Considerations

There are no financial considerations associated with this report.

Background

In 2022, the Province of Ontario announced a target of creating 1.5 million new homes across the Province by the year 2031.

In response to this target, Regional staff collaborated with members of RPCO which includes regional and single tier municipalities to form a methodology and assemble an unbuilt housing unit inventory. The purpose of this inventory was to identify the number, type and status of housing units in the development pipeline which would support the Province's goal of building 1.5 million new homes. In March 2023, RPCO issued an unbuilt housing supply inventory, which constituted 85% of the 2031 Provincial goal.

The unbuilt housing supply inventory that the Region had undertaken in support of the RPCO work only included unbuilt units in plans of condominium and subdivision as of year end 2022. Since that time, staff have completed a more detailed review and have updated the unbuilt housing supply to June 30, 2023. Through this detailed review, staff added all active site plan applications into the analysis.

This report provides an overview of the unbuilt housing supply in Niagara Region within the development approval process, specifically within plans of condominium, plans of subdivision, and site plans.

Analysis

To establish the unbuilt housing supply inventory, staff exported all plans of condominium, plans of subdivision and site plans within the Region's development application system into a Geographic Information System to allow for spatial analysis.

Building permits issued were then overlayed with development applications to identify units to be removed from the supply. Air photos were also examined on a site-by-site basis to remove built units from the supply.

The unbuilt housing supply inventory is divided into four categories, as defined below:

- Registered and Draft Approved Unbuilt Units (Development Ready):
    - Registered plans of subdivision and approved plans of condominium.
    - Draft approved plans of condominium or subdivision.

- Site Plan Applications:
  - Proposed and approved site plan applications.

- Applications Under Review:
  - Proposed plans of subdivision or condominium.

- Ministerial Zoning Orders:
  - Ministerial zoning orders approved by the Minister of Municipal Affairs and Housing.

Table 1 provides a summary of the unbuilt housing supply by unit type and stage within the development approvals process for plans of condominium, plans of subdivision, and site plans.

Table 1: Unbuilt Housing Units within the Development Review Process in Niagara Region (as of June 30, 2023)

Application Status/Type	Unit Type Single-detached	Unit Type Semi-detached	Unit Type Townhouse	Unit Type Apartment	Unit Type Total
Registered Unbuilt	1,406	40	655	96	2,197
Draft Approved	2,121	103	4,599	3,735	10,558
Under Application / Proposed	2,267	411	3,815	6,391	12,884
Site Plan Application	2	8	1,399	10,535	11,944
Ministerial Zoning Order*	0	0	0	1,700	1,700
Total	**5,796**	**562**	**10,468**	**22,457**	**39,283**

*Ontario Regulation 592/22 Zoning Order does not specify housing unit types and is located in a Protected Major Transit Station Area in Niagara Falls. Housing units associated with this MZO have been inputted into the apartment category for the purpose of this analysis.

Overall, 39,283 units were identified in the unbuilt housing unit supply, with the highest proportion of units in the apartment category. This equates to a 10 to 11 year supply of unbuilt housing units in the Region. It is important to note that this unbuilt housing unit supply does not include zoning amendments or units that may be built as of right based changes made by Bill 23.

Future Reporting

It is anticipated that staff will report on the unbuilt housing supply on a semi-annual basis going forward. Tracking the unbuilt housing supply will allow the Region to establish whether it has a healthy supply of housing units in the development pipeline and to demonstrate whether the targets set out by the Province are being met.

Development Tracking System Update

The Province of Ontario introduced the Streamline Development Approval Fund (SDAF) in January 2022. Through the SDAF, Niagara Region received $500,000 to update the Region's development tracking system.

The new development tracking system will improve application approval times by automating and streamlining the application intake and review process. The system is currently in the testing phase and will improve monitoring and reporting on the unbuilt housing supply allowing for more frequent updates on development trends to be provided to Regional Council and the Province.

Alternatives Reviewed

This report is for information purposes only. No alternatives were reviewed.

Relationship to Council Strategic Priorities

This report supports the following Council Strategic Priorities 2023-2026:

- Equitable Region.
- Prosperous Region.

Tracking the unbuilt housing supply across the region supports growth management and infrastructure planning efforts and allows the Region to determine whether there is a sufficient housing supply in the development pipeline.

Other Pertinent Reports

PDS 8-2023 Regional Planning Commissioners of Ontario (RPCO) Inventory of Unbuilt Housing Supply

(https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=30805)

Prepared by:
John Federici, RPP
Senior Planner
Growth, Strategy and Economic Development

Recommended by:
Michelle Sergi, MCIP, RPP
Commissioner
Growth, Strategy and Economic Development

Submitted by:
Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with and reviewed by John Docker, Planning Lead, Development Application Portal, and was reviewed by Erik Acs, MCIP, RPP, Manager of Community Planning, and Angela Stea, MCIP, RPP, Director of Community and Long-Range Planning.

Date:	May 23, 2023
Time:	4:00 pm
Location:	Council Chambers, Town Hall
Attendance:	Wayne Olson, Councillor John Wink, Councillor Michael Cottenden, Member Bill Crumm, Chair Caroline Mann, Member
Staff Present:	Teresa Quinlin-Murphy, Director of Corporate Services & Treasurer Usama Seraj, Manager of Financial Services & Deputy Treasurer Andrea Metler, Secretary
Other:	Trevor Ferguson, Deloitte (part time) Marvin Junkin, Mayor
Regrets:	Brian Eckhardt, Councillor David Cribbs, CAO

---

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Chair Bill Crumm called the meeting to order at approximately 4pm.

2. Land Recognition Statement

The Chair, Bill Crumm recited the land recognition statement.

3. Approval of Agenda

Through discussion, the Chair brought forth an amendment to the agenda to include item 13.2 the Draft Report to Council on June 7th for Reserve and Reserve Funds and the Schedule A10.

Moved by Member Michael Cottenden
Seconded by Councillor Wink

THAT the amended agenda for the May 23, 2023 regular meeting of the Finance and Audit Committee be adopted.

Moved by Member Michael Cottenden
Seconded by Councillor Wink

Carried

4. Declaration of Pecuniary Interest and General Nature

None.

5. Approval of Minutes

The Committee approved the minutes from the February 22, 2023 Pelham Finance and Audit Committee meeting.

Moved by Councillor Olson
Seconded by Member Michael Cottenden

THAT the minutes of the February 22, 2023 Pelham Finance and Audit Committee be approved.

Carried

6. Regular Business

6.1. 2024 Draft Budget Schedule

The Treasurer, Teresa Quinlin-Murphy pointed out that as a result of last year's election, the budget was delayed till January due to the change over in Council. The Town wanted to go back to the original schedule of having both the Operating and Capital budgets approved before December 31st and the Water and Wastewater budgets in February to get the complete results of the year. The Town also has to wait for the Region for their Water and Wastewater rates.

The Treasurer noted that the Town holds a public meeting in September each year to receive input from the public on items they would like to be included in the budget. Over the Last few years, the Town has been able to fulfill some of these public requests for example splash pads, tennis courts, pickle ball courts and batting cages due to finding grants to fund these particular requests.

Teresa Quinlin-Murphy pointed out that the Town brings the Draft Budget to the Pelham Finance and Audit Committee (PFAC) first to review and gives the Committee a chance to ask any questions and then it is given to Council. The key role for this Committee is to review the Operating, Capital and the Water and Wastewater budgets.

The Treasurer Highlighted some of the key dates to present the budgets to PFAC from the 2024 Draft Budget Schedule, these being the November 21, 2023 Draft Capital and Operating Budgets Meeting and the January 31, 2024 Water and Wastewater budgets meeting.

Through discussion with the Committee, the Tuesday November 21, 2023 meeting was changed to Wednesday November 22, 2023 in order to accommodate all PFAC Committee members attendance. The Committee further discussed two corrections to the schedule noting that the January 31st meeting was a Wednesday not a Tuesday and that the year needs to be changed from 2023 to 2024 for the January 25 meeting date.

Moved by Councillor Wink
Seconded by Member Caroline Mann

THAT the Committee received the 2024 Draft Budget Schedule for information.

Carried

7. Audit

7.1. Audited Consolidated Financial Statements

The Committee discussed both the Consolidated Financial Statements and the Management Summary of the 2022 Financial Overview.

The Treasurer highlighted that the Management Summary of 2022 Financial Overview has been included as part of the Annual Report that the Town submits and presents to the Committee for review.

A member of the Committee pointed out the excellent quality of the statements and the detail of the notes.

The Treasurer pointed out that a correction needed to be made on the Accumulated Surplus section of the Financial Overview which showed that the carry forward money funded by the reserve was $1 million and it should be $8 million.

The Treasurer highlighted that last year was overall an exceptional year especially noting that the Recreation, Cultural and Wellness department was shutdown for one month in January and still surpassed the budget due to their programming. Furthermore, it was exciting for the Town to have Summerfest and the Thursday night experience and all the grants and capital projects which was a huge win for Town.

A Member of the committee inquired about the tax receivables increasing by $1.1 million dollars and asked for comment from Staff on the number of properties that are 1 year in arrears and what the Town is doing to work with these residents. In response, the Deputy Treasurer answered that $2.1 million is current taxes and the remaining $788,000 is older than current year. The Treasurer commented that last year The Town had a turnover in staff in the Property Tax Department and as a result they did not make as many calls as they had in the past and it was reflected in the numbers. Furthermore, there was an increase in supplemental revenues that would increase the balance, but the arrears were not completed in as timely a manner as in previous years. The Revenue analyst is focusing on making these monthly calls.

A member of the Committee asked about the development charges and the Town's revenue being $1.9 million which is income that the developers have paid to the Town in anticipation of putting up projects and there seems to be several delayed projects. The Treasurer pointed out that at the building permit stage, developers obtain a permit and pay the development charges, and noted that this number varies from year to year depending on the development that is happening. In 2020, which was the first year of COVID, the Town barely made enough to cover the debt that it had and since then there has been significant growth in building permits. This number fluctuates and it depends on developers coming on board with their development. The Town hopes that it gets enough of the debt portion to cover what has to be paid out which is about $700,000 a year.

Moved by Councillor Olson
Seconded by Member Caroline Mann

THAT the Committee received the Audited Consolidated Financial Statements for information.

Carried

7.2. Management Summary of 2022 Financial Overview

The Committee discussed both the Consolidated Financial Statements and the Management Summary of the 2022 Financial Overview.

Moved by Member Michael Cottenden
Seconded by Councillor Wink

THAT the Committee received the Management Summary of 2022 Financial Overview for information.

Carried

8. Resolution to Move In-Camera

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:

239 (2) (b) – personal matters about an identifiable individual, including municipal employees; and

239 (2) (j) – a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value.

9. Operating Financial Report

9.1. Report to Council: June 7, 2023, December 2022 Financial Reporting

9.2. Monthly Revenue Report December 31, 2022

9.3. Monthly Expenditure Report December 31, 2022

Through discussion the Committee did not require The Treasurer to go through the Operating Financial Reports, the MCC Operating Financial Report or Capital Report. One member commented that the notes have been enhanced over the past few years and are easy to go back to and review. He also noted that staff have done a very good job with the reports. Committee members were invited to comment or ask questions.

A Committee Member commented that confidences have been restored the Town's finances and staff have worked to rebuild these confidences and to get the Town back to where it is today from a financial perspective. The Committee Member commented further that the Town now has reserve policies and only one reserve in the negative and everything else in the positive. The Town is so much further along than when he joined the committee.
The Treasurer mentioned that there was no trust and that she had to earn the trust of Council. The annual report has won 3 awards

right now, and the Town wants to show the transparency of the information. She further noted that if there is anything more that Committee members would like to see, then she is happy to accommodate.

Moved by Member Caroline Mann
Seconded by Councillor Olson

THAT the Committee received the Operating Financial Reports for information.

Carried

10. MCC Operating Financial Report

10.1. December 31, 2022 MCC Report

Moved by Member Michael Cottenden
Seconded by Councillor Wink

THAT the Committee received the MCC Operating Financial Report for information.

Carried

11. Capital Report

11.1. December 31, 2022 Capital Report

Moved by Councillor Wink
Seconded by Member Michael Cottenden

THAT the Committee received the Capital Report for information.

Carried

12. Reserves

12.1. Reserves Appendices

Deputy Treasurer highlighted some key points of the Reserves to the Committee.

Teresa Quinlin-Murphy noted that the Town is pleased with the $13 million in reserves and even though the Town has $11.5 million of carry forward capital projects of which $8 million are funded from the reserves, it will be $8 million short of target.

Teresa Quinlin-Murphy pointed out that in the Reserve Policy, the Town establishes targets which are still much lower than what they should be. The Treasurer stressed the importance of contributing to the reserves because the pressures are going to get worse.

A Committee Member questioned Town staff as to how each reserve balance looks individually, and if the Town is approving more than what it has. The Treasurer responded that when the budget is submitted the reserve schedules are updated, it is not all going to roads. The Member further questioned what the delta was remaining in each reserve and the Treasurer responded that this has not been done specifically for each reserve but the schedules during the budget process for 2024 will show the carry forward of the projects committed. A Suggestion was made by the Committee Member that a helpful visual for the Committee would be to replicate note 8 Reserves and Reserve Funds and add in the commitments.

The question of what staff are doing to maintain or continue to progress the reserves was asked by a Committee Member. Teresa Quinlin-Murphy responded that Staff are looking for grants to offset and Council has approved a part-time Grant Writer to look for grant opportunities. Without grant revenue, the splashpad, tennis ball and pickle ball courts would not have happened. She further noted that the Town needs to be extremely aggressive with grants and contribute at least 2% of the tax levy towards capital. She suggested that it may be better

to break out the 2% for capital to make it clearer to the public. It was also suggested that this could be shown in the budget presentation in the fall and PFAC members could provide their feedback.

The Treasurer pointed out that every 5 years there is a requirement to do a background study to update the Development Charges, which is now being changed to every 10 years. The Town evaluates what it is charging to Developers to see if it is enough to cover future infrastructure of growth. The water rate study is to evaluate if the Town is charging enough for water and wastewater to cover the capital that is required.

Moved by Councillor Olson
Seconded by Member Michael Cottenden

THAT the Committee received the Reserves Report and Appendices for information.

Carried

13. Annual Report

***13.1** 2022 Reserve and Reserve Fund Draft Report to Council

***13.2** Reserve Appendices

The chair highlighted to the Committee that he wanted to commend staff on an excellent job on having no misstatements on the audit and that the Town should be very proud.

Teresa Quinlin-Murphy pointed out to the Committee that they have received the financial section of the Annual Report and highlights of each department. Once the Annual Report is completed, the report will be sent out to Pelham Finance and Audit Committee for information. She further pointed out that the Annual Report goes to Council on June 17, 2023 and it will then be submitted by the June 30 deadline for (GFOA)Award.

14. Financial Risks

None.

15. Adjournment

Moved by Councillor Wink
Seconded by Councillor Olson

THAT this Regular Meeting of the Pelham Finance and Audit Committee be adjourned at 5:30 pm

Carried

Chair, Bill Crumm

Administrative Assistant, Corporate Services, Andrea Metler

NIAGARA ROAD 12 LANDFILL SITE
WEST LINCOLN

SITE INFORMATION

Site Specifics:

- Location: 7015 Concession 7 (Southeast corner of Mountain Road and Concession 7, Township of West Lincoln
- Opened in 1995
- Total Site Area: 41.57 hectares
- Waste Disposal Fill Area: 15.7 hectares
- Waste Disposal Capacity: Total - 1.85 million cubic metres Remain – 1.05 million cubic metres
- Annual Tonnages: Waste – 16,500 tonnes Leaf and Yard – 2,200 tonnes
- Site Life: ~2048
- Approved Waste Types: non-hazardous domestic, municipal, commercial, institutional and solid industrial
- Service Area: Municipalities of Grimsby, Lincoln, Pelham and West Lincoln.

Design/Operation Features:

- 8 Landfill Cells (Cell #4 constructed in 2018/2019)
- Hydraulic Trap Design
- 1 Metre Thick Remoulded Clay Liner
- Underdrain Leachate Collection System with one pump station to municipal sewer
- Leachate Treatment at Baker WWTP via forcemain
- 2 Stormwater Detention Ponds Surface water pond, compost pond
- Visual Screening Berms & Planting
- Security Fencing

Site Facilities:

- Scale House and Inbound and Outbound Weigh Scales
- HHW Facility
- L&Y Waste Composting Area
- Equipment Building Storage
- Site Office
- Residential Waste and Recycling Drop-Off Area

- Re-Useable Goods Drop Off Facility (Grimsby Benevolent Fund)

Citizen Liaison Group

- Niagara Road 12 Citizens' Liaison Committee

Recycling Initiatives – Drop off Depot

- Bicycle Program- Broken Spoke
- Blue /Grey box material
- C&D Wood
- Clean Wood
- Drywall
- Electronics
- Hard Plastics (Bulky Plastics)
- Porcelian
- Returnable bottle program (partnered with WLCC)
- Scrap Metal
- Shingles
- Styrofoam
- SSO- organics
- Textiles
- Tires

Property Value Protection Plan

Corporate Services Department
Wednesday, December 06, 2023

Subject: Review of Capital Financing Using Debt, Reserves Grants and Development Charges

Recommendation:

> **BE IT RESOLVED THAT Council receive Report # 2023-0256-Corporate Services, for information;**
>
> **AND THAT Council direct staff to update the Summary of Reserves and Reserve Funds Target Balance in Q3 of 2024;**
>
> **AND THAT Council direct staff to bring back S400-07 Capital Financing and Debt Management Policy (Debt Policy) in Q3 of 2024, with an updated phase-in for the internal limit of debt in conjunction with new target levels for reserves;**
>
> **AND THAT Council approve the capital funding strategy for new debt needs to relate to strategic investments or growth funding by development charges. Reserves (pay as you go) will be utilized for current asset renewal with the current tax base maintaining the existing level of service.**

Background:

S400-07 Capital Financing and Debt Management Policy (Debt Policy) and S400-08 Reserve and Reserve Fund Policy (Reserve Policy) were approved by Council on January 13, 2020.

There is a requirement that these policies shall be presented to Council for review (and update if required) every four years, in the first year of each newly elected Council, or more frequently as deemed necessary by Council, the Chief Administrative Officer, or the Treasurer. Appendix 1 and 2 has the two policies for reference; therefore, this report will minimize duplication by assuming the reader will refer to the policies (i.e., definitions etc.). The purpose of this report is to review the Debt Policy and Reserve Policy while establishing a policy basis upon which the Town might consider new debt in the future.

Capital assets can be financed through a variety of funding sources such as Reserve Funds, Grants, Debt, or Development Charges. This report will provide a brief overview and the advantages and disadvantages of each financing source.

The objective of the Town of Pelham's Debt management strategy is twofold:

1. Ensure any future financing needs are met (sustainability)
2. Adapt and respond to any unanticipated capital of operating funding requirements should they arise (flexibility)

Municipalities have provincial limits on the amount of debt they can take out. Provincial limits on municipal debt are based on a maximum percentage of "own-source revenues" that may be used to service debt costs (interest and principal payments) on an annual basis. In Ontario, municipalities may incur long-term debt for municipal infrastructure as long as annual debt payments do not exceed 25% of "own-source" revenues. This is referred to as the Annual Repayment Limit (ARL). The ARL is essentially the maximum amount that a municipality can pay in principal and interest payments in the year for new long-term debt (and in annual payments for other financial commitments).

The Town of Pelham's 2023 Annual Repayment Limit Statement shows the Town was using $3.3 million, or 13.5% of Net Revenues to service its debt. This calculation was based on existing revenue and debt at that time and did not include future proposed debt.

The establishment of the Internal Debt Limit that is in the Debt Policy (section 4.4) was determined after The Town recognized the importance of protecting and preserving capital while maintaining solvency and liquidity to meet ongoing financial requirements. In order to ensure long-term financial sustainability and flexibility, the Town will strive to implement an Internal Debt Limit which is lower than the ARL. This was established after reviewing the best practices of other municipalities in the province. In order to maintain financial sustainability, many Ontario municipalities set their Internal Debt Limit lower than the ARL. The ultimate goal of the approved Debt Policy was to set the Internal Debt Limit to 10% of Own-Source Revenues by 2030. Since the Town was well above the 10% limit at the time when the debt policy was approved, a phased-in approach was established to achieve the target internal limit. The phase-in targets as approved in the debt policy as are follows:

a) From 2020 to 2024: Annual Debt Financing Charges shall not exceed 20% of Own-Source Revenues.

b) From 2025 to 2029: Annual Debt Financing Charges shall not exceed 15% of Own-Source Revenues.

c) From 2030 onward: Annual Debt Financing Charges shall not exceed 10% of Own-Source Revenues.

d) The Town will strive toward the target that a maximum of 50% of the anticipated obligatory Reserve Fund collections will be spent on Debt in order to maintain a minimum cash balance in the Reserve Fund.

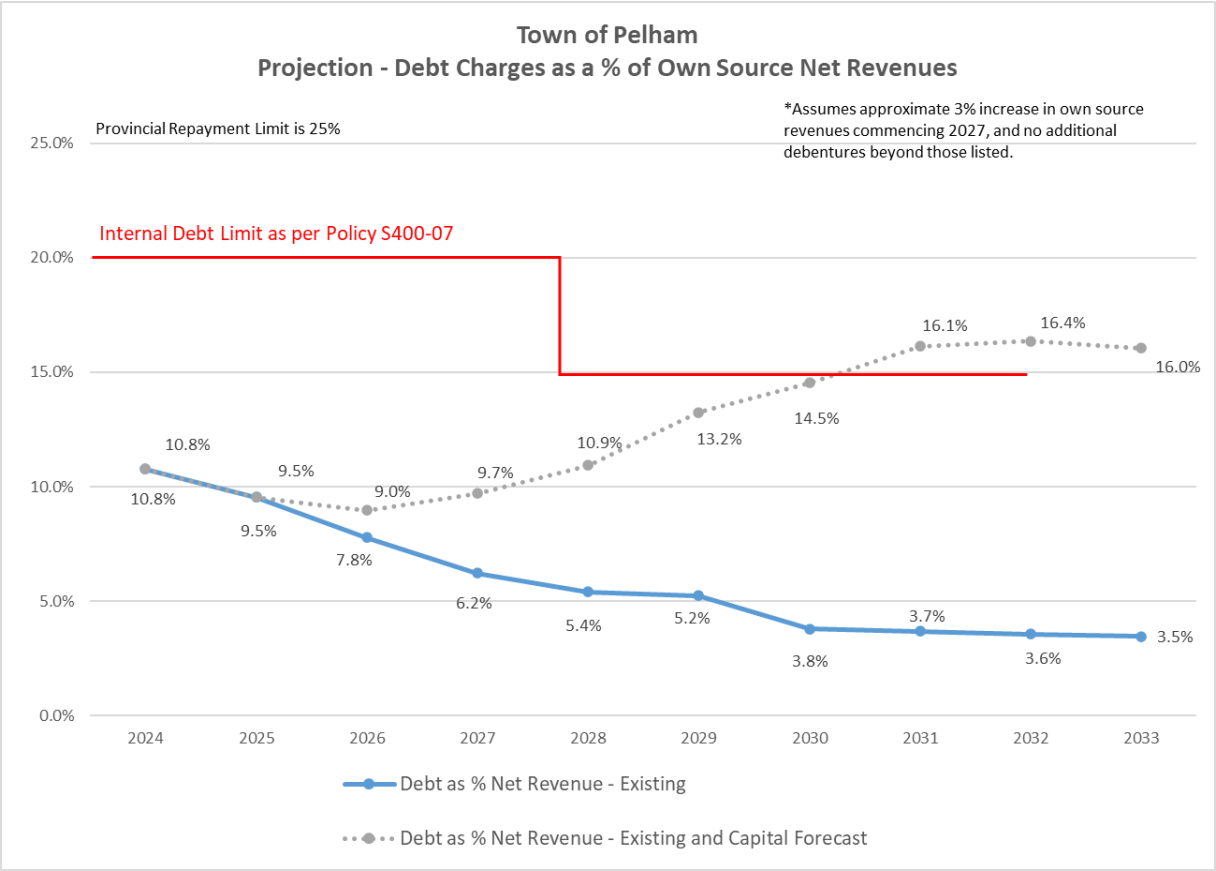
e) Annual Debt Financing Charges for non-tax supported Debentures, such as water and wastewater rate supported Debt, shall not exceed 15% of own-source rate-supported revenues.

Analysis:

Updated ARL

The Town's Draft 2024 Capital Budget provides a 10-year outlook on the capital expenditure needs for the Town. Staff work to align the capital expenditure needs to available funding sources. Reserve and reserve funds, grants and any other funding sources are utilized first and then any shortfall in funding is forecasted to come from issuance of new debt. A similar approach is used to fund growth related capital expenditure, where the Development Charge Reserve Funds are analyzed for cashflows and any shortfall in a given year is forecasted to be funded from debt. Any future forecasted debt has an impact on the ARL and therefore a revised projected ARL is included in the Draft 2024 Capital Budget, shown below in Table 1. If the forecasted debt is issued in subsequent years, the internal limit will not be in compliance with the current Debt Policy in years 2031 and beyond. The projected ARL is 16.1%, 16.4%, and 16.0% in 2031, 2032, and 2033 respectively, while the policy limit is 15% in 2031 and 2032 and 10% in 2033.

Table 1: 2024 Updated ARL Graph



Comparison to Niagara Municipalities

Table 2 summarizes the annual debt repayment, net revenues and the percentage of net revenues used to service debt for the 13 municipalities in the Niagara Region. The information is based on 2022 FIR and at that time, most municipalities were using less than 10% of their net revenues to service the debt. In comparison, Pelham was using 13.5% of its net revenues to service its debt. The only other municipality above 10% was Lincoln which was at 10.6%. The average amongst the 12 municipalities other than Pelham was 5.3%. The Town needs to be mindful of its current debt situation. Financial indicators show that the Town has a high debt position relative to its size. Exceeding the 10% repayment limit will put significant pressures on the operating budget to service debt. Table 3 highlights the projected tax levy increase requirements to service the tax funded debt in future years. Based on the current assumptions and projections, the incremental debt payments will reach over $2.9 million or require 10.6% of the tax levy to service the debt by 2032, which isn't sustainable for the Town.

Table 2: Comparison of Niagara Municipalities Debt Servicing Cost

Percentage of Net Revenues Servicing Debt

Municipality	Net Debt	Net Revenue	% of Net Revenues Servicing Debt
Pelham	$ 3,357,569	$ 24,869,158	13.5%
Lincoln	3,027,421	28,567,053	10.6%
St Catharines	19,584,043	204,084,991	9.6%
Welland	8,187,960	89,759,488	9.1%
West Lincoln	1,250,685	15,498,786	8.1%
Niagara Region	45,392,204	682,036,002	6.7%
Port Colborne	2,401,881	37,453,268	6.4%
Niagara Falls	5,935,272	149,442,003	4.0%
Wainfleet	220,786	8,186,831	2.7%
Niagara-on-the-Lake	623,960	32,400,534	1.9%
Fort Erie	988,154	56,255,125	1.8%
Grimsby	456,850	35,084,926	1.3%
Thorold	453,911	36,147,910	1.3%

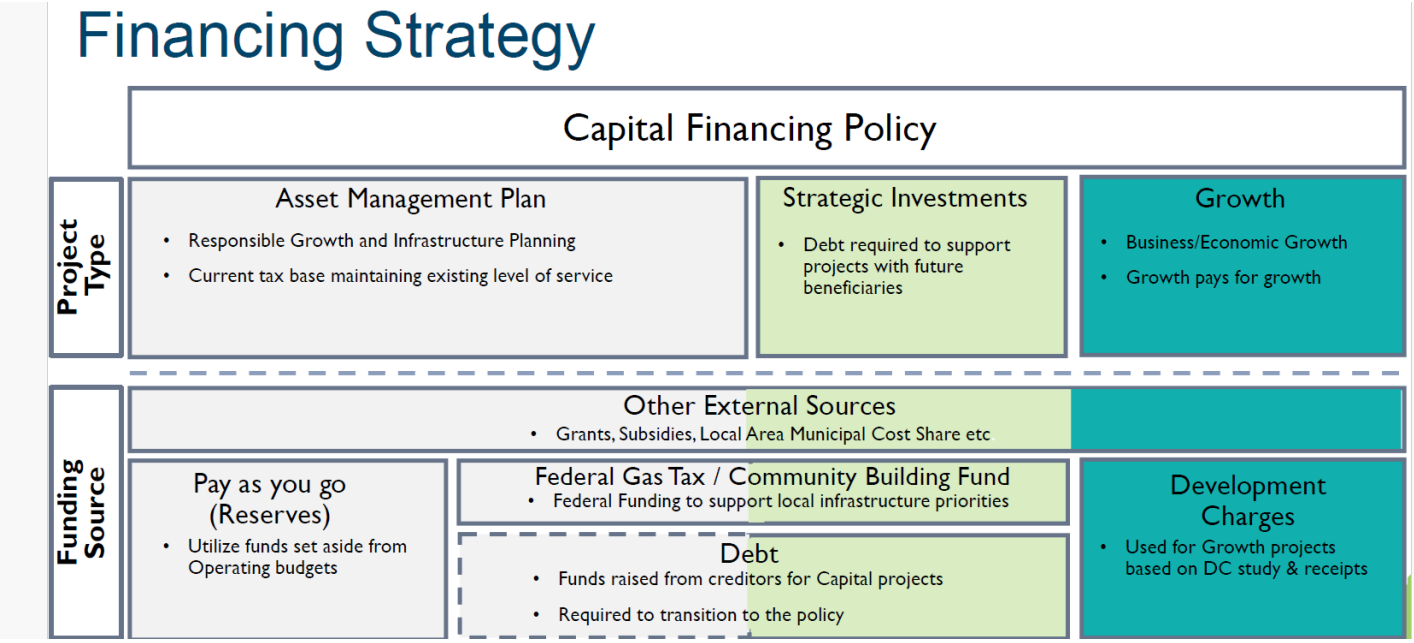
(Sourced from 2023 Annual Repayment Limit Statement on 2022 FIR, except Niagara Falls based on 2021 FIR)

Table 3: Future Tax Levy Increases to Service Debt

Year	Estimated Tax Levy	Existing Tax Funded Debt Payment	Forecasted Tax Funded Debt Payment	Total Projected Debt Payments	Addition to Tax Levy
2024	19,487,612	1,555,679	-	1,555,679	0.0%
2025	20,461,993	1,352,016	-	1,352,016	0.0%
2026	21,485,092	1,170,830	145,336	1,316,166	0.7%
2027	22,559,347	1,134,051	663,489	1,797,540	3.1%
2028	23,687,314	925,427	1,200,599	2,126,026	5.3%
2029	24,871,680	925,127	1,605,011	2,530,138	6.8%
2030	26,115,264	476,342	2,129,483	2,605,825	8.6%
2031	27,421,027	476,192	2,666,593	3,142,785	10.2%
2032	28,792,078	476,036	2,919,351	3,395,387	10.6%
2033	30,231,682	475,876	2,919,351	3,395,227	10.1%

Notes:
1. Tax Levy is estimated to be growing at 5% annually
2. Debt payments are based on 10 year debt at 4.5%

Table 4: Financing Strategy



Niagara Region 2024 Capital Budget, Committee of the Whole, October 12, 2023, p.12.

Table 4 summarizes a recommended Financing strategy to fund the capital needs. It breaks the Project type into 3 main categories and provides a recommended funding strategy for each category:

1. Asset Management Plan – The rehabilitation and replacement of existing assets to maintain existing service levels for the current tax base.
2. Strategic Investments – Projects that enhance the level of service for the existing tax base or future residents.
3. Growth – Projects related to population/economic growth in the Town.

As a general guideline, the Funding Strategy states that replacement of core assets to maintain existing service levels should be funded by the Pay as you go or Reserves & Reserve Funds. Any strategic investments to enhance service levels should be paid from grants, other external revenues or debt and finally, any growth-related capital needs should be funded from the development charges (DC) as growth should pay for growth. However, many municipalities in Ontario face the challenge of collecting DC revenues in a timely manner. As a result, debt is often required to pay for growth infrastructure. Although the payments of principal and interest are fully covered from future DC revenues, issuing DC debt can still pose some challenges for smaller municipalities like Pelham.

Firstly, the Town's DC reserves should be healthy enough to cover the principal and interest payments of any existing or new proposed DC debt. Secondly, growth

forecast needs to materialize in the future so that DC revenue collections can continue at a pace to cover the future interest and principal payments of existing DC debt. And lastly, DC debt is also counted towards ARL thus lowering the ability for the Town to borrow for other strategic needs. If in any given year the DC reserve funds don't have enough money to cover the principal and interest on existing DC debt, then these payments are to be covered from the tax levy.

Capital Expenditure Funding Options

Earlier in the report, a number of different funding options for capital expenditures were briefly mentioned. Table 5 below discusses the advantages and disadvantages of each of these funding options.

Table 5: Advantages and Disadvantages of Funding Options

Funding Method: Pay as you Go – Reserves and Reserve Funds	
Advantages	**Disadvantages**
• Provides stability for tax rates in the face of variable and uncontrollable factors (i.e., interest rates, reduced subsidies etc.) • Financing for capital requirements without permanently impacting tax or utility rates. • Allows users of assets to fund the replacement/rehabilitation of assets that are currently being consumed. • Provides flexibility to manage debt levels and protect the Town's financial position. • Offers liquidity which enhances the Town's flexibility in addressing operating needs. • Allows the Town to temporarily fund capital projects internally, allowing time to access debt markets and utilize favourable conditions.	• Requires steady contributions from operating budget to ensure reserves are adequately funded. • Investment rates on reserves may be lower than inflation risk on project expenditures.

Funding Method: Debt	
Advantages	**Disadvantages**
• Allows for a capital expenditure to be funded by future beneficiaries. • Allows the ability to complete large projects by spreading capital cost over time (e.g., community center). • Debt is used to fund strategic and growth projects since reserves are underfunded and are not at the target balances to meet the Asset Management renewal requirements.	• Debt has incremental operating budget impacts and may not be sustainable in long run (i.e., high tax levy increases to cover debt payments). • Creates a future liability that puts pressure to fund. If DC debt is high, in-year revenues need to be sufficient to cover the debt payments. • Provincial imposed limit on debt repayments (ARL) cannot exceed 25% and the Town is already above 12% as of 2023.

	• Too much debt can impact the Town's credit rating and thus increase borrowing cost. • Higher interest rates in recent times increase debt servicing cost.

Funding Method: Grants & External Sources	
Advantages	**Disadvantages**
• Grants reduce the capital contribution required from the Town, allowing reserves to fund other capital projects. • Grants allow the Town to pursue strategic investments and pursue projects that otherwise have not made the priority list due to internal funding constraints (reserves). • Town has a good track record of obtaining grant funding in the past (i.e., 6 pickle ball courts, 4 tennis courts, and 2 splash pads were recently completed due to grant funding)	• Timelines to complete the project after grant approval can be challenging. • Risk of high inflation and increase in project cost between grant submission and approval can double or triple the Town's original contribution towards project as grant funding remains the same. • Some projects can be unachievable due to increased construction cost and as a result the Town may have to return grant funds, which can impact future funding decisions by grant providers. • Additional reporting requirements for grants.

Funding Method: Development Charges	
Advantages	**Disadvantages**
• Growth related capital expenditures are paid by developer contributions, and it relieves pressure from the Town to fund these projects. • Development charges are passed on to new property owners therefore new taxpayers are paying for growth capital. • No financial impact to existing tax base.	• Collection of DC revenues does not always match the timing of growth capital expenditures. • Growth may not materialize as expected. • Obligatory DC reserves need sufficient funds to cover debt payments for DC capital projects that were financed by Debt. • If DC revenue is not sufficient to cover DC debt payments, current taxpayers are funding the shortfall as DC debt payments are moved to operating budget.

When funding capital expenditures, Town staff strive to strike the right balance between these various funding methods while keeping in mind the advantages and disadvantages of each method.

BMA Municipal Study Financial and Debt Indicators

BMA Management consulting annually completes a municipal comparative study on behalf of Ontario municipalities and provides various quantifiable indicators to

evaluate a municipality's financial condition. This study is an important tool that allows municipalities to assess their financial health and compare it to similar municipalities in Ontario. This report surveys 117 municipalities in Ontario, representing 86% of the population.

Table 6 below shows the Financial position per capita for the Niagara geographic region. Pelham is the only municipality with a Net Debt position (Financial Assets Less Liabilities) while all other Niagara municipalities are in a Net Asset position. The Niagara average of a financial position is $955; whereas Pelham is in a negative financial position at $-634, which is a shortfall of $1,589 per capita. Pelham needs to be mindful if/when taking on more debt to fund capital projects as it will increase the Net Debt position of the Town.

Table 6: Financial Position Per Capita

Municipality	2017	2018	2019	2020	2021
Pelham	$ (1,764)	$ (2,296)	$ (1,823)	$ (1,012)	$ (634)
St. Catharines	$ 88	$ 13	$ 56	$ 180	$ 390
Lincoln	$ 1,197	$ 988	$ 712	$ 790	$ 595
Wainfleet	$ 347	$ 389	$ 648	$ 936	$ 873
Welland	$ 365	$ 467	$ 728	$ 918	$ 1,116
Niagara-on-the-Lake	$ 1,456	$ 1,288	$ 1,382	$ 1,341	$ 1,262
Thorold	$ 1,213	$ 1,198	$ 1,420	$ 1,505	$ 1,471
Fort Erie	$ 890	$ 948	$ 1,317	$ 1,736	$ 1,705
Grimsby	$ 1,174	$ 744	$ 1,283	$ 1,480	$ 1,819
Niagara Average	**$ 552**	**$ 415**	**$ 636**	**$ 875**	**$ 955**
Niagara Median	**$ 890**	**$ 744**	**$ 728**	**$ 936**	**$ 1,116**

Source: BMA Study, 2022 based on 2021 FIR, p. 70 Financial Position per capita

Table 7 below shows the tax funded debt interest as a percentage of Town's own-source revenues. This does not include the interest on debt from Development Charges. Of the 117 municipalities included in this study, Pelham is in the last position with the highest debt interest as a % of own-source revenues. Pelham is at 4.8% which is almost five times greater than the average of 1% among the remaining municipalities. The median amongst other municipalities is 0.7%.

Table 7: Tax Debt Interest as a % of Own Source Revenue

Tax Debt Interest as a % of Own Source Revenue - Trend (cont'd)

Municipality	2017	2018	2019	2020	2021
Essex	2.8%	2.7%	2.6%	2.0%	1.8%
New Tecumseth	0.0%	2.1%	2.0%	2.1%	1.9%
Newmarket	1.7%	1.9%	2.2%	2.2%	1.9%
Mapleton	0.0%	2.9%	2.6%	2.2%	2.1%
Tillsonburg	2.0%	1.9%	2.2%	2.3%	2.2%
Minto	2.5%	2.7%	2.0%	2.1%	2.3%
Quinte West	2.1%	2.6%	2.2%	2.2%	2.3%
Whitchurch - Stouffville	2.9%	2.9%	2.9%	2.5%	2.4%
Belleville	2.4%	2.5%	2.4%	2.4%	2.4%
St. Catharines	2.3%	2.4%	2.7%	2.9%	2.6%
Waterloo	3.3%	3.1%	3.1%	2.9%	2.7%
Welland	2.7%	2.3%	2.5%	2.8%	2.7%
Gravenhurst	4.7%	4.2%	3.7%	3.0%	2.7%
Parry Sound	1.7%	1.6%	2.4%	2.9%	2.9%
Kingston	2.9%	2.9%	3.0%	3.0%	3.0%
Ottawa	3.0%	3.0%	3.1%	4.5%	4.2%
Toronto	3.8%	3.7%	3.8%	4.3%	4.3%
Pelham	4.6%	5.5%	5.3%	5.0%	4.8%
Average	**1.2%**	**1.1%**	**1.1%**	**1.1%**	**1.0%**
Median	**1.0%**	**0.9%**	**0.8%**	**0.8%**	**0.7%**

Source: BMA Study, 2022 based on 2021 FIR, p. 100

Table 8 below shows the debt to reserve ratio. A debt to reserve ratio of over 1 indicates that the outstanding debt is more than the reserves. Pelham's debt to reserve ratio is at 2.2 which means the debt is twice the reserve amount. While the ratio has improved significantly from 2017 when it was 16.4, Pelham is still the 4th highest out of the 117 municipalities in this study. The average of municipalities as 0.6 and the median is 0.4.

Table 8: Debt to Reserve Ratio

Debt to Reserve Ratio - Trend (cont'd)

Municipality	2017	2018	2019	2020	2021
North Bay	1.3	1.0	1.1	1.1	0.8
North Grenville	1.5	1.3	1.1	0.8	0.8
Owen Sound	0.7	0.9	0.8	0.9	0.8
Welland	1.4	1.3	0.8	0.9	0.9
St. Thomas	1.3	1.3	1.2	1.0	0.9
Brockville	2.4	1.9	1.3	1.2	0.9
Minto	1.0	1.1	0.8	0.7	1.0
Thunder Bay	1.8	1.7	1.6	1.3	1.0
Belleville	1.5	1.6	1.4	1.3	1.1
Dryden	2.1	1.9	1.4	1.4	1.1
Kingston	1.4	1.3	1.3	1.3	1.2
New Tecumseth	-	2.0	1.7	1.4	1.3
Prince Edward County	3.0	2.7	2.0	2.0	1.3
Greater Sudbury	0.5	0.5	0.5	1.7	1.3
Barrie	2.7	2.3	2.3	1.9	1.6
Tillsonburg	2.5	3.1	2.9	2.8	1.7
Toronto	2.1	2.1	2.2	1.9	1.7
St. Catharines	1.9	2.1	2.2	2.4	2.0
Pelham	16.4	10.2	6.3	3.3	2.2
Quinte West	3.1	2.8	2.3	2.7	2.4
Central Elgin	3.5	4.1	4.2	4.9	3.9
Ottawa	4.3	3.8	5.4	5.1	4.7
Average	1.0	0.9	0.7	0.7	0.6
Median	0.6	0.5	0.4	0.4	0.4

BMA Study, 2022 based on 2021 FIR, p. 110

Financial Considerations:

Table 9 shows Pelham's historical trends in key financial indicators and compares them to Southern Lower Tier Regions Non-Rural municipalities (S-LT) (35 in this group) and the province (307 municipalities). These indicators were selected for comparison as they are most relevant when determining the Town's affordability for future debt.

Table 9: Pelham's historical trends vs S-LT and Ontario municipalities

	Pelham FIR					2022 Averages for:	
	2018	2019	2020	2021	2022	South-LT-Regions Non-Rural *	Province**
Grants							
Total conditional and Unconditional grants	$ 930,327	$ 599,582	$ 691,532	$ 1,938,667	$ 2,658,549	$ 2,908,191	$ 31,227,166
As a % of Municipal Expenses	3.8%	2.5%	2.9%	7.7%	9.5%	3.8%	13.5%
Total Debt Burden	$ 30,088,688	$ 32,252,037	$ 33,465,343	$ 31,032,054	$ 28,745,765	$ 38,807,247	$ 80,737,771
Per Household	$ 4,259	$ 4,540	$ 4,592	$ 4,194	$ 3,804	$ 996	$ 1,490
Debt Servicing Cost	$ 2,731,639	$ 2,792,713	$ 3,165,935	$ 3,357,569	$ 3,268,510	$ 5,743,711	$ 7,691,527
Per Household	$ 387	$ 393	$ 434	$ 454	$ 433	$ 131	$ 182
As a % of Municipal Expenses	11.2%	11.6%	13.1%	13.3%	11.7%	3.4%	3.6%
As a % of Own Purpose Taxation	21.6%	20.0%	20.6%	21.2%	19.4%	6.1%	7.0%
As a % of Own Source Revenue	13.7%	12.7%	13.5%	13.3%	11.8%	3.4%	4.2%
As a % of Total Revenue (Less Donated Tangible Capital Assets)	11.2%	9.2%	8.7%	10.5%	9.2%	2.8%	3.0%
Debt Service Coverage Ratio (Target: Ratio>= 2)	2	5	7	6	4	34	36
Reserve and Reserves Funds							
Total Reserves and Discretionary Reserve Funds	$ 2,941,409	$ 5,137,940	$ 10,124,468	$ 13,871,314	$ 13,149,330	$ 133,594,253	$ 105,193,915
Per Household	$ 416	$ 723	$ 1,389	$ 1,875	$ 1,740	$ 2,783	$ 3,564
As a % of Total Taxes Receivable	166.9%	293.4%	514.6%	833.8%	471.6%	796.0%	1235.7%
As a % of Municipal Expenses	12.1%	21.3%	41.9%	54.9%	47.1%	71.3%	76.2%
As a % of Own Purpose Taxation	23.2%	3.8%	65.9%	87.4%	78.2%	128.9%	141.0%
Financial Assets							
Net Financial Assets or Net Debt as a % of Total Revenues (Less TCAs)	-170.6%	-109.9%	-50.8%	-38.0%	-29.4%	69.7%	41.0%
Net Financial Assets or Net Debt as a % of Own Source Revenues	-208.2%	-152.0%	-78.7%	-48.0%	-38.0%	81.0%	58.0%
Other Indicators							
Interest Payments as a % of Total Revenues (Less TCAs)	3.7%	3.1%	2.6%	2.9%	2.8%	0.7%	0.7%

Data sourced from 2022 FIR, Ministry of Municipal Affairs and Housing

* South Lower Tier Regions Non-rural (35 municipalities)

** Province (307 municipalites)

Grants:

Pelham has done an excellent job in obtaining grant funding in the past and it is a good news story for the Town. Pelham's aggressive pursuit of grant funding shows that the grants as a percentage of municipal expenses have increased from 3.8% in 2018 to 9.5% in 2022. The S-LT municipalities comparison is at 3.8%, and the

province is at 13.5%. The Town is trending in the right direction with grant revenue and these grants are critical in minimizing additional debt and drawing down reserves.

Debt Burden per Household:

Even though the debt burden per household has decreased from $4,259 in 2018 to $3,804 in 2022, it is still very high in comparison to the S-LT municipalities at $996 and for the province at $1,490. Taking on any additional debt will further increase this burden and can put significant pressures on the Town's finances.

Debt Servicing Costs:

The debt servicing cost per household has increased from $387 in 2018 to $433 in 2022. The S-LT municipalities are only at $131, and the province is at $182. Pelham's debt servicing cost is 3.3 times higher than the S-LT and 2.4 times higher than the province. The majority of Pelham's existing debt was issued when interest rates were at historical lows, however the interest rates have sharply risen over the last 2 years. Any future debt issuance for the Town will be at a higher interest rate and therefore the cost to service the new debt will be higher than in the past.

Over the next 2 years, some of the existing operating and DC debt is scheduled to be paid off, which will improve the Town's servicing cost ratios as listed above. However, a significant portion (approximately 78% as of 2022) of the Town's existing debt is related to the Meridian Community Centre which is not scheduled to be paid off until 2046. Having a such large debt commitment until 2046 will limit the Town's ability for future borrowing.

Reserve and Reserve Funds

As of year-end 2022, Pelham's Total reserves were at $13.1 million or $1,740 per household. This is significantly lower than S-LT reserves of $133.5 million or $2,783 per household. It is very important to note that that the $13.1 million reserve fund balance as shown in 2022 financial statements is not all uncommitted. In fact, majority of this balance has already been committed to capital projects that were approved in prior years. The draft 2024 capital budget shows that the uncommitted balance in reserves and reserve funds is projected to be only $1.9 million at the end of 2023. This gap indicates that the Town should be contributing a lot more from its operating budget to reserves and reserve funds to keep the balance healthy. However, reserve fund contributions always compete with other funding priorities of the operating budget which are necessary to maintain existing service levels (i.e., road maintenance, winter control, parks and rec, beautification etc.). The Town also

has a much higher debt burden in comparison to other municipalities which again limits the Town's ability to set aside funds for reserves. In the past few years, an average of 2% of the tax levy from the operating budget has been dedicated to increase the transfers to reserves. The Town needs to continue this strategy of dedicating a set amount of the tax levy towards reserve contributions which will allow the Town to reach target reserve balances and close the funding gap in its asset renewal needs.

Key Takeaways

1. Continue to pursue grant funding as it lowers the need for reserves and debt.
2. Dedicate a portion of the tax levy from operating budget to ensure consistent and steady reserve contributions to reach target balances.
3. Continue to improve the asset management plan to understand the true capital expenditure needs.
4. Consider and evaluate the financial risks and the sustainability of future tax levy increases, when considering issuance of debt for large projects such as Fire Station or Public Works Facility.
5. Work towards implementing the Financing Strategy as shown in table 4 of this report.
6. Maintain the existing internal debt limit until asset management plan is complete and clearly shows the true capital expenditure requirements.

Alternatives Reviewed:

The alternatives reviewed are listed in the analysis of this report.

Strategic Plan Relationship: Financial Health

The Financial Health of the Town is a key strategic objective and ensuring that the Town's finances have a healthy balance of debt, reserves, grants and development charges to finance capital projects.

Consultation:

None.

Other Pertinent Reports/Attachments:

Appendix 1: S400-07 Capital Financing and Debt Management Policy with Appendix A & B

Appendix 2: S400-08 Reserve and Reserve Fund Policy

Prepared and Recommended by:

Usama Seraj, B.Com.(Hons.), CPA, CMA
Manager Financial Services and Deputy Treasurer

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

Prepared and Submitted by:

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

Policy Name: Capital Financing and Debt Management Policy	Policy No: S400-07
Committee approval date:	December 16, 2019
Council approval date:	January 13, 2020
Revision date(s):	-
Department/Division:	Corporate Services

1. Purpose

The purpose of this policy is to establish guiding principles, primary objectives, key management and administrative responsibilities, and standards of care for the prudent financing of the Town's operating and capital needs.

2. Policy Statement

A policy governing the management and administration of capital financing and debt.

3. Definitions

Amortizing Debenture: A Debenture for which the total annual payment (principal and interest) is approximately even throughout the life of the Debenture issue.

Annual Debt Financing Charges: The total mandatory payments of principal and interest in respect of outstanding Long-Term Debt.

Annual Repayment Limit (ARL): For the purpose of this Policy, it has the same meaning as the Debt and Financial Obligation Limit, in accordance with The Act, O. Reg. 403/02. Generally, municipalities in Ontario may incur Long-Term Debt for infrastructure as long as annual Debt payments do not exceed 25% of "own source" revenues without prior approval of the Local Planning Appeal Tribunal (LPAT). The ARL is the maximum amount that a municipality can pay in principal

and interest payments in the year for new Long-Term Debt without first obtaining approval from LPAT. The ARL is provided annually to the municipality by the Ministry of Municipal Affairs and Housing, and must be updated by the Treasurer prior to Council authorizing an increase in Debt financing for capital expenditures.

Bank Loan: A loan between the Town and a bank listed in Schedule I, II, or III of the *Bank Act (Canada)*, a loan corporation registered under the *Loan and Trust Corporations Act*, or a credit union to which the *Credit Unions and Caisses Populaires Act, 1994* applies.

Budget: An estimated financial plan of revenue and expenditure for a set period of time.

Capital Financing: A generic term for the financing of capital assets. This can be achieved through a variety of sources such as the tax levy, grants, Reserve Funds, Debt, or financing leases.

Construction Financing: A form of Debt financing in which the issuer does not pay any principal or interest for a period of up to 5 years during the construction or rehabilitation of the facility from which a revenue stream is expected to be generated. Construction Financing must be obtained in accordance with section 408(4)(d) of The Act, and O. Reg. 278/02, amended to O. Reg. 76/16.

Council: The Council of the Town of Pelham.

Debenture: A formal written obligation to repay specific sums on certain dates. In the case of a municipality debentures are typically unsecured, that is, backed by general credit rather than by specified assets. The Town assumes responsibility for debentures issued on its behalf by the Regional Municipality of Niagara, the upper-tier municipality, under section 401 of The Act. Under subsection 401(3.1), those debentures constitute joint and several obligations of the Regional Municipality of Niagara and the Town.

Debt: Any obligation for the payment of money. For Ontario municipalities, debt would normally consist of Debentures as well as either notes or cash from financial institutions. Financial Guarantees and/or Letters of Credit provided by the Town will be considered as Debt and will be governed by this Policy.

Financial Guarantee: An agreement whereby the Town will take responsibility for the payment of Debt in the event that the primary liable fails to perform.

Development Charges (DC): Fees collected from developers at time of building permit issuance to help pay for the cost of infrastructure required to provide municipal services to new development, such as roads, fire protection, water and sewer infrastructure, and recreation facilities. Development Charges are imposed under the Town's Development Charges By-law.

Infrastructure Ontario, or Successor Organization: Any entity established by the Province of Ontario to provide Ontario municipalities, universities and hospitals with access to alternative financing service for longer-term fixed rate loans for the building and renewal of public infrastructure.

Installment (Serial) Debenture: A Debenture of which a portion of the principal matures each year throughout the life of the Debenture issue.

Internal Debt Limit: The internal limit, approved by Council, regarding Debt payments as a percentage of "own source" revenues. This limit is not referring to limits imposed by The Act or regulations thereunder, but may not exceed the ARL.

Lease Financing Agreement: A lease allowing for the provision of Municipal Capital Facilities, where the lease may or will require payment by the Town beyond the current term of Council. For example, a vehicle lease.

Letter of Credit: A binding document from a bank guaranteeing that an "applicant's" payment to a "beneficiary" will be received on time and for the correct amount. In the event that the applicant is unable to make payment, the bank will be required to cover the full or remaining amount of the purchase (Debt).

Lifecycle Renewal Projects: Projects that maintain the infrastructure that is in place today, for example resurfacing roads or replacing roofs.

Long-term Bank Loan: Long-term Debt provided by a bank, or syndicate of banks.

Long-term Debt: Any Debt for which the repayment of any portion of the principal is due beyond one year.

Municipal Capital Facilities: Tangible capital assets that include land, as defined in the *Assessment Act*, works, equipment, machinery and related systems and infrastructures.

Own-Source Revenue: Determined by the Ministry of Municipal Affairs and Housing, it is revenue for the fiscal year excluding certain items such as grants, proceeds from the sale of real property, contributions or net transfers from a Reserve or Reserve Fund, donated tangible capital assets, equity earnings in government business enterprises, and revenue from other municipalities.

Present Value of Minimum Lease Payments: Minimum lease payments include all amounts that the lessee is expected to pay over the term of the lease, any mandatory renewal term, and any required purchase at termination of the lease. The present value measures the future payments in today's dollars because the value of money decreases over time due to inflation.

Reserve: An appropriation from net revenue and/or cost savings at the discretion of Council, after the provision for all known expenditures. It has no reference to any specific asset and does not require the physical segregation of money or assets as in the case of a Reserve Fund. Municipal Councils may set up Reserves for any purpose for which they have the authority to spend money, as outlined in section 290(4) of The Act. Reserves are either "discretionary" or "non-discretionary". Discretionary Reserves are funded by the tax levy or other funding sources, and drawdowns or transfers from the Reserve can be approved for any

purpose at Council's discretion. Non-discretionary Reserves are "non-tax supported", and receive revenues and incur expenses on their own without support from the general tax levy; drawdowns from non-discretionary Reserves must be for expenditures related to their revenue source as approved by Council. Non-discretionary Reserves include the Water and Wastewater Reserves.

Reserve Fund: Funds that have been set aside either by a by-law of the municipality or by a requirement of senior government statute or agreement to meet a future event. As a result, Reserve Funds are either "discretionary" being those set up by Council, or "obligatory" being those set up by virtue of a requirement of senior government statute or agreement. Municipal councils may set up Reserve Funds for any purpose for which they have the authority to spend money, as outlined in section 290(4) of The Act. Discretionary Reserve Funds can be funded from the general tax levy or they can be "non-tax supported", and receive revenues and incur expenses on their own without support from the general tax levy; drawdowns from non-tax supported Reserve Funds must be for expenditures related to their revenue source as approved by Council. Non-tax supported Reserve Funds include the Building Department Reserve Fund.

Rolling-Stock: Equipment that moves on wheels used for transportation and/or transit purposes. Examples include trucks and buses.

Short-Term Debt: Any Debt for which repayment of the entire principal is due within one year.

The Act: The *Municipal Act,* 2001, S.O. 2001, c.25, as amended.

Town: The Corporation of the Town of Pelham.

Treasurer: The individual appointed by the municipality as Treasurer, in accordance with section 286 of The Act.

4. General Provisions

4.1 Principles and Objectives

Council may, where it is deemed to be in the best interest of its taxpayers, approve the issuance of Debt for its own purposes. Capital financing and Debenture practices will be responsive and fair to the needs of both current and future taxpayers and will be reflective of the underlying life cycle and nature of the expenditure.

The guiding principles for the Town's Capital Financing and Debt program shall be:

a) Adherence to statutory requirements

Capital financing may be undertaken if and when it is in compliance with the relevant sections of The Act, the *Development Charges Act*, and their related regulations. These requirements include, but are not limited, to:

i) The term of temporary or Short-Term Debt for operating purposes will not exceed the current fiscal year, and will be borrowed in accordance with section 407 of The Act, and with the Town by-law in that regard.

ii) The term of Capital Financing will not exceed the lesser of 40 years or the useful life of the underlying asset, in accordance with section 408(3) of The Act. The maximum term over which an asset may be financed is set out in Appendix A.

iii) Long-term Debt will only be issued for capital projects in accordance with section 408(2.1) of The Act.

iv) The total annual financing charges cannot exceed the Annual Repayment Limit, as applicable, unless approved by the Local

Planning Appeal Tribunal (LPAT), in accordance with O. Reg. 403/02 amended to O. Reg 45/18.

v) Prior to entering into a Lease Financing Agreement, an analysis will be prepared that assesses the costs as well as the financial and other risks associated with the proposed lease with other methods of financing, in accordance with section 401(8) of The Act.

vi) Prior to passing a Debenture by-law which provides for installments of principal, interest, or both, and said installments are not payable during the period of construction of an undertaking, Council will consider all financial and other risks related to the proposed Construction Financing.

b) Long-term financial sustainability and flexibility

The Town of Pelham's Debt management strategy will seek to ensure that it is able to meet any future financing needs (sustainability), and that it can adapt and respond to unanticipated capital or operating requirements should they arise (flexibility).

i) The Capital Financing program will be managed in a manner consistent with other long-term planning, financial and management objectives.

ii) Prior to the issuance of any new Capital Financing, consideration will be given to its impact on future ratepayers in order to achieve an appropriate balance between Capital Financing and other forms of funding.

iii) To the extent practicable, replacement assets as well as regular or ongoing capital expenditures (for example annual replacement of firefighter protective gear) will be recovered on a "pay as you go" basis through rates, taxy levy, user fees or Reserves and Reserve Funds.

iv) It is recognized that Reserves must be developed and maintained, as outlined in the Town's Reserve and Reserve Fund Policy, for all capital assets owned by the Town to ensure long-term financial flexibility.

c) Limitation of financial risk exposure

i) The Capital Financing program will be managed in a manner to limit, where practicable, financial risk exposure. The Town will generally only issue Debt with interest rates that will be fixed over its term. Notwithstanding, if a borrowing structure is presented for which there is a material financial advantage and/or it is deemed prudent for the Town to issue Debt that is subject to interest rate fluctuations, the Town may, at the discretion of the Treasurer, consider entering into this type of arrangement. Variable interest rate structures must be in accordance with O. Reg. 247/01.

ii) The Town shall not issue long-term financing on projects/capital works until they are substantially complete or a discernable phase is complete, in order to minimize borrowing costs and ensure that principal amounts required are known with certainty.

iii) Financing leases have different financial and non-financial risks than traditional Debt. These risks may include contingent payment obligations, lease termination provisions, equipment loss, equipment replacement options, guarantees and indemnities. These risks will be identified prior to entering into any material financing lease.

d) Minimizing long-term cost of financing

The timing, type and term of financing for each capital asset will be determined with a view to minimize both its and the Town's overall long-term cost of financing. Factors to be considered include:

i) Current versus future interest rates;

ii) Shape of the interest rate curve and recent economic forecasts;

iii) Availability of related Reserve or Reserve Fund monies;

iv) Pattern of anticipated revenues or cost savings attributable to the project; and

v) Providing a buffer for significant unanticipated expenditures, or loss of revenues beyond the control of the Town.

4.2 Suitable and Authorized Financing Instruments

a) Short-term (Under One Year)

Financing of operational needs for a period of less than one year pending the receipt of taxes and other revenues, or interim financing for capital assets pending long-term Capital Financing, may be from the following sources:

i) Reserves and Reserve Funds (this may be used as the primary source of short-term financing provided that interest is paid in accordance with the Town's Reserve and Reserve Fund Policy);

ii) Bank line of credit;

iii) Short-term promissory notes issued to approved financial institutions; and

iv) Infrastructure Ontario (or successor organization) short-term advances pending issuance of long-term Debentures.

Short-term borrowing for operational needs borrowed under section 407 of The Act, shall not exceed the amount specified in the Town by-law 4122(2019), or a successor by-law.

b) Long-Term (Greater than One Year)

Financing of capital assets for a period greater than one year may be from any of the following sources:

i) Debentures issued by the Regional Municipality of Niagara, which, dependent on their policy and financial practice, may be in the form or a combination of installment, term, amortizing, or variable interest rate.

ii) Reserves and discretionary Reserve Funds may be used for both interim and medium-term, for a period of no greater than five years if deemed cost effective or otherwise necessary. Any borrowing must be in accordance with the Town's established Reserve and Reserve Fund Policy.

iii) Long-term Bank Loans may be either a fixed or variable interest rate as determined by the Treasurer. Fixed rates will be preferred, in order to reduce interest rate risk.

iv) Construction Financing may be used for a period up to five years during construction or rehabilitation of certain facilities from which a revenue stream is expected to be generated upon its completion.

v) Lease Financing Agreements (capital financing leases) may be used when it provides material and measurable benefits compared to other forms of financing.

4.3 Financing Risk Identification and Mitigation Strategies

The following financing risks have been identified and linked with mitigation strategies. It is recognized that there may be additional risks associated with certain types of financing. Any additional risk must be identified and considered prior to their use, and only if it meets the criteria in this Policy.

a) Debt Capacity for Future Priority Projects

The Town could face the risk in any fiscal year of having insufficient Debt capacity to fully execute its priority capital projects based on the ARL.

Risk mitigation:

- The capital plan will show the amount of Debt financing that will be required for each project over a minimum of ten years;
- Each project will be prioritized by staff on the basis of criteria such as health and safety impact, impact on the Town's growth plan, and/or any strategic plan adopted by Council, to ensure priority projects can be completed;
- Debt financing shall be avoided as a source of funding for Lifecycle Renewal Projects; and
- The Town will develop an Internal Debt Limit that is lower than the provincial limit, to allow for future additional Debt funding if necessary.

b) Liquidity Risk

The Town could face the risk that it would be unable to respond to an unanticipated emergency or infrastructure need if a significant portion of operating revenue is committed to paying for existing Long-Term Debt.

Risk mitigation:

- Debt financing shall be avoided as a source of funding for lifecycle renewal projects;

- The Town will develop an Internal Debt Limit that is lower than the provincial limit, to allow for future additional Debt funding if necessary; and

- The Town will strive to meet the minimum recommended and target balances as outlined in the Town's Reserve and Reserve Fund Policy.

c) Construction Financing Risk

Construction Financing may be used to fund Debt needed for a capital project that will eventually generate a revenue stream which could be used to make principal and interest payments (e.g. recreation centre).

Risks:

- Interest rates may increase from the time the rate for the construction loan is established and the completion of the construction;

- The final cost of construction could be materially more or less than initially forecasted and financed; and

- The construction project may not be able to proceed or may not be completed for technical and/or other reasons.

Risk mitigation:

- Prior to Council approval of a project requiring a Construction Financing loan, the Treasurer will prepare a report outlining recent economic forecasts regarding interest rates, along with a sensitivity analysis outlining the impact that changing interest rates could have on loan payments, as well as the potential impact on the Debt Limit.

- Long-Term Debt will not be issued until all critical construction contracts have been awarded and the project is substantially completed, or a discernable phase is complete.

d) Financing Lease Agreement Risk

Leases may be used to finance equipment, vehicles, buildings, land or other assets that the Town does not own, cannot acquire, or for which the benefits of leasing outweigh the benefits of purchasing.

Risks:

- Uncertainty of leasing costs if the contract needs to be extended or renewed;
- The potential for seizure or removal of leased equipment if the leasing company goes into default on its obligations to its creditors;
- The lease may include contingent payment obligations; and
- The Town may not have the ability to terminate the lease immediately if the asset is no longer required.

Risk mitigation:

- The Town will enter into Lease Financing Agreements with payments that are fixed over the lease term and any additional lease payments are known with certainty;
- Lease Financing Agreements will only be entered into with vendors in accordance with the Town's Procurement Policy; and
- Prior to entering into a Lease Financing Agreement, the Treasurer will prepare a report for Council outlining the costs and financial and other risks inherent in the agreement.

e) Interest Rate Risk

Where the Town enters into short-term or long-term borrowing at variable interest rates, there is a risk that volatility in the financial market would result in increasing Debt payment costs.

Risk mitigation:

- Fixed rate borrowing will be preferred; and
- Where variable-rate borrowing is used, a maximum of 10% of total outstanding Town Debt may be variable, and must comply with O. Reg. 247/01. This will exclude Construction Financing, which is temporary until a Debenture is issued.

4.4 Internal Debt Limit

The Town recognizes the importance of protecting and preserving capital while maintaining solvency and liquidity to meet ongoing financial requirements. In order to ensure long-term financial sustainability and flexibility, the Town will strive to implement an Internal Debt Limit which is lower than the ARL. This internal limit will be phased in as follows:

a) From 2020 to 2024: Annual Debt Financing Charges shall not exceed 20% of Own-Source Revenues.

b) From 2025 to 2029: Annual Debt Financing Charges shall not exceed 15% of Own-Source Revenues.

c) From 2030 onward: Annual Debt Financing Charges shall not exceed 10% of Own-Source Revenues.

d) The Town will strive toward the target that a maximum of 50% of the anticipated obligatory Reserve Fund collections will be spent on Debt in order to maintain a minimum cash balance in the Reserve Fund.

e) Annual Debt Financing Charges for non-tax supported Debentures, such as water and wastewater rate supported Debt, shall not exceed 15% of own-source rate-supported revenues.

4.5 Thresholds for Debt Issuance

In recognition of the cost of issuing Debt as well as the annual interest cost, the Town will not issue Debt for a capital project or group of projects where the Town's share of the project (including water and wastewater) is less than $100,000.

4.6 Rolling-Stock

The Town will not issue Long-Term Debt for Rolling-Stock. Purchases of Rolling-Stock are to be funded through the use of Reserves, or lease funding where the overall cost to the taxpayer will be lower than if the vehicle was purchased.

4.7 Non-Tax Supported Projects

The Town has areas which have been identified as being "Non-Tax Supported", that is to say that the activity receives revenues and incurs expenses on its own without support from the general tax levy. These Non-Tax Supported activities include, but are not limited to, the water system and the wastewater system.

a) Where a project includes tax-supported and non-tax supported activities (for example road reconstruction where water and sanitary sewers are also replaced), the financing will be shared between the general tax levy and the non-tax supported activity.

b) The cost of the project will be split proportionately between the tax-supported and non-tax supported activities based on the estimated cost provided by the engineer.

c) Funds received from senior levels of government will be attributed, where allowed under the terms of the agreement, to the tax-supported portion first.

Any remaining funding after the allocation to the tax-supported costs, is then attributed to the non-tax supported portion in the same ratio as the costs are attributed.

d) Debt, and related interest, taken on by the Town for the use of a non-tax supported activity will be repaid by the revenues of that activity.

4.8 Lease Financing Agreements

The discussion of financial and other risks to the Town of using Lease Financing Agreements is included in section 4.3 d) of this Policy.

The Lease Financing Agreement must include a schedule of all fixed payments, if any, required by the agreement and that may be required by any extension or renewal of the agreement, in accordance with O. Reg. 604/06, s. 2.

a) Immaterial Lease Financing Agreements

i) Lease Financing Agreements which will be considered immaterial for the Town will be defined as those which, individually for one asset result in payments less than or equal to $15,000 per year, and for which the Present Value of Minimum Lease Payments is less than or equal to $75,000. In aggregate, immaterial leases shall not exceed payments of $50,000 per year, and the total Present Value of Minimum Lease Payments shall not exceed $150,000.

ii) Prior to entering into an immaterial Lease Financing Agreement, it must be the opinion of the Treasurer and Council that the proposed agreement is within this category and that its costs and risks, in combination with all the others of this category entered into or proposed to be entered into in that year by the Town, would not result in a material impact for the community.

iii) The Treasurer will report to Council annually regarding Lease Financing Agreements (see Reporting Requirements below).

b) Material Lease Financing Agreements

i) Any Lease Financing Agreements not classified under 4.8 a) i) will be considered material.

ii) Prior to entering into any material lease financing agreement, Council shall meet all of the requirements of section 401(10) of The Act, including but not limited to requiring a report of the Treasurer, obtaining legal and financial advice, notifying the Regional Municipality of Niagara, and performing an assessment of the report prepared by the Treasurer.

iii) At any time after the Treasurer prepares a report under section 401(10)(1) of The Act, if the Treasurer becomes of the opinion that a changed circumstance may result in a material impact for the Town, the Treasurer will update the report and present it to Council as soon as reasonably possible.

iv) The Treasurer will report to Council annually regarding Lease Financing Agreements (see Reporting Requirements below).

4.9 Standard of Care

a) Ethics and Conflicts of Interest

Officers and employees involved in the Capital Financing process are expected to abide by the Town's Code of Ethics. In particular, they shall:

i) Refrain from personal business activity that could conflict with the proper execution and management of the Capital Financing program, or that could impair their ability to make impartial decision;

ii) Disclose any material interests in financial institutions with which they conduct business;

iii) Disclose any personal financial/investment institutions with which they conduct business;

iv) Disclose any personal financial/investment positions that could be related to the performance of their Capital Financing duties; and

v) Not undertake personal financial transactions with the same individual with whom business is conducted on behalf of the Town.

b) Responsibilities

i) Council:

- Shall approve Capital Financing in accordance with this policy;
- Shall develop and evaluate policies to ensure that administrative practices and procedures are in place to maintain the long-term financial flexibility of the Town and limit financial risk exposure; and
- The Mayor may execute and sign documents on behalf of the Town with respect to the issuance of Debt approved by Council.

ii) The Town Clerk:

- May certify and sign documents on behalf of the Town with respect to the issuance of Debt approved by Council.

iii) The Treasurer shall:

- Review and recommend the type and term of financing for capital projects and operating requirements;
- Calculate the Financial Obligation Limit for the Town as prescribed by The Act;

- Approve the timing and structure of Debt issues;
- Co-ordinate the preparation of Debt issue by-laws for Council;
- Execute and sign documents on behalf of the Town and perform all other related acts with respect to the issuance of Debt as approved by Council;
- Review and recommend to Council the financial and business aspects of any material lease agreements and transactions; and
- Ensure all reporting requirements identified in this Policy are met.

c) Delegation of Authority

i) The Treasurer will have the overall responsibility for the Capital Financing program of the Town.

ii) No person shall be permitted to engage in a Capital Financing activity except as provided within this Policy.

iii) The Treasurer shall establish a system of controls to regulate the activities of the Corporate Services department and exercise control over all Capital Financing activity.

d) Requirement for External Advice

Town staff is expected to have sufficient knowledge to prudently evaluate standard financing transactions. However, should in their opinion the appropriate level of knowledge not exist for unusual or non-standard transactions, or as otherwise directed by Council, outside financial and/or legal advice will be obtained.

e) Reporting Requirements

The Treasurer shall prepare the following reports for submission to Council:

i) Annual Audited Financial Statements.

ii) A request for authority for temporary borrowing up to a stipulated amount to meet the day-to-day expenditures, pending receipt of tax levies, user fees and revenues anticipated during the year.

iii) As part of the annual Budget:

- A Debenture schedule for the year, including opening balance, principal and interest payments anticipated, new proposed Debt to be issued, and expected closing balance;

- The Treasurer's Adjustment of the ARL, beginning with the most recently submitted Financial Information Return, and adding in additional approved Debt, as well as showing the impact of proposed Debt in the capital plan;

- A report on financial indicators, including, but not limited to, those listed in Appendix B. The report will include an analysis of those indicators, a comparison to other similar municipalities, where available, and a discussion of the impact that is anticipated from the long-term capital plan. If new Debt is recommended in the capital Budget, the report will include the expected impact of the new Debt on the financial indicators. If new Debt is recommended outside of the Budget process, this report must be prepared prior to Council approval;

- A list of any outstanding leases which are immaterial and require payment beyond the current year;

- If there are any outstanding Lease Financing Agreements, an estimate of the proportion of financing leases to the Town's total Long-Term Debt, a description of any changes since the previous year's report, if any, and a statement that in his or her opinion all financing leases were made in accordance with this Policy; and

- A statement indicating that the capital plan is compliant with this Policy.

iv) Prior to entering into a finance lease, which is other than immaterial, a report meeting all of the requirements of section 401(10) of the Act, including, but not limited, to:

- A comparison between the fixed and estimated costs and the risks associated with the proposed lease and those associated with other methods of financing;
- A statement summarizing, as may be applicable, the effective rate or rates of financing for the lease, the ability for lease payment amounts to vary and the methods or calculations, including possible financing rate changes, that may be used to establish that variance under the lease;
- A statement summarizing any contingent payment obligations under the lease that could result in a material impact for the Town;
- A summary of assumptions applicable to any possible variations in the agreement payment and contingent payment obligations; and
- Any other matters the Treasurer or Council considers advisable.

v) Prior to the Town passing a by-law providing for Construction Financing, a report meeting the requirements of O. Reg. 278/02, amended to O. Reg. 76/16, including, but not limited to:

- The fixed and estimated costs to the Town;
- Whether the costs of the proposed financing for construction of the undertaking are lower than other methods of financing available;
- A detailed estimate with respect to the terms of the Town's expectation of revenue generation from the undertaking, once constructed;

- The risks to the Town if the undertaking is not constructed or completed within the period of construction as estimated by Council; and

- The financial and other risks for the Town.

vi) Other reports in line with this policy shall be brought forward to Council as needed.

c) Policy Review:

This policy shall be presented to Council for review (and update if required) every four years, in the first year of each newly elected Council, or more frequently as deemed necessary by Council, the Chief Administrative Officer, or the Treasurer.

5. Attachments

Appendix A Maximum Financing Term of an Asset
Appendix B Debt-Related Financial Indicators

Policy S400-07 Appendix A
Town of Pelham: Corporate Services
Maximum Financing Term of an Asset

Maximum Financing Term	Type of Asset
3 Years	Computer Software Desktop/Laptop Computer, Monitor
5 years	Audio, Video, and Security Equipment Computer Server and Network Equipment Office Equipment Office Furniture
10 years	General Purpose Vehicle Park Facility, Trail Parking Lot Public Works Facility Sidewalk Specialized Equipment Specialized Vehicle (e.g. Snow Plow, Fire Truck) Street Lighting, Traffic Signal Underground Wiring Unlicensed Mobile (e.g. Tractor, Ice Resurfacer) Water Meter
20 years	Bridge, Culvert Fire Station Library Office Building Road Sanitary sewer, Storm Sewer Watermain, Hydrant
30 years	Recreational Facility with Useful Life > 30 years

Policy S400-07 Appendix B
Town of Pelham: Corporate Services
Debt-Related Financial Indicators

Indicator	Category	Definition	Importance	Benchmarks	Agency/Source	Calculation
Debt Servicing Cost as a % of Own-Source Revenues	Flexibility	Percentage of revenues that are used to pay for principal and interest on debt (Revenue excludes items which are not guaranteed or non-recurring, such as grants, development charges, and gains on disposal of tangible capital assets. See Definitions in this Policy. Debt excludes non-recurring items such as lump-sum or balloon payments.).	A measure of the Town's ability to service debt payments. A higher number indicates that debt servicing is consuming a higher portion of the operating budget and may constrain the funding that is available for other service delivery.	• Provincial limit is 25%. • The MMAH monitors a similar indicator, Debt Servicing as a % of Total Revenues (Less Donated TCA). Less than 5% is low risk, 5 to 10% is moderate risk, and above 10% is high risk.	MMAH, modified	Debt Servicing Cost for the Year (SLC 81 9920 01) Own-Source Revenues (SLC 81 2610 01)
Debt Service Coverage Ratio	Flexibility	Cash flow that is available to pay for principal and interest on debt.	A measure of the Town's ability to service debt with recurrent operating cash flows. If this ratio is 1, the Town has just enough cash flow to pay for debt servicing. If it is less than one, the Town operating income is constrained in covering debt servicing costs.	• Less than 1 is constrained, 1 is just sufficient to cover debt servicing, 1.5 or higher would indicate more flexibility to meet operating demands.	Infrastructure Ontario, modified	Adjusted Operating Surplus* Debt Servicing Cost for the Year (SLC 81 9920 01) *Adjusted Operating Surplus = Own-Source Revenues (SLC 81 2610 01) - Operating Expenses (SLC 40 9910 07) + Amortization (SLC 40 9910 16) + Interest on Long-term Debt (SLC 40 9910 02)
Debt to Reserve Ratio	Flexibility	Total debt outstanding as a ratio of total reserves (excluding obligatory reserve funds).	A measure of the amount of debt taken out that will need to be funded in the future, versus the amount that has been put away into reserves to provide for future expenditures. A ratio of greater than 1 means that debt outstanding exceeds reserves available. A ratio of less than 1 means that debt outstanding is lower than reserves available.	• Less than 1 is low risk, 1 to 1.25 is moderate risk, and above 1.25 is high risk.	BMA Study	Total Long-term Liabilities (SLC 70 2699 01) Total Reserves and Discretionary Reserve Funds (SLC 60 2099 03 + SLC 60 2099 02)
Debt per Capita	Flexibility	The amount of debt that is outstanding per Town citizen.	A measure of how much debt is outstanding per citizen of the Town. This can give an indication of the amount of future tax revenues that need to be recovered to pay for existing infrastructure, and a high level of debt relative to other similar municipalities may mean that the Town would have less flexibility to respond to an unanticipated event or expenditure.	• We do not have a specific benchmark, but the Town ratio can be compared to other similar municipalities to provide a point of reference.	BMA Study	Total Long-term Liabilities (SLC 70 2699 01) Population (SLC 01 0041 01)
Net Financial Assets (Net Debt) as a % of Own-Source Revenues	Sustainability	Net financial assets (or net debt) as a percentage of Own-Source Revenues. (Revenue excludes items which are not guaranteed or non-recurring, such as grants, development charges, and gains on disposal of tangible capital assets. See Definitions in this Policy.).	A measure of the amount that Own-Source Revenue is servicing debt. A ratio less than zero indicates that the Town is in a Net Debt position (liabilities exceed financial assets). An increasing negative number may indicate challenges for long-term sustainability because an increasing amount of future revenues will be required to pay for the existing debt.	• The MMAH indicates greater than -50% is low risk, -50% to -100% is moderate risk, and less than -100% is high risk. • Trend should be viewed over a minimum 3-year period.	MMAH, modified	Net Financial Assets (Net Debt) (SLC 70 9945 01) Own-Source Revenues (SLC 81 2610 01)
Total Reserves and Reserve Funds as a % of Operating Expenditures	Sustainability	Total reserves and discretionary reserve funds as a percentage of operating expenditures.	A measure of the amount of funds that have been set aside for future needs and contingencies. A higher percentage means that the Town may be relying less on debt or putting funds away for future expenditures. A lower percentage may mean that the Town is relying more heavily on in-year tax levy and rates to pay for expenditures.	• The MMAH indicates greater than 20% is low risk, 10% to 20% is moderate risk, and less than 10% is high risk. • The Town will consider greater than 40% is low risk, 20% to 40% is moderate risk, and less than 20% is high risk.	MMAH	Total Reserves and Discretionary Reserve Funds (SLC 60 2099 03 + SLC 60 2099 02) Total Expenses - Revenue Received from Other Municipalities for Operations - Revenue Received from Other Municipalities for Tangible Capital Assets (SLC 40 9910 11 - SLC 12 9910 03 - SLC 12 9910 07)
Asset Consumption Ratio	Sustainability	Accumulated amortization of tangible capital assets as a percentage of historical cost of tangible capital assets	A measure of the amount of the Town capital assets' life expectancy which has been consumed. A higher ratio may indicate that there are significant replacement needs, and a lower ratio may indicate that there is not significant aging of the Town's capital assets.	• The MMAH indicates less than 50% is low risk, 50% to 75% is moderate risk, and greater than 75% is high risk.	MMAH	Closing Accumulated Amortization Balance of Tangible Capital Assets (SLC 51 9910 10) Closing Cost Balance of Tangible Capital Assets (SLC 51 9910 06)

Note: "SLC" refers to the Financial Information Return (FIR) schedule, line, column

Policy Name: Reserve and Reserve Fund Policy	Policy No: S400-08
Committee approval date:	December 16, 2019
Council approval date:	January 13, 2020
Revision date(s):	-
Department/Division:	Corporate Services

1. Purpose

The purpose of this policy is to establish guiding principles, primary objectives, key management and administrative responsibilities, and standards of care for Reserves and Reserve Funds managed by the Town.

2. Policy Statement

A policy governing the management and administration of Reserves and Reserve Funds.

3. Definitions

Budget: An estimated financial plan of revenue and expenditure for a set period of time.

Capital Asset Renewal and Replacement: A category of Reserves and Reserve Funds established to provide funding for the repair and maintenance of existing Town assets to ensure Town-owned assets do not deteriorate over time.

Capital Asset Growth: A category of Reserves and Reserve Funds established to provide funding to new capital initiatives while allowing the Town to stabilize the cost of purchasing major capital assets by spreading the cost over multiple years.

Contingencies/Stabilization & Risk Management: A category of Reserves and Reserve Funds designed to fund future obligations which are based on calculated

estimates and risk assessments to mitigate unforeseen events or one-time unanticipated revenue losses and expenses.

Council: The Council of the Town of Pelham.

Debt: Any obligation for the payment of money. For Ontario municipalities, debt would normally consist of debentures as well as either notes or cash from financial institutions.

Development Charges (DC) Background Study: The background study undertaken by the Town for its current Development Charges By-law.

Development Charges (DC): Fees collected from developers at time of building permit issuance to help pay for the cost of infrastructure required to provide municipal services to new development, such as roads, fire protection, water and sewer infrastructure, and recreation facilities.

Discretionary Reserves and Reserve Funds: A Reserve or Reserve Fund created by Council to set aside revenue to finance a future expenditure for which Council has the authority to spend money.

GFOA: The Government Finance Officers Association of the United States and Canada, a professional association of state, provincial and local finance officers dedicated to the sound management of financial resources.

Liquidity: A measure of an asset's convertibility to cash.

MFOA: Municipal Finance Officers Association of Ontario, a professional association which promotes the interests of its members in carrying out their statutory and financial responsibilities by initiating studies and sponsoring seminars to review, discuss and develop positions on important policy and financial management issues.

Obligatory Reserve Fund: A Reserve Fund created when senior government statute or agreement requires that revenue received for special purposes be segregated from the general revenues of the municipality. Obligatory Reserve Funds are to be used solely for the purpose prescribed for them by statute or agreement.

PSAB: The Public Sector Accounting Board, an independent board with the authority to set accounting standards for the public sector.

Reserve: An appropriation from net revenue and/or cost savings at the discretion of Council, after the provision for all known expenditures. It has no reference to any specific asset and does not require the physical segregation of money or assets as in the case of a Reserve Fund. Municipal Councils may set up Reserves for any purpose for which they have the authority to spend money, as outlined in section 290(4) of The Act. Reserves are either “discretionary” or “non-discretionary”. Discretionary Reserves are funded by the tax levy or other funding sources, and drawdowns or transfers from the Reserve can be approved for any purpose at Council’s discretion. Non-discretionary Reserves are "non-tax supported", and receive revenues and incur expenses on their own without support from the general tax levy; drawdowns from non-discretionary Reserves must be for expenditures related to their revenue source as approved by Council. Non-discretionary Reserves include the Water and Wastewater Reserves.

Reserve Fund: Funds that have been set aside either by a by-law of the municipality or by a requirement of senior government statute or agreement to meet a future event. As a result, Reserve Funds are either “discretionary” being those set up by Council, or “obligatory” being those set up by virtue of a requirement of senior government statute or agreement. Municipal councils may set up Reserve Funds for any purpose for which they have the authority to spend money, as outlined in section 290(4) of The Act. Discretionary Reserve Funds can be funded from the general tax levy or they can be “non-tax supported”, and receive revenues and incur expenses on their own without support from the general tax levy; drawdowns from non-tax supported Reserve Funds must be for

expenditures related to their revenue source as approved by Council. Non-tax supported Reserve Funds include the Building Department Reserve Fund.

Revolving Reserves and Reserve Funds: Reserves and Reserve Funds used wholly or partially to fund normal course operating requirements or cash flow deficiencies that do not require Council approval provided they conform to intent of originating resolution or by-law and this policy.

Specific Projects & New Initiatives: A category of Reserves and Reserve Funds established for planned savings within the Budget to fund projects or expenses either identified at the time the Reserve or Reserve Fund is set-up or after, which allows the Town to save for planned or unanticipated projects or expenses that may arise and do not have another funding source.

The Act: The *Municipal Act,* 2001, S.O. 2001, c.25, as amended.

Town: The Corporation of the Town of Pelham.

Treasurer: The individual appointed by the municipality as Treasurer, in accordance with section 286 of The Act.

4. General Provisions

4.1 Principles and Objectives

Reserves and Reserve Funds are important long-term financial planning tools for municipalities, and are used to set aside funds for a future purpose.

The guiding principles for the Reserves and Reserve Funds shall be:

a) Adherence to statutory requirements

i) The Town will establish and maintain segregated Reserve Funds that meet all statutory obligations.

ii) Reserves and Reserve Funds shall be managed in accordance with The Act, which includes:

- Section 290(2) the Budget shall set out the estimated revenues and expenditures of Reserves and Reserve Funds contained within a municipality's budget;

- Section 418(3) as allowed by the Corporation, shall combine money held in any fund (including Reserves and Reserve Funds) for investment purposes; and

- Section 418(4) that earnings from combined investments shall be credited to each segregated fund in proportion to the amount invested in it.

iii) Reserves shall be established by Council resolution, which governs the purpose, funding sources, and drawdowns of the Reserve.

iv) Reserve Funds shall be established by Council by-law, which governs the purpose, funding sources, drawdowns, and investment of the fund.

v) Obligatory Reserve Funds shall be established and managed in accordance with the legislation and/or agreement pertaining to those funds, for example:

- *The Development Charges Act, 1997*
- *The Planning Act, Section 42*
- *Municipal Funding Agreement for the Transfer of Federal Gas Tax Funds*
- *The More Homes, More Choice Act, 2019*

b) Promotion of financial stability and flexibility

i) Reserves and Reserve Funds shall form an integral component of

the Town's Budget and strategic financial plan. The Town recognizes that unstable and unpredictable tax levies can adversely affect residents and businesses in Pelham. The Town will strive to maintain sufficient Reserves and Reserve Funds to buffer the impact of unusual or unplanned cost increases or revenue reductions over multiple Budget cycles. Furthermore, the Town shall prioritize capital Reserves in order to minimize the debt levels of the Town and allow for greater financial flexibility.

ii) It shall be the Town's practice to maintain adequate Reserves and Reserve Funds within the following categories to achieve long-term financial stability and flexibility (see definitions for detailed description of categories):

- Obligatory;
- Capital Asset Renewal and Replacement;
- Capital Asset Growth;
- Specific Projects and New Initiatives; and
- Contingencies/Stabilization and Risk Management.

iii) The Town shall strive to maintain Reserve and Reserve Fund levels in line with best practices of public service associations such as MFOA, GFOA, etc., and other municipalities otherwise comparable to the Town in population, geographic location, or other relevant characteristics.

c) Provision for major capital expenditures

It shall be the Town's goal to maintain adequate Reserves and Reserve Funds to replace and rehabilitate major capital assets, as required, and to provide for new capital assets that have been identified in the long-term capital plan. To achieve this goal, the following Budget practices will be applied where applicable:

i) Target transfers to Reserve in the operating Budget will be sufficient to fund the full cost of replacement or rehabilitation of major assets at a rate that reflects the consumption of that asset by current

ratepayers. Contributions to these Reserves will commence in the fiscal year subsequent to the year the asset is acquired or put into service and will be based on an estimate of the useful life of that asset. For practical purposes, the Town will strive to transfer to the capital Reserves at minimum the amount of amortization for that class of assets as recorded in the financial statements, or a greater amount as indicated in the Town's Capital Asset Management Plan. This shall be reduced by the amortization of assets that the Town does not intend to replace or by any other sources of funding that are known at the time of Budget preparation.

ii) Transfers to Reserve in the operating Budget will be further increased to provide funding for Capital Asset Growth as identified in the Town's long-term capital plan.

iii) Obligatory Reserve Funds will be maintained for growth, parkland, gas tax and other grant-related capital projects. The growth-related obligatory Reserve Funds will be fully funded from developer contributions. Components of the growth related projects which benefit the existing ratepayers or for which a discount has been given, shall be funded from tax/rate funding sources in the year the project is built. Notwithstanding, debt may be issued for growth projects when required in accordance with the *Development Charges Act, 1997,* as amended, and other pertinent Town policies.

d) Liquidity

Reserves and Reserve Funds shall be kept at an adequate level to ensure the Town has sufficient cash flow to meet its financial obligations; including but not limited to:

i) Replacing and rehabilitating capital infrastructure assets as required;

ii) Supplying funds for new capital assets identified in the Town's long-term plans, or that arise from time-to-time;

iii) Funding long-term contingencies and potential liabilities; and

iv) Providing a buffer for significant unanticipated expenditures, or loss of revenues beyond the control of the Town.

4.2 Reserve and Reserve Fund Management

a) Establishment and Modification of Reserves and Reserve Funds

i) Reserves and Discretionary Reserve Funds shall only be established or modified if they are supported by a financial plan identifying the funding needs, targets, contribution sources, projected drawdowns and investment of funds. Obligatory Reserve Funds are automatically established when Council passes a by-law for the collection of Obligatory Reserve Funds or approves an agreement specifying that funds be held in an Obligatory Reserve Fund.

ii) Target funding levels shall be established for every Reserve and Reserve Fund. Methods for calculating Reserve and Reserve Fund targets shall be determined on a case-by-case basis considering the following:

- Purpose of fund;
- Certainty of end needs;
- Best practices/standards regarding the identification of need and target balance levels (MFOA, GFOA, etc.); and
- Economic factors.

iii) The recommended minimum and maximum balances in Appendix B are guidelines toward which the Town will strive.

- Where a Reserve or Reserve Fund is below the recommended minimum balance, the long-term capital plan will seek to restore the minimum balance as quickly as possible and the allocation of Reserve transfers to other Discretionary Reserves will be re-evaluated to determine if a reallocation is required.

  The long-term strategy to achieve the target minimum balance for Reserves and Reserve Funds will be phased in as follows:

  From 2020 to 2024: The lesser of the target balance and the projected 2019 balance plus 25% of the increase required to

reach the target minimum.

From 2025 to 2029: The lesser of the target balance and the projected 2019 balance plus 50% of the increase required to reach the target minimum.

From 2030 to 2034: The lesser of the target balance and the projected 2019 balance plus 75% of the increase required to reach the target minimum.

From 2035 to 2039: The lesser of the target balance and the projected 2019 balance plus 100% of the increase required to reach the target minimum.

- Where the Reserve or Reserve Fund is below the target balance, the long-term capital plan will be examined to determine whether increased Reserve transfers are required, projects can be deferred, or other funding must be considered as an alternative to Reserve Funding.
- Where the Reserve or Reserve Fund is above the maximum balance, it may be an indication that sufficient funds have been invested and the minimum annual contribution will be reviewed to determine whether operating Reserve transfers can be allocated to an alternate Discretionary Reserve.

iv) Reserve and Reserve Fund balances and associated targets shall be reviewed periodically to ensure adequate Reserve and Reserve Fund levels are maintained for a ten-year period.

b) Contributions To/Drawdowns From Reserves and Reserve Funds

i) Contributions to/drawdowns from Reserves and Reserve Funds shall be made in accordance with the Council-approved resolution or by-law, and this policy.

ii) Contributions to/drawdowns from Reserves and Reserve Funds shall be approved by Council as part of the annual Budget process, or

specifically by resolution with the following exceptions:

- Direct contribution to Obligatory Reserve Funds such as development charges and federal gas tax funding;
- Transfers that are the direct result of Council approved policies, by-laws or resolutions;
- Interest allocation to Reserves and Reserve Funds in accordance with this policy;
- Recurring contributions to/drawdowns from Reserves specified in this policy, including the appendices, or approved by Council at the time of establishment of the Reserve or Reserve Fund;
- Where long-term grant agreements are in place such as Federal Gas Tax funding, alternative eligible capital projects may be selected for the application of grant funding, at the discretion of the Treasurer; and
- Use of “revolving” Reserves and Reserve Funds for the purpose approved by Council.

iii) Council approved contributions to/drawdowns from Reserves and Reserve Funds not realized shall be reported to Council as part of the annual Reserve and Reserve Fund report of the Treasurer.

iv) Interest shall be allocated to Reserves and Reserve Funds as follows:

- Interest will be allocated to Obligatory Reserve Funds in accordance with applicable legislation, the agreement, or in the absence of such guidance, at the Town’s average rate of interest for the year as determined by the Treasurer;
- Interest will be allocated to Discretionary Reserve Funds and non-discretionary Reserves at the Town’s average rate of interest

for the year as determined by the Treasurer;

- Interest will generally not be allocated to Discretionary Reserves unless specified by Council in the originating resolution establishing the Reserve; and

- Interest will be allocated annually based on the interest rate multiplied by the previous year-end balance of the Reserve or Reserve Fund.

v) Funding of projects from Reserves will be recorded at year-end based on the expenditures incurred during that fiscal year, at the proportionate percentage of Reserve funding in the approved Budget for that project.

vi) If there is an operating deficit at year-end, it will be withdrawn from the Working Funds Reserve. If there is an operating surplus at year-end, it will be allocated as follows:

- The first $147,000 will be transferred to the Land Acquisition Reserve until such time that the balance is returned to $nil;

- Any remaining surplus will be transferred to the Working Funds Reserve.

c) Cash Management of Reserves and Reserve Funds

i) Reserve funds require the physical segregation of money or other liquid assets, as approved in the Town's Investment Policy.

ii) Reserves do not require the physical segregation of money or specific assets, however to follow this policy's guiding principle of Liquidity, the Town will strive to maintain cash and liquid assets equal to the Reserves and Reserve Funds.

iii) Multiple Reserve Funds may be consolidated together in an investment portfolio, but they must be segregated from other Town assets.

iv) Given the funding of projects from Reserves and Reserve Funds at year-end, the investment and/or bank balance for Reserve Funds will be adjusted to agree to the prior year-end balance in the audited financial statements by June 30 each year.

v) The Treasurer will report on the cash position of the Reserves and Reserve Funds annually (see Reporting Requirements below).

d) Investment of Reserves and Reserve Funds

i) Reserves and Reserve Funds shall be invested for a term that will not exceed its expected date of need;

ii) Reserves and Reserve Funds shall be invested in accordance with the Council-approved Investment Policy;

iii) Interest earned on Reserves shall be recognized as revenue in the operating Budget; and

iv) Interest earned on Reserve Funds shall be allocated to each specific Reserve Fund according to its proportionate share of the investment portfolio.

e) Lending/Temporary Borrowing of Reserves and Reserve Funds

i) Intra-fund lending within a specific Reserve Fund shall be permitted if allowed by the related legislation or agreement to temporarily finance capital and/or operating cash flow deficiencies and avoid external borrowing costs, provided that all loans/transfers bear interest at the rate applicable to the Reserve Fund. For example, under the *Development Charges Act, 1997,* as amended, intra-fund borrowing between DC Reserve Funds is permitted, and the amounts borrowed must be repaid at the minimum prescribed interest rate.

ii) Inter-fund lending between Reserves and Discretionary Reserve Funds (one Reserve is in a deficit and another Reserve is in a

surplus) shall be permitted to temporarily finance capital and/or operating cash flow deficiencies and avoid external borrowing costs, provided that there is a strategic financial plan in place to replenish the deficit and that interest continues to be allocated to the Reserves and Reserve Funds in accordance with this policy.

iii) All inter-fund lending/temporary borrowing shall be provided from Reserves and Discretionary Reserve Fund balances and the loaning of obligatory Reserve Funds is prohibited.

f) Termination of Reserves and Reserve Funds

i) A discretionary Reserve or Reserve Fund shall be terminated (wound down and closed) when the program or project it supports meets any of the following criteria:

- It is no longer in the scope of the Town's strategic plans;
- Program commitments have been completed and no future commitments are expected; and
- The Treasurer is confident that balances in other areas can mitigate the need to hold any remaining Reserve or Reserve Fund balance.

ii) Reserves or Reserve Funds identified for termination shall be reported to Council for review and approval. Reports to Council shall include recommendations regarding the timing of wind down, closure and the allocation of fund balances.

4.3 Standard of Care

a) Responsibilities

i) Council shall:

- Establish Reserves and Reserve Funds in accordance with this policy;
- In accordance with The Act, develop and evaluate policies to ensure that administrative policies, practices, and procedures are in place to maintain the financial integrity of the Town's Reserves and Reserve Funds;
- Approve transactions to and from Reserves and Reserve Funds through the Budget process, specific resolution, and this policy; and
- Ensure that any expenditure approval outside of the Budget process includes the source of funding from Reserves, Reserve Funds, or other sources as appropriate.

ii) The Chief Administrative Officer shall:

- Support the Treasurer in ensuring the principles and requirements contained in this policy are applied consistently across all Town departments.

iii) The Treasurer shall:

- Ensure that Reserves and Reserve Funds are established, maintained, and dissolved in compliance with this policy;
- Update this policy as necessary and recommend changes to Council for approval;

- Ensure that the principles and requirements contained in this policy are applied consistently across all departments;

- Perform transfers to and from Reserves and Reserve Funds as authorized by Council;

- Recommend strategies for the adequacy of Reserve and Reserve Fund levels; and

- Report the Reserve and Reserve Fund balances and forecasts to Council (see Reporting Requirements below).

iv) Department Directors shall:

- Provide the Treasurer with the most current capital asset information to be used in evaluating the adequacy of Capital Asset Renewal and Replacement Reserves and Reserve Funds;
- Consult with the Treasurer when Reserves or Reserve Funds should be established;

- Consult with the Treasurer when the use of Reserves or Reserve Funds is required; and

- Inform the Treasurer when Reserve transfers are required as per resolution of Council and provide supporting documentation.

b) Delegation of Authority

i) Once Council approves Reserves by resolution and Reserve Funds by by-law, the Treasurer shall have overall authority for the Reserves and Reserve Funds managed by the Town.

ii) The Treasurer has the responsibility for setting Reserve and Reserve Fund targets. Targets will be periodically reported to Council through

Reserve and Reserve Fund reports (see Reporting Requirements below).

iii) The Treasurer shall have overall responsibility for this policy, and the authority to implement a program for Reserves and Reserve Funds and establish procedures consistent with the content of this policy. Administrative responsibilities shall include, but are not limited to, the following:

- Determine need for Reserves and Reserve Funds for operating and capital Budgets;
- Set targets for Reserves and Reserve Funds in line with directives contained in this policy and other pertinent policies;
- As part of the reporting to Council, review and report on the adequacy and continuing need for Reserves and Reserve Funds managed by the Town;
- Prepare and present reports and/or by-laws associated with the establishment, monitoring, or termination of Reserves and Reserve Funds;
- Develop appropriate practices, procedures and processes for the investment of Reserves and Reserve Funds in line with legislative requirements, the Town's Investment Policy and other pertinent policies;
- Monitor and reconcile all receipts to and disbursements from Reserve and Reserve Fund accounts to ensure compliance with provincial regulations, PSAB and this policy;
- Approve updates to the appendices in accordance with this policy, by-laws or statutes as amended;

- Prepare the Town's long-term strategic financial plan with consideration of appropriate Reserves and Reserve Funds to effectively meet the Town's operating and capital Budget financing needs; and

- Ensure Reserves and Reserve Funds managed by the Town are in line with senior government statutes, agreements and other pertinent policies.

c) Reporting Requirements:

The Treasurer shall prepare the following reports regarding Reserves and Reserve Funds managed by the Town:

i) Annual Audited Financial Statements

ii) Reserve and Reserve Fund Report – An annual summary of the Reserves and Reserve Funds including opening balance, additions and reductions, and closing balance for the previous fiscal year, tying in the report to the audited financial statements. Included in this report will be an analysis of the Town cash position in the audited financial statements in comparison to the total balance of Reserves and Reserve Funds, as well as discussion regarding the investment of Reserves and Reserve Funds during that fiscal year.

iii) DC Reserve Funds Report – An annual report detailing pertinent information regarding DC Reserve Funds shall be presented to Council as required by the *Development Charges Act, 1997,* as amended.

iv) Parkland Dedication Reserve Fund Report – An annual report detailing pertinent information regarding Parkland Dedication

Reserve Funds shall be presented to Council as required by the *Planning Act*, Section 42.

v) Capital Asset Management Plan Update – A financial plan forecasting Reserve and Reserve Fund balances and a comparison to target objectives shall be prepared periodically based on the most current information available; this report may include recommendations for the establishment of new, modification of existing and termination of existing Reserves and Reserve Funds.

vi) Budget Reports – Reserve and Reserve Fund balances, projected contributions and planned drawdowns for a ten-year period shall be presented in each capital Budget.

vii) Other reports in line with this policy shall be brought forward to Council as needed.

d) Policy Review:

This policy shall be presented to Council for review (and update if required) every four years, in the first year of each newly elected Council, or more frequently as deemed necessary by Council, the Chief Administrative Officer, or the Treasurer.

5. Attachments

Appendix A Summary of Types of Reserves and Reserve Funds
Appendix B Summary of Reserves and Reserve Funds at December 31, 2018

Policy S400-08 Appendix A
Town of Pelham: Corporate Services
Summary of Types of Reserves and Reserve Funds

Type	Physical Segregation of Money or Liquid Assets Required?	Method of Establishment	Lending/Temporary Borrowing	Council Discretion to Transfer from the Reserve or Reserve Fund to another Reserve or Reserve Fund	Interest	Examples
Obligatory Reserve Fund	Yes	Council passes a by-law for the collection of obligatory reserve funds or approves an agreement specifying that funds be held in an obligatory reserve fund	• Intra-fund lending permitted if allowed by the related legislation or agreement • Inter-fund lending prohibited	No	Allocated in accordance with applicable legislation or the agreement	• Development Charge Reserve Fund • Parkland Dedication Reserve Fund • Federal Gas Tax Reserve Fund
Discretionary Reserve Fund	Yes	Council by-law which governs the purpose, funding sources, drawdowns, and investment of the fund	• Inter-fund lending permitted provided that there is a strategic financial plan in place to replenish the deficit and interest continues to be allocated to the reserve fund	General Tax Levy Supported - Yes Non-Tax Supported - No	Allocated at the Town's average rate of interest for the year as determined by the Treasurer	• Building Department Reserve Fund • Facilities Reserve Fund • Fire Reserve Fund • Fleet Reserve Fund
Non-discretionary Reserve	No	Council resolution which governs the purpose, funding sources, drawdowns, and investment of the fund	• Inter-fund lending permitted provided that there is a strategic financial plan in place to replenish the deficit and interest continues to be allocated to the reserve	No	Allocated at the Town's average rate of interest for the year as determined by the Treasurer	• Water Reserve • Wastewater Reserve
Discretionary Reserve	No	Council resolution which governs the purpose, funding sources, drawdowns, and investment of the fund	• Inter-fund lending permitted provided that there is a strategic financial plan in place to replenish the deficit and interest continues to be allocated to the reserve if applicable under this policy	Yes	Not allocated unless specified in originating Council resolution	• Working Funds Reserve • Municipal Drainage Reserve • Roads Reserve

Policy S400-08 Appendix B
Town of Pelham: Corporate Services
Summary of Reserves and Reserve Funds at December 31, 2018

Obligatory Reserve Funds

Name	Category	By-law, Legislation or Agreement	Purpose	Source of Funding	Target Annual Contribution	Basis for Target Reserve Balance	Recommended Minimum Balance	Target Balance	Recommended Maximum Balance
Development Charges Reserve Fund	• Obligatory • Capital Asset Growth	*Development Charges Act, 1997, as amended*	To pay for the cost of infrastructure required for new development as outlined in the DC Background Study	Developer Contributions	N/A - Contributions are dependent on development activity	The amount that is planned to be spent from the reserve fund in the next fiscal year	$1,600,000	$2,281,000	N/A
Federal Gas Tax Reserve Fund	• Obligatory • Capital Asset Growth	Municipal Funding Agreement for the Transfer of Federal Gas Tax Funds	To hold Federal Gas Tax grant funds until spent on an eligible project	Government of Canada grant	N/A - Contributions are dependent on grant funding awarded	N/A	N/A	N/A	Balance cannot exceed five prior years' funding received
Ontario Community Infrastructure Fund (OCIF) Reserve Fund	• Obligatory • Capital Asset Renewal and Replacement • Capital Asset Growth	Ontario Community Infrastructure Fund Formula-Based Component Agreement	To hold OCIF grant funds until spent on an eligible project	Government of Ontario grant	N/A - Contributions are dependent on grant funding awarded	N/A	N/A	N/A	Balance cannot exceed five prior years' funding received
Other Grants and Obligatory Funds Held	• Obligatory • Capital Asset Renewal and Replacement • Capital Asset Growth • Specific Projects and New Initiatives	Various grant agreements and trust documents	A general combination of grants (other than Federal Gas Tax and OCIF), Cemetery Perpetual Care Trust funds to be transferred, and other obligatory funds received which may change from year to year but must be kept in a separate reserve fund	Grants and other obligatory funds	N/A - Contributions are dependent on grant funding awarded	N/A	N/A	N/A	N/A
Parkland Dedication Reserve Fund	• Obligatory • Capital Asset Renewal and Replacement • Capital Asset Growth	*Planning Act* , Section 42	Parkland, capital machinery and equipment used in parks, and recreation	Developer Contributions in lieu of land for parkland purposes	N/A - Contributions are dependent on development activity	The amount that is planned to be spent from the reserve fund in the next three fiscal years	$500,000	$1,255,700	N/A

Discretionary Reserve Funds

Name	Category	By-law, Legislation or Agreement	Purpose	Source of Funding	Target Annual Contribution (Note 1)	Basis for Target Reserve Balance	Recommended Minimum Balance	Target Balance	Recommended Maximum Balance	Revolving Transactions not Requiring Separate Approval
Building Department Reserve Fund	• Contingencies/Stabilization and Risk Management • Revolving Reserve	*Building Code Act*	To offset the cost of administration and enforcement of the Building code when fee revenues are less than costs of delivering building services	Year-end building department surplus transferred to the reserve	N/A	Two years of projected Building Department operating expenditures, given the risk and unpredictable timing of development	$600,000	$1,200,000	$1,800,000	• Year-end Building Department surplus or deficit transferred to/from reserve • Annual transfer to Town operating for administration • Transfer to other reserves for Building Department expenditures incurred (e.g. Fleet, IT)
Facilities Reserve Fund	• Capital Asset Renewal and Replacement • Capital Asset Growth	By-law 647 (1980)	To provide a source of funding for the purchase, replacement and expansion of capital items related to Municipal Facilities	Operating transfer to Facilities Reserve	$1,490,400	Note 2	$692,000	$1,384,000	$3,000,000	N/A
Fire Reserve Fund	• Capital Asset Renewal and Replacement • Capital Asset Growth	By-law 647 (1980)	To provide a source of funding for the purchase, replacement and expansion of capital items related to Fire operations including equipment and vehicles	Operating transfer to Fire Reserve	$432,600	Note 2	$540,750	$1,081,500	$2,000,000	N/A
Fleet Reserve Fund	• Capital Asset Renewal and Replacement • Capital Asset Growth	By-law 1195 (1988)	To provide a source of funding for the purchase, replacement and expansion of capital items related to the vehicle fleet, not funded by other reserves and reserve funds (such as Fire, Building Department, or Water and Wastewater vehicles)	Operating transfer to Fleet Reserve and transfers from other rate-supported reserves such as building department, water and wastewater	$534,900	Note 2	$668,600	$1,337,200	$2,500,000	N/A
Library Reserve Fund	• Capital Asset Renewal and Replacement • Capital Asset Growth • Contingencies/Stabilization and Risk Management • Revolving Reserve	By-law 1066 (1986)	To provide a source of funding for the purchase, replacement and expansion of capital items related to the Pelham Public Library, and to provide a buffer for significant unanticipated expenditures or loss of revenues related to the Library	Transfer to Library Reserve in Pelham Public Library budget	$8,500 Equal to average annual spending in 5-year capital forecast	Note 2	$10,650	$21,300	$50,000	• Year-end Library surplus or deficit transferred to/from reserve
Parks and Recreation Reserve Fund	• Capital Asset Renewal and Replacement • Capital Asset Growth	By-law 647 (1980)	To provide a source of funding for the purchase, replacement and expansion of capital items related to Parks	Operating transfer to Parks Reserve	$296,500	Note 2	$293,600	$587,200	$1,500,000	N/A

Policy S400-08 Appendix B
Town of Pelham: Corporate Services
Summary of Reserves and Reserve Funds at December 31, 2018

Non-Discretionary Reserves

Name	Category	By-law, Legislation or Agreement	Purpose	Source of Funding	Target Annual Contribution (Note 1)	Basis for Target Reserve Balance	Recommended Minimum Balance	Target Balance	Recommended Maximum Balance	Revolving Transactions not Requiring Separate Approval
Wastewater Reserve	• Capital Asset Renewal and Replacement • Capital Asset Growth • Contingencies/Stabilization and Risk Management • Revolving Reserve	Financial Plans Regulations O. Reg. 453/07	To fund major maintenance and replacement of sewer infrastructure, to fund wastewater capital asset growth, and to provide wastewater rate stabilization from year to year	Year-end wastewater surplus is transferred to the reserve	Target changes annually based on most recent Water and Wastewater Financial Plan	Most recent Water and Wastewater Financial Plan approved by Council in compliance with O. Reg. 453/07	N/A	Target changes annually based on most recent Water and Wastewater Financial Plan	N/A	• Year-end Wastewater surplus or deficit transferred to/from reserve • Transfer to other reserves for Wastewater expenditures incurred (e.g. Fleet, IT)
Water Reserve	• Capital Asset Renewal and Replacement • Capital Asset Growth • Contingencies/Stabilization and Risk Management • Revolving Reserve	Financial Plans Regulations O. Reg. 453/07	To fund major maintenance and replacement of water infrastructure, to fund water capital asset growth, and to provide water rate stabilization from year to year	Year-end water surplus is transferred to the reserve	Target changes annually based on most recent Water and Wastewater Financial Plan	Most recent Water and Wastewater Financial Plan approved by Council in compliance with O. Reg. 453/07	N/A	Target changes annually based on most recent Water and Wastewater Financial Plan	N/A	• Year-end Water surplus or deficit transferred to/from reserve • Transfer to other reserves for Water expenditures incurred (e.g. Fleet, IT)

Discretionary Reserves

Name	Category	Authorization	Purpose	Source of Funding	Target Annual Contribution (Note 1)	Basis for Target Reserve Balance	Recommended Minimum Balance	Target Balance	Recommended Maximum Balance	Revolving Transactions not Requiring Separate Approval
Cemetery Reserve	• Capital Asset Renewal and Replacement • Capital Asset Growth	Authorized through Council resolution at time of prior budget approval	To provide a source of funding for the purchase, replacement and expansion of capital items related to Cemetery operations	Operating transfer to Cemetery Reserve	$60,900	Note 2	$54,150	$108,300	$250,000	N/A
Community Improvement Plan (CIP) Reserve	• Specific Projects and New Initiatives • Revolving Reserve	Authorized through Council resolution at time of prior budget approval	To provide a source of funding for Community Improvement Plan funding agreements	Operating transfer to Cemetery Reserve	Reserve drawdowns are dependent on number of agreements and timing of development completion therefore contributions fluctuate annually based on target balance	Equal to average of reserve expenditures over subsequent 5 years	$60,400	$120,800	N/A	• Funding of CIP agreements previously approved by Council
Elections Reserve	• Specific Projects and New Initiatives • Revolving Reserve	Authorized through Council resolution at time of prior budget approval	To provide a source of funding for the cost of running municipal elections	Operating transfer to Elections Reserve	$15,000 Equal to 25% of the anticipated cost of running a municipal election	N/A	$0	N/A	$60,000	• Funding of election expenditures
Future Subdivision Projects Reserve	• Specific Projects and New Initiatives	Authorized through Council resolution at time of prior budget approval	To provide a source of funding for the cost of infrastructure related to new subdivisions	Specific transfers as approved by Council	N/A	N/A	N/A	N/A	N/A	N/A
Information Technology Reserve	• Capital Asset Renewal and Replacement • Capital Asset Growth	Authorized through Council resolution at time of prior budget approval	To provide a source of funding for the purchase, replacement and expansion of capital items related to Information Technology	Operating transfer to Information Technology Reserve	$131,800	Note 2	$134,650	$269,300	$550,000	N/A
Land Acquisition Reserve	• Specific Projects and New Initiatives • Revolving Reserve	Authorized through Council resolution at time of prior budget approval	To provide a source of funding for the acquisition of land other than parkland	Specific transfers as approved by Council and allocation of year-end surplus in accordance with this policy	N/A	Sufficient funds to replenish the deficit position of the reserve	$0	N/A	N/A	• See allocation of year-end surplus/deficit in this policy section 4.2 b) vi)
Meridian Community Centre (MCC) Reserve	• Specific Projects and New Initiatives • Revolving Reserve	Authorized through Council resolution at time of prior budget approval	To pay for short-term borrowing costs related to capital construction of the Meridian Community Centre	Specific transfers as approved by Council	N/A	N/A	N/A	N/A	N/A	• For the duration of the debenture related to pledges, pledged donations received will be deposited to the MCC Reserve, and the debenture payments will be funded from the MCC reserve to facilitate timing differences between donations and debenture payment due dates

Policy S400-08 Appendix B
Town of Pelham: Corporate Services
Summary of Reserves and Reserve Funds at December 31, 2018

Discretionary Reserves, Continued

Name	Category	Authorization	Purpose	Source of Funding	Target Annual Contribution (Note 1)	Basis for Target Reserve Balance	Recommended Minimum Balance	Target Balance	Recommended Maximum Balance	Revolving Transactions not Requiring Separate Approval
Municipal Drainage Reserve	• Capital Asset Renewal and Replacement • Capital Asset Growth • Revolving Reserve	Authorized through Council resolution at time of prior budget approval	To provide a source of funding for the maintenance, replacement and addition of municipal drains, beyond the amount recoverable from benefitting property owners	Operating transfer to Municipal Drainage Reserve	$48,000	Note 2	$28,150	$56,300	$100,000	• Due to the Town's obligation to maintain the drains, any unanticipated expenditures related to municipal drains will be funded from the reserve
Physician Recruitment Reserve	• Specific Projects and New Initiatives • Revolving Reserve	Authorized through Council resolution at time of prior budget approval	To provide a source of funding for the cost of physician recruitment	Operating transfer to Physician Recruitment Reserve	N/A	One year of reserve contributions based on historical transfers	$2,000	$2,000	$10,000	• Funding of physician recruitment expenditures approved by the Chief Administrative Officer. Expenditures will not draw the reserve below the minimum balance
Planning Reserve	• Capital Asset Renewal and Replacement • Capital Asset Growth	Authorized through Council resolution at time of prior budget approval	To provide a source of funding for studies, plans, and capital items related to Planning	Operating transfer to Planning Reserve	$86,800	Note 2	$80,400	$160,800	$300,000	N/A
Roads Reserve	• Capital Asset Renewal and Replacement • Capital Asset Growth • Contingencies/Stabilization and Risk Management • Revolving Reserve	Authorized through Council resolution at time of prior budget approval	To provide a source of funding for the purchase, replacement and expansion of capital items related to Roads, and to provide a buffer for significant unanticipated expenditures related to Winter Control	Operating transfer to Roads Reserve	$3,466,100 Equal to the amount in Note 1, plus 10% of the winter control budget for the previous year	Note 2	$2,891,000	$5,782,000	$12,000,000	• To mitigate the risk of unpredictable weather events, any year-end surplus in Winter Control will be transferred to the reserve and any year-end deficit in Winter Control will be transferred from the reserve
Working Funds Reserve	• Contingencies/Stabilization and Risk Management • Revolving Reserve	Authorized through Council resolution at time of prior budget approval	To provide a buffer for significant unanticipated expenditures or loss of revenues of the Town, to provide a source of funding for future obligations based on calculated estimates and risk assessments, and to ensure the Town meets cash flow requirements	Niagara Peninsula Energy Inc (NPEI) dividends, allocation of operating surplus, specific transfers as approved by Council	N/A	The short-term target will be based on risk assessments and history of unanticipated expenditures in recent years such as legal claim settlements, gypsy moth infestation, etc. When the short-term target is reached, the long-term target will be 2 months' taxation revenues to provide cash flows prior to first tax instalment due date without borrowing against line of credit	$0	$500,000	$2,329,000	• NPEI dividends transferred to working funds reserve annually • See allocation of year-end surplus/deficit in this policy section 4.2 b) vi)

Note 1: Unless otherwise specified, the Target Annual Contribution will be the greater of:
a) One year amortization of assets related to the specific reserve, multiplied by inflation factor; and
b) 1/5 budgeted capital spending over the next five years,
Plus 1/5 of the current reserve deficit balance, if applicable.

Note 2: Sufficient funds to complete the projects in the Capital Asset Management Plan; in the absence of such guidance the target shall be the greater of:
a) one year amortization of assets for this category multiplied by inflation factor, plus 50% of the cost of new assets to be funded in the 5-year forecast; and
b) 50% of the total reserve spending in the 5-year forecast.

Corporate Services Department
Wednesday, December 06, 2023

Subject: Gas Hedging Agreement

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2023-0263-Corporate Services, for information;

AND THAT Council approve the Town of Pelham entering into a Gas Hedging agreement with Local Authority Services (LAS) effective January 1, 2024.

Background:

This report underscores the advantages of natural gas hedging for municipalities. The practice involves using financial instruments to mitigate the impact of price fluctuations in the commodity market. The key benefits highlighted in the report include:

Budget Stability:

- Natural gas price volatility can significantly affect municipal budgets, particularly during unexpected price spikes. Hedging enables municipalities to secure prices, ensuring budget stability and predictability.

Cost Certainty:

- Hedging allows municipalities to establish fixed or capped prices for natural gas, reducing uncertainty about future costs. This certainty is crucial for effective planning and expense management, preventing unforeseen increases in energy costs.

Financial Risk Mitigation:

- Hedging protects municipalities from financial risks associated with natural gas price fluctuations. This risk mitigation is essential for sound financial planning and fiscal responsibility.

Long-Term Planning:

- Municipalities can engage in more effective long-term planning by hedging natural gas prices. This approach provides confidence in decision-making by stabilizing a significant variable cost.

Compliance with Budgetary Constraints:

- Operating within tight budgetary constraints is common for many municipalities. Natural gas hedging enables them to adhere to budget limits by avoiding unexpected energy cost increases.

Risk Management:

- Hedging serves as a comprehensive risk management strategy. Municipalities can actively manage, and control financial risks associated with energy expenditures by using financial instruments to hedge natural gas prices.

In summary, natural gas hedging offers municipalities a strategic tool to enhance financial stability, ensure cost predictability, and effectively manage risks associated with energy expenditures, contributing to sound long-term planning and budget compliance.

Analysis:

The Association of Municipalities of Ontario (AMO) created Local Authority Services (LAS) in 1992 as a corporation to sell reliable services to municipalities. LAS tends to obtain pricing on behalf of hundreds of municipalities, for a variety of goods and services. Those municipalities, most of which are much smaller than the Town of Pelham, then rely upon the pricing or quality assurances provided by LAS/AMO to have confidence that they are providing value to residents.

Relevant to this report, LAS is a provider of competitively priced and sustainable co-operative business services for Ontario municipalities and the broader public sector. They provide stable and predictable commodity pricing for natural gas accounts by leveraging professional program management, competitive supply arrangements, and an annual program price/rate. Edison Energy has been the administrator of the LAS program since 2007. LAS has a Master Services Agreement in place with Edison.

Corporate Services staff have selected LAS as the recommended hedging provider for Natural gas. This selection was made as the result of meetings and discussions with the Niagara District Separate School Board Manager of Facilities, with Niagara College and its hedging partner Shell. Enbridge, The Town of Pelham's current energy supplier, informed staff that the 310,000 cubic ft average

consumption volume of natural gas did not qualify for any of its programs offered through a hedging program, as the volume was too small.

LAS Natural Gas Program Overview (see attached LAS Report)

• The LAS program has three fundamental objectives:

1. Cost Certainty – the LAS program sets prices for a one-year period (November –October); as a result, program members can accurately and confidently budget for natural gas costs each year.
2. Competitive Prices – LAS seeks to provide a reliable supply of natural gas using only credit-worthy counterparties and seeks to do so at a price that is competitive with market gas rates and utility gas options.
3. Maximize Purchasing Power – LAS leverages economies-of-scale in securing natural gas from credit-worthy counterparties. The program hedges 80-90% of required gas for each program year through aggregated competitive tenders. The remainder gas is procured at typically competitive spot market rates.

With the expertise of Edison's strategies and recommendations for forward purchasing, LAS has achieved:

- Stable pricing for its members
- Reduction of disconnect from spot market
- Year over year cost reductions
- Price protection against potential market volatility.

How To Join:

1. Edison Energy evaluates municipality eligibility to join the program in the current year or be part of next year's hedge.

Meetings have already been held and the Town of Pelham has qualified and been preliminarily accepted into the program based on approval of the following for a January 1, 2024, start date.

2. Pass council resolution or by-law related to program enrollment.

The enroll commitment initially involves 2 years and renewal every year after that without penalty.

3. Provide LAS-Municipality Agreement to municipality for signature and details of the primary contact

Process is already started.

4. Municipality to provide copies of the utility invoices or a list of accounts with corresponding address.

This is already complete. Analysis of accounts and projections of cost based on the Town's data is included in the attached AMO(LAS) presentation.

Financial Considerations:

There are 157 municipal members plus 12 from the broader public sector in this program. Importantly, there have been $2.25 million in program member rebates since 2020.

From the LAS presentation (Appendix 1) on p.6 summarizes Pelham's estimated savings opportunity utilizing the LAS Natural Gas Program.

LAS Natural Gas Program

The Town of Pelham Savings Opportunity

	2018	2019	2020	2021	2022	Total
Volume (m3)	310,810	310,810	310,810	310,810	310,810	
LAS Rate ($/m3)	$ 0.1090	$ 0.1027	$ 0.0973	$ 0.1085	$ 0.1327	
LAS Cost	$ 33,877.70	$ 31,909.04	$ 30,252.96	$ 33,725.54	$ 41,235.11	$171,000.35
LAS Program Rebate Estimate	$ (2,175.67)	$ (2,175.67)	$ (2,175.67)	$ (2,175.67)	$ (2,175.67)	
Enbridge Rate ($/m3)	$ 0.0989	$ 0.1155	$ 0.0896	$ 0.1135	$ 0.2175	
Enbridge Cost	$ 31,341.21	$ 36,634.96	$ 28,812.23	$ 34,867.13	$ 64,004.73	$195,660.26
Savings/(Loss)	$ (360.82)	$ 6,901.59	$ 734.94	$ 3,317.26	$ 24,945.29	$ 35,538.26
	-1%	19%	3%	10%	39%	18%

This chart is a snapshot of actual LAS and utility pricing over a 5-year period. It compares the opportunity between LAS program rates and available utility rates.

The savings opportunity is $35,500 from 2018 to 2022, with most of the savings in 2022 (a higher cost gas year).

What are the program fees?

Current (November 2023 – October 2024) commodity price:

- 13.6 ¢/m3, inclusive of LAS fees
  - LAS Program fee = $0.0038 per m3
- This is a 3.5% decrease from last year's LAS rate.

➢ Current Enbridge rate (with cost adjustment) = 16.18 ¢/m^3

The Town of Pelham will benefit from the expertise of LAS and the Town should receive savings under this program.

The agreement is for 2 years and then renews automatically yearly with cancellation by either party with 180 days' notice.

Alternatives Reviewed:

Other hedging options were reviewed. LAS is supported by AMO which represents the municipalities of Ontario. The program has received positive feedback from other municipalities participating in the program.

Strategic Plan Relationship: Financial Health

Hedging gas prices will help to lock in prices and stabilize fluctuations in prices.

Consultation:

Councillor Hildebrandt, Member of Utility Sustainability Working Group

The Town Solicitor reviewing the agreement.

Other Pertinent Reports/Attachments:

Appendix 1: LAS presentation

Appendix 2: Natural Gas Agreement with LAS

Prepared and Recommended by:

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

Prepared and Submitted by:

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

LAS | AMO Business Services

Local Authority Services (LAS) Natural Gas Program

Natural Gas Program Summary

Who is LAS?

Part of the AMO family, **Local Authority Services** (LAS) is a provider of competitively-priced and sustainable co-operative business services for Ontario municipalities and the broader public sector.

We offer:

- Administrative
- **Energy (Natural Gas)**
- *Digital*
- Financial
- Municipal Assets

Purpose of the Natural Gas program

To provide stable and predictable commodity pricing for your natural gas accounts by leveraging professional program management, competitive supply arrangements, and an annual program price/rate.

Highlights:

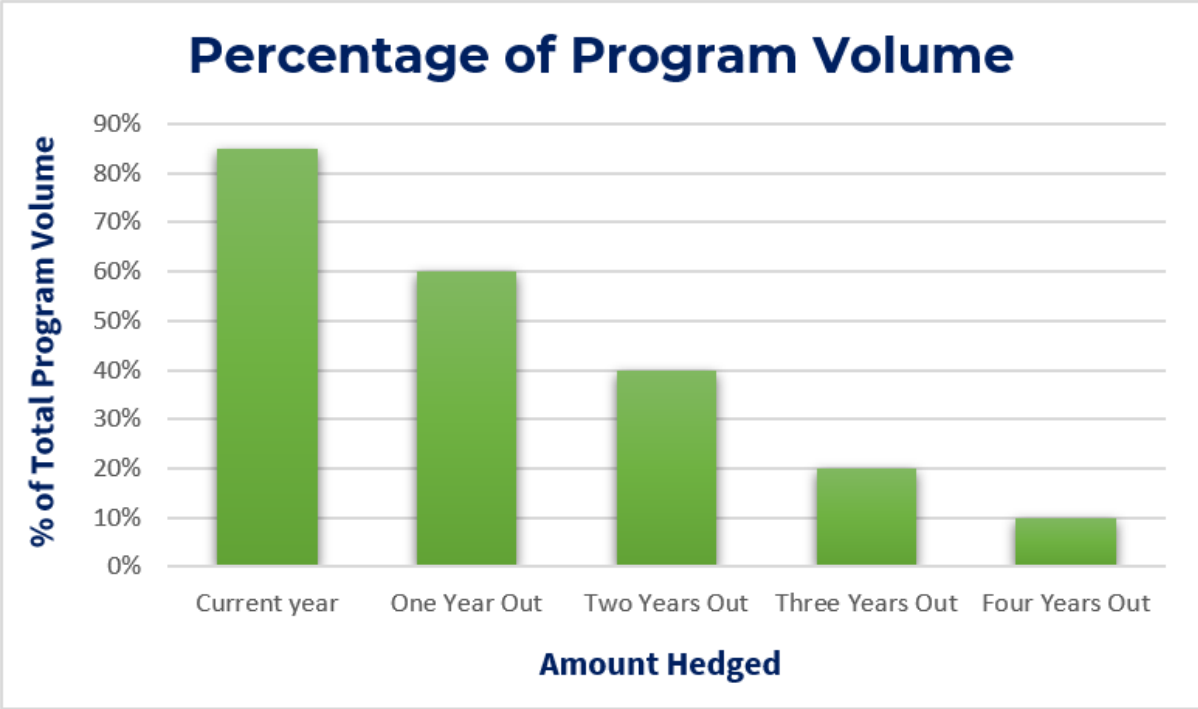
- 157 municipal members plus 12 from broader public sector
- Daily volume of 291,500 m^3/day
- $2.25 million in program member rebates since 2020

LAS Natural Gas Program Purchases

4-Year Ladder Strategy

- **The program follows a 4-year natural gas hedging strategy that offers budget stability by making use of aggregated program tenders and a combination of fixed and indexed pricing contracts.**

- 80 to 90% of the program volume for the current year (Nov 2023-Oct 2024)
- 40 to 60% of the program volume for years 2 and 3 (Nov 2024 and Nov 2025)
- 10 to 20% for the 4th year (Nov 2026)



LAS Natural Gas Program Overview

➢ **The LAS program fundamental objectives and benefits:**

- Commodity cost certainty
- Competitive prices
- Maximized purchasing power
- Turn-key solution
- Up-to-date natural gas and electricity market trends
- Annual consumption summaries

LAS Natural Gas Program Overview

- **This LAS program has existed since 1992.**

- **Through this approach, LAS has achieved:**

- Stable pricing for its members
- Moderated year-over-year cost price (cost) changes
- Price protection against potential market volatility in times of market uncertainty

LAS Natural Gas Program

The Town of Pelham Savings Opportunity

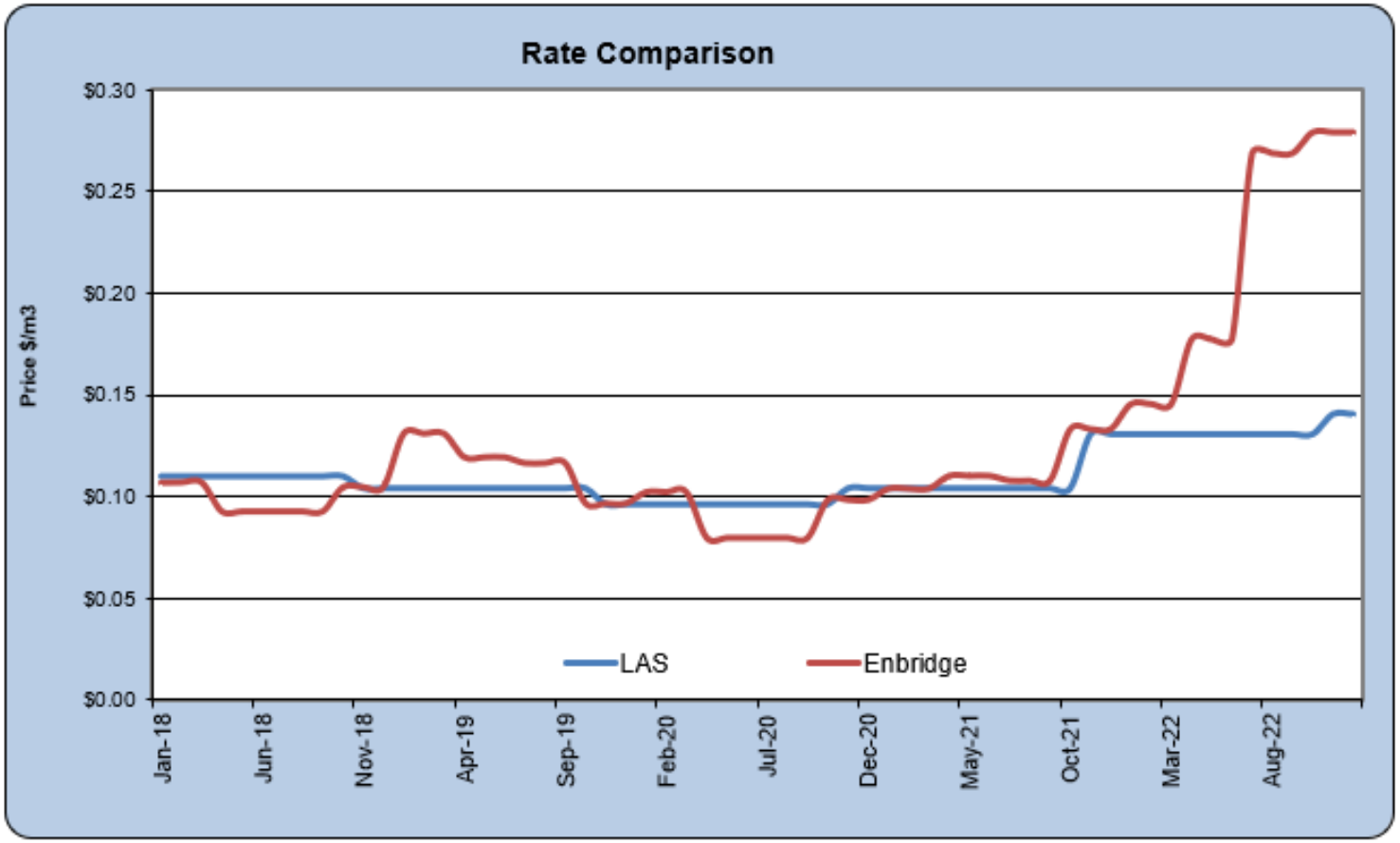
	2018	2019	2020	2021	2022	Total
Volume (m3)	310,810	310,810	310,810	310,810	310,810	
LAS Rate ($/m3)	$ 0.1090	$ 0.1027	$ 0.0973	$ 0.1085	$ 0.1327	
LAS Cost	$ 33,877.70	$ 31,909.04	$ 30,252.96	$ 33,725.54	$ 41,235.11	$171,000.35
LAS Program Rebate Estimate	$ (2,175.67)	$ (2,175.67)	$ (2,175.67)	$ (2,175.67)	$ (2,175.67)	
Enbridge Rate ($/m3)	$ 0.0989	$ 0.1155	$ 0.0896	$ 0.1135	$ 0.2175	
Enbridge Cost	$ 31,341.21	$ 36,634.96	$ 28,812.23	$ 34,867.13	$ 64,004.73	$195,660.26
Savings/(Loss)	$ (360.82)	$ 6,901.59	$ 734.94	$ 3,317.26	$ 24,945.29	$ 35,538.26
	-1%	19%	3%	10%	39%	18%

This chart is a snapshot of actual LAS and utility pricing over a 5-year period. It compares the opportunity between LAS program rates and available utility rates.

The savings opportunity is $35,500 from 2018 to 2022, with most of the savings in 2022 (a higher cost gas year).

LAS Natural Gas Program

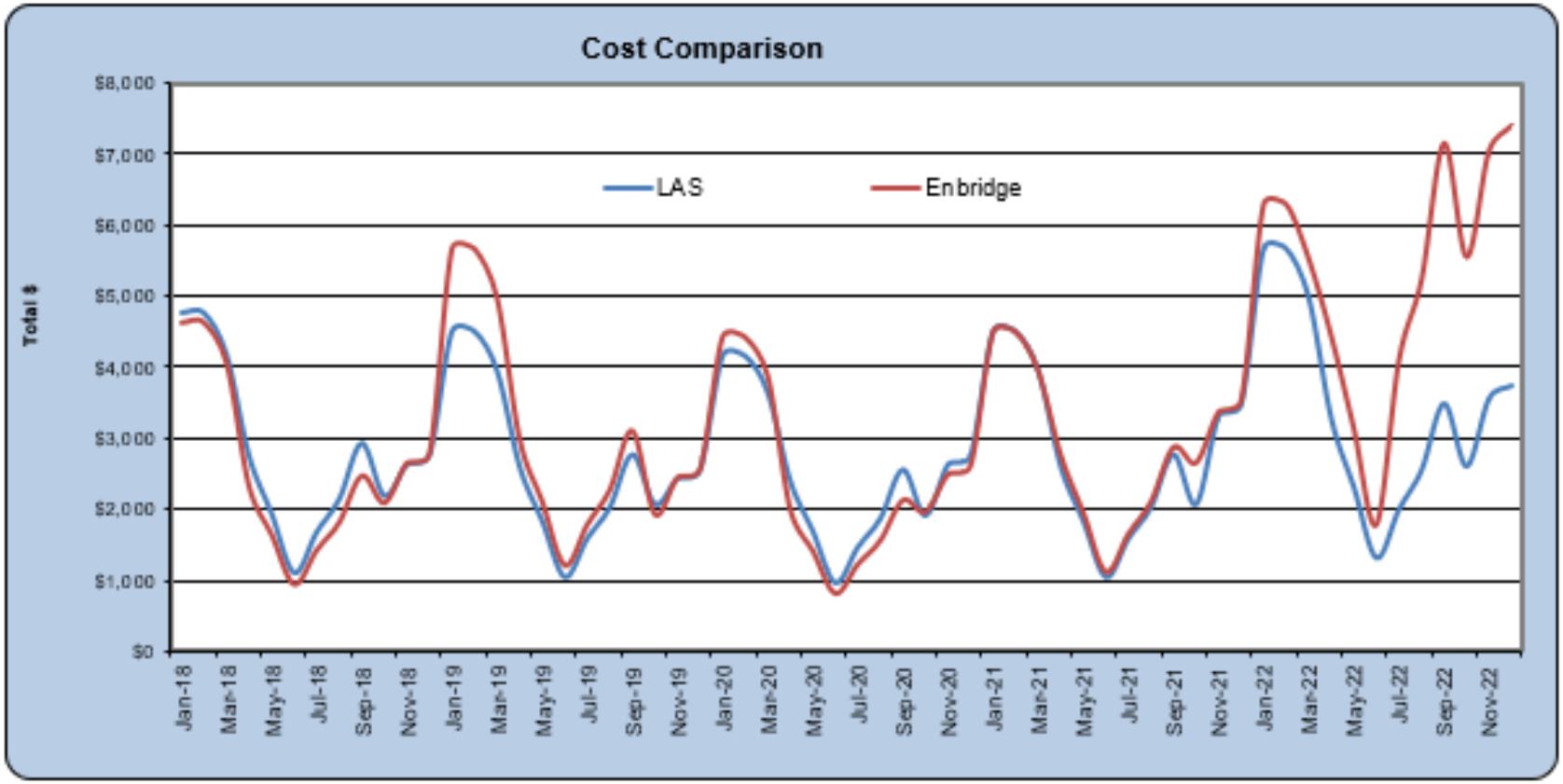
Rate Comparison



LAS rates compared to utility rates

LAS Natural Gas Program

Cost Comparison



Monthly LAS Program costs compared to prevailing utility costs, using Pelham's monthly volumes

What are the program fees?

Current (November 2023 – October 2024) commodity price:

- 13.6 ¢/m3, inclusive of LAS fees
  - LAS Program fee = $0.0038 per m3

- This is a 3.5% decrease from last year's LAS rate.

➢ Current Enbridge rate (with cost adjustment) = 16.18 ¢/m^3

How to join

- Edison Energy evaluates municipality eligibility to join the program in the current year or be part of next year's hedge
- Pass council resolution or by-law related to program enrollment
- Provide LAS-Municipality Agreement to municipality for signature and details of the primary contact
- Municipality to provide copies of the utility invoices or a list of accounts with corresponding address

Let’s continue the conversation

Jason Hagan

LAS Program Manager

jhagan@amo.on.ca

Fernanda Lazzaro

Customer Service Representative

flazzaro@amo.on.ca

This Natural Gas Appointment and Retainer Agreement ("**Agreement**") is made and entered into as of this _____ day of _____, 20_____.

BETWEEN:

Local Authority Services ("**LAS**")

-AND-

The Corporation of the Town of Pelham ("Member")

Each of the foregoing entities being referred to individually as "**Party**" or collectively as "**Parties**".

WHEREAS the Member wishes to retain LAS on an exclusive basis to provide professional services regarding advice on options for purchasing natural gas and to act as its agent in taking certain actions related to such natural gas purchasing activity as set forth herein;

AND WHEREAS the Member acknowledges that such actions may include but are not limited to (i) entering into natural gas purchase and sale agreements and transactions with commodity suppliers for quantities of natural gas; (ii) entering into financial agreements to fix the price or range of prices to be paid by the Member for the future delivery of some or all of the natural gas required by the Member; (iii) entering into agreements with third party service providers such as utility companies, local distribution companies, pipeline companies and storage operators for the transportation and delivery of natural gas ("**Third Party Service Providers**"); and/or (iv) entering into agreements which are customary to the natural gas industry such as assignment and assumption agreements, letters of authorization, agency appointment agreements, confidentiality agreements and IT user related agreements (all of which agreements or transactions being referred to as "**Natural Gas Agreements**");

AND WHEREAS the Member wishes to enter into Natural Gas Agreements to minimize the cost or risk associated with the procurement of natural gas;

AND WHEREAS the Member has passed the necessary by-laws or resolutions to permit the Member to enter into Natural Gas Agreements and transactions thereunder;

AND WHEREAS the Member has adopted a statement of policies and goals relating to the use of Natural Gas Agreements to address commodity pricing and costs and has passed the necessary by-laws or resolutions authorizing LAS to act as its agent;

AND WHEREAS the Member has provided LAS with copies of the aforementioned policies, goals, bylaws or resolutions;

NOW THEREFORE THE PARTIES agree as follows:

1. **APPOINTMENT AND AUTHORIZATION OF LAS**

1.1 The Member appoints LAS as its exclusive agent in respect of all matters specified in this Agreement including the solicitation and analysis of offers, negotiating and execution of Natural Gas Agreements and the management and administration associated with such Natural Gas Agreements.

1.2 The Member acknowledges and agrees that LAS, as its exclusive agent has full and complete authorization and discretion to take the following actions on behalf of the Member:

(a) access any and all information relating to the Member which is in the possession and control of any Third Party Service Providers which relates to the supply and delivery of natural gas at Member facilities;

(b) negotiate on behalf of the Member Natural Gas Agreements including the specific terms and conditions contained therein, and execute the same together with other related agreements and documents reasonably requested by the counterparty to the Natural Gas Agreements, on the Member's behalf;

(c) disclose to any third party any information of the Member which is necessary to disclose for the purposes of this Agreement or any Natural Gas Agreement or for the purpose of billing, settlement or accounts, administrative matters or for any other purpose relating to the Natural Gas Agreements;

(d) as agent for the Member enter into transactions under the Natural Gas Agreements in the name of the Member, and to execute on behalf of the Member confirmations evidencing such transactions;

(e) carry out or direct the Member to carry out any ongoing responsibilities of the Member specified in any Natural Gas Agreements or exercise any rights as required to implement said Natural Gas Agreements;

(f) terminate any of the Natural Gas Agreements including any or all of the transactions under the Natural Gas Agreements or any related agreements entered into with the counterparty to the Natural Gas Agreements, on the Member's behalf;

(g) contract with and otherwise appoint any third party selected by LAS in its sole discretion for the purposes of carrying out any responsibilities of LAS contained in this Agreement (any such appointee, consultant, service provider or delegate shall be engaged on terms satisfactory to LAS);

(h) terminate any contract of any third party appointed by LAS under Section 1.2(g); and

(i) carry out any duties or responsibilities and take any actions on the Member's behalf not otherwise specified herein that are incidental or related to carrying out its role as agent herein.

2. LAS OBLIGATIONS

2.1 LAS will:

(a) solicit and analyze offers, negotiate and where appropriate enter into Natural Gas Agreements in the name of the Member as agent for the Member;

(b) monitor the regulatory developments concerning natural gas and where appropriate provide recommendations to the Members on Natural Gas Agreements;

(c) continuously search for and solicit Natural Gas Agreements on the Member's behalf;

(d) nominate natural gas on a timely basis with Third Party Service Providers;

(e) account to the Member for all amounts paid to or to be paid by the Member under the Natural Gas Agreements or this Agreement;

(f) review all natural gas invoices received from Third Party Service Providers and ensure payments (including GST/HST if applicable) are made in a timely manner;

(g) review delivery rates for each of the Member's facilities to ensure that they are at the most appropriate rate; and

(h) take such other action as the LAS deems appropriate in the exercise of its authority and performance of its obligations under this Agreement.

3. MEMBER UNDERTAKINGS

3.1 The Member will:

(a) remain liable as principal for all obligations incurred under or relating to the Member's Natural Gas Agreements whether arising out of actions taken by LAS or the Member;

(b) provide all necessary accurate data to enable LAS to solicit bids, negotiate and manage new Natural Gas Agreements prudently and as LAS believes to be in the Member's best interest;

(c) forward to LAS all notices or other communication received by the Member relating to the Natural Gas Agreements or services provided under this Agreement by LAS;

(d) provide credit and financial information and collateral or performance assurances if required under any Natural Gas Agreements or this Agreement;

(e) pay for the supply of natural gas in accordance with the invoices issued by Third Party Service Providers plus any GST/HST which may be applicable;

(f) subject to the disclosure obligations of the Member under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56 or other applicable law, keep confidential the terms of this Agreement and any of the advice, details or arrangements provided to it by LAS or any of its appointed third parties;

(g) inform LAS of any statement of policies and goals relating to the use of Natural Gas Agreements and any amendments thereto;

(h) if requested by LAS, provide prudential support to LAS that is required under any of the Natural Gas Agreements or by any Third Party Service Providers; and

(i) execute any such documentation as may be deemed necessary by LAS to permit LAS to undertake any of the functions specified under this Agreement including the Notice of Appointment of Agent as set forth in Appendix A to this Agreement.

3.2 The Member acknowledges that bids may be solicited by LAS and transactions under the Natural Gas Agreements may be negotiated on behalf of a number of municipal corporations that have entered into agreements with LAS that are substantially similar to this Agreement. The Member further acknowledges and agrees that LAS may determine in its sole discretion whether the Member participates in any particular transaction under a Natural Gas Agreement.

3.3 The Member acknowledges that the fixed price for any transaction under its Natural Gas Agreements could at any time be below, above or equal to the market price for natural gas. The Member also acknowledges that the Natural Gas Agreements may contain provisions which may result in the Member owing a termination payment following default under the Natural Gas Agreements even though the Member is not the defaulting party.

3.4 The Member acknowledges that LAS or a party appointed by LAS may charge and the Member agrees to pay a finance charge for each gigajoule supplied provided that such charge reasonably represents the cost of LAS or a party appointed by LAS providing collateral or performance assurance under Natural Gas Agreements or with Third Party Service Providers.

4. **LAS FEES**

4.1 The Member agrees to pay the fees set forth in Appendix B to this Agreement to LAS or any third party appointed by LAS as directed by LAS. The payment of these fees to LAS shall cover the costs of managing and administering the LAS natural gas program on behalf of the Member including the cost of any third party appointed by LAS to assist in providing services under this Agreement.

5. TERM

5.1 The term of this Agreement shall commence on the date of execution and shall remain in effect for an initial period of two (2) years and thereafter shall automatically renew from year to year unless and until terminated by either Party upon one hundred and eighty (180) days prior written notice, delivered by mail or electronic mail to the address of the Party set out below or to such other address as the Party may provide in writing from time to time; provided, however, that this Agreement and any other documents executed and delivered hereunder shall remain in effect until the last transaction entered into under any of the Natural Gas Agreements expires. The obligation to make payment under Section 4 and Appendix B, and the liability and indemnification provisions in Section 6 shall survive the termination of this Agreement.

6. LIABILITY AND INDEMNIFICATION

6.1 While LAS takes proactive measures for the protection of the Member's interests, LAS cannot provide unconditional protection from the occurrence of unanticipated and uncontrollable events resulting in adverse financial consequences for the Member. LAS does warrant that the services provided by LAS under this Agreement will be performed in a competent and professional manner. The Member agrees that if LAS breaches this warranty in performing services provided under this Agreement, the sole and complete liability of LAS for such breach will be limited to the return of the fees paid by the Member for services under this Agreement.

6.2 LAS's liability under or for breach of this Agreement shall not exceed the amount of fees paid by the Member under this Agreement. In no event shall LAS be liable to the Member for incidental, indirect, special, punitive, exemplary or consequential damages howsoever caused, whether for breach of warranty, in tort, for contract or otherwise even if LAS has been advised of the possibility of such damages.

6.3 The Member hereby indemnifies LAS, its affiliates, its respective officers, directors, energy committee members, employees, agents, sub-agents, contractors, and consultants and holds them harmless from and against all losses, costs, liabilities, damages and expenses (including without limitation reasonable legal fees) they may incur as a result of LAS acting as the Member's agent as provided herein. The Member hereby agrees that it is liable for all obligations which LAS enters into on the Member's behalf provided that LAS is authorized by this Agreement to enter into the obligation on behalf of the Member and does so in accordance with the requirements of this Agreement.

7. REPRESENTATIONS AND WARRANTIES

7.1 The Member represents and warrants to LAS on an ongoing basis that:

(a) all acts necessary to the valid execution, delivery and performance of this Agreement and the Natural Gas Agreements, including without limitation, public notice or other required procedures, have been or will be taken and performed as required under the *Municipal Act, 2001*, S.O. 2001, c. 25 (**"*Municipal Act, 2001*"**);

(b) the authorizing by-law or by-laws with respect to the Agreement and the Natural Gas Agreements have been passed by the council of the Member in full compliance with the *Municipal Act, 2001*, the same have been signed by the head of the council and the clerk and sealed with the municipal seal of the Member and no application has been made or action brought to quash, set aside or have declared invalid any such authorizing by-law nor has the same been in any way repealed, altered or amended and all such authorizing by-laws are now in full force and effect;

(c) the aforesaid authorizing by-law(s) and the Natural Gas Agreements contemplated thereby do not conflict with or result in a breach or violation of any statutory provisions which apply to the Member or any agreement to which the Member is a party or under which the Member or any of its property is or may be bound, or, violate any order, award, judgment, determination, writ, injunction or decree applicable to the Member of any regulatory, administrative or other government or public body or authority, arbitrator or court;

(d) no litigation or proceedings of any nature are now pending or threatened, attacking or in any way attempting to restrain or enjoin the Agreement or any of the Natural Gas Agreements as authorized under the aforesaid authorizing by-law(s), or in any manner questioning the proceedings and authority under which any Natural Gas Agreements will be entered into, or the capacity of the officers of the Member authorized thereunder to enter into any Natural Gas Agreements, and no authority or proceedings for the Agreement or any Natural Gas Agreements have been repealed, revoked or rescinded in whole or in part;

(e) entry into and performance of this Agreement and the Natural Gas Agreements by the Member are for a proper public purpose within the meaning of the *Municipal Act, 2001* and the regulations made thereunder;

(f) the Member obligations to make payments hereunder are unsubordinated obligations and are not subject to any prior claim under any agreement or financial instrument to which the Member is a party;

(g) the Member is not now subject to any restructuring order under Part V of the *Municipal Act, 2001* or other statutory authority; accordingly, no approval of the aforesaid authorizing by-law(s), the Agreement or the Natural Gas Agreements is required to be given by any transition board or commission appointed in respect of the restructuring of the Member; and

(h) to the extent that the term of any transaction entered into in under a Natural Gas Agreement exceeds the current Member council's term, before the Member exercised any powers in respect of the transaction, the Member's treasurer calculated an updated debt limit under Ontario Regulation 403/02 and the treasurer determined that the transaction would not cause the Member to exceed its updated limit and that the approval of the Ontario Land Tribunal in respect of the transaction was not required.

7.2 Each Party represents and warrants to the other on an ongoing basis that:

(a) it has the capacity and authority to execute this Agreement and perform its obligations and has taken the necessary action to authorize the execution and performance of this Agreement and the person signing this Agreement on behalf of the Party is authorized and empowered to do so;

(b) it has obtained or submitted any authorization or approval or notice to with any governmental authority or regulatory body that is required for the due execution, delivery and performance of this Agreement;

(c) the execution, delivery and performance of this Agreement does not violate or conflict with any law applicable to it; and

(d) this Agreement constitutes a valid and legal binding obligations enforceable against it in accordance with its terms.

8. MISCELLANEOUS

8.1 This Agreement shall be governed by and construed in accordance with the laws of the province of Ontario.

8.2 This Agreement may be executed by the Parties in separate counterparts, and each executed counterpart shall have the same force and effect as the original instrument. The Parties agree to accept electronic signatures in lieu of original signatures as evidence of the agreement of the other Party, but each Party shall deliver to the other Party an originally executed copy of this Agreement as soon as possible thereafter.

8.3 Each Party will from time to time and promptly upon request, sign and deliver all further documents including any notices of appointment of agent and take all further action as may be reasonably necessary or appropriate to give effect to the terms and intent of this Agreement and to complete the Natural Gas Agreements contemplated by this Agreement.

[signature page follows]

IN WITNESS WHEREOF the Parties have executed this Agreement by their duly authorized representatives:

Local Authority Services	**The Corporation of the Town of Pelham**
Judy Dezell Director AMO Enterprise Centre, Business Partnerships, LAS & ONE Email:	[Name] [Title] Email:
Local Authority Services 200 University Avenue, Toronto, ON M5H 3C6 (T) 416-971-9856 (F) 416-971-6191	The Corporation of the Town of Pelham 20 Pelham Town Square PO Box 400 Fonthill, ON L0S 1E0 (T) 905-892-2607

Appendix A

NOTICE OF APPOINTMENT OF AGENT

THIS NOTICE OF APPOINTMENT OF AGENT is made as of the _____ day of _____, 20_____

By:_____ a municipal corporation, having offices in the _____ of _____ in the Province of Ontario (hereinafter called "End User"),

To: **All Interested Parties**
(each a "Notified Party").

---

1. Appointment. End User in accordance with its Natural Gas Agency and Appointment Retainer Agreement hereby appoints Local Authority Services ("LAS") as its exclusive agent in respect of all matters related to the End User's supply of natural gas. End User further confirms and accepts the appointment by LAS of a third party to assist LAS in managing End User's natural gas supply in accordance with a services agreement between LAS and the third party. End User acknowledges that the third party may be changed from time to time by LAS.

2. End User Acknowledgement. End User acknowledges that in accordance with its Natural Gas Agency and Appointment Retainer Agreement with LAS that LAS is authorized to approve one or more purchasing strategies for natural gas. End User acknowledges that LAS has authorized, in accordance with the services agreement between LAS and third party, for the third party to assist by negotiating and managing one or more gas supply contracts, delivery agreements and collection service agreements for and on behalf of End User.

3. Termination. End User may terminate the appointment of LAS as its agent in accordance with the provisions of the Natural Gas Agency and Appointment Retainer Agreement; provided, however, that this appointment and any other documents executed and delivered hereunder shall remain in effect until the last transaction entered into under any of the natural gas agreements expires. Notwithstanding the termination of the appointment of LAS, the End User shall remain liable for all natural gas agreements made on their behalf by LAS under its Natural Gas Agency and Appointment Retainer Agreement.

4. Effective Date. The appointments and directions are effective as of the date first set above.

_____

(Legal Name of End User)

By:_____
Name: _____
Title: _____
Address:_____
City/Province:_____
Postal Code:_____
Telephone: _____

Appendix B

Fees

In accordance with Section 4.1, the Member agrees to pay LAS the following fees plus GST/HST, as applicable.

Volume (GJ/day)	Fee ($/GJ)
5,000 or lower	$0.14
5,001 to 8,000	$0.12
8,001to 15,000	$0.10
15,001 or greater	$0.095

Memo

To: **Town of Pelham Mayor and Councillors**

From: **Teresa Quinlin-Murphy and Vickie vanRavenswaay**

Date: **December 6, 2023**

RE: **Proposed MCC Elevators Oil Coolers Installation**

BE IT RESOLVED THAT Council receive Memo 2023-0268 entitled MCC Elevators Oil Coolers Installation, for information;

AND THAT Council approve the supply and installation of two Elevator Oil Coolers in the machine room of the MCC, in the amount of $43,452, including net of HST, to be funded from the 2023 in-year surplus.

The Meridian Community Centre (MCC) has been having issues with the elevators not functioning. On the weekend of November 18 and 19, both elevators shut down and it was due to the hydraulic oil overheating. Brock Elevator is now highly recommending the installation of oil coolers. The MCC has high usage of elevators due to the Centre being a Senior Community Hub. The total cost of the oil coolers is $43,452 which can be paid from the 2023 in-year surplus. This is a safety concern for residents using the elevators at the MCC.

From Alan Braden, Brock Elevator account manager: "The reason for the elevators shutting down is that the elevator was getting a continuous stream of usage which resulted in the hydraulic oil heating up. The more it got used, the temperature continued to rise. This activated a hot oil sensor inside the hydraulic tank and the elevator controller sent the elevators into recall, lowering the elevator down to the lowest level and opening the doors to let people out. Once this happens, we have to come in to do a manual reset. Heated oil also can cause damage to the cylinder seals and valve as the viscosity of the oil becomes thinner the valve also has difficulty levelling in on any floors. So, there can be an expense to fix these other components if the cooler is not there to regulate the oil temperature. You would

also require an electrician to come in and provide two disconnects to power the oil coolers."

While it is regrettable that oil coolers were not installed at the time of construction, the use of the centre, including the elevators, has greatly exceeded forecasted use. Oil coolers are an expense that is normally incurred only on high volume usage elevators, which MCC elevators now are. Unplanned expenses are never positive, but the high traffic at the MCC makes for a very successful facility.

Town Solicitor
Wednesday, December 06, 2023

Subject: Administrative Penalty System Improvements to Promote By-law Compliance and Facilitate Enforcement

Recommendation:

BE IT RESOLVED THAT Council receive Report #2023-0270-Town Solicitor, for information;

AND THAT Council approve, in principle, proposed By-law No. 68-2023, being the Administrative Penalty Process By-law for Non-Parking By-laws;

AND THAT Council approve, in principle, proposed By-law No. 69-2023, being the Administrative Penalty Process By-law for Traffic and Parking By-laws;

AND THAT Council approve, in principle, proposed By-law No. 70-2023, being the Administrative Penalty System Consequential Amendment By-law;

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

Background:

The *Municipal Act, 2001* authorizes the Town to establish an administrative penalty system (APS) pursuant to which persons who contravene certain types of by-laws are required to pay a monetary penalty to the Town. Administrative penalties have been available for traffic and parking by-laws since 2007 and for other by-laws since 2017. The *Municipal Act, 2001* provides that the purpose of an APS is to promote by-law compliance and that the penalty amounts cannot be punitive in nature.

The Town presently has APS by-laws that apply to

(i) by-laws that regulate traffic and parking; and
(ii) (ii) by-laws that regulate various other matters such as animals, fences and fireworks.

Several by-laws were brought into the APS by using the applicable APS by-law to amend the underlying by-law; however, others were incorporated through standalone amendments. Consequently, it is difficult to determine if a particular by-law is part of the APS without consulting multiple sources. There is also a lack of consistency in the administrative penalty amounts for different by-law contraventions that arise from

similar conduct. Finally, some administrative penalty amounts are sufficiently low that they are unlikely to promote by-law compliance.

Analysis:

Staff propose to repeal and replace the existing APS by-laws with the two proposed APS by-laws that are appended to this report.

The proposed by-laws conform to the Town standard by-law template, simplify the descriptions of APS procedures and appeals and use consistent terminology for both the parking and non-parking APS. However, the most significant change made in the proposed by-laws is that all by-laws designated for inclusion in the APS are set out in a Schedule to the applicable APS by-law and are not referenced in the body of the by-law. This approach is recommended for several reasons:

1. To streamline the body of the APS by-laws for improved readability;
2. To separate procedural aspects of the APS from the substance of by-laws that are subject to those procedures;
3. To provide a single source that identifies all by-laws included in the APS;
4. To provide a mechanism to modify administrative penalty amounts for various by-law contraventions by replacing the Schedule to the APS by-law(s) without the need to amend the underlying by-law(s); and
5. To provide a mechanism to add or remove by-laws from the APS by replacing the Schedule to the APS by-law(s) without the need to amend the substance of the APS by-law(s).

Should Council wish to proceed with the proposed APS by-laws, all designated by-laws must be amended to reflect the new by-law numbers and the Schedule-based system for administrative penalty amounts. Attached to this report is a proposed by-law that makes all consequential amendments necessitated by the proposed APS by-laws.

Financial Considerations:

There are no direct financial implications of proceeding with the proposed by-laws as the Town has an existing APS for both parking and non-parking by-laws. However, making the APS easier to navigate may promote by-law compliance and thus reduce enforcement costs. It may also minimize the number of challenges to administrative penalties that are issued, which will reduce staff time costs and provide a potential financial benefit to the Town.

Alternatives Reviewed:

Council may opt not to proceed with the proposed by-laws or may direct revisions to the proposed by-laws and refer the matter back to staff to prepare further drafts.

Strategic Plan Relationship: Community Development and Growth

Continued growth and development in the Town will result in community issues that will evolve over time. Administrative penalties are a useful tool to encourage by-law compliance and thereby enhance quality of life for residents. The proposed APS by-

laws enhance the Town's ability to address new community issues in a timely and responsive manner.

Consultation:

The Senior Leadership Team and By-law Staff were consulted in the development of the proposed APS by-laws and the preparation of this report.

Other Pertinent Reports/Attachments:

1. Proposed By-law No. 68-2023, being the Administrative Penalty Process By-law for Non-Parking By-laws;

2. Proposed By-law No. 69-2023, being the Administrative Penalty Process By-law for Traffic and Parking By-laws;

3. Proposed By-law No. 70-2023, being the Administrative Penalty System Consequential Amendment By-law.

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

The Corporation of the Town of Pelham

By-law No. 68-2023

Being a By-law to establish a system of administrative penalties for contraventions of designated non-parking By-laws and to repeal By-law No. 4352(2022).

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

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

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

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

AND WHEREAS section 15.4.1 of the *Building Code Act, 1992*, S.O. 1992, c. 23 authorizes a municipality to require a person to pay an administrative penalty if it is satisfied that the person has failed to comply with a property standards by-law of the municipality or with an order issued thereunder;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* authorizes a municipality to require a person to pay an administrative penalty if it is satisfied that the person has failed to comply with a by-law of the municipality;

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

AND WHEREAS the Council of The Corporation of the Town of Pelham deems it necessary and desirable to implement a system of administrative penalties to promote compliance with designated by-laws;

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

1. Purpose

1.1. The purpose of this By-law is to establish and implement a system of administrative penalties for contraventions of designated by-laws so as to promote compliance with by-laws of the Town of Pelham and to facilitate enforcement of by-law contraventions.

2. Definitions

2.1. In this By-law:

"Administrative Fee" means a Screening Review Non-Attendance Fee, a Hearing Non-Attendance Fee, a Late Payment Fee and/or a Non-Sufficient Funds Fee.

"**Administrative Penalty**" means a monetary penalty issued pursuant to this By-law.

"Appeal" means an appeal to the Hearing Officer from a Screening Review Decision.

"**Council**" means the Council of the Town.

"**Designated By-law**" means a by-law designated by the Town as one to which this By-law applies.

"**Director**" means the Director of Fire and By-law Services of the Town or their designate.

"Electronic Hearing" means an Appeal hearing conducted virtually in accordance with the Rules of Electronic Hearings of the Town.

"Electronic Screening Review" means a Screening Review conducted virtually.

"**Enforcement Authority**" means the Director, a by-law enforcement officer of the Town, any Person appointed under this By-law to enforce Designated By-laws, a member of the Niagara Regional Police Service, a member of the Ontario Provincial Police and any other provincial offences officer designated under the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

"**Hearing Officer**" means a Person appointed by the Town to conduct Appeal hearings under this By-law.

"**Hearing Non-Attendance Fee**" means an administrative fee imposed by the Town in respect of a Person's failure to appear at the time and place scheduled for the hearing of an Appeal.

"In-Person Hearing" means an Appeal at which the Person making the Appeal attends in person and at which the Town and/or the Hearing Officer may attend in person or virtually.

"In-Person Screening Review" means a Screening Review conducted by way of personal attendance of the Person requesting the review and the Screening Officer.

"**Late Payment Fee**" means an administrative fee imposed by the Town in respect of a Person's failure to pay an Administrative Penalty, Screening Review Non-Attendance Fee or Hearing Non-Attendance Fee by the date on which it is payable.

"Non-Sufficient Funds Fee" means an administrative fee imposed by the Town where a Person makes a payment to the Town under this By-law and there are insufficient funds to make the said payment in the account from it was drawn.

"Owner" means the registered owner of Property.

"**Penalty Notice**" means a notice issued to a Person pursuant to section 4 of this By-law.

"**Penalty Notice Date**" means the date on which the Person to whom the Penalty Notice is issued failed to comply with a Designated By-law.

"**Penalty Notice Number**" means a unique number assigned by the Town to a Penalty Notice for identification and reference purposes.

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

"Property" means any land or premises within the Town.

"Screening Officer" means a Person appointed by the Town to conduct Screening Reviews under this By-law.

"Screening Review" means a review of an Administrative Penalty by a Screening Officer, which may be conducted in writing or by way of an attendance with the Screening Officer at the election of the Person to whom the Administrative Penalty was issued.

"Screening Review Decision" means a decision made by a Screening Officer pursuant to section 5 of this By-law.

"**Screening Review Decision Date**" means the date on which the Screening Officer delivers a Screening Review Decision.

"**Screening Review Non-Attendance Fee**" means an administrative fee imposed by the Town in respect of a Person's failure to appear at the time and place scheduled for an in-person Screening Review or Electronic Screening Review.

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

"Written Screening Review" means a Screening Review conducted by a Screening Officer by reviewing written information provided by the Person requesting the review and without an in person or virtual attendance.

3. Designated By-laws and Administrative Fees

3.1. The Designated By-laws of the Town and the applicable Administrative Penalties for Designated By-law contraventions are listed in Schedule "A", as amended or updated from time to time, which is attached hereto and forms part of this By-law.

3.2. The Administrative Fees under this By-law are listed in Schedule "B", as amended or updated from time to time, which is attached hereto and forms part of this By-law.

4. Penalty Notice Issuance

4.1. An Enforcement Authority who has reason to believe that a Person has contravened any provision or provisions of a Designated By-law may issue a Penalty Notice to that Person in respect of each contravention.

4.2. The Director may, within ten (10) calendar days of the Penalty Notice Date, cancel an Administrative Penalty where the Director determines, in their sole discretion, that cancellation is warranted.

4.3. A Penalty Notice shall be provided to the Person to whom it is issued within fourteen (14) calendar days of the Penalty Notice Date and shall include the following information:

(a) the Penalty Notice Date;

(b) the date on which the Penalty Notice was issued;

(c) the Penalty Notice Number;

(d) the name of the issuing Enforcement Authority;

(e) particulars of the non-compliance with a Designated By-law;

(f) the amount of the Administrative Penalty;

(g) the date by which the Administrative Penalty is payable;

(h) information about the process by which a Person may request a Screening Review; and

(i) a statement advising the Person that unless an Administrative Penalty is cancelled, varied or reduced by a Screening Review or an Appeal, it shall constitute a debt of the Person to the Town.

5. Screening Reviews

5.1. Subject to subsections 5.2 and 5.3, a Person to whom a Penalty Notice is issued may request a Screening Review in which the Administrative Penalty is reviewed by a Screening Officer.

5.2. A Person must request a Screening Review or an extension of time to request a Screening Review prior to 4:30 p.m. on the date on which the Administrative Penalty is payable.

5.3. Where a Person fails to make a request for a Screening Review or an extension of time to request a Screening Review within the prescribed time:

(a) the right of the Person to make the request expires;

(b) the Person is deemed to have waived the right to request a Screening Review;

(c) the Administrative Penalty is deemed to be affirmed; and

(d) the Administrative Penalty is not subject to review or appeal, including by any tribunal or court.

5.4. The right of a Person to request a Screening Review or an extension of time to request a Screening Review is exercised by giving the Town written notice in the form determined by the Director from time to time, which shall include the following information:

(a) the Penalty Notice number;

(b) the Person’s name;

(c) the Person’s address, telephone number and email address;

(d) if applicable, the name, address, telephone number and email address of the Person’s legal representative;

(e) in the case of a request for an extension of time to request a Screening Review, the reason(s) the Person failed to make the request within the time prescribed by subsection 5.2;

(f) in the case of a request for a Screening Review, a factual and detailed explanation of the reason(s) for the request, including any supporting documentation;

(g) in the case of a request for a Screening Review, the Person's election to have the Screening Review conducted in writing or by way of an attendance with the Screening Officer; and

(h) in the case of a request for an attendance with the Screening Officer, the Person's election for an Electronic Screening Review, an In-Person Screening Review or a Written Screening Review.

5.5. Where a Person elects to have an Electronic Screening Review or an In-Person Screening Review, the Person shall be notified of the date, time and place of the Screening Review.

5.6. If a Person fails to appear at an Electronic Screening Review or an In-Person Screening Review or fails to remain at the Screening Review until the Screening Officer has made the Screening Decision:

(a) the Person is deemed to have abandoned the request for a Screening Review;

(b) the Administrative Penalty is deemed to be affirmed;

(c) the Administrative Penalty is not subject to review or appeal, including by any tribunal or court; and

(d) the Person shall pay a Screening Review Non-Attendance Fee to the Town.

5.7. Subject to subsections 5.3 and 5.6, the Screening Officer may:

(a) approve or modify a request for an extension of time to request a Screening Review where the Screening Officer is satisfied that the circumstances warrant an extension of time;

(b) deny a request for an extension of time to request a Screening Review, in which case the Administrative Penalty is deemed to be affirmed;

(c) affirm the Administrative Penalty;

(d) cancel the Administrative Penalty where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and further that:

i. there is reason to doubt that the Person contravened the Designated By-law; or

ii. the Person took all reasonable steps to prevent the contravention; or

(e) cancel or reduce the Administrative Penalty or extend the time for payment of the Administrative Penalty where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and further that the cancellation, reduction or extension of time for payment is necessary to relieve undue financial hardship for the Person.

5.8. A Person who claims financial hardship bears the onus of establishing financial hardship to the satisfaction of the Screening Officer.

5.9. Where a Screening Officer cancels an Administrative Penalty, any associated Administrative Fee(s) shall be deemed to be cancelled.

5.10. Upon completion of the Screening Review, the Screening Officer shall make a Screening Review Decision and shall provide it in writing to the Person as soon as reasonably practicable.

5.11. The Screening Officer has no jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

6. Appeals to the Hearing Officer

6.1. Subject to subsections 6.2 and 6.3, a Person to whom a Screening Review Decision is provided may request an Appeal in which the Screening Review Decision is reviewed by a Hearing Officer.

6.2. A Person must request an Appeal or an extension of time to request an Appeal prior to 4:30 p.m. on the date on which the Administrative Penalty is payable as directed in the Screening Review Decision.

6.3. Where a Person fails to make a request for an Appeal or an extension of time to request an Appeal within the prescribed time:

(a) the right of the Person to make the request expires;

(b) the Person is deemed to have waived the right to request an Appeal;

(c) the Screening Review Decision is deemed to be affirmed;

(d) the Administrative Penalty, as modified by the Screening Review Decision if applicable, is deemed to be affirmed; and

(e) the Screening Review Decision and Administrative Penalty, as modified by the Screening Review Decision if applicable, are not subject to review or appeal, including by any tribunal or court.

6.4. The right of a Person to request an Appeal or an extension of time to request an Appeal is exercised by giving the Town written notice in the form determined by the Director from time to time, which shall include the following information:

(a) the Penalty Notice number;

(b) the Person’s name;

(c) the Person’s address, telephone number and email address;

(d) if applicable, the name, address, telephone number and email address of the Person’s legal representative;

(e) in the case of a request for an extension of time to request an Appeal, the reason(s) the Person failed to make the request within the time prescribed by subsection 6.2;

(f) in the case of a request for an Appeal, a factual and detailed explanation of the reason(s) for the request, including any supporting documentation; and

(g) in the case of a request for an Appeal, the Person’s election for an Electronic Hearing or an In-Person Hearing.

6.5. Where a Person elects to have an Electronic Hearing, the Town shall notify the Person of the date and time of the Electronic Hearing and provide the access link not less than seven (7) calendar days before the Electronic Hearing.

6.6. Where a Person elects to have an In-Person Hearing, the Town shall notify the Person of the date, time and place of the In-Person Hearing not less than seven (7) calendar days before the In-Person Hearing.

6.7. If a Person fails to appear at the date and time set for the hearing of an Appeal or fails to remain until the end of the hearing:

(a) the Person is deemed to have abandoned the Appeal;

(b) the Screening Review Decision is deemed to be affirmed;

(c) the Administrative Penalty, as modified by the Screening Review Decision if applicable, is deemed to be affirmed; and

(d) the Screening Review Decision and Administrative Penalty, as modified by the Screening Review Decision if applicable, are not subject to review or appeal, including by any tribunal or court; and

(e) the Person shall pay a Hearing Non-Attendance Fee to the Town.

6.8. A Hearing Officer shall not make any decision in respect of an Appeal unless the Hearing Officer has given each of the Person, the Director, the Enforcement Authority that issued the Penalty Notice and their legal representatives if applicable, an opportunity to be heard at the Electronic Hearing or the In-Person Hearing, as the case may be.

6.9. The Hearing Officer shall conduct all Appeal hearings in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.

6.10. Subject to subsections 6.3 and 6.7, the Hearing Officer may:

(a) approve or modify a request for an extension of time to request an Appeal where the Hearing Officer is satisfied that the circumstances warrant an extension of time;

(b) deny a request for an extension of time to request an Appeal, in which case the Screening Review Decision and Administrative Penalty, as modified by the Screening Review Decision if applicable, are deemed to be affirmed;

(c) deny the Appeal and affirm the Screening Review Decision and Administrative Penalty;

(d) allow the Appeal in full and cancel the Screening Review Decision and Administrative Penalty where the Hearing Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and further that:

i. there is reason to doubt that the Person contravened the Designated By-law;

ii. the Person took all reasonable steps to prevent the contravention; or

iii. the cancellation is necessary to relieve undue financial hardship for the Person; or

(e) allow the Appeal in part and vary the Screening Review Decision to reduce the Administrative Penalty and/or extend the time for payment of the Administrative Penalty where the Hearing Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and further that the reduction or extension of time for payment is necessary to relieve undue financial hardship for the Person.

6.11. A Person who claims financial hardship bears the onus of establishing financial hardship to the satisfaction of the Hearing Officer.

6.12. Where the Hearing Officer cancels an Administrative Penalty, any associated Administrative Fee(s) shall be deemed to be cancelled.

6.13. The Hearing Officer has no jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

6.14. Upon completion of an Electronic Hearing or In-Person Hearing, as the case may be, the Hearing Officer shall make a decision and provide it in writing to the Town as soon as reasonably practicable.

6.15. The Town shall provide the decision of the Hearing Officer to the Person and their legal representative if applicable, within fourteen (14) calendar days of receipt.

6.16. The decision of the Hearing Officer is final and is not subject to review or appeal, including by any tribunal or court.

7. Notice

7.1. Any document or notice that is required to be provided to a Person under this By-law, including a Penalty Notice, shall be given in writing and may be delivered in any of the following ways:

(a) by serving or personally delivering it to the Person to whom it is addressed, in which case delivery is effective immediately;

(b) by sending it to the Person to whom it is addressed by regular mail or registered mail to the Person's last known address, in which case delivery is effective five (5) calendar days after the date on which it is sent; or

(c) by sending it to the Person to whom it is addressed by email to the Person's last known email address, in which case delivery is effective on the date the email is sent unless the email is sent after 4:30 p.m., in which case delivery is effective the next day.

7.2. For the purpose of subsection 7.1, a Person's last known address and last known email address include those provided by the Person as part of a request for a Screening Review or an Appeal and any address or email address for the Person contained in the records of the Town.

7.3. Any document or notice that is required to be provided to the Town under this By-law, shall be given in writing and may be delivered in any of the following ways:

(a) by addressing it to the Town Clerk and serving or personally delivering it to Town Hall at 20 Pelham Town Square in Fonthill, in which case delivery is effective immediately;

(b) by addressing it to the attention of the Town Clerk and sending it by regular mail or registered mail to 20 Pelham Town Square, P.O. Box 400, Fonthill, Ontario, L0S 1E0, in which case delivery is effective five (5) calendar days after the date on which it is sent;

(c) by emailing it to AMPappeals@pelham.ca, in which case delivery is effective on the date the email is sent unless the email is sent after 4:30 p.m., in which case delivery is effective the next day.

8. Administration

8.1. Council shall appoint Screening Officers and Hearing Officers from time to time on such terms as Council considers appropriate. The Screening Officers and Hearing Officers appointed by Council are listed in Schedule "C", as amended or updated from time to time, which is attached hereto and forms part of this By-law.

8.2. The Director may establish any rules, policies, practices or procedures necessary to administer this By-law and may further amend, rescind or replace any such rules, policies, practices or procedures from time to time as the Director deems necessary.

8.3. The Director shall prescribe all forms and notices required under this By-law and may amend such forms and notices from time to time as the Director deems necessary.

8.4. No Enforcement Authority who issues a Penalty Notice may accept any payment of the Administrative Penalty imposed by the Penalty Notice.

8.5. Where a Person has paid an Administrative Penalty or Administrative Fee that is subsequently cancelled or reduced in accordance with this By-law, the Town shall refund the amount by which the Administrative Penalty or Administrative Fee was varied.

8.6. Where an Administrative Penalty, Screening Review Non-Attendance Fee or Hearing Non-Attendance Fee is not paid within fourteen (14) calendar days of the date on which it is payable, the Person to whom it was issued shall pay to the Town a Late Payment Fee in respect of, and in addition to, each Administrative Penalty, Screening Review Non-Attendance Fee and/or Hearing Non-Attendance Fee.

8.7. Where a Person makes a payment to the Town in full or partial satisfaction of an Administrative Penalty, Screening Review Non-Attendance Fee, Hearing Non-Attendance Fee or Late Payment Fee and there are insufficient funds to make the said payment in the account from which it was drawn, the Person shall pay to the Town a Non-Sufficient Funds Fee for each such payment.

8.8. Any Administrative Penalty or Administrative Fee imposed on a Person in accordance with this By-law constitutes a debt of the Person to the Town under the *Municipal Act, 2001*.

8.9. Where a Person fails to make payment of any Administrative Penalty or Administrative Fee imposed upon that Person within thirty (30) days after the Administrative Penalty or Administrative Fee becomes payable, the Town may add the outstanding amount to the tax roll for any Property owned by the Person and may collect it in the same manner and with the same priority as municipal taxes.

9. Enforcement

9.1. This By-law shall be implemented, administered and enforced by the Town, the Director and Enforcement Authorities.

9.2. All Administrative Penalties and Administrative Fees shall be issued and enforced in accordance with this By-law.

9.3. Notwithstanding subsection 9.2, nothing in this By-law limits, or shall be taken to limit, the authority of the Town to enforce Designated By-laws by all means available to it in law.

10. General

10.1. The short title of this By-law is the "Administrative Penalty Process By-law for Non-Parking By-laws".

10.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.

10.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.

10.4. This By-law shall be read with all changes in number or gender as are required by context.

10.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.

10.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

11. Repeal and Enactment

11.1. By-law No. 4352(2022), being a By-law to establish an Administrative Monetary Penalty System for Non-Parking Related Offences, is hereby repealed and replaced.

12. Effective Date

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

Read, enacted, signed and sealed this XXst day of XXXX, 2023.

_____
Marvin Junkin, Mayor

_____
William Tigert, Town Clerk

SCHEDULE "A"

Designated By-laws and Administrative Penalties

By-law	Provision	Administrative Penalty
Animals at Large By-law No. 2174(2000)	4(c)	First contravention: $250.00 for each day on which contravention occurs or continues
		Second contravention: $500.00 for each day on which contravention occurs or continues
		Third contravention: $750.00 for each day on which contravention occurs or continues
Backyard Hens By-law No. 44(2023)	6.3	$250.00 for each day on which contravention occurs or continues
Business Licensing By-law No. 3186(2011)	13.1(b)	$250.00 for each day on which contravention occurs or continues
Clean Yards By-law No. 4496(2022)	9.3	First contravention: $250.00 for each day on which contravention occurs or continues
		Second contravention: $500.00 for each day on which contravention occurs or continues
		Third contravention: $1000.00 for each day on which contravention occurs or continues
Depositing of Snow or Ice on Highways By-law No. 3013(2008)	8(b)	$250.00 for each day on which contravention occurs or continues
Dog Control By-law No. 97-2010	12.1(b)	First contravention: $250.00 for each day on which contravention occurs or continues
		Second contravention: $500.00 for each day on which contravention occurs or continues
		Third contravention: $750.00 for each day on which contravention occurs or continues
Dogs an Annoyance or Nuisance By-law No. 1450(1992)	2.1(b)	First contravention: $250.00 for each day on which contravention occurs or continues
		Second contravention: $500.00 for each day on which contravention occurs or continues
		Third contravention: $750.00 for each day on which contravention occurs or continues
Environmental Protection By-law No. 3352(2013)	23(b)	First contravention: $500.00 for each day on which contravention occurs or continues
		Second contravention: $1000.00 for each day on which contravention occurs or continues
		Third contravention: $2000.00 for each day on which contravention occurs or continues
Exotic Pet By-law No. 3448(2013)	10.9(b)	$250.00 for each day on which contravention occurs or continues
Fence By-law No. 4157(2019)	21.3	$250.00 for each day on which contravention occurs or continues
Fireworks By-law No. 2951(2008)	10.2(b)	$250.00 for each day on which contravention occurs or continues
Fortification of Land By-law No. 4158(2019)	25.1	$500.00 for each day on which contravention occurs or continues

Liquor in Recreational Areas By-law No. 1583(1993)	5.2	$250.00 for each day on which contravention occurs or continues
Noise By-law No. 4454(2022)	10.3	First contravention: $250.00 for each day on which contravention occurs or continues
		Second contravention: $500.00 for each day on which contravention occurs or continues
		Third contravention: $750.00 for each day on which contravention occurs or continues
Nuisance By-law No. 4253(2020)	5.2	First contravention: $250.00 for each day on which contravention occurs or continues
		Second contravention: $500.00 for each day on which contravention occurs or continues
		Third contravention: $1000.00 for each day on which contravention occurs or continues
Odorous Industries Nuisance By-law No. 4202(2020)	11	$250.00 for each day on which contravention occurs or continues
Open Air Burning By-law No. 4223(2020)	4.5(b)	$250.00 for each day on which contravention occurs or continues
Parks and Facilities By-law No. 1608(1993)	12.1	$250.00 for each day on which contravention occurs or continues
Property Standards By-law No. 2025(1998)	6.2(b)	First contravention: $250.00 for each day on which contravention occurs or continues
		Second contravention: $500.00 for each day on which contravention occurs or continues
		Third contravention: $1000.00 for each day on which contravention occurs or continues
Short-Term Accommodation Licensing By-law No. 4257(2020)	11(3)	First contravention: $250.00 for each day on which contravention occurs or continues
		Second contravention: $500.00 for each day on which contravention occurs or continues
		Third contravention: $1000.00 for each day on which contravention occurs or continues
Sign By-law No. 48-2023	10.3	$250.00 for each day on which contravention occurs or continues unless otherwise provided for herein
	6.1(u)	Display Congratulatory Sign more than seventy-two (72) hours: $50.00
	7.16(a)	Display Special Event Lawn Sign more than thirty (30) days prior to event: $75.00
	7.16(a)	Display Special Event Lawn Sign more than five (5) days after event: $50.00
	7.18(a)	Display Real Estate Open House Sign on Public Road Allowance before 4:00 p.m. on non-holiday Friday: $75.00
	7.18(a)	Display Real Estate Open House Sign on Public Road Allowance after 9:00 a.m. on a non-holiday Monday: $75.00
	7.20(a)	Display Yard Sale Sign for more than one (1) day prior to event: $50.00

	7.20(a)	Display Yard Sale Sign for more than one (1) day after event: $50.00
Skateboarding By-law No. 3424(2013)	7.2(b)	$250.00 for each day on which contravention occurs or continues
Swimming Pool and Hot Tub By-law No. 60-2023	9.3	$500.00 for each day on which contravention occurs or continues

SCHEDULE "B"

Administrative Fees

Administrative Fee	Amount
Screening Review Non-Attendance Fee	$50.00
Hearing Non-Attendance Fee	$150.00
Late Payment Fee	$50.00
Non-Sufficient Funds Fee	$30.00

SCHEDULE "C"

Screening Officers and Hearing Officers

Council hereby appoints as Screening Officers the Clerk of the Town, the Deputy Clerk of the Town and, in the absence or incapacity of the Clerk and the Deputy Clerk, the Legislative and Committee Coordinator of the Town.

Council hereby appoints as Hearing Officers Janet Rutherford of Rutherford Prosecutions or a designate contracted by Rutherford Prosecutions.

The Corporation of the Town of Pelham

By-law No. 69-2003

Being a By-law to establish a system of administrative penalties for contraventions of designated By-laws respecting traffic and the parking, standing or stopping of vehicles and to repeal By-law No. 4353(2022).

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

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

AND WHEREAS section 11 of the *Municipal Act, 2001* provides that a lower-tier municipality has the authority to pass by-laws respecting parking and traffic on highways and parking on lands other than highways;

AND WHEREAS section 102.1 of the *Municipal Act, 2001* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-law respecting the parking, standing or stopping of vehicles;

AND WHEREAS Ontario Regulation 333/07 under the *Municipal Act, 2001* ("the Regulation") provides that a municipality shall not require a person to pay an administrative penalty under section 102.1 of the *Municipal Act, 2001* unless the municipality has met the requirements of the Regulation;

AND WHEREAS the Corporation of the Town of Pelham has established a system of administrative penalties in accordance with section 102.1 of the *Municipal Act, 2001* and the Regulation;

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

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to implement a system of administrative penalties to promote compliance with designated by-laws respecting traffic and the parking, standing and stopping of vehicles or portions of such designated by-laws;

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

1. Purpose

1.1. The purpose of this By-law is to establish and implement a system of administrative penalties for contraventions of designated by-laws so as to promote compliance with by-laws of the Town of Pelham and to facilitate enforcement of by-law contraventions.

2. Definitions

2.1. In this By-law:

"Administrative Fee" means a Screening Review Non-Attendance Fee, a Hearing Non-Attendance Fee, a Late Payment Fee, a Non-Sufficient Funds Fee, a Ministry Records Search Fee and/or a Notification of Default Fee.

"**Administrative Penalty**" means a monetary penalty issued pursuant to this By-law.

"Appeal" means an appeal to the Hearing Officer from a Screening Review Decision.

"**Council**" means the Council of the Town.

"**Designated By-law**" means a by-law designated by the Town as one to which this By-law applies.

"**Director**" means the Director of Fire and By-law Services of the Town or their designate.

"Electronic Hearing" means an Appeal hearing conducted virtually in accordance with the Rules of Electronic Hearings of the Town.

"Electronic Screening Review" means a Screening Review conducted virtually.

"**Enforcement Authority**" means the Director, a by-law enforcement officer of the Town, any Person appointed under this By-law to enforce Designated By-laws, a member of the Niagara Regional Police Service, a member of the Ontario Provincial Police and any other provincial offences officer designated under the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

"**Hearing Officer**" means a Person appointed by the Town to conduct Appeal hearings under this By-law.

"**Hearing Non-Attendance Fee**" means an administrative fee imposed by the Town in respect of a Person's failure to appear at the time and place scheduled for the hearing of an Appeal.

"In-Person Hearing" means an Appeal at which the Person making the Appeal attends in person and at which the Town and/or the Hearing Officer may attend in person or virtually.

"In-Person Screening Review" means a Screening Review conducted by way of personal attendance of the Person requesting the review and the Screening Officer.

"**Late Payment Fee**" means an administrative fee imposed by the Town in respect of a Person's failure to pay an Administrative Penalty, Screening Review Non-Attendance Fee or Hearing Non-Attendance Fee by the date on which it is payable.

"Ministry Records Search Fee" means an administrative fee imposed by the Town to undertake a search of the records of the Ontario Ministry of Transportation.

"Non-Sufficient Funds Fee" means an administrative fee imposed by the Town where a Person makes a payment to the Town under this By-law and there are insufficient funds to make the said payment in the account from it was drawn.

"Notification of Default Fee" means an administrative fee imposed by the Town to notify the provincial Registrar of Motor Vehicles

"Owner" means the Person whose name appears on a permit for a motor vehicle and, if the vehicle permit consists of a vehicle portion and a plate portion, the Person whose name appears on the plate portion.

"**Penalty Notice**" means a notice issued to a Person pursuant to section 4 of this By-law.

"**Penalty Notice Date**" means the date on which the Person to whom the Penalty Notice is issued failed to comply with a Designated By-law.

"**Penalty Notice Number**" means a unique number assigned by the Town to a Penalty Notice for identification and reference purposes.

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

an Administrative Penalty that is not paid within fifteen (15) calendar days

"Property" means any land or premises within the Town.

"Screening Officer" means a Person appointed by the Town to conduct Screening Reviews under this By-law.

"Screening Review" means a review of an Administrative Penalty by a Screening Officer, which may be conducted in writing or by way of an attendance with the Screening Officer at the election of the Person to whom the Administrative Penalty was issued.

"Screening Review Decision" means a decision made by a Screening Officer pursuant to section 5 of this By-law.

"**Screening Review Decision Date**" means the date on which the Screening Officer delivers a Screening Review Decision.

"**Screening Review Non-Attendance Fee**" means an administrative fee imposed by the Town in respect of a Person's failure to appear at the time and place scheduled for an in-person Screening Review or Electronic Screening Review.

"**Town**" means the Corporation of the Town of Pelham or the geographic location of the municipality, as the context requires.

"Written Screening Review" means a Screening Review conducted by a Screening Officer by reviewing written information provided by the Person requesting the review and without an in person or virtual attendance.

3. Designated By-laws and Administrative Fees

3.1. The Designated By-laws of the Town and the applicable Administrative Penalties for Designated By-law contraventions are listed in Schedule "A", as amended or updated from time to time, which is attached hereto and forms part of this By-law.

3.2. The *Provincial Offences Act*, R.S.O. 1990, c. P.33 does not apply to the contravention of a Designated By-law.

3.3. The Administrative Fees under this By-law are listed in Schedule "B", as amended or updated from time to time, which is attached hereto and forms part of this By-law.

4. Penalty Notice Issuance

4.1. An Enforcement Authority who has reason to believe that a Person has contravened any provision or provisions of a Designated By-law may issue a Penalty Notice to that Person in respect of each contravention.

4.2. Where the Person to whom a Penalty Notice is issued is not the Owner of the vehicle to which the Administrative Penalty relates, the Town shall provide the Owner with reasonable notice that an Administrative Penalty is payable under this By-law.

4.3. The Director may, within ten (10) calendar days of the Penalty Notice Date, cancel an Administrative Penalty where the Director determines, in their sole discretion, that cancellation is warranted.

4.4. A Penalty Notice shall be provided to the Person to whom it is issued within fourteen (14) calendar days of the Penalty Notice Date and shall include the following information:

(a) the Penalty Notice Date;

(b) the date on which the Penalty Notice was issued;

(c) the Penalty Notice Number;

(d) the name of the issuing Enforcement Authority;

(e) particulars of the non-compliance with a Designated By-law;

(f) the licence plate number or vehicle identification number of the vehicle in relation to which Administrative Penalty relates;

(g) the amount of the Administrative Penalty;

(h) the date by which the Administrative Penalty is payable;

(i) information about the process by which a Person may request a Screening Review; and

(j) a statement advising the Person that unless an Administrative Penalty is cancelled, varied or reduced by a Screening Review or an Appeal, it shall constitute a debt of the Person to the Town.

5. Screening Reviews

5.1. Subject to subsections 5.2 and 5.3, a Person to whom a Penalty Notice is issued may request a Screening Review in which the Administrative Penalty is reviewed by a Screening Officer.

5.2. A Person must request a Screening Review or an extension of time to request a Screening Review prior to 4:30 p.m. on the date on which the Administrative Penalty is payable.

5.3. Where a Person fails to make a request for a Screening Review or an extension of time to request a Screening Review within the prescribed time:

(a) the right of the Person to make the request expires;

(b) the Person is deemed to have waived the right to request a Screening Review;

(c) the Administrative Penalty is deemed to be affirmed; and

(d) the Administrative Penalty is not subject to review or appeal, including by any tribunal or court.

5.4. Where a Person fails to make a request under subsection 5.3 and fails to pay the Administrative Penalty within fifteen (15) calendar days of the date on which it is payable, the Town shall search the records of the Ontario Ministry of Transportation records to identify the Owner of the vehicle to which the Administrative Penalty relates and shall notify the Registrar of Motor Vehicles of the default such that the Registrar shall not validate or issue a permit to the Owner for that vehicle until the Administrative Penalty is paid. The Town shall add a Ministry Records Search Fee and a Notification of Default Fee to the Administrative Penalty.

5.5. The right of a Person to request a Screening Review or an extension of time to request a Screening Review is exercised by giving the Town written notice in the form determined by the Director from time to time, which shall include the following information:

(a) the Penalty Notice number;

(b) the Person's name;

(c) the Person's address, telephone number and email address;

(d) if applicable, the name, address, telephone number and email address of the Person's legal representative;

(e) in the case of a request for an extension of time to request a Screening Review, the reason(s) the Person failed to make the request within the time prescribed by subsection 5.2;

(f) in the case of a request for a Screening Review, a factual and detailed explanation of the reason(s) for the request, including any supporting documentation;

(g) in the case of a request for a Screening Review, the Person's election to have the Screening Review conducted in writing or by way of an attendance with the Screening Officer; and

(h) in the case of a request for an attendance with the Screening Officer, the Person's election for an Electronic Screening Review, an In-Person Screening Review or a Written Screening Review.

5.6. Where a Person elects to have an Electronic Screening Review or an In-Person Screening Review, the Person shall be notified of the date, time and place of the Screening Review.

5.7. If a Person fails to appear at an Electronic Screening Review or an In-Person Screening Review or fails to remain at the Screening Review until the Screening Officer has made the Screening Decision:

(a) the Person is deemed to have abandoned the request for a Screening Review;

(b) the Administrative Penalty is deemed to be affirmed;

(c) the Administrative Penalty is not subject to review or appeal, including by any tribunal or court; and

(d) the Person shall pay a Screening Review Non-Attendance Fee to the Town.

5.8. Subject to subsections 5.3 and 5.7, the Screening Officer may:

(a) approve or modify a request for an extension of time to request a Screening Review where the Screening Officer is satisfied that the circumstances warrant an extension of time;

(b) deny a request for an extension of time to request a Screening Review, in which case the Administrative Penalty is deemed to be affirmed;

(c) affirm the Administrative Penalty;

(d) cancel the Administrative Penalty where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and further that:

i. there is reason to doubt that the Person contravened the Designated By-law; or

ii. the Person took all reasonable steps to prevent the contravention; or

(e) cancel or reduce the Administrative Penalty or extend the time for payment of the Administrative Penalty where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and further that the cancellation, reduction or extension of time for payment is necessary to relieve undue financial hardship for the Person.

5.9. A Person who claims financial hardship bears the onus of establishing financial hardship to the satisfaction of the Screening Officer.

5.10. Where a Screening Officer cancels an Administrative Penalty, any associated Administrative Fee(s) shall be deemed to be cancelled.

5.11. Upon completion of the Screening Review, the Screening Officer shall make a Screening Review Decision and shall provide it in writing to the Person as soon as reasonably practicable.

5.12. The Screening Officer has no jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

6. Appeals to the Hearing Officer

6.1. Subject to subsections 6.2 and 6.3, a Person to whom a Screening Review Decision is provided may request an Appeal in which the Screening Review Decision is reviewed by a Hearing Officer.

6.2. A Person must request an Appeal or an extension of time to request an Appeal prior to 4:30 p.m. on the date on which the Administrative Penalty is payable as directed in the Screening Review Decision.

6.3. Where a Person fails to make a request for an Appeal or an extension of time to request an Appeal within the prescribed time:

(a) the right of the Person to make the request expires;

(b) the Person is deemed to have waived the right to request an Appeal;

(c) the Screening Review Decision is deemed to be affirmed;

(d) the Administrative Penalty, as modified by the Screening Review Decision if applicable, is deemed to be affirmed; and

(e) the Screening Review Decision and Administrative Penalty, as modified by the Screening Review Decision if applicable, are not subject to review or appeal, including by any tribunal or court.

6.4. Where a Person fails to make a request under subsection 6.3 and fails to pay the Administrative Penalty within fifteen (15) calendar days of the date on which it is payable as directed in the Screening Review Decision, the Town shall search the records of the Ontario Ministry of Transportation records to identify the Owner of the vehicle to which the Administrative Penalty relates and shall notify the Registrar of Motor Vehicles of the default such that the Registrar shall not validate or issue a permit to the Owner for that vehicle until the Administrative Penalty is paid. The Town shall add a Ministry Records Search Fee and a Notification of Default Fee to the Administrative Penalty.

6.5. The right of a Person to request an Appeal or an extension of time to request an Appeal is exercised by giving the Town written notice in the form determined by the Director from time to time, which shall include the following information:

(a) the Penalty Notice number;

(b) the Person's name;

(c) the Person's address, telephone number and email address;

(d) if applicable, the name, address, telephone number and email address of the Person's legal representative;

(e) in the case of a request for an extension of time to request an Appeal, the reason(s) the Person failed to make the request within the time prescribed by subsection 6.2;

(f) in the case of a request for an Appeal, a factual and detailed explanation of the reason(s) for the request, including any supporting documentation; and

(g) in the case of a request for an Appeal, the Person's election for an Electronic Hearing or an In-Person Hearing.

6.6. Where a Person elects to have an Electronic Hearing, the Town shall notify the Person of the date and time of the Electronic Hearing and provide the access link not less than seven (7) calendar days before the Electronic Hearing.

6.7. Where a Person elects to have an In-Person Hearing, the Town shall notify the Person of the date, time and place of the In-Person Hearing not less than seven (7) calendar days before the In-Person Hearing.

6.8. If a Person fails to appear at the date and time set for the hearing of an Appeal or fails to remain until the end of the hearing:

(a) the Person is deemed to have abandoned the Appeal;

(b) the Screening Review Decision is deemed to be affirmed;

(c) the Administrative Penalty, as modified by the Screening Review Decision if applicable, is deemed to be affirmed; and

(d) the Screening Review Decision and Administrative Penalty, as modified by the Screening Review Decision if applicable, are not subject to review or appeal, including by any tribunal or court; and

(e) the Person shall pay a Hearing Non-Attendance Fee to the Town.

6.9. A Hearing Officer shall not make any decision in respect of an Appeal unless the Hearing Officer has given each of the Person, the Director, the Enforcement Authority that issued the Penalty Notice and their legal representatives if applicable, an opportunity to be heard at the Electronic Hearing or the In-Person Hearing, as the case may be.

6.10. The Hearing Officer shall conduct all Appeal hearings in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.

6.11. Subject to subsections 6.3 and 6.8, the Hearing Officer may:

(a) approve or modify a request for an extension of time to request an Appeal where the Hearing Officer is satisfied that the circumstances warrant an extension of time;

(b) deny a request for an extension of time to request an Appeal, in which case the Screening Review Decision and Administrative Penalty, as modified by the Screening Review Decision if applicable, are deemed to be affirmed;

(c) deny the Appeal and affirm the Screening Review Decision and Administrative Penalty;

(d) allow the Appeal in full and cancel the Screening Review Decision and Administrative Penalty where the Hearing Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and further that:

i. there is reason to doubt that the Person contravened the Designated By-law;

ii. the Person took all reasonable steps to prevent the contravention; or

iii. the cancellation is necessary to relieve undue financial hardship for the Person; or

(e) allow the Appeal in part and vary the Screening Review Decision to reduce the Administrative Penalty and/or extend the time for payment of the Administrative Penalty where the Hearing Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and further that the reduction or extension of time for payment is necessary to relieve undue financial hardship for the Person.

6.12. A Person who claims financial hardship bears the onus of establishing financial hardship to the satisfaction of the Hearing Officer.

6.13. Where the Hearing Officer cancels an Administrative Penalty, any associated Administrative Fee(s) shall be deemed to be cancelled.

6.14. The Hearing Officer has no jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

6.15. Upon completion of an Electronic Hearing or In-Person Hearing, as the case may be, the Hearing Officer shall make a decision and provide it in writing to the Town as soon as reasonably practicable.

6.16. The Town shall provide the decision of the Hearing Officer to the Person and their legal representative if applicable, within fourteen (14) calendar days of receipt.

6.17. The decision of the Hearing Officer is final and is not subject to review or appeal, including by any tribunal or court.

7. Notice

7.1. Any document or notice that is required to be provided to a Person under this By-law, including a Penalty Notice, shall be given in writing and may be delivered in any of the following ways:

(a) by serving or personally delivering it to the Person to whom it is addressed, in which case delivery is effective immediately;

(b) by sending it to the Person to whom it is addressed by regular mail or registered mail to the Person's last known address, in which case delivery is effective five (5) calendar days after the date on which it is sent; or

(c) by sending it to the Person to whom it is addressed by email to the Person's last known email address, in which case delivery is effective on the date the email is sent unless the email is sent after 4:30 p.m., in which case delivery is effective the next day.

7.2. For the purpose of subsection 7.1, a Person's last known address and last known email address include those provided by the Person as part of a request for a Screening Review or an Appeal and any address or email address for the Person contained in the records of the Town.

7.3. Any document or notice that is required to be provided to the Town under this By-law, shall be given in writing and may be delivered in any of the following ways:

(a) by addressing it to the Town Clerk and serving or personally delivering it to Town Hall at 20 Pelham Town Square in Fonthill, in which case delivery is effective immediately;

(b) by addressing it to the attention of the Town Clerk and sending it by regular mail or registered mail to 20 Pelham Town Square, P.O. Box 400, Fonthill, Ontario, L0S 1E0, in which case delivery is effective five (5) calendar days after the date on which it is sent;

(c) by emailing it to AMPappeals@pelham.ca, in which case delivery is effective on the date the email is sent unless the email is sent after 4:30 p.m., in which case delivery is effective the next day.

8. Administration

8.1. Council shall appoint Screening Officers and Hearing Officers from time to time on such terms as Council considers appropriate. The Screening Officers and Hearing Officers appointed by Council are listed in Schedule "C", as amended or updated from time to time, which is attached hereto and forms part of this By-law.

8.2. The Director may establish any rules, policies, practices or procedures necessary to administer this By-law and may further amend, rescind or replace any such rules, policies, practices or procedures from time to time as the Director deems necessary.

8.3. The Director shall prescribe all forms and notices required under this By-law and may amend such forms and notices from time to time as the Director deems necessary.

8.4. No Enforcement Authority who issues a Penalty Notice may accept any payment of the Administrative Penalty imposed by the Penalty Notice.

8.5. Where a Person has paid an Administrative Penalty or Administrative Fee that is subsequently cancelled or reduced in accordance with this By-law, the Town shall refund the amount by which the Administrative Penalty or Administrative Fee was varied.

8.6. Where an Administrative Penalty, Screening Review Non-Attendance Fee or Hearing Non-Attendance Fee is not paid within fourteen (14) calendar days of the date on which it is payable, the Person to whom it was issued shall pay to the Town a Late Payment Fee in respect of, and in addition to, each Administrative Penalty, Screening Review Non-Attendance Fee and/or Hearing Non-Attendance Fee.

8.7. Where a Person makes a payment to the Town in full or partial satisfaction of an Administrative Penalty, Screening Review Non-Attendance Fee, Hearing Non-Attendance Fee or Late Payment Fee and there are insufficient funds to make the said payment in the account from which it was drawn, the Person shall pay to the Town a Non-Sufficient Funds Fee for each such payment.

8.8. Any Administrative Penalty or Administrative Fee imposed on a Person in accordance with this By-law constitutes a debt of the Person to the Town under the *Municipal Act, 2001*.

8.9. Where a Person fails to make payment of any Administrative Penalty or Administrative Fee imposed upon that Person within thirty (30) days after the Administrative Penalty or Administrative Fee becomes payable, the Town may add the outstanding amount to the tax roll for any Property owned by the Person and may collect it in the same manner and with the same priority as municipal taxes.

9. Enforcement

9.1. This By-law shall be implemented, administered and enforced by the Town, the Director and Enforcement Authorities.

9.2. All Administrative Penalties and Administrative Fees shall be issued and enforced in accordance with this By-law.

9.3. Notwithstanding subsection 9.2, nothing in this By-law limits, or shall be taken to limit, the authority of the Town to enforce Designated By-laws by all means available to it in law.

10. General

10.1. The short title of this By-law is the "Administrative Penalty Process By-law for Traffic and Parking By-laws".

10.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.

10.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.

10.4. This By-law shall be read with all changes in number or gender as are required by context.

10.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.

10.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

11. Repeal and Enactment

11.1. By-law No. 4353(2022), being the Parking Administrative Penalty By-law, is hereby repealed and replaced.

12. Effective Date

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

Read, enacted, signed and sealed this XXst day of XXXX, 2023.

_____
Marvin Junkin, Mayor

_____
William Tigert, Town Clerk

SCHEDULE "A"

Designated By-laws and Administrative Penalties

By-law	Section	Contravention	Penalty Amount
Traffic and Parking By-law No. 89-2000			
	201.01	Stop, stand or park vehicle facing wrong way	$50.00
	201.02	Stop, stand or park vehicle too far from edge of road	$50.00
	201.03	Stop, stand or park vehicle too far from edge of shoulder	$50.00
	201.04	Stop, stand or park vehicle facing wrong way on left side of one-way highway	$50.00
	201.05	Stop, stand or park vehicle too far from left edge of one-way highway	$50.00
	201.06	Stop, stand or park vehicle too far from left shoulder of one-way highway	$50.00
	201.07	Stop, stand or park vehicle contrary to designated angle	$50.00
	201.08	Stop, stand or park vehicle not within designated space	$50.00
	201.09	Double stopping, standing or parking	$50.00
	201.10	Stop, stand or park vehicle on designated bicycle lane	$50.00
	202.01	Park on shoulder/boulevard where prohibited	$50.00
	202.02	Park repeatedly at/near one location	$50.00
	203.01.01	Stop on sidewalk	$50.00
	203.01.02	Stop within intersection or crosswalk	$50.00
	203.01.03	Stop across from any obstruction to impede traffic	$50.00
	203.01.04	Stop in/near tunnel or bridge	$50.00
	203.01.05	Stop on/adjacent to median	$50.00
	203.01.06	Stop on outer boulevard	$50.00
	203.02.01	Stop near/at school crossing or crosswalk where prohibited by sign	$50.00
	203.02.02	Stop near/at railway crossing where prohibited by sign	$50.00
	203.02.03	Stop near school/playground where prohibited by sign	$50.00
	203.02.04	Stop within fifteen (15) metres of intersection where prohibited by sign	$50.00
	203.02.05	Stop within sixty (60) metres of intersection controlled by signal where prohibited by sign	$50.00
	203.03	Stop where prohibited by sign	$50.00
	204.01	Stand where prohibited by sign	$50.00
	204.01.01	Stand near designated bus stop	$50.00
	204.02	Stand where prohibited (Schedule "B")	$50.00

	205.01.01	Park within ten (10) metres of intersection	$50.00
	205.01.02	Park within three (3) metres of fire hydrant	$50.00
	205.01.03	Park on inner boulevard	$50.00
	205.01.04	Park on driveway too close to sidewalk or roadway	$50.00
	205.01.05	Park within one point five (1.5) metres of driveway	$50.00
	205.01.06	Park so as to obstruct driveway	$50.00
	205.01.07	Park so as to block vehicle	$50.00
	205.01.08	Park for sale/display	$50.00
	205.01.09	Park for servicing	$50.00
	205.01.10	Park for longer than twelve (12) hours	$50.00
	205.01.11	Park between 2:00 a.m. and 6:00 a.m.	$50.00
	205.01.12	Park, stand or stop so as to impede traffic	$100.00
	205.01.13	Park, stand or stop so as to interfere with snow clearing, sanding or salting	$100.00
	205.01.14	Fail to display current licence plate	$85.00
	205.02.01	Park near fire hall where prohibited by sign	$50.00
	205.02.02	Park near intersection where prohibited by sign	$50.00
	205.02.03	Park near signaled intersection where prohibited by sign	$50.00
	205.02.04	Park near entrance of public building where prohibited by sign	$50.00
	205.02.05	Park near driveway where prohibited by sign	$50.00
	205.02.06	Park on narrow roadway where prohibited by sign	$50.00
	205.02.07	Park near crosswalk where prohibited by sign	$50.00
	205.02.08	Park so as to interfere with funeral procession where prohibited by sign	$50.00
	205.02.09	Park within turning circle or basin of cul-de-sac where prohibited by sign	$50.00
	205.02.10	Park within fifteen (15) metres of dead end where prohibited by sign	$50.00
	205.02.11	Park where parking temporarily prohibited	$50.00
	205.03	Park where prohibited by sign	$50.00
	205.04	Park trailer/commercial vehicle where prohibited	$75.00
	207.01	Park over time limit where prohibited by sign	$50.00
	209.01.01	Park not adjacent to meter	$50.00
	209.01.02	Park not adjacent to meter where two (2) meters are on same mounting	$50.00
	209.01.03	Angle park at meter in wrong direction	$50.00
	209.02	Park outside metered space	$50.00
	209.03.01	Park at covered meter	$50.00
	209.03.02	Park in metered space already occupied by another vehicle	$50.00
	209.06.01	Park over time limit in metered zone	$50.00
	209.06.02	Park at expired meter	$50.00
	209.10	Park taxi-cab at meter	$50.00

	301.02	Park where prohibited in public vehicle parking zone	$50.00
	301.03	Stand where prohibited in public vehicle bus stop	$50.00
	303.01	Stop vending vehicle so as to obstruct traffic	$50.00
	303.03	Stop a mobile canteen where prohibited	$50.00
	304.01	Stand at taxi stand	$50.00
	305.01	Stop to load/unload where prohibited	$50.00
	305.02	Stop in loading zone	$50.00
Handicapped Parking By-law No. 97-2020, as amended by By-law No. 3688(2015)			
	10	Park or stand motor vehicle in designated parking space without displaying valid permit	$300.00
	11	Use designated parking space where prohibited	$300.00
	13	Park, stop or stand vehicle in contravention of by-law	$300.00
Fire Route By-law No. 4462(2022)			
	3.2	Obstruct, encumber, injure, foul or obscure designated fire route or fire route sign	$100.00
	3.3	Park, stand or leave vehicle on designated fire route	$100.00
Town Property Parking By-law No. 4483(2022)			
	4.3	Park, stand or leave motor vehicle on Town property contrary to conditions posted on sign	$50.00
	4.4	Park, stand or leave motor vehicle on Town property other than in designated parking space	$50.00
	4.4	Park, stand or leave motor vehicle on Town property not in conformity with signs and markings	$50.00
	4.5	Park, stand or leave motor vehicle on Town property not wholly within a parking space	$50.00
	4.6	Park, stand or leave motor vehicle on Town property in parking space occupied by another vehicle	$50.00
	4.7	Park, stand or leave motor vehicle on Town property in parking space that is temporarily closed	$50.00
	4.8	Park, stand or leave motor vehicle at Town facility other than Town Hall when facility is closed	$50.00
	4.8	Park, stand or leave motor vehicle on Town property without payment of any applicable fee	$50.00
	4.9	Park, stand or leave motor vehicle on Town property so as to interfere with snow clearing, maintenance or repair of Town property	$100.00
	4.10	Park, stand or leave motor vehicle on Town property so as to interfere with access or travel through property	$100.00

	4.11	Park, stand or leave motor vehicle on Town property in parking space contrary to posted signs reserving use	$50.00
	4.14	Injure, encumber, obstruct or foul Town property	$100.00

SCHEDULE "B"

Administrative Fees

Administrative Fee	Amount
Screening Review Non-Attendance Fee	$50.00
Hearing Non-Attendance Fee	$150.00
Late Payment Fee	$50.00
Non-Sufficient Funds Fee	$30.00
Ministry Records Search Fee	$30.00
Notification of Default Fee	$50.00

SCHEDULE "C"

Screening Officers and Hearing Officers

Council hereby appoints as Screening Officers the Clerk of the Town, the Deputy Clerk of the Town and, in the absence or incapacity of the Clerk and the Deputy Clerk, the Legislative and Committee Coordinator of the Town.

Council hereby appoints as Hearing Officers Janet Rutherford of Rutherford Prosecutions or a designate contracted by Rutherford Prosecutions.

The Corporation of the Town of Pelham

By-law No. 70-2023

Being a By-law to amend various by-laws designated under By-law No. 68-2023, being the Administrative Penalty Process By-law for Non-Parking By-laws, and various by-laws designated under By-law No. 69-2023, being the Administrative Penalty Process By-law for Traffic and Parking By-laws.

WHEREAS sections 102.1 and 434.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 and Ontario Regulation 333/07 authorize a municipality to establish a system of administrative penalties to promote compliance with designated by-laws of the municipality or portions of such designated by-laws;

AND WHEREAS the Council of the Corporation of the Town of Pelham has enacted By-law No. 68-2023 and By-law No. 69-2023 to establish a system of administrative penalties to promote compliance with by-laws designated thereunder;

AND WHEREAS the enactment of By-law No. 68-2023 and By-law No. 69-2023 necessitates consequential amendments to various by-laws designated thereunder;

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

1. Amendments to Designated Non-Parking By-laws

1.1. Animals at Large By-law No. 2174(2000) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
4 b)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
4 c)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.2. Backyard Hens By-law No. 44(2023) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
2.1	**"Administrative Monetary Penalty"** means a monetary penalty issued pursuant to Town By-law No. 68-2023, as amended from time to time.
6.2	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
6.3	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.3. Business Licensing By-law No. 3186(2011) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
13.1(a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
13.1(b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.4. Clean Yards By-law No. 4496(2022) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
2.1	**"Administrative Monetary Penalty"** means a monetary penalty issued pursuant to Town By-law No. 68-2023, as amended from time to time.
9.2	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
9.3	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.5. Depositing of Snow or Ice on Highways By-law No. 3013(2008) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
(8)a.	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
(8)b.	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.6. Dog Control By-law No. 97-2010 is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
12.1(a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
12.1(b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.7. Dogs an Annoyance or Nuisance By-law No. 1450(1992) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
(2.1) a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
(2.1) b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.8. Environmental Protection By-law No. 3352(2013) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
23(a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
23(b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.9. Exotic Pet By-law No. 3448(2013) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
10.9 a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
10.9 b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.10. Fence Bylaw No. 4157(2019) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
21.2	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
21.3	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.11. Fireworks By-law No. 2951(2008) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
10.2(a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.

10.2(b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.12. Fortification of Land By-law No. 4158(2019) is amended by adding the following sections:

Section	Provision
25.1	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
25.2	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.13. Liquor in Recreational Areas By-law No. 1583(1993) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
5.1	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
5.2	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.14. Noise By-law No. 4454(2022) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
10.2	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
10.3	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.15. Nuisance By-law No. 4253 (2020) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
5.1	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
5.2	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.16. Odorous Industries Nuisance By-law No. 4202(2020) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
10	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
11	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.17. Open Air Burning By-law No. 4223(2020) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
4.5(a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
4.5(b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.18. Parks and Facilities By-law No. 1608(1993) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
12.1	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
12.2	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.19. Property Standards By-law No. 2025(1998) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
6.2 a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
6.2 b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.20. Short-Term Accommodation Licensing By-law No. 4257(2020) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
11(1)	A Municipal Law Enforcement Officer who is satisfied that a person has contravened any provision of this By-law may issue a penalty notice under Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 in respect of each such contravention.

11(2)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
11(3)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.21. Sign By-law No. 48-2023 is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
2.1	**"Administrative Monetary Penalty"** means a monetary penalty issued pursuant to Town By-law No. 68-2023, as amended from time to time.
10.2	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
10.3	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.22. Skateboarding By-law No. 3424(2013) is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
7.2 a)	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
7.2 b)	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

1.23. Swimming Pool and Hot Tub By-law No. 60-2023 is amended by repealing and replacing various provisions as follows:

Section	Replacement Provision
2.1	**"Administrative Monetary Penalty"** means a monetary penalty issued pursuant to Town By-law No. 68-2023, as amended from time to time.
9.2	Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
9.3	Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

2. Amendments to Designated Traffic and Parking By-laws

2.1. Traffic and Parking By-law No. 89-2000 is amended by repealing and replacing various sections as follows:

Section	Replacement Provision
205.01.14	While failing to display a current licence plate.
1001.02.01	Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 applies to each administrative penalty issued pursuant to this By-law.
1001.02.02	Every Person who contravenes any provision of this By-law listed in Schedule "A" to the Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 shall, upon issuance of a penalty notice in accordance with that By-law, be liable to pay to the Town an administrative penalty in accordance with that By-law.

2.2. Traffic and Parking By-law No. 89-2000 is amended by adding the following section:

Section	Provision
1001.02.03	For greater certainty, both the driver and the owner of a vehicle are liable to the penalties prescribed by sections 1001.02.01 and 1001.02.02 of this By-law unless, at the time of the By-law contravention, the vehicle was in the possession of a person other than the owner without the consent of the owner.

2.3. Handicapped Parking By-law No. 97-2020 is amended by repealing and replacing various sections as follows:

Section	Replacement Provision
1	The short title of this By-law is the "Accessible Parking By-law".
12	Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 applies to each administrative penalty issued pursuant to this By-law.
13	Every Person who contravenes any provision of this By-law listed in Schedule "A" to the Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 shall, upon issuance of a penalty notice in accordance with that By-law, be liable to pay to the Town an administrative penalty in accordance with that By-law.

2.4. Handicapped Parking By-law No. 97-2020 is amended by adding the following section:

Section	Provision
13.1	For greater certainty, both the driver and the owner of a vehicle are liable to the penalties prescribed by sections 12 and 13 of this By-law unless, at the time of the By-law contravention, the vehicle was in the possession of a person other than the owner without the consent of the owner.

2.5. Fire Route By-law No. 4462(2022) is amended by repealing and replacing various sections as follows:

Section	Replacement Provision
5.2	Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 applies to each administrative penalty issued pursuant to this By-law.
5.3	Every Person who contravenes any provision of this By-law listed in Schedule "A" to the Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 shall,

	upon issuance of a penalty notice in accordance with that By-law, be liable to pay to the Town an administrative penalty in accordance with that By-law.

2.6. Town Property Parking By-law No. 4483(2022) is amended by repealing and replacing various sections as follows:

Section	Replacement Provision
4.8	No Person shall Park or leave a Motor Vehicle at any Town facility other than Town Hall or permit a Motor Vehicle to be Parked or left at any Town facility other than Town Hall when the Town facility is closed or without paying any applicable Parking fee.
7.3	Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 applies to each administrative penalty issued pursuant to this By-law.
7.4	Every Person who contravenes any provision of this By-law listed in Schedule "A" to the Administrative Penalty Process By-law for Traffic and Parking By-laws No. 69-2023 shall, upon issuance of a penalty notice in accordance with that By-law, be liable to pay to the Town an administrative penalty in accordance with that By-law.

3. General

3.1. The short title of this By-law is the "Administrative Penalty System Consequential Amendment By-law".

3.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.

3.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.

3.4. This By-law shall be read with all changes in number or gender as are required by context.

3.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.

3.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

4. Effective Date

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

Read, enacted, signed and sealed this XXst day of XXXX, 2023.

_____
Marvin Junkin, Mayor

_____
William Tigert, Town Clerk

Community Planning and Development Department
Wednesday, December 06, 2023

Subject: Recommendation Report – Housekeeping Zoning By-law Amendment

Recommendation:

> **BE IT RESOLVED THAT Council receive Report #2023-0261, for information;**
>
> **AND THAT Council direct Planning staff to prepare the necessary By-law for Council's consideration in accordance with the summary attached as Appendix A.**

Executive Summary:

This purpose of this report is to provide Council with a recommendation regarding a Housekeeping Amendment to Town of Pelham Comprehensive Zoning By-law 4481(2022).

Location:

The proposed Housekeeping Zoning By-law Amendment ("Housekeeping Amendment") applies to most sections of the Zoning By-law including Definitions, Parking and Land Use Sections and affects all lands in the Town of Pelham except that area subject to the Niagara Escarpment Development Permit Control Area that is covered by the Niagara Escarpment Plan, and lands that are subject to the current scoped appeal of the Zoning By-law to the Ontario Land Tribunal.

Project Description and Purpose:

The Town's Zoning By-law was approved by the Ontario Land Tribunal on April 3, 2023, save and except site specific lands identified on Appendix A of the decision. As Town Staff have had the opportunity to monitor and use the new Zoning By-law, items have been identified for change to clarify regulations, provide consistency, and improve the functionality of the document. Generally speaking, the changes are proposed to:

- Section 2: Definitions

    - Rewording of some definitions to clarify or provide consistency with definitions in other documents or by-laws; and
    - Introduction of new definitions to better clarify or describe uses and terms within the by-law.
- Section 3: General Provisions
    - Minor amendments to several sections to improve clarity and resolve conflicts.
- Section 4: Parking
    - Reduction in the minimum dimensions of a tandem parking space to be consistent with the front yard setbacks in the Residential Zone regulations; and
    - Decrease in the number of bicycle parking spaces required for apartment units as the original requirements were too high.
- Sections 5 through 8: Agricultural, Residential, Greenfield and Commercial Zones
    - Minor amendments to clarify some setback and height requirements that are more in keeping with existing policy; and
    - Minor changes to reflect the policies from Bill 23: *More Homes Built Faster Act*, 2022.
- Section 9: Other Zones
    - Modifications to the permitted uses within the EP2 and EP3 Zones to align with the Town's Official Plan; and
    - Minor changes to increase lot area and setback requirements for apartment dwellings in the Institutional Zone.

The specific changes are described in greater detail under the Staff Comments section of this report and are itemized in a change chart which is attached as Appendix "A" to this report.

Policy Review:

Planning Act

Section 34 of the *Planning Act* enables Council to pass and consider amendments to the Zoning By-law to regulate the use of land and the location, height, bulk, size, floor area, character and use of buildings and structures, as well as parking and loading requirements and lot requirements.

In accordance with Section 24(1), zoning by-laws must also conform to the Official Plan and be consistent with the Provincial Policy Statement (PPS), Provincial Plans, and the Niagara Region Official Plan.

The proposed housekeeping amendment is in keeping with the appropriate policies of the Planning Act.

Provincial Policy Statement

It is required that municipal decisions are consistent with the policies of the Provincial Policy Statement (PPS). The PPS provides policy direction from the province on land use planning and development to promote strong, healthy communities, wise use of management and resources, and the protection of public health and safety.

The PPS recognizes Zoning By-laws as an important tool for implementing the PPS and planning authorities are required to keep their Zoning By-law up to date and consistent with the PPS.

The proposed housekeeping amendment is in keeping with the appropriate policies of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

It is required that municipal decisions affecting planning matters should be consistent with the principles and policies of the Growth Plan for the Greater Golden Horseshoe (Growth Plan). Schedule 2 of the Growth Plan designates the Town as being within the 'Greater Golden Horseshoe Growth Area' and portions of the Town are designated as being within the 'Greenbelt Area'. Permitted uses and regulations for development are to conform to the Growth Plan.

The proposed housekeeping amendment is in keeping with the appropriate policies of the Growth Plan.

Greenbelt Plan (2017)

The intent of the Province's Greenbelt Plan is to protect against the loss and fragmentation of agricultural land uses, protect natural heritage and water resources and support agriculture as the predominant land uses. A significant portion of the lands within the Town of Pelham are subject to the policies contained within the Greenbelt Plan, which establishes the limits of the Region's urban structure, identifies where urbanization should not occur and extends permanent protection to agricultural lands and ecological and hydrological features.

The Greenbelt Plan designates three major land use types in Pelham: Niagara Peninsula Tender Fruit and Grape Area, Town/Villages and the

Niagara Escarpment Plan Area. Permitted uses and regulations for development are to conform to the Growth Plan.

The proposed housekeeping amendment is in keeping with the appropriate policies of the Greenbelt Plan.

Niagara Escarpment Plan (2017)

The Niagara Escarpment Plan protects ecological and historical areas, ensuring the compatibility of new development with escarpment features and maintaining the open landscape character of the escarpment area through agriculture, forestry, and preservation of natural scenery. That area of the Town that is under the jurisdiction of the Niagara Escarpment Plan area is also under development permit control. The Niagara Escarpment Plan identifies multiple land use designations in Pelham including the Escarpment Protection Area, Escarpment Rural Area, and Escarpment Natural Area.

Municipal zoning by-laws and their provisions do not apply to lands that are under the development permit control area within the Niagara Escarpment Plan area.

Region of Niagara Official Plan (2022)

It is required that the municipality ensure that municipal decisions conform to the Regional Official Plan (ROP). Policies in the ROP focus on managing growth and providing appropriate density and intensification targets for new growth, growth of the economy, protecting the environment and agricultural lands, providing infrastructure, and guidance for the development of lower tier municipal Official Plans.

The proposed housekeeping amendment is in keeping with the appropriate policies of the ROP.

Town of Pelham Official Plan (2014)

The Town's Official Plan outlines the goals and objectives for the community and identifies land use policies to help guide and direct growth and development over the next 20 years. As noted above, the Town is currently undertaking an Official Plan review and update, which will result in the creation of a new Official Plan. The Zoning By-law will subsequently require an update to reflect the updated Town Official Plan after it is approved.

The proposed housekeeping amendment is in keeping with the appropriate policies of the Town's Official Plan.

Town of Pelham Zoning By-law (2022)

As noted, the Town's Zoning By-law was approved by the Ontario Land Tribunal on April 3, 2023. The Zoning By-law is intended to be a "living document" which needs to be monitored on an ongoing basis. The Housekeeping Amendment is intended to make minor modifications to specific regulations that have been identified through staff monitoring, pre-consultation, zoning amendment requests, and public and developer feedback.

The Housekeeping Amendment has been prepared in accordance with provincial, regional, and local Town policy documents. The following outlines the key changes that are being proposed through the Housekeeping Amendment:

Section 2: Definitions

- An update to the term Dwelling, Boarding House to Dwelling Lodging House and a revised definition to ensure consistency with the proposed Lodging House licensing by-law;
- A new definition for Farm;
- The addition of the word Commercial for the definition of Greenhouse to provide distinction between a commercial greenhouse and a personal greenhouse;
- A revised definition for height to ensure its being measured from the average finished grade;
- An updated definition of Landmark Site for clarity and consistency with the Downtown Master Plan for Fenwick and Fonthill;
- An updated definition of Livestock for clarity;
- A revised definition for Long Term Bicycle to include a storage locker as an appropriate indoor space;
- A revised definition of Lot Line, Exterior to reword the term to Lot Line, Corner for clarity;
- The removal of the definition for Motel;
- A revised definition of Outdoor Storage to specify additional items that are not permitted to be stored outside;
- A revised definition of Sign to be in keeping with the Town's Sign By-law; and
- The removal of the definition for Yard, Exterior Side and the term Yard, Corner is now being used;

Section 3: General Provisions

- Section 3.5 Daylighting Triangles – Regulation modified to include a reference to measurements for daylighting triangles being in

accordance with the Town's Engineering Standards for greater clarity and consistency;

- Section 3.13.1 Home Occupations – exempting Private Home Daycare from the yard and lot area requirements to ensure adequate play space for clients;
- New section created to address outdoor storage requirements to address issues By-law Enforcement Staff have encountered;
- New regulation created under Prohibited Uses for farm animals in residential zones;
- Specific lot coverage requirements for SDUs in detached buildings in the agriculture and rural zones;
- Exemption of Fenwick Urban Area Boundary from the setback requirements from features within the EP1 and EP2 Zones;
- The addition of building setback adjacent to a woodland feature of 50m in Section 3.31.1 which was inadvertently not included;
- Removal of the requirement for Site Plan Control within the Greenbelt Natural Heritage System as per the policies of Bill 23: *More Homes Built Faster Act*, 2022;
- The addition of a clause in Section 3.32 regarding the storage of recreational vehicles in residential zones to not be for the exchange of payment or remuneration of any kind, financial or otherwise.

Section 4: Parking

- Clarification of the terms GFA, GLFA
- Exemption from parking requirements for temporary outdoor patios
- Reduction in tandem parking space requirement so that length is in keeping with front yard lot requirements in the individual land use sections to provide consistency;
- Reduction in the minimum vertical clearance for parking spaces to be in keeping with the minimum requirements of the Ontario Building Code to provide consistency;
- Reduction in the number of bicycle parking spaces required for apartment uses to better align with the use; and
- Clarification on location for indoor bicycle parking.

Section 5: Rural/Agricultural Zones

- Removal of the requirement for Site Plan for farm help house in keeping with the new policies of Bill 23;
- Renaming of Zone Requirements for a Greenhouse and Hoop House to Commercial Greenhouse

Section 6: Residential Zones

- Addition of Bed and Breakfast as a permitted use in the R2 in a Single Detached Dwelling in keeping with the Official Plan policies; and
- Increase in the planting strip requirement in the RM2 Zone.

Section 8: Commercial Zones

- Addition of Service Shop as a permitted use in the VC, MS, and TS Zones to align with Official Plan policies;
- Addition of Vehicle Service and Repair Establishment as a permitted use in the DC Zone;
- Addition of Second Dwelling Units (SDUs) in an Existing Single Detached Dwelling in the VC and MS Zones consistent with Official plan policies;
- Reference to appropriate regulations for SDUs in the VC and MS Zones;
- Increase in the height (metres) for buildings in all commercial zones to accommodate various height options and roof pitches in terms of building design in light of the new definition of height;
- Increase the step back for the 3rd and 4th storey for Landmark Sites to be consistent with Downtown Master Plan for Fenwick and Fonthill; and
- Decrease the maximum number of storeys for Landmark Sites in the TS Zone

Section 9: Other Zones

- Removal of certain uses within the EP2 and EP3 Zones to align with the Town's Official Plan; and
- Increase in the minimum lot area requirement and side yard setback for an apartment dwelling in the Institutional Zone and a decrease in the maximum lot coverage.

Section 10: Exceptions

- Inclusion of exception for 364 Foss Road as per the owners request to include the previous exception from the former By-law that was inadvertently not carried forward; and
- Inclusion of exceptions for Oak Haven Estates Subdivision, which were inadvertently not carried forward from the previous by-law and should be included.

Additional renumbering, spelling and grammar corrections have also been identified while reviewing the Zoning By-law. These have not been included in this Housekeeping Amendment as the Town is permitted to make these

changes, without the need for an amendment in accordance with the requirements of Section 1.15 of the Zoning By-law.

Agency Comments:

Staff have circulated the draft changes to all required agencies and reviewed the document internally with various departments. As of the date of writing of this report, no comments have been received.

Public Comments:

Notice of this Statutory Public Meeting was posted on the Town's website and social media platforms, on the Housekeeping Amendment project page at www.engagingpelham.ca and posted digitally at the pelhamtoday.ca. Additionally, a copy of the notice was emailed out to all interested stakeholders who had provided contact information during the creation of the Town's new Zoning By-law in 2022 who had provided contact information via public information sessions, online through Engaging Pelham, at the Public Meeting or through direct contact with Planning Staff.

A public meeting was held on October 11, 2023, 3 members of the public provided comments which are summarized below:

Stephen Kaiser

- Supportive of the proposed changes to bicycle parking in general and suggested further reductions for outdoor (short-term) visitor bicycle parking requirements;
- Noted that the definition of height inadvertently inhibits architecture and may be counter-productive to the built form the Town wishes to achieve.

Patrick Maloney

- Noted an objection to the proposed changes to minimum lot frontage and lot area for semi-detached dwellings indicating that provincial policy directs increased opportunities for residential and infill development.
- Recommended that the Town defer this amendment unit the Official Plan review and update process is complete.

Craig Larmour

- Representing the Greenhouse Growers Group, identified concerns with the greenhouse lot coverage requirement of 30%;

- Noted that other municipalities allow for larger lot coverage requirements (West Lincoln permits 70%, St. Catharines has no restriction);
- Noted that while property owners could apply for a zoning amendment, the process invites scrutiny of the operation and there is cost and time associated with the application process.

It was noted by Staff through questions of Council that the lot coverage requirement for greenhouses is based on Official Plan policies, which will be reviewed as part of the larger Official Plan review process which is currently ongoing.

Council also provided feedback and comments to staff which are summarized below:

- Supportive of a reduction in the lot coverage requirements for greenhouses, but also understand that the Official Plan needs to be updated before this regulation can be reviewed;
- Requested consideration of changes to the regulations for an apartment use in the Institutional Zone for minimum lot size, maximum lot coverage and an increased minimum side yard setback;
- Requested consideration of an increased landscape strip in the Residential Multiple Two (RM2) Zone.

Staff advised that these requests will be reviewed and considered in the final recommendation report.

The minutes of the Public Meeting are attached as Appendix B to this report. No other public comments or feedback have been received as of the writing of this report.

Staff Comments:

The Housekeeping amendment is intended to improve clarity and consistency within the Zoning By-law, to ensure compliance with other regulatory documents such as the Ontario Building Code and to address minor deficiencies that were identified by Staff while actively using the new Zoning By-law. Additionally, certain regulations and definitions were updated based on newly enacted provincial legislation through *Bill 23: More Homes Built Faster Act* as well as local policies within the Town of Pelham Downtown Master Plan for Fenwick and Fonthill and the Town of Pelham Official Plan.

The existing and proposed regulations are identified in Appendix A to this report along with the rational for each change. Further, Staff reviewed the requests made during the public meeting and offer the following for Council's

consideration with respect to the specific comments raised at the public meeting:

Height Requirements (Commercial Zones)

Staff have reviewed the various building height requirements within each of the Commercial Zones (Village Commercial, Main Street, Town Square, Downtown Corridor and Neighbourhood Commercial) and are of the opinion that an increase in the overall building height will ensure that the intent of the definition in the By-law is met (measured as an average height above grade), while accommodating various design scenarios and roof pitches. The height requirements have been calculated based on the minimum first floor height regulation of the specific zone, the number of stories permitted, and the additional space required for mechanical components (heating, cooling systems, floor joists, etc.). These requirements should provide more flexibility in terms of overall design and provide consistency with the policies of the Downtown Master Plan for Fenwick and Fonthill. The specific proposed changes for each zone are outlined in Appendix A.

R1 Zone Requirements – Semi-detached Dwelling

Based on feedback from the public, Staff had identified a potential change in the zone requirements for a semi-detached dwelling be increased to ensure that lot size and frontage were the same as the requirements for a single-detached dwelling. Based on further feedback at the public meeting, it is being recommended that this change be deferred until the Official Plan review and update is completed in the new year to better align updated requirements for infill and intensification in the Official Plan with the specific zoning regulations in the Zoning By-law.

Greenhouse Lot Coverage

As noted, the lot coverage requirement for greenhouses is in keeping with the current policies of the Official Plan. No changes are being recommended at this time, however the requirements will be assessed through the Official Plan review and update process and depending on the outcome of this review, subsequent changes may be proposed though a future zoning by-law amendment.

Zone Requirements for Apartment Dwellings – Institutional Zone

Based on feedback received at the public meeting, Staff reviewed the current zone regulations for apartment dwellings in the Institutional Zone and the suggested changes to increase the minimum lot area and minimum

side yard requirements and decrease the maximum lot coverage requirement. Staff have reviewed this request, undertaking a best practice review of the requirements in other municipalities, and analyzing recent apartment approvals and are satisfied that the changes to these regulations can be supported.

In summary, it is Planning Staff's opinion that the proposed amendments to the Zoning By-law as outlined in Appendix A are appropriate and are in keeping with all applicable Provincial, Regional and Town policy documents. The proposed changes will improve the overall interpretation and understanding of the Town's Zoning By-law, represent good planning and therefore should be approved.

Alternatives:

Council could choose not to approve the Housekeeping Amendment.

Council could choose to approve the Housekeeping Amendment with modifications.

Attachments:

Appendix A – Proposed Changes

Appendix B – Public Meeting Minutes, October 11, 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

Existing Regulation	Proposed Regulation	Rational
Section 2: Definitions		
DWELLING, BOARDING HOUSE means a single dwelling that is occupied by the owner of such dwelling as their principle residence together with not less than two and not more than four accessory guest rooms.	**DWELLING, LODGING HOUSE** means a building or any portion of a building in which Lodgers, in exchange for periodic payments to a Licensee, are provided with accommodation in Private Rooms and with access to common areas, and are not provided with Sanitary Facilities or food preparation facilities for the exclusive use of individual Lodgers, and in which Lodgers may or may not be provided with meals, but does not include a hotel, tourist establishment or short-term rental unit, a hospital or any provincially-regulated long-term care home, retirement home, nursing home, group home or similar facility.	Definition has been updated to be in keeping with the proposed Lodging House licensing by-law.
No current definition	**FARM** means land used for agricultural uses and includes a farm dwelling and accessory buildings, which may include accommodation for full time or seasonal farm workers.	The terms "farm" is utilized in the definition of "Agriculture use" and other definitions, it is recommended that the Town define "farm" for better clarity as to what the use entails.
GREENHOUSE means the use of a building or structure for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables and other types of nursery stock. Such use may include the wholesale or retail sale	**GREENHOUSE, COMMERCIAL** means the use of a building or structure for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables and other types of nursery stock. Such use may include the wholesale or retail sale of greenhouse products customarily, incidental, subordinate	Clarifies that the greenhouse use is for commercial purposes. Smaller, personal greenhouses do not fall under this definition and are considered "accessory

of greenhouse products customarily, incidental, subordinate and exclusively devoted to the principal use, located on the same lot therein. A retail use accessory to a greenhouse shall have a maximum retail floor area of 200 square metres.	and exclusively devoted to the principal use, located on the same lot therein. A retail use accessory to a greenhouse shall have a maximum retail floor area of 200 square metres.	structures" to a permitted residential use.
HEIGHT means the vertical distance measured from the finished grade level to the highest point of the roof surface or parapet, whichever is greater.	**HEIGHT** means the vertical distance measured from the average finished grade level to the highest point of the roof surface. ~~or parapet, whichever is greater.~~	This will address properties that have varying grade, slope or walkout conditions
LANDMARK SITE means a site which is conspicuous and which has the potential to be easily seen and/or recognized from a distance, acting as an identifier or wayfinding tool for a community such as being located at the terminus of a street, or open space or located on a corner. Development on landmark sites is generally expected to be iconic and raise the profile of the location.	**LANDMARK SITE** means a site which is conspicuous and which has the potential to be easily seen and/or recognized from a distance, acting as an identifier or wayfinding tool for a community ~~such as~~ being located at the terminus of a street, on ~~open space~~ public spaces or located on a corner. Development on landmark sites is generally expected to be iconic and raise the profile of the location.	Updated definition provides greater clarity and alignment with Downtown Master Plan for Fenwick and Fonthill.
LIVESTOCK means farm animals kept for use, for propagation, or for intended profit or gain and without limiting the generality of the foregoing includes: dairy and beef cattle, horses, swine, sheep, laying hens, chicken, turkey broilers,	**LIVESTOCK** means farm animals and/or fowl raised, housed or kept for propagation or use for commercial purposes, including action or intended profit or gain and, without limiting the generality of the foregoing, includes: dairy and beef cattle, horses, swine, sheep, laying hens, chickens, turkey broilers,	Updated definition provides greater clarity.

turkeys, goats, geese, mink and rabbits but excluding animals such as pets raised or housed for recreational or hobby purposes.	turkeys, goats, geese, mink and rabbits but does not include animals kept as pets or animals raised, housed or kept for recreational or hobby purposes.	
LONG TERM BICYCLE means an indoor space to park and secure a bicycle in an enclosed, secured area with controlled access where a bicycle is intended to be parked for long periods of time.	**LONG TERM BICYCLE** means an indoor space to park and secure a bicycle in an enclosed, secured area with controlled access where a bicycle is intended to be parked for long periods of time and can include a storage locker.	Updated definition provides opportunity for indoor bike storage locations
LOT LINE, EXTERIOR means a side lot line that is also a streetline. "Flankage Lot Line" shall have the same meaning.	**LOT LINE, CORNER** means a side lot line that is also a streetline, regardless of whether or not such streets have a 0.3 metre reserve.	Updated definition to provide greater clarity.
Definition of Motel	Remove	The *Tourism Act* has been repealed and never replaced, there is no existing Ontario Regulation that defines this use. Definition of hotel is broad enough to cover this use.
OUTSIDE STORAGE means the placing or locating in the open air and/or in partially closed buildings or structures of any goods, materials, parts, merchandise or equipment of any kind but does not include operative vehicles licensed or capable of being licensed to be operated on a highway at any time, or motorized construction vehicles	**OUTSIDE STORAGE** means the placing or locating in the open air and/or in partially closed buildings or structures of any goods, materials, parts, merchandise or equipment of any kind but does not include operative vehicles licensed or capable of being licensed to be operated on a highway at any time, or motorized construction vehicles, ~~or~~ agricultural or parks vehicles, ~~or~~ commercial vehicles, boats or recreational vehicles	Updated definition to provide greater clarity.

or agricultural or parks vehicles or commercial vehicles whether or not operative or capable of being licensed.	whether or not operative or capable of being licensed.	
SIGN means a display board, screen, cloth or structure having characters, letters or illustrations applied thereto or display thereon in any manner which directs attention to an object, activity, person, institution, organization or business and which includes: a) A sign within a building that is visible from a street; and b) The posting or painting of an advertisement or notice on any building or structure.	**SIGN** means any device, object or thing which directs attention to and which is designed o convey a message and that is placed for the purposes of advertising goods and services offered, identifying a business or enterprise or for conveying any other type of message and, without limiting the generality of the foregoing, this definition includes but it not limited to, the types of signs defined in the Town of Pelham Sign By-law, 2020 as amended from time to time.	Revised definition to be in keeping with the Town's sign by-law.
YARD, EXTERIOR SIDE means a side yard immediately adjoining a public street.	~~**YARD, EXTERIOR SIDE** means a side yard immediately adjoining a public street.~~	Removal of exterior side yard definition as it has become redundant – we define a "lot line, corner" and "lot, corner" which provide adequate definition.
Section 3: General Provisions		
3.5 DAYLIGHTING TRIANGLES Within the Daylighting Triangle, no sign, fence, landscaping, building or structure shall be greater than 0.5m in height above the elevation of the	3.5 DAYLIGHTING TRIANGLES Within the Daylighting Triangle, no sign, fence, landscaping, building or structure shall be greater than 0.5m in height above the elevation of the ground at the lot line. There	This will ensure consistency with the appropriate Town Standards.

ground at the lot line. There shall be no additional building setbacks offset from a daylight triangle.	shall be no additional building setbacks offset from a daylight triangle. Measurements for daylighting triangles shall be in accordance with the Town's Engineering Standards.	
3.13.1 c) The use is entirely restricted to the dwelling unit and shall not be conducted in whole or in part in any accessory building, yard or private garage; e) The maximum gross floor area dedicated to the home occupation shall be the lesser of 50m^2 or 25% of the gross floor area of the dwelling, except for a home daycare;	3.13.1 c) The use is entirely restricted to the dwelling unit and shall not be conducted in whole or in part in any accessory building, yard or private garage, except for a private home daycare; e) The maximum gross floor area dedicated to the home occupation shall be the lesser of 50m^2 or 25% of the gross floor area of the dwelling, except for a private home daycare;	Children in a home daycare will have access to amenity areas and most areas of the home.
OUTSIDE STORAGE – new section	3.22 OUTSIDE STORAGE Where open/outside storage is permitted, the following regulations shall apply: a) Open/outside storage shall only permitted in a rear yard; and b) Where an open/outside storage area is visible from any street, any abutting lot and/or park, the open/outside storage area shall be screened by a visual screen containing a solid fence or wall not less than 2.0m in height.	Regulations for outside storage will ensure that the use is located to the rear of the use and is screened from view.

Section 3.24: Prohibited uses – new regulation	Section 3.25 j) The keeping or raising of any bull, ox, cow, sheep, horse, goat, pig or other cattle, any poultry, or any reptile or wild animal including any tamed or domesticated wild animal or any residential lot or in any building or structure on such lot, or any lot or in any building or structure in a Residential or Residential Development Zone.	Renumbered and a new regulation that clearly identifies that agricultural animals are not permitted within the urban area or in residential zones.
Section 3.28.3 x) The detached accessory building shall be compliant with all other aspects of the zoning by-law.	Section 3.28.3 x) The detached accessory building shall be compliant with all other aspects of the zoning by-law and the lot coverage requirements of Section 5.1.4 and 5.2.4 shall apply.	Referencing the appropriate lot coverage requirements will ensure clarity when reviewing SDU requests.
Section 3.31.1 a) Building Setback Chart c) The setbacks noted in Section 3.31.1 a) do not apply to lands located in Fonthill, as illustrated on Schedule C.	Section 3.32.1 a) Addition of a setback for Significant Woodlands of 50m. c) The setbacks noted in Section 3.31.1 a) do not apply to lands located in Fenwick and Fonthill, as illustrated on Schedules B and C.	The addition of the setback requirement for Significant Woodlands was inadvertently excluded in the by-law and needs to be included. The setback requirements to do not apply generally to development within the Urban Area.
Section 3.31.4 a) Entering into a site plan agreement with the Town to address Section B3.5.4.1 of the Town's Official Plan;	Section 3.32.4 ~~a) Entering into a site plan agreement with the Town to address Section B3.5.4.1 of the Town's Official Plan;~~	This requirement is no longer legal as per the policies of Bill 23: *More Homes Built Faster Act, 2022*.

Section 3.32	Section 32 c) The storage of such vehicles is not for the exchange, payment or remuneration of any kind, financial or otherwise.	Add this new requirement to clarify that storage of recreational vehicles in residential zones is not for financial gain or exchange of services.
Section 4: Parking		
Section 4.1 a) Parking for Retail Place or Entertainment and Restaurant – 3.25 spaces per 100m2 GLFA	Section 4.1 Parking for Retail Place or Entertainment and Restaurant – 3.25 spaces per 100m2 GLFA * *GFA or Gross Floor Area *GLFA or Gross Leasable Floor Area ***Not applicable to temporary outdoor patios	Identifying what GFA and GLFA stand for will add clarity. Exempting temporary patios from parking requirements will allow more flexibility.
Section 4.1.4.1 a) The minimum dimensions of a parking space shall be 2.6m by 5.8m with a minimum vertical clearance of 4.2m; b) The minimum dimensions of a tandem parking space shall be 2.6m by 6.7m with a minimum vertical clearance of 4.2m; and	Section 4.1.4.1 a) The minimum dimensions of a parking space shall be 2.6m by 5.8m with a minimum vertical clearance of 2.0m; b) The minimum dimensions of a tandem parking space shall be 2.6m by 6.0m with a minimum vertical clearance of 2.0m; and	6.0m is in keeping with the minimum front yard requirements of the zoning by-law. A 2.0m vertical clearance is in keeping with the requirements of the Ontario Building Code.
Section 4.3.1 Bicycle Parking for Apartment Dwellings – Short Term - 0.8 spaces per unit - Long Term – 0.7 spaces per unit	Section 4.3.1 Bicycle Parking for Apartment Dwellings – Short Term – 0.25 spaces per unit Long Term – Minimum of 6 spaces	The reduction in the number of bicycling parking spaces will still ensure adequate parking areas for visitors arriving by bicycle and will not result in an oversupply of parking.

Section 4.3.1 All long-term bicycle parking spaces shall be located indoors on the ground floor.	Section 4.3.1 All long-term bicycle parking spaces shall be located indoors. ~~on the ground floor.~~	This will ensure that parking is located indoors in an appropriate location based on the requirements of the development.
Section 5: Rural/Agricultural Zones		
Section 5.1.3.1 a) A farm help house shall be located in accordance with a site plan agreement with the Town of Pelham;	Section 5.1.3.1 ~~a) A farm help house shall be located in accordance with a site plan agreement with the Town of Pelham;~~	This requirement is no longer legal as per the policies of Bill 23: *More Homes Built Faster Act, 2022*.
Section 5.1.6 Zone Requirements for a Greenhouse and Hoop House	Section 5.1.6 Zone Requirements for a Commercial Greenhouse and Hoop House	Change is made to distinguish between commercial greenhouse and smaller, private accessory greenhouse uses.
Section 5.2.3.1 a) A farm help house shall be located in accordance with a site plan agreement with the Town of Pelham;	Section 5.2.3.1 ~~a) A farm help house shall be located in accordance with a site plan agreement with the Town of Pelham;~~	This requirement is no longer legal as per the policies of Bill 23: *More Homes Built Faster Act, 2022*.
Section 5.1.6 Zone Requirements for a Greenhouse and Hoop House	Section 5.1.6 Zone Requirements for a Commercial Greenhouse and Hoop House	Change is made to distinguish between commercial greenhouse and smaller, private accessory greenhouse uses.
Section 6: Residential Zones		

R2 Existing Uses	Add Bed and Breakfast as a permitted use in a Single Detached Dwelling	The use was inadvertently excluded when drafting the by-law and should be permitted.
RM2 Zone Requirements Section 6.5.2 Landscape Strip – A landscape strip of 1.5m minimum in width shall be provided where the boundary of an RM2 Zone abuts a R1, R2, or R3 Zone	RM2 Zone Requirements Section 6.5.2 Landscape Strip – A landscape strip of 2.4m minimum in width shall be provided where the boundary of an RM2 Zone abuts a R1, R2, or R3 Zone	This will provide for a better buffer between multi-residential and traditional residential uses.
Section 8: Commercial Zones		
Existing Uses:	Existing Uses: Include service shop in the VC, MS, TS Zones	Use is compatible with the other permitted uses, will permit more flexibility within the zone and aligns with the Town Official Plan.
	Include vehicle service and repair establishment in the DC Zone	Use is compatible with the other permitted uses and will permit more flexibility within the zone
	Include Second Dwelling Units in an existing Single Detached Dwelling in the VC and MS Zones	SDUs are currently only permitted within a commercial building, this will permit the use in existing residential dwellings that are being used as such.

Village Commercial Zone New Section 8.1.3 Section 8.1.4 Building Height – The building height shall be a maximum of 6.0m or 2 storeys. Landmark Sites – The minimum height for Landmark Sites shall be 12.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 14.0m or 4 storeys. There shall be a minimum step back of 1.5m on the 3rd and 4th storey.	**Village Commercial Zone** 8.1.3 Zone Requirements for Second Dwelling Units within an Existing Single Detached Dwelling Please refer to Section 3.29.1 Section 8.1.4 Building Height – The building height shall be a maximum of 10.0m or 2 storeys. Section 8.1.3 Landmark Sites – The minimum height for Landmark Sites shall be 13.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 16.0m or 4 storeys. There shall be a minimum step back of 2.0m on the 3rd and 4th storey.	Ensures there are regulations in place to facilitate the use. Provide consistency with the Downtown Master Plan for Fenwick and Fonthill and accommodate various height options and roof pitches in terms of building design.
Main Street Zone New Section 8.2.3 Section 8.2.3 Building Height – The building height shall be a minimum of 6.0m and 2 storeys. The building height shall be a maximum of 12.0m or 3 storeys, whichever is less. First Floor Height – The first floor height shall be a minimum of 4.5m.	**Main Street Zone** 8.2.3 Zone Requirements for Second Dwelling Units within an Existing Single Detached Dwelling Please refer to Section 3.29.1 Section 8.2.4 Building Height – The building height shall be a minimum of 10.0m and 2 storeys. The building height shall be a maximum of 14.5m or 3 storeys, whichever is less.	Ensures there are regulations in place to facilitate the use. Provide consistency with the Downtown Master Plan for Fonthill and Fenwick and accommodate various height options and roof pitches in terms of building design.

Landmark Sites – The minimum height for Landmark Sites shall be 12.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 14.0m or 4 storeys. There shall be a minimum step back of 1.5m on the 3rd and 4th storey.	First Floor Height – The first floor height shall be a minimum of 3.0m. Landmark Sites – The minimum height for Landmark Sites shall be 13.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 16.0m or 4 storeys. There shall be a minimum step back of 2.0m on the 3rd and 4th storey.	
Town Square Zone Section 8.3.3 Building Height - The building height shall be a minimum of 12.0m and 3 storeys. The building height shall be a maximum of 17.0m or 5 storeys, whichever is less. Landmark Sites – The minimum height for Landmark Sites shall be 12.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 14.0m or 4 storeys.	**Town Square Zone** Section 8.3.3 Building Height - The building height shall be a minimum of 14.5m and 3 storeys. The building height shall be a maximum of 20.5m or 5 storeys, whichever is less. Landmark Sites – The minimum height for Landmark Sites shall be 14.5m or 3 storeys, whichever is greater, and the maximum height shall be the lesser of 20.5m or 5 storeys. There shall be a minimum building set back of 2.0m on the 4th storey.	Provide consistency with the Downtown Master Plan for Fonthill and Fenwick and accommodate various height options and roof pitches in terms of building design. The reduction in number of storeys for Landmark Sites is in keeping with the Town's Official Plan policies and Downtown Master Plan for Fenwick and Fonthill.
Downtown Corridor Zone Section 8.4.3 Building Height - The building height shall be a minimum of 8.0m and 2 storeys. The building height shall	**Downtown Corridor Zone** Section 8.4.3 Building Height - The building height shall be a minimum of 10.0m and 2 storeys. The	Provide consistency with the Downtown Master Plan for Fonthill and Fenwick and accommodate various height options and roof pitches in terms of building design.

be a maximum of 20.0m and 6 storeys, whichever is less. Landmark Sites – The minimum height for Landmark Sites shall be 12.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 26.0m or 8 storeys.	building height shall be a maximum of 20.5m or 5 storeys, whichever is less. Landmark Sites – The minimum height for Landmark Sites shall be 14.5m or 3 storeys, whichever is greater, and the maximum height shall be the lesser of 23.75m or 6 storeys. There shall be a minimum building set back of 2.0m on the 4th storey.	The reduction in number of storeys for Landmark Sites is in keeping with the Town's Official Plan policies and Downtown Master Plan for Fenwick and Fonthill.
Neighbourhood Commercial Section 8.5.3 Building Height – The building height shall be a maximum of 12.0m.	Section 8.5.3 Building Height – The building height shall be a maximum of 10.0m.	Provide consistency with the Downtown Master Plan for Fonthill and Fenwick and accommodate various height options and roof pitches in terms of building design.
Section 9: Other Zones		
Existing Uses EP2 Agricultural uses; Conservation uses and flood control; Existing uses; Home industry; Home occupation; Linear Infrastructure; Passive recreational trails and facilities; Secondary dwelling units; Single detached dwelling; Wildlife management uses; and Uses, buildings and structures accessory to the foregoing uses	Existing Uses EP2 ~~Agricultural uses;~~ Conservation uses and flood control; Existing agricultural uses; ~~Home industry;~~ ~~Home occupation~~; Linear Infrastructure; Passive recreational trails and facilities; and ~~Secondary dwelling units;~~ ~~Single detached dwelling;~~ Wildlife management uses.~~; and~~ ~~Uses, buildings and structures accessory to the foregoing use.~~	These changes will ensure that the zoning by-law is in keeping with the permitted uses for these mapped features in the Town's Official Plan.

Existing Uses EP3 Agricultural uses; Conservation uses and flood control; Existing uses; Linear Infrastructure; Passive recreational trails and facilities; Secondary dwelling units; Single detached dwelling; Wildlife management uses; and Uses, buildings and structures accessory to the foregoing uses	Existing Uses EP3 ~~Agricultural uses;~~ Conservation uses and flood control; Existing uses, (that were in existence prior to December 16, 2004); Linear Infrastructure; Passive recreational trails and facilities; and ~~Secondary dwelling units;~~ ~~Single detached dwelling;~~ Wildlife management uses.~~; and~~ ~~Uses, buildings and structures accessory to the foregoing uses~~	These changes will ensure that the zoning by-law is in keeping with the permitted uses for these mapped features in the Town's Official Plan.
9.2 Institutional Zone 9.2.3 Zone Requirements for an Apartment Dwelling Minimum Lot Area- 150m^2 per unit Minimum Side Yard – 6.0m or ½ the height of the building, whichever is less Maximum Lot Coverage - 50%	9.2 Institutional Zone 9.2.3 Zone Requirements for an Apartment Dwelling Minimum Lot Area - 150m^2 per unit or 0.2 ha whichever is greater Minimum Side Yard – 7.5m or ½ the height of the building, whichever is less Maximum Lot Coverage - 40%	
Section 10: Exceptions		
* These exceptions were part of the previous By-law (1136-1987)		
A-152: 364 Foss Road *formerly A-52 In addition to the uses in the Agricultural Zone, this land may also be used for a sod and fertilizer retail outlet, farm supply and service establishment and accessory office uses.		This exception was inadvertently removed while creating the new Zoning By-law. The owners have requested it be reinstated to which Staff have no objections.
R1-153(H): Oak Haven Estates Subdivision *formerly RV1-233(H)		

<table>
<tr>
<td>
Notwithstanding the regulations of the Residential One R1 Zone, these lands may only be used for single detached dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply:
<table>
<tr><td>Minimum Lot Frontage</td><td>Interior Lot: 14.0m
Corner Lot: 18.0m</td></tr>
<tr><td>Minimum Lot Area</td><td>490m^2</td></tr>
<tr><td>Maximum Lot Coverage</td><td>35%</td></tr>
<tr><td>Minimum Front Yard</td><td>6.0m</td></tr>
<tr><td>Minimum Interior Side Yard</td><td>1.5m</td></tr>
<tr><td>Minimum Exterior Side Yard</td><td>4.5m to front face or 8.0m to garage</td></tr>
<tr><td>Minimum Rear Yard</td><td>7.5m</td></tr>
<tr><td>Maximum Building Height</td><td>10.5m</td></tr>
<tr><td>Minimum Ground Floor Area</td><td>One Storey: 93m^2
Two Storey: 56m^2</td></tr>
<tr><td colspan="2">Garage projection shall be permitted a maximum of 1.0m beyond the mail wall of the front of the dwelling</td></tr>
</table>
</td>
<td>This exception was inadvertently removed while compiling the exception section of the new Zoning By-law and should be included.</td>
</tr>
<tr>
<td>
RM1-154: Oak Haven Estates Subdivision
*formerly RMV1-235

Notwithstanding the regulations of the Residential Multiple One RM1 Zone, these lands may only be used for street townhouse dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply:
</td>
<td></td>
</tr>
</table>

<table>
<tr>
<td>
<table>
<tr><td>Minimum Lot Frontage</td><td>7.0m per dwelling unit</td></tr>
<tr><td>Minimum Lot Area</td><td>240 m2 per dwelling unit</td></tr>
<tr><td>Minimum Front Yard</td><td>6.0m to front face or 8.0m to garage</td></tr>
<tr><td>Minimum Interior Side Yard</td><td>1.5m</td></tr>
<tr><td>Minimum Rear Yard</td><td>7.5m</td></tr>
<tr><td>Maximum Building Height</td><td>10.5m</td></tr>
<tr><td>Minimum Ground Floor Area</td><td>One Storey: 75m2
Two Storey: 45m2</td></tr>
<tr><td colspan="2">Garage Projection shall be permitted a maximum of 1.0m beyond the mail wall of the front of the dwelling</td></tr>
</table>
</td>
<td>This exception was inadvertently removed while compiling the exception section of the new Zoning By-law and should be included.</td>
</tr>
<tr>
<td>
RM1-155: Oak Haven Estates Subdivision
*formerly RMV1-236

Notwithstanding the regulations of the Residential Multiple One RM1 Zone, these lands may only be used for block townhouse dwellings and uses, buildings and structures accessory thereto and the following site-specific regulations shall apply:
<table>
<tr><td>Minimum Lot Frontage</td><td>25.0m</td></tr>
<tr><td>Maximum Number of Dwelling Units</td><td>36</td></tr>
<tr><td>Minimum Setback from a Public Road</td><td>7.5m</td></tr>
</table>
</td>
<td>This exception was inadvertently removed while compiling the exception section of the new Zoning By-law and should be included.</td>
</tr>
</table>

Minimum Setback from the Open Space Zone	1.5m
Minimum Setback from the R1-153 and RM1-154 Zones	8.0m
Minimum Setback from the RM1-29 Zone	4.0m
Minimum Internal Roadway Width	6.0m
Minimum Setback from Internal Road	4.0m to front face or 6.0m to garage
Minimum Setback between Side of Unit and Internal Road	2.0m
Maximum Building Height	10.5m
Minimum Ground Floor Area for a Dwelling	One Storey: 75m2 Two Storey: 45m2
Minimum Landscape Area	30%
Garage Projection shall be permitted a maximum of 1.0m beyond the mail wall of the front of the dwelling	

Committee of the Whole Meeting

Public Meeting under the Planning Act

Minutes

Meeting #:	PCOW-09/2023
Date:	Wednesday, October 11, 2023
Time:	5:30 PM
Location:	Town of Pelham Municipal Office - Council Chambers 20 Pelham Town Square, Fonthill
Members Present:	Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, Councillor John Wink, Councillor Kevin Ker, Councillor Brian Eckhardt, Councillor Shellee Niznik
Staff Present:	Barbara Wiens, Shannon Larocque, 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 p.m.

2. Land Recognition Statement

The Mayor read the land acknowledgement into the record.

3. Adoption of Agenda

Moved By Councillor Bob Hildebrandt

THAT the agenda for the October 11, 2023 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

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

5. Planning Act Application: AM-07-2023 56 Philmori Boulevard

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

5.1 Planning Report and Presentation

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

5.1.1 AM-07-2023 - 56 Philmori Boulevard - Information Report, 2023-0204-Planning

5.2 Applicant's Presentation

The Agent, Nick Godfrey from Better Neighborhoods Inc. provided a short presentation to further explain the application. A copy is available through the Clerk.

5.3 Public Input

Ms. Leach, Deputy Clerk, indicated there were no pre-registered speakers. She checked the clerks@pelham.ca email address at 5:48 p.m. and confirmed no e-mails had been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and move to Committee input.

5.4 Committee Input

A Member of Council asked if there was fence type specifications. Ms. Barb Wiens, Director of Community Planning and Development, indicated the fence can be wood or chain-link but cannot have a gate to the natural area. The Member indicated they had no concerns with the application.

A Member of Council asked for clarification regarding the size of the easement area. Ms. Shannon Larocque, Senior Planner, stated the easement area is 1.5m on one side and 1m on the other and confirmed no building permitted.

5.5 Presentation of Resolutions

Moved By Councillor John Wink

THAT Committee receive Report #2023-0204 for information as it pertains to File No. AM-07-2023

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

Carried

Moved By Councillor Kevin Ker

THAT Committee receive the applicants presentation for information.

Carried

Moved By Councillor Shellee Niznik

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

Carried

6. Planning Act Application: AM-08-2023 Zoning By-law Housekeeping Amendments

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

6.1 Planning Report and Presentation

Lindsay Richardson, Policy Planner, provided an overview of the application before Council. A copy is available through the Clerk.

6.1.1 Information Report - Housekeeping Zoning By-law Amendment, 2023-0214-Planning

6.2 Public Input

Mr. Stephen Kaiser stated the definition of height inhibits architecture and may be counter-productive to the built form the Town wishes to achieve. Mr. Kaiser indicated height should be redefined to relate to a maximum number of floors and maximum ceiling height. Mr. Kaiser provided examples of inconsistencies across zones.

Mr. Kaiser concurred with the proposed changes to bicycle parking provisions but stated the proposal is still excessive. Mr. Kaiser identified that outdoor bicycle parking spaces appear to have a higher priority than accessible parking spaces.

Mr. Maloney stated his client objects to changes to minimum lot frontage and minimum lot area for semi-detached dwellings. Mr. Maloney stated provincial policy directs increased opportunities for residential development. He stated the changes produce the opposite effect and discourage residential development. Mr. Maloney stated semi-detached dwellings are smaller than single-detached dwellings and allow people to remain in their neighbourhood. Mr. Maloney recommended the Town defer decision of the housekeeping amendment until the Official Plan review process is complete.

Mr. Craig Larmour stated he represented the Greenhouse Growers Group. Mr. Larmour identified the greenhouse lot coverage restriction of 30%. Mr. Larmour indicated there exists an uneven playing field within the agricultural industry. Mr. Larmour stated that West Lincoln permits a 70% lot coverage whereas St. Catharine’s has no restriction for greenhouse lot coverage.

Mr. Larmour indicated that while property owners could come forward with a zoning by-law amendment or variance request, this process invites public scrutiny of the operation. He further identified the associated cost and time for either application.

Ms. Leach, Deputy Clerk, indicated she checked the clerks@pelham.ca email address at 6:25 p.m. 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 move to Committee input.

6.3 Committee Input

A Member of Council expressed an understanding that 70% lot coverage would be desirable for greenhouses due to factors such as climate change. The Member asked the rationale for the 30% restriction. Ms. Wiens stated the Official Plan has contained this restriction since 2014 and requires Zoning By-law conformity. The Member asked the process to amend the Official Plan. Ms. Wiens advised of the process and recognized the disconnect in timing between the Official Plan review and the housekeeping Zoning By-law amendment. Mr. Larmour stated that a 70% request seemed reasonable but indicated that some areas have no restrictions.

A Member of Council expressed agreement that hoop houses and greenhouses are separate entities due to their permanent nature. The Member identified the need for Official Plan conformity.

A Member of Council asked for the official plan amendment process. Ms. Wiens stated an application would need to be made. Ms. Wiens indicated that council could also initiate an amendment. Ms. Wiens provided the comprehensive process and indicated it could last between 6 months and a year. Ms. Wiens advised that the Greenhouse Growers Group is aware of the amendment process and had not initiated it.

A Member of Council asked if approving the housekeeping Zoning By-law amendment would create an Official Plan roadblock in the future. Ms. Wiens assured it was not a roadblock and stated it is unknown the rationale for the 30% lot coverage at the time of adoption in 2014. Ms. Wiens stated that the right number for lot coverage will need to be evaluated, as well as input collected from other stakeholders to ensure there are no adverse impacts.

A Member of Council affirmed the need to follow process to avoid conflict. The Member noted the slight difference in timeline between an Official Plan amendment and the new Official Plan. The Member suggested an Official Plan amendment process was not the most efficient use of time and resources as a review is underway.

A Member of Council asked for clarification on the definition of height. Ms. Wiens indicated that clarifying the measure of height is an intention of this amendment.

A Member of Council asked for the lot frontage of semi-detached dwellings. Ms. Wiens referred to the requested amendment and indicated the rationale stemmed from public feedback.

A Member of Council expressed satisfaction in Staff’s recommendation regarding semi-detached dwellings as Pelham

appeared more permissive than other municipalities. Another Member of Council concurred with the comments and agreed that semi-detached dwellings should have the same parameters as single-detached dwellings.

For apartment dwellings in the Institutional Zone, a Member of Council requested consideration of an increase in lot size to 2000 sm, reduced maximum lot coverage to 40% and an increased minimum side yard setback to 7.5m. In the RM2 Zone, the Member requested consideration of an increased landscape strip requirement of 3m. Another Member of Council supported the recommendations for the Institutional Zone.

A Member of Council asked if the proposed amendment conflicts with the recently passed Hen By-law. Ms. Wiens stated the intent is not to create conflict and assured the item would be reviewed with the Solicitor. A Member suggested defining species as opposed to using generic terms.

6.4 Presentation of Resolutions

Moved By Councillor Brian Eckhardt

THAT Committee receive Report #2023-0214 Planning for information;

AND THAT Committee direct Planning staff to prepare the Recommendation Report on the Housekeeping Zoning By-law Amendment to Town of Pelham Comprehensive Zoning By-law 4481(2022) for Council's consideration.

Carried

Moved By Councillor Bob Hildebrandt

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

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

Carried

7. Adjournment

Moved By Councillor John Wink

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

Carried

_____

Mayor: Marvin Junkin

_____

Deputy Clerk: Sarah Leach

The Corporation of the Town of Pelham

By-law No. 66-2023

Being a By-law to exempt Block 168 on Plan 59M-505, municipally known as 68, 70, 72, 74, and 76 William Street, from Part Lot Control

Saffron Meadows Phase 3 (Mountainview Building Group) File No. PLC-02-2023

WHEREAS the Council of the Corporation of the Town of Pelham deems that the lands described in Section 1 of this by-law should be exempted from the provisions of Section 50 (5) of the *Planning Act* since such lands are to be used for street townhouse dwelling units as permitted by Zoning By-law No. 4481 (2022), as amended.

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

1. **THAT** the provisions of Section 50 (5) of the *Planning Act, R.S.O. 1990, c.P.13* as amended shall not apply to the lands described as follows:

   (a) Block 168 on Plan 59M-505, being Parts 1, 2, 3, 4, and 5 on Reference Plan 59R-17756, for the purpose of creating five (5) lots for street townhouse dwelling units as follows:

      1. Part 1 on Reference Plan 59R-17756;
      2. Part 2 on Reference Plan 59R-17756;
      3. Part 3 on Reference Plan 59R-17756;
      4. Part 4 on Reference Plan 59R-17756; and,
      5. Part 5 on Reference Plan 59R-17756.

2. **THAT** in accordance with Section 50 (7.3) of the *Planning Act, R.S.O, 1990, c.P, 13 as amended,* this By-law shall expire three (3) years from the date of the registration of this By-law in the Land Registry Office at which time Section 50 (5) of the *Planning Act R.S.O 1990* shall apply to those lands in the registered plan described in Section 1 of this By-law.

3. **THAT** upon final passage of this By-law, the Town Clerk shall cause this By-law to be registered in the local Land Registry Office.

Read, enacted, signed and sealed this 06th day of December, 2023.

_____
Marvin Junkin, Mayor

_____
William Tigert, Town Clerk

The Corporation of the Town of Pelham

By-law No. 67-2023

Being a By-law to exempt Block 170 on Plan 59M-505, municipally known as 178, 180, 182, and 184 Klager Avenue, from Part Lot Control

Saffron Meadows Phase 3 (Mountainview Building Group) File No. PLC-03-2023

WHEREAS the Council of the Corporation of the Town of Pelham deems that the lands described in Section 1 of this by-law should be exempted from the provisions of Section 50 (5) of the *Planning Act* since such lands are to be used for street townhouse dwelling units as permitted by Zoning By-law No. 4481 (2022), as amended.

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

1. **THAT** the provisions of Section 50 (5) of the *Planning Act, R.S.O. 1990, c.P.13* as amended shall not apply to the lands described as follows:

   (a) Block 170 on Plan 59M-505, being Parts 1, 2, 3, and 4 on Reference Plan 59R-17770, for the purpose of creating four (4) lots for street townhouse dwelling units as follows:

      1. Part 1 on Reference Plan 59R-17770;
      2. Part 2 on Reference Plan 59R-17770;
      3. Part 3 on Reference Plan 59R-17770; and,
      4. Part 4 on Reference Plan 59R-17770.

2. **THAT** in accordance with Section 50 (7.3) of the *Planning Act, R.S.O, 1990, c.P, 13 as amended,* this By-law shall expire three (3) years from the date of the registration of this By-law in the Land Registry Office at which time Section 50 (5) of the *Planning Act R.S.O 1990* shall apply to those lands in the registered plan described in Section 1 of this By-law.

3. **THAT** upon final passage of this By-law, the Town Clerk shall cause this By-law to be registered in the local Land Registry Office.

Read, enacted, signed and sealed this 06 day of December, 2023.

_____
Marvin Junkin, Mayor

_____
William Tigert, Town Clerk

The Corporation of the Town of Pelham

By-law No. 72-2023

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 6th day of December 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 6th day of December, 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 6th day of December, 2023.

_____
Marvin Junkin, Mayor

_____
William Tigert, Town Clerk