

**REGULAR COUNCIL  
REVISED AGENDA**

**C-19/2019 - Regular Council**

**Monday, November 18, 2019**

**5:30 PM**

**Town of Pelham Municipal Office - Council Chambers**

**20 Pelham Town Square, Fonthill**

Doors will be open to the public at 5:15 pm. If you require any accommodation for a disability in order to attend and participate in meetings or events, please contact the Office of the Clerk at 905 892-2607, ext. 315 or 320. All cell phones, pagers, radios, etc. shall be switched off, set to non-audible, or muted upon entry to the Council Chamber. Taping and/or recording of meetings shall only be permitted in accordance with the Procedure By-law. Rules of Decorum apply to observers.

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**Pages**

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

Take Your Kid to Work Day Participants

- Ava Hyatt - Ava will open the meeting
- Victoria Murillo
- Zach Peacock

**2. Singing of National Anthem**

**3. Approval of Agenda**

**4. Disclosure of Pecuniary Interests and General Nature Thereof**

**5. Hearing of Presentation, Delegations, Regional Report**

**5.1 Presentations**

**5.2 Delegations**

5.2.1	Bill Gibson, Summerfest Committee	5 - 25
5.2.2	Mountainview Homes - Ken Gonyou	26 - 30
5.2.3	Tim Nohara, Chair, Cannabis Control Committee	31 - 31
5.3	Report of Regional Councillor	
6.	Adoption of Minutes	
6.1	SC-37/2019 - Special Council Minutes October 28, 2019	32 - 34
6.2	C-18/2019 Council Minutes of November 4, 2019	35 - 42
7.	Business Arising from Council Minutes	
8.	Request(s) to Lift Consent Agenda Item(s) for Separate Consideration	
9.	Consent Agenda Items to be Considered in Block	
9.1	Presentation of Recommendations Arising from COW or P&P, for Council Approval	43 - 44
	1. PCOW-05/2019 Public Meeting - October 22, 2019	
	2. SCOW-07/2019 Special Committee of the Whole - October 28, 2019	
9.2	Minutes Approval - Committee	
9.2.1	SCOW-07/2019 Special Committee of the Whole Minutes October 28, 2019	45 - 47
9.2.2	PCOW-05/2019 Public Meeting Minutes October 22, 2019	48 - 54
9.3	Staff Reports of a Routine Nature for Information or Action	
9.4	Action Correspondence of a Routine Nature	
9.4.1	Seniors Programming at the Meridian Community Centre	55 - 56

<b>9.5</b>	<b>Information Correspondence Items</b>	
9.5.1	Ministry of Natural Resources and Forestry re Environmental Registry Notice regarding Proposal to Amend Three Statutes and Make a New Regulation	57 - 59
9.5.2	Thank You Letter from Niagara Region Police Service Board	60 - 60
9.5.3	Niagara Region Notice of Decision to Adopt Regional Official Plan Amendment 13 - Transportation Update	61 - 61
<b>9.6</b>	<b>Regional Municipality of Niagara - Action Items</b>	
<b>9.7</b>	<b>Committee Minutes for Information</b>	
9.7.1	Cannabis Control Committee Minutes	62 - 72
	<ul style="list-style-type: none"> <li>• August 21, 2019</li> <li>• August 28, 2019</li> <li>• September 4, 2019</li> </ul>	
9.7.2	Committee of Adjustment	73 - 86
	<ul style="list-style-type: none"> <li>• July 9, 2019</li> <li>• September 10, 2019</li> <li>• October 1, 2019</li> </ul>	
<b>10.</b>	<b>Items for Separate Consideration, if Any</b>	
<b>11.</b>	<b>Presentation &amp; Consideration of Reports</b>	
11.1	Reports from Members of Council:	
11.2	Staff Reports Requiring Action	
<b>12.</b>	<b>Unfinished Business</b>	
<b>13.</b>	<b>New Business</b>	
<b>14.</b>	<b>Presentation and Consideration of By-Laws</b>	

**14.1 1. Being a By-law to appoint Andrew McMurtrie as a Building Inspector for the Corporation of the Town of Pelham** 87 - 87

**15. Motions and Notices of Motion**

**16. Matters for Committee of the Whole or Policy and Priorities Committee**

**17. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee**

**18. Resolution to Move in Camera**

Pursuant to Section 239(2)b) personal matters about identifiable individuals including municipal or local board employees (1 item)

**19. Rise From In Camera**

**20. Confirming By-Law** 88 - 88

**21. Adjournment**



# FINAL REPORT

# 4 FREE DAYS OF FAMILY FUN



# NAMED ONE OF ONTARIO'S



# “TOP 100”

# BY FESTIVALS & EVENTS ONTARIO

# EVERY YEAR SINCE 2015



# THURSDAY – THE OPENER



# FRIDAY – COUNTRY NIGHT



# SATURDAY – PELHAM STREET



# SATURDAY – KIDS ZONE



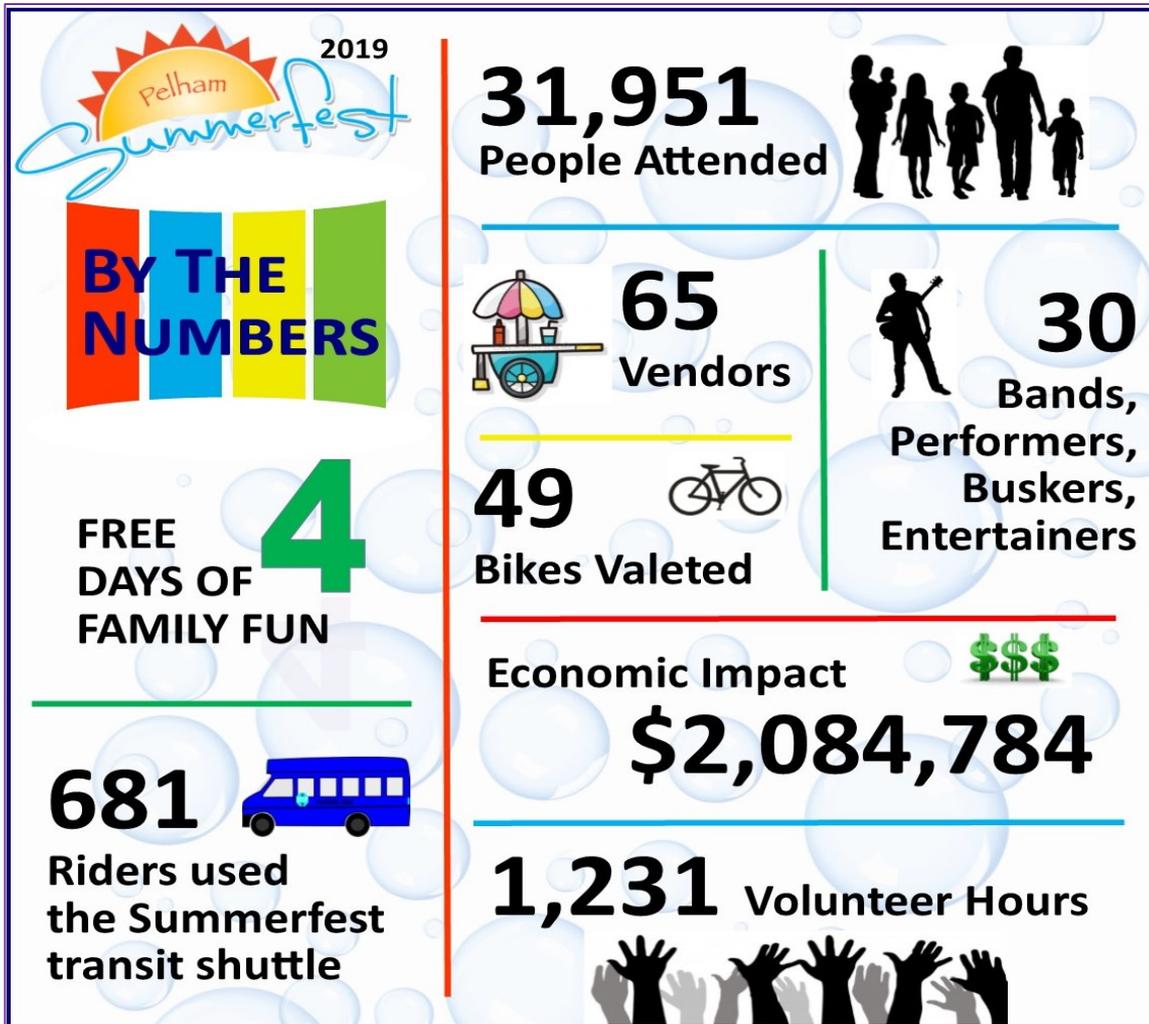
# SATURDAY – TEEN ZONE



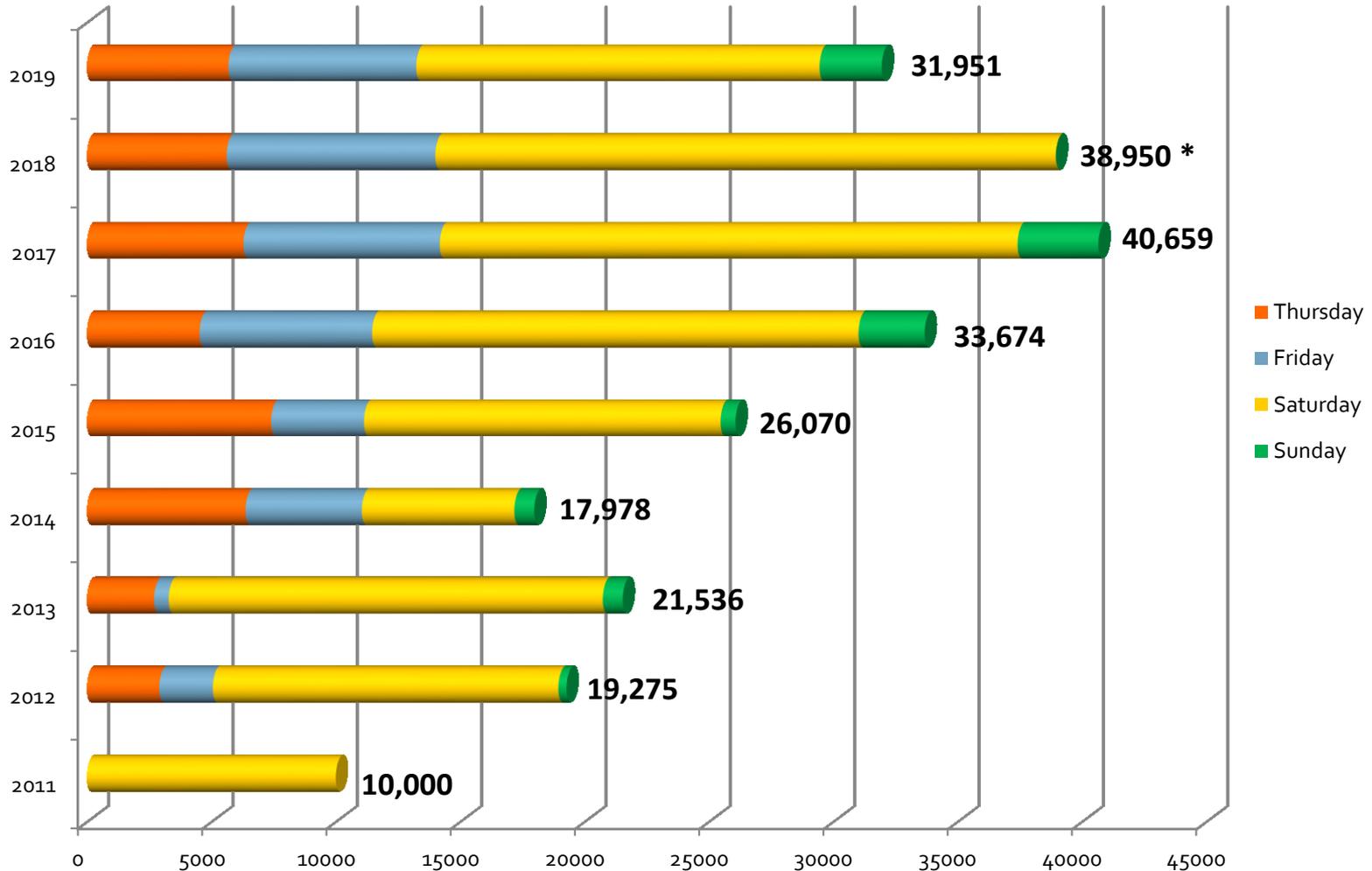
# SUNDAY IN THE PARK



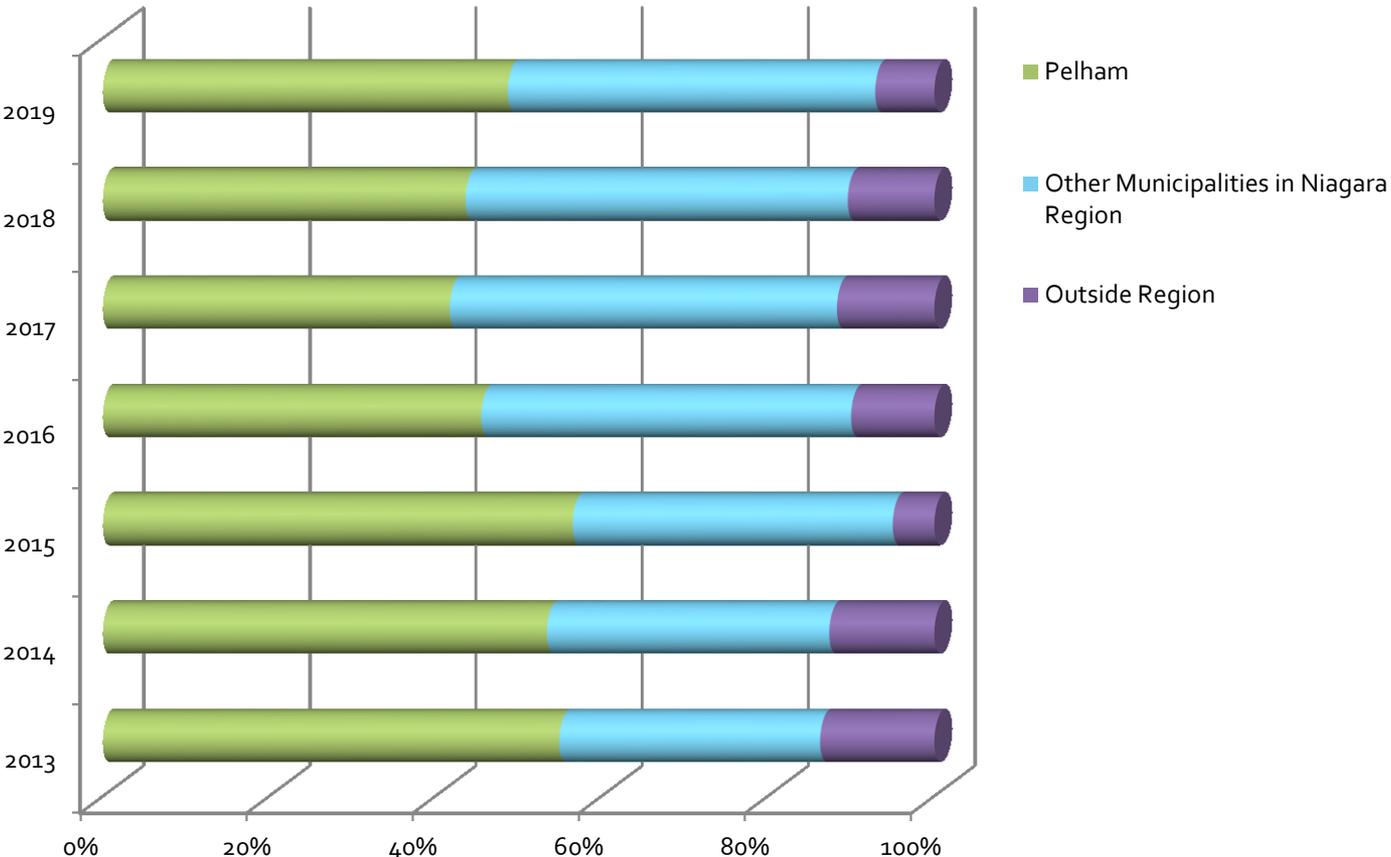
# SUMMERFEST BY THE NUMBERS



# ATTENDANCE



# VISITORS



# SPONSORS

## CORPORATE/COMMUNITY: \$39,000

### GOLD



### SILVER



### BRONZE



### MEDIA PARTNERS



## TOWN OF PELHAM: \$15,000



# IN-KIND CONTRIBUTIONS

Donation of materials,  
supplies, services and expertise

\$17,155

Total Volunteer Hours

\$30,775

# SUMMERFEST SOCIAL MEDIA



## Facebook from April to August:

- 80 posts
- 1,772 Followers (increase of 234 over 2018)
- Organic reach as high as 45,699 people



## Twitter from April to August:

- 223 tweets
- 1,338 Followers – 65% female, 35% male
- Likes – 389; Mentions – 77; Link clicks – 139; Retweets - 114
- 73,470 Impressions



## Instagram from April to August:

- 80 posts
- 827 Followers (increase of 334 over 2018)
- Reach (unique accounts seeing post) – 35,491
- Visitors to site: 73% female; 27% male

26% ages 25-35; 29% - ages 35-44; 24% ages 45-54

# SERVICE CLUBS

- Fonthill Lions Club
- Fonthill Lioness Club
- Rotary Club
- Kinsmen Club
- Kinettes Club
- Fenwick Lions Club



Contributed 199 volunteer  
hours on Saturday

# SERVICE CLUBS

In 2019, the Summerfest Committee was pleased to give back to our local Service Clubs with honorariums totaling  
\$4,834.00

Over the lifetime of this event, the Summerfest Committee has given \$62,401 back to the community in this manner.

**\$62,401 OVER 9 YEARS**



**10** YEARS

**July 16 - 19**

**will be our 10<sup>th</sup> Event!**

# A BIG “THANK YOU” TO:

- Sponsors
- Volunteers
- Businesses of Pelham
- Service Clubs
- Staff, Town of Pelham
- Council, Town of Pelham
- Residents, Town of Pelham



# FROM YOUR SUMMERFEST COMMITTEE

- Bill Gibson, Pelham Active Transportation Committee, Chair
- Candy Ashbee, Pelham Business Association
- Marlene Ouwendyk, Pelham Business Association
- Bill Sheldon, Resident
- Julie Milligan , Resident
- Frank Adamson, Resident
- Remo Battista, Resident
- Emily Bonisteel, Mayor's Youth Advisory Council
- Kelly Sauriol, Welland/Pelham Chamber of Commerce
- Bryan Lachappelle, Welland/Pelham Chamber of Commerce
- Councillor John Wink
- Vickie vanRavenswaay, Director, Recreation, Culture and Wellness, Town of Pelham
- Sally Jaeger, Special Events & Festivals Programmer, Town of Pelham
- Jodi Hendriks, Culture & Community Enhancement Programmer, Town of Pelham
- Karen Blake, RCW Administrative Assistant, Town of Pelham
- Lucas Rockx, Special Events Intern, Town of Pelham







Request to Appear Before Council for the Town of Pelham

Name: KEN GONYOU, MOUNTAINVIEW HOMES

Address: 3350 MERRITTVILLE HWY, UNIT #9, THOROLD

Postal Code: L2V 4Y6 Telephone #: 905-688-3100

Email Address: keng@mountainview.com

The Council Chambers is equipped with a laptop and projector. Please Check your audio/visual needs:  
 Laptop     Speaker     Internet Connection

PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION:  
Regular Council: 1<sup>st</sup> and 3<sup>rd</sup> Monday of the month; 5:30 p.m. (except summer schedule)

DATE: MONDAY NOV. 18, 2019

Please identify the desired action of Council that you are seeking on this issue:  
REQUEST FOR COUNCIL RESOLUTION  
BLOCKS 39-46, RIVER ESTATES PHASE 2.  
PERMISSION TO APPLY FOR VARIANCES PRIOR TO THE  
TWO-YEAR PERIOD OF BY-LAW PASSAGE (BY-LAW 4041 (2018))

I have never spoken on this issue before. Key points of my deputation are as follows:  
(Written presentation must accompany the request)  
- SEE OUR SUBMISSION OF OCT. 8, 2018.

In accordance with the Procedure By-law, Requests to Appear before Council with respect to a matter already on Council's Agenda shall submit a written request to the Clerk no later than 12:00 noon, eight business days prior to the meeting of Council. Delegation requests to address Council on matters not already on the Agenda of Council must be submitted at least fourteen (14) days before the date and time of the Meeting of Council. Delegations shall only be heard at regular Meetings of Council, unless specifically invited by Council to a Meeting of a Committee of Council.

All requests must include a copy of the presentation materials as detailed in the deputation protocol. Failure to provide the required information on time will result in a deferral or denial. Delegations are limited to ten (10) minutes.

I have read and understand the deputation protocol included with this form; and, that the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas and on the Town's website.

I also understand that presentation materials must be submitted with this deputation form. Electronic presentations must be e-mailed to [NJBozzato@pelham.ca](mailto:NJBozzato@pelham.ca) in accordance with the deadlines outlined above.

Signature [Handwritten Signature] Date OCT. 8, 2018.



Council of the Town of Pelham  
20 Pelham Town Square  
P.O. Box 400  
Fonthill, ON  
L0S 1E0

October 8, 2019

Attention: Barbara Wiens, Director  
Community Planning & Development

Re: **Request for Council Resolution  
Pursuant to Section 34 (10.0.0.2) of The Planning Act  
For Permission to Make Application for Minor Variances  
Blocks 39-46 of River Estates (Phase 2) Subdivision Plan 59M-471  
42-72 & 78-100 Summersides Blvd. and 300-304 Klager Ave.**

Section 34 (10.0.0.2) of The Planning Act provides Municipalities with the authority to allow applications to revise or adjust zoning By-laws which have been recently passed within a two-year period. **Accordingly, please accept this request for Council to declare by resolution, that Application(s) be may accepted and reviewed by the Town of Pelham Committee of Adjustment regarding specific house designs and site plan details for the above-noted blocks within the River Estates Phase 2 Subdivision.**  
(See Attached Subdivision Plan and related Blocks)

Background: In 2018, Council passed Zoning By-law 4041(2018) to apply specific zoning provisions to the River Estates Phase 2 Plan of Subdivision which was in its early planning phases that year. At the time, lots were not yet sold to builders and thus, detailed house plans were not available. As a result, the zoning provisions in the Amending Zoning By-law were generically drafted in anticipation of the future housing envisioned for this subdivision.

Mountainview Homes recently purchased the above-noted townhouse blocks from the developers of the subdivision. Following our recent receipt of more detailed surveys, grading plans and servicing provisions, we have determined that it would be appropriate to pursue some "*minor variance applications*" for the specific housing designs now planned for these parcels. Attached is an overall concept site plan of the housing blocks in this area of the River Estates Plan, showing the unit layout for bungalow and two-storey townhouses with access for vehicles from the rear laneways. There are three types of minor variance applications being contemplated, which we believe are negligible yet appropriate to provide worthy spatial arrangement for good urban design with ample off-street parking provisions and outdoor amenity areas.  
(See Attached Concept Plans)

Upon submission of Committee of Adjustment Applications for each block, the applications will proceed through the normal public comment and government agency circulations; as well as detailed review and reporting by Town Staff. Accordingly, any variances proposed would be thoroughly monitored and assessed by Town Staff and the Committee of Adjustment for sound urban design under the approval process.

We look forward to your authorization to proceed with Committee of Adjustment applications. If there are any questions, or if additional information is required, please contact me.

Respectfully submitted,  
Mountainview Homes

A handwritten signature in black ink, appearing to read 'K. Gonyou', written in a cursive style.

Ken Gonyou  
Land Development Director

Attached: Concept Site Plans of Subject Blocks

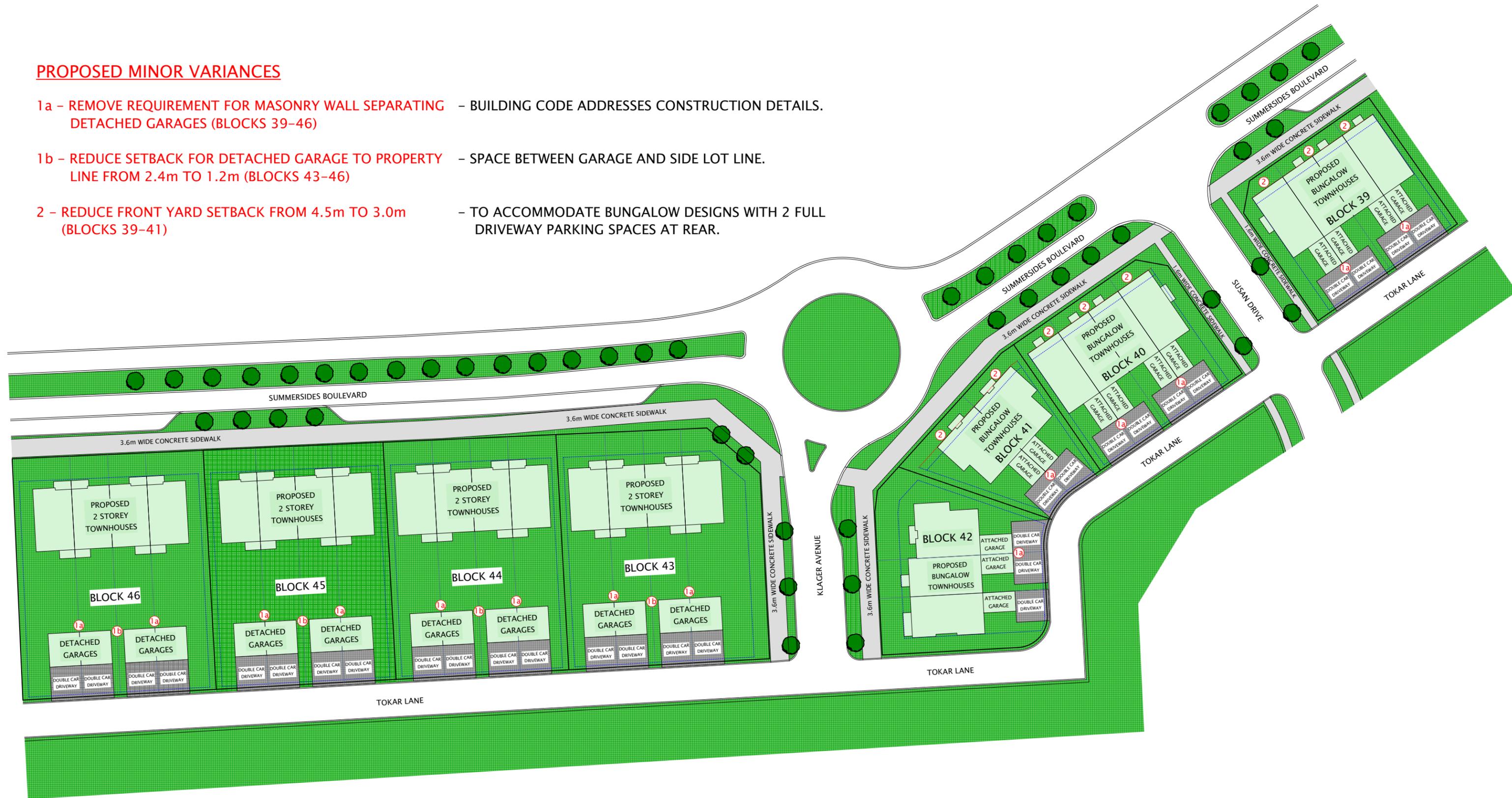
CC: John Mestek, River Realty (Developer)



# RIVER ESTATES PHASE 2 – REAR ACCESS UNITS

## PROPOSED MINOR VARIANCES

- 1a – REMOVE REQUIREMENT FOR MASONRY WALL SEPARATING DETACHED GARAGES (BLOCKS 39-46) – BUILDING CODE ADDRESSES CONSTRUCTION DETAILS.
- 1b – REDUCE SETBACK FOR DETACHED GARAGE TO PROPERTY LINE FROM 2.4m TO 1.2m (BLOCKS 43-46) – SPACE BETWEEN GARAGE AND SIDE LOT LINE.
- 2 – REDUCE FRONT YARD SETBACK FROM 4.5m TO 3.0m (BLOCKS 39-41) – TO ACCOMMODATE BUNGALOW DESIGNS WITH 2 FULL DRIVEWAY PARKING SPACES AT REAR.



### REQUEST TO APPEAR BEFORE COUNCIL FOR THE TOWN OF PELHAM

NAME: Tim Nohara

ADDRESS: PO BOX 366 Fonthill ON

POSTAL CODE: LOSILO TELEPHONE #: 905-228-6888

E-MAIL ADDRESS: tnohara@accipiteradar.com

The Council Chambers Is equipped with a laptop and projector. Please Check your audio/visual needs:  
 Laptop     Speaker     Internet Connection

PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION:  
Regular Council: 1<sup>st</sup> and 3<sup>rd</sup> Monday of the month; 5:30 p.m. (except summer schedule)

DATE: 18 NOVEMBER 2019

Please identify the desired action of Council that you are seeking on this issue:

Receive Information - Cannabis Control Committee Update

I have never spoken on this issue before. Key points of my deputation are as follows:  
**(Written presentation must accompany the request)**

Progress since ICBL  
New facts resulting from research  
Overview of what new bylaws will deliver  
Next steps

In accordance with the Procedure By-law, Requests to Appear before Council with respect to a matter already on Council's Agenda shall submit a written request to the Clerk no later than 12:00 noon, eight business days prior to the meeting of Council. Delegation requests to address Council on matters not already on the Agenda of Council must be submitted at least fourteen (14) days before the date and time of the Meeting of Council. Delegations shall only be heard at regular Meetings of Council, unless specifically invited by Council to a Meeting of a Committee of Council.

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I also understand that presentation materials must be submitted with this deputation form. Electronic presentations must be e-mailed to [NJBozzato@pelham.ca](mailto:NJBozzato@pelham.ca) in accordance with the deadlines outlined above.

Tim Nohara  
Signature

08 NOVEMBER 2019  
Date



## **SPECIAL COUNCIL MINUTES**

**Meeting #:** SC-37/2019 Special Council  
**Date:** Monday, October 28, 2019, 4:30 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** Marvin Junkin  
Mike Cioffi  
Bob Hildebrandt  
Ron Kore  
Marianne Stewart  
John Wink

**Regrets:** Lisa Haun

**Staff Present** David Cribbs  
Nancy Bozzato  
Bob Lymburner  
Jason Marr  
Teresa Quinlin  
Vickie vanRavenswaay  
Barbara Wiens  
Holly Willford

**D. DeLorenzo, Legal Counsel**

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

Noting that a quorum was present, the Mayor called the meeting to order at approximately 4:33 pm

**2. Approval of the Agenda**

**Moved By** Mike Cioffi

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT the agenda for the October 28th, 2019 Special Meeting of Council be adopted as circulated.**

**Carried**

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

John Wink declared a conflict on this item. One of the parties involved in the discussion was a contributor to the councillor's election campaign.

**4. Resolution to Move in Camera**

**Moved By** Mike Ciolfi

**Seconded By** John Wink

**BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:**

**239(2)(c) proposed or pending acquisition or disposition of land by the municipality or local board; 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose - File L07-2019-01-S and L07-2018-01-S**

**Carried**

**5. Rise From In Camera**

**Moved By** Ron Kore

**Seconded By** Bob Hildebrandt

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

**Carried**

**Moved By** Bob Hildebrandt

**Seconded By** John Wink

**BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of October 28th, 2019.**

**Carried**

**6. Confirming By-law**

**Moved By** John Wink

**Seconded By** Bob Hildebrandt

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

**Being a By-law No. 4171(2019) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Council Meeting held on the 28th day of October 2019.**

**Carried**

**7. Adjournment**

**Moved By** Marianne Stewart

**Seconded By** John Wink

**BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next regular meeting scheduled for November 4th, 2019 at 5:30 pm.**

**Carried**

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Mayor Marvin Junkin

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Town Clerk, Nancy J. Bozzato

## REGULAR COUNCIL MINUTES

**Meeting #:** C-18/2019  
**Date:** Monday, November 4, 2019  
**Time:** 5:30 PM  
**Location:** Town of Pelham Municipal Office - Council  
Chambers  
20 Pelham Town Square, Fonthill

**Members Present:** Marvin Junkin,  
Mike Cioffi,  
Lisa Haun,  
Bob Hildebrandt,  
Ron Kore,  
Marianne Stewart,  
John Wink

**Staff Present:** David Cribbs,  
Nancy Bozzato,  
Bob Lymburner,  
Marc MacDonald,  
Jason Marr,  
Vickie vanRavenswaay,  
Barbara Wiens,  
Holly Willford,  
Charlotte Tunikaitis

**Other:** Donna Herrington, Item 5.1.1  
Bill Gibson, Frank Adamson, Item 5.1.2  
Diane Gibson, Tina Drummond, Brian DiMartile,  
Item 5.2.1  
Frank Tassone, Item 5.1.3  
Regional Councillor Huson  
Interested Citizens  
Media

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

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

### 2. Singing of National Anthem

The National Anthem was observed by those present.

**3. Approval of Agenda**

**Moved By** Marianne Stewart

**Seconded By** Ron Kore

BE IT RESOLVED THAT the agenda for the November 4th, 2019 Regular meeting of Council be adopted

**Amendment:**

**Moved By** Mike Cioffi

**Seconded By** Bob Hildebrandt

**THAT an item of New Business be added regarding the re-establishment of a Heritage Committee.**

**Carried**

**Moved By** Lisa Haun

**Seconded By** Ron Kore

**BE IT RESOLVED THAT the agenda for the November 4th, 2019 Regular meeting of Council be adopted, as amended.**

**Carried**

**4. Disclosure of Pecuniary Interests and General Nature Thereof**

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

**5. Hearing of Presentation, Delegations, Regional Report**

**5.1 Presentations**

**5.1.1 The Herrington Group**

Donna Herrington, Accessibility Consultant, was present at the request of council to provide further insight into the work planned as part of the Consulting contract. Since 2003 Ms. Herrington has worked with the Joint Accessibility Advisory Committee, and the six partner municipalities, through her Consulting firm. The focus of work has been to ensure full compliance with the Accessibility for Ontarians with Disabilities Act. She noted that this year's proposal will be to conduct audits of all municipal facilities to ensure full compliance.

**Moved By** Bob Hildebrandt

**Seconded By** Marianne Stewart

**BE IT RESOLVED Council receive the verbal presentation by Donna Herrington from The Herrington Group relating to Accessibility Consultant Services Proposal, for information.**

**Carried**

### **5.1.2 Fonthill Rotary Club and Summerfest Committee**

Update on Replacement of the Arches Project

On behalf of the Rotary Club of Fonthill and Summerfest Committee joint initiative to replace the Fonthill Arches, Bill Gibson provided Council with an update on this project. He introduced members of the Niagara Separate School Board trades students, together with Mr. M. Magazzini who oversees the Niagara Launch Centre. He provided an overview of the project and how it supports this educational program. Frank Adamson of the Rotary Club informed Council of the success of the fundraising component of the project, noting that they have exceeded the fundraising target. Questions regarding the design of the arches and construction materials to be used were discussed, it being noted that the Town's Director of Public Works will be involved in the project as it moves forward.

**Moved By** Marianne Stewart

**Seconded By** John Wink

**BE IT RESOLVED that Council receive the verbal presentation by the Fonthill Rotary Club and Summerfest Committee regarding an update on the replacement of the arches project, for information.**

**Carried**

### **5.1.3 Regional Niagara Transportation Services**

Capital Projects - 5 Year Overview

Mr. Frank Tassone, Transportation Services for the Niagara Region presented the Regional 5-Year Capital Forecast.

**Moved By** John Wink

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT Council receive the Niagara Region Transportation Services Capital Project five Year Overview presentation, for information.**

**Carried**

## **5.2 Delegations**

### **5.2.1 Public Art Committee**

Dianne Gibson, Brian DiMartile

Dianne Gibson and Tina Drummond presented information on what the Public Art Committee has been working on this

year. and highlighted their goals for the remainder of the term of Council.

**Moved By** John Wink

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT Council receive the presentation by the Pelham Public Art Committee, for information.**

**Carried**

**5.3 Report of Regional Councillor**

Regional Councillor Huson provided a synopsis update on Regional issues.

**Moved By** Bob Hildebrandt

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT the November 4th, 2019 report submitted by Regional Councillor Huson, be received for information.**

**Carried**

**6. Adoption of Minutes**

**Moved By** Ron Kore

**Seconded By** Lisa Haun

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

- 1. SC-26/2019 - Special Council Minutes of October 21, 2019**
- 2. C-17/2019 - Regular Council Minutes of October 21, 2019**

**Carried**

**7. Business Arising from Council Minutes**

None

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

No items were lifted for separate consideration.

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

**Moved By** Ron Kore

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT the Consent Agenda items as listed on the November 4th, 2019 Council Agenda be received and the recommendations contained therein be approved, as applicable**

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**9.1 Presentation of Recommendations Arising from COW or P&P, for Council Approval**

**BE IT RESOLVED THAT COUNCIL HEREBY approves the Recommendations Resulting from the following:**

- 1. COW-07/2019 - Committee of the Whole October 21, 2019**
- 2. SCOW-08/2019 - Committee of the Whole October 23, 2019**

**9.2 Minutes Approval - Committee**

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

- 1. COW-07/2019 - Committee of the Whole Minutes October 21, 2019**
- 2. SCOW-08/2019 - Committee of the Whole Minutes of October 23, 2019**

**9.5 Information Correspondence Item**

**9.5.1 Niagara Region – Notice of Public Information Centre Pelham Elevated Tank Municipal Class Environmental Assessment and Enhanced Conceptual Design**

**BE IT RESOLVED THAT Council receive the Niagara Region Notice of Public Information Centre Pelham Elevated Tank Municipal Class Environmental Assessment and Enhanced Conceptual Design, for information.**

**9.7 Committee Minutes for Information**

**9.7.1 Joint Accessibility Advisory Committee Minutes**

**BE IT RESOLVED THAT Council receive the Joint Accessibility Advisory Committee minutes dated August 9, 2019 and September 12, 2019, for information.**

**9.7.2 Summerfest Committee Minutes**

**BE IT RESOLVED THAT Council receive the Summerfest Committee minutes dated August 7, 2019, for information.**

**9.7.3 MCC User Group Minutes**

**BE IT RESOLVED THAT Council receive the MCC User Group minutes dated July 24, 2019 and September 12, 2019, for information.**

**9.7.4 MCC Hospitality Committee Minutes**

**BE IT RESOLVED THAT Council receive the MCC Hospitality Committee minutes dated July 9, 2019, August 13, 2019 and August 20, 2019, for information.**

**9.7.5 Mayors Youth Advisory Council Minutes**

**BE IT RESOLVED THAT Council receive the Mayors Youth Advisory Council minutes dated September 24, 2019, for information.**

**Carried**

**10. Items for Separate Consideration, if Any**

Not applicable.

**11. Presentation & Consideration of Reports**

**11.1 Reports from Members of Council:**

**11.1.1 Mayor Junkin: Memorandum of Understanding re Procurement of Goods and Services**

**Moved By** Mike Ciolfi

**Seconded By** Ron Kore

**BE IT RESOLVED THAT Council receive Mayor Junkin's report regarding the Memorandum of Understanding relating to the Procurement of Goods and Services, representing a commitment by the Cities of Port Colborne, Thorold and Welland, the Township of Wainfleet and the Town of Pelham; and THAT Council for the Town of Pelham endorse this Memorandum of Understanding and the commitment to jointly procure goods and services where it is mutually beneficial, as outlined in the MOU.**

**Carried**

**11.2 Staff Reports Requiring Action**

**11.2.1 Pelham Public Art Advisory Committee - Update - 2019-0119-Recreation**

**Moved By** Mike Ciolfi

**Seconded By** Ron Kore

**THAT Council receive Report # 2019-0119 Pelham Public Art Advisory Committee Update and;**

**THAT Council approve the updated name of the Committee from the Pelham Public Art Advisory**

**Committee to the Pelham Art Advisory Committee,  
and**

**THAT Council to approve the proposed Terms of  
Reference for the Pelham Art Advisory Committee  
and;**

**THAT the Council receive the Pelham Art Advisory  
Committee Strategic Plan for the 2019 – 2022 Term  
of Council for information.**

**Carried**

**12. Unfinished Business**

None

**13. New Business**

**13.1 Re-Establishment of Heritage Committee**

**Moved By** Mike Ciolfi

**Seconded By** Ron Kore

**BE IT RESOLVED THAT Staff be directed to provide a  
report in early 2020 regarding the re-establishment of a  
Heritage Committee.**

**Carried**

**14. Presentation and Consideration of By-Laws**

There were no by-laws presented for Council's consideration.

**15. Motions and Notices of Motion**

None

**16. Matters for Committee of the Whole or Policy and Priorities  
Committee**

None

**17. Matters Arising Out of Committee of the Whole or Policy and  
Priorities Committee**

None

**18. Resolution to Move in Camera**

No closed session scheduled or required.

**19. Rise From In Camera**

Not required.

**20. Confirming By-Law**

**Moved By** John Wink

**Seconded By** Marianne Stewart

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

**Being a By-law No. 4172(2019) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 4th day of November, 2019.**

**Carried**

**21. Adjournment**

**Moved By** Marianne Stewart

**Seconded By** John Wink

**BE IT RESOLVED THAT this Regular Meeting of November 4th, 2019 be adjourned until the next regular meeting scheduled for November 18th, 2019 at 5:30 pm.**

**Carried**

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Mayor: Marvin Junkin

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Town Clerk: Nancy J. Bozzato

# Recommendations of the Public Meeting under the Planning Act held October 22, 2019

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BE IT RESOLVED THAT COUNCIL HEREBY approves the following Recommendations Resulting from the Public Meeting under the Planning Act meeting of October 22, 2019:

1. **THAT the agenda for the October 22, 2019 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.**
2. **THAT Committee receive Report # 0094 for information as it pertains to the proposed Short Term Accommodations Policies and Regulations; and recommend:**

**THAT Committee direct Planning staff to prepare the Recommendation Report regarding the Proposed Short Term Accommodations Policies and Regulations.**

3. **THAT Committee receive and recommend that Council receive the public written submissions by the following individuals:**

**Corey Ziraldo  
Jim Marando  
Pat Koehler on behalf of Concerned Pelham Residents  
Larry Sztogryn (Al Toner)  
Apollo and Joanne van Veen  
Ron and Judy Riva  
Blair Minnes and Rose Craig  
Scott Strike  
Jim and Sandy Stokes**

**AND THAT Committee receive and recommend that Council receive the verbal submissions by made by the public.**

4. **THAT Committee receives this Department of Community Planning and Development report for information as it pertains to File No. AM-06-19 relating to Parts 1, 8-11 and 16-19, Plan 59R-16208;**

**AND THAT, Committee directs Planning staff to prepare the Recommendation Report on the proposed zoning by-law amendment for Parts 1, 8-11 and 16-19, Plan 59R-16208 for Council's consideration.**

5. **THAT Committee receive verbal presentations made by the public for information as it pertains to this application.**
6. **THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.**

# Recommendations of the Special Committee of the Whole held October 28, 2019

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BE IT RESOLVED THAT COUNCIL HEREBY approves the following Recommendations Resulting from the SCOW-07/2019 Special Committee of the Whole of October 28, 2019:

1. **THAT the agenda for the October 28, 2019 special meeting of Committee be adopted as circulated.**
2. **THAT COMMITTEE receive the verbal up-date from Teresa Quinlin, Director of Corporate Services and Treasurer regarding the ICIP: Community, Culture and Recreation Stream Grant**
3. **THAT COMMITTEE receive Report #2019-118 and recommend to Council:**

**THAT Council approve the 2020 Grant allocations of \$17,008.00 waived facility fees; \$7,900.00 cash allocations; and \$14,585.00 estimated in-kind labour requests, as outlined in the 2020 Municipal allocations summary.**

4. **THAT Committee receive the presentation from the Treasurer/Director of Corporate Services regarding the 2020 Operating Budget and the 2020 Water and Wastewater Budget; and**

**THAT the 2020 Operating Budget, with an overall estimated increase of 6.05% after growth be recommended for Council approval on November 18, 2019; and**

**THAT Committee recommend an increase in the Water rate of 7.5% and the Wastewater rate by 9.5% for Council approval at their meeting scheduled for November 18, 2019**

**Directions:**

1. **Library increase capped at \$50,000 with no impact to hours of operations;**
  2. **Total of \$150,000 for gypsy-moth control including the \$25,000 already included.**
5. **THAT Committee receive Report # 2019-0116-Corporate Services and recommend to Council:**  
**THAT Council adopt the 2020 Water and Wastewater Budgets.**
  6. **THAT this Special Meeting of Committee be adjourned until the next regular meeting scheduled for November 4, 2019 following Council.**



## **COMMITTEE OF THE WHOLE MINUTES**

**Meeting #:** SCOW-07-2019 - Special Committee of the Whole  
**Date:** Monday, October 28, 2019 at 5:30 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present:** Marvin Junkin  
Mike Cioffi  
Bob Hildebrandt  
Ron Kore  
Marianne Stewart  
John Wink

**Members Absent** Lisa Haun

**Staff Present:** David Cribbs  
Nancy Bozzato  
Bob Lymburner  
Jason Marr  
Teresa Quinlin  
Vickie vanRavenswaay  
Barbara Wiens  
Holly Willford  
Charlotte Tunikaitis

**Other:** Brianna Langohr  
Amy Guilmette  
Interested Citizens

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

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:47 p.m.

**2. Adoption of Agenda**

**Moved By** Ron Kore

**THAT the agenda for the October 28, 2019 special meeting of Committee be adopted as circulated. Carried**

**4. Verbal Update on ICIP: Community, Culture and Recreation Stream Grant**

The Treasurer provided an update on the projects that are being submitted for the ICIP, Community Culture and Recreation Stream grant.

**Moved By** Mike Ciolfi

**THAT COMMITTEE receive the verbal up-date from Teresa Quinlin, Director of Corporate Services and Treasurer regarding the ICIP: Community, Culture and Recreation Stream Grant**

**Carried**

**5. Operating and Water and Wastewater Budgets**

**5.1 Proposed 2020 Municipal Grant Allocations - 2019-0118-Recreation, 2019-0118-Recreation**

**Moved By** Bob Hildebrandt

**THAT COMMITTEE receive Report #2019-118 and recommend to Council:**

**THAT Council approve the 2020 Grant allocations of \$17,008.00 waived facility fees; \$7,900.00 cash allocations; and \$14,585.00 estimated in-kind labour requests, as outlined in the 2020 Municipal allocations summary.**

**Carried**

**5.2 Overview Presentation of 2020 Operating Budget and 2020 Water and Wastewater Budgets**

The Treasurer presented a synopsis of the 2020 Operating Budget and the 2020 Water and Wastewater Budgets and responded to questions by the Councillors.

Directions:

1. Library Board requested to reduce their budget request to a maximum of \$50,000, with no impact to hours of operation, and report back to Council on how this is achieved.
2. Gypsy Moth allocation to total \$150,000, including the \$25,000 already contained within the budget.

**Moved By** Marianne Stewart

**THAT Committee receive the presentation from the Treasurer/Director of Corporate Services regarding the 2020 Operating Budget and the 2020 Water and Wastewater Budget; and**

**THAT the 2020 Operating Budget, with an overall estimated increase of 6.05% after growth be**

**recommended for Council approval on November 18, 2019; and**

**THAT Committee recommend an increase in the Water rate of 7.5% and the Wastewater rate by 9.5% for Council approval at their meeting scheduled for November 18, 2019**

**Directions:**

- 1. Library increase capped at \$50,000 with no impact to hours of operations;**
- 2. Total of \$150,000 for gypsy-moth control including the \$25,000 already included.**

**Carried**

**5.3 Water and Wastewater Budget - 2019-0116-Corporate Services, 2019-0116-Corporate Services**

**Moved By** John Wink

**THAT Committee receive Report # 2019-0116-Corporate Services and recommend to Council:**

**THAT Council adopt the 2020 Water and Wastewater Budgets.**

**Carried**

**6. Adjournment**

**Moved By** Bob Hildebrandt

**THAT this Special Meeting of Committee be adjourned until the next regular meeting scheduled for November 4, 2019 following Council.**

**Carried**

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Mayor: Marvin Junkin

---

Town Clerk: Nancy J. Bozzato

## Minutes

Meeting #: PCOW-05/2019  
 Date: Tuesday, October 22, 2019  
 Time: 6:30 PM  
 Location: Town of Pelham Municipal Office - Council Chambers  
 20 Pelham Town Square, Fonthill

Members Present: Marvin Junkin, Mike Ciolfi, Lisa Haun, Bob Hildebrandt,  
 Ron Kore, Marianne Stewart, John Wink

Staff Present: David Cribbs, Nancy Bozzato, Holly Willford, Barbara  
 Wiens, Bob Lymburner, Vickie vanRavenswaay

Media: Interested parties and members of the public

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

Noting that a quorum was present, the Mayor called the meeting to order at approximately 6:30 pm.

### 2. Adoption of Agenda

**Moved By** Mike Ciolfi

**THAT the agenda for the October 22, 2019 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.**

**Carried**

### 3. Disclosure of Pecuniary Interest and General Nature Thereof

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

### 4. Planning Act Application:

The Mayor read into the record the Notice Requirements regarding this application.

#### 4.1 Planning Report - Presentation

##### 4.1.1 Information Report - Proposed Short Term Rental Regulations - 2019-0094-Planning, 2019-0094-Planning

Ms. Barb Wiens, Director of Community Planning and Development provided an overview of the proposed by-laws before Council. A copy is available through the Clerk.

Members of Council requested Ms. Wiens' to provide details on the 'roundtable' discussion held at the Town and

to define the area of lands known as the Downtown and Downtown Transitional Area. In response, Ms. Wiens indicated Appendix 'A' to her report indicated a summary of all comments received at the 'roundtable' and in addition, she could provide a list of attendees. Ms. Wiens advised the Official Plan indicates the Downtown area includes the core area of Fenwick and Fonthill only and the Downtown Transitional Area includes Station Street from Highway 20 south to Summersides Blvd.

Members of Council requested Ms. Wiens' to indicate if she researched other municipalities best practices and she was asked how many short-term rentals are within Pelham. In response, Ms. Wiens indicated she has researched other municipalities, such as: Niagara-on-the-Lake, St. Catharine's, Fort Erie, Blue Mountains, along with other municipalities across Canada. She further indicated she researched the City of Toronto however, is awaiting a board decision from an appeal the City received. Ms. Wiens indicated she believes there are approximately 20 short-term rentals within Pelham.

A Member of Council asked if it is possible for the Town to take a zero tolerance stance on short-term rentals. In response, Ms. Wiens indicated this is an approach Council may consider. The Member further requested if it is possible for the Town to indicate short-term rentals may only be permitted in the Downtown, Commercial and Rural Agricultural areas. In response, Ms. Weins indicated she and staff are looking for guidance from Council on this matter.

A Member of Council requested Ms. Wiens to further expand on licensing, particularly in regards to potential grandfathering, fees and enforcement. In response, Ms. Wiens indicated if Council passed a Licensing By-Law all businesses (existing or new) would require a license. She further indicated any fees charged would be an administration fee and that fees may not be punitive.

A Member asked Ms. Wiens how many of the short-term rentals in Pelham are traditional Bed and Breakfasts. In response, Ms. Wiens indicated approximately 10.

A Member requested Ms. Wiens to indicate how confident she is that there is only 20 short-term rentals in Pelham. Ms. Wiens indicated she has conducted searches on various short-term rental websites and has concluded there are approximately 20 within Pelham. She did indicate there maybe others.

A Member requested information regarding By-Law Officers and receiving noise complaints at 11:00pm. In response, Mr. Bob Lyburner, Fire Chief indicated the Town does not

have By-Law Officers working at night or on the weekends. If there is, a noise complaint at night the complainant can call the police.

A Member asked if Council determines to adopt a zero tolerance policy on short-term rentals what would happen to the existing short-term rentals within the Town. In response, Ms. Weins indicated this would be something the Town would have to work through.

A Member requested Ms. Wiens to indicate how and if the information received from the roundtable discussion impacted her presentation to Council. In response, Ms. Wiens indicated the roundtable discussion was robust with diverse conversation and dialog.

A Member asked if a Bed and Breakfast serves food is the establishment regulated under public health regulation. In response, Ms. Wiens indicated, yes the establishment would be regulated under public health regulations.

Questions arose regarding the difference between short-term accommodations and student rentals. Ms. Wiens indicated a short-term accommodation would be considered renting less than 28 days, to the same person. If a property is being rented more than 28 days it would be considered a rental and would be regulated by the Landlord and Tenant Act.

A Member requested information regarding short-term rentals in lower levels and basements of homes. In response, Ms. Weins indicated a short-term rental could rent space within the basement, however would be required to comply with the Building and Fire Code. Furthermore, Mr. Lymburner, Fire Chief indicated among other requirements a basement rental is required to have a second ingress and egress. Mr. Lymburner indicated the Fire Department would complete a site inspection prior to issuing a license.

A Member indicated they had concerns with enforcing By-laws relating to short-term rentals. In response, Ms. Wiens indicated she has spoken with many municipalities regarding enforcement and although she cannot guarantee there will be no issues, once operators realize the Town is enforcing their by-law, operators will comply.

A Member inquired, if a person wishes to buy a property in Pelham would the owner or Real Estate Agent have to declare or advise if a short-term rental is operating beside them. In response, Ms. Wiens indicated purchaser's lawyers sometimes ask the Town to confirm zoning or request a compliance letter.

A Member asked if short-term rentals pay more taxes or development charges. In response, Ms. Wiens indicated typically in other municipalities MPAC applies a surcharge to dwellings with short-term rentals to adjust the tax rate, as they are income-generating properties.

A Member stated if property owners were required to have an inspection and bring their property to regulatory standards, many homes would require renovations and this would be a deterrent.

**Moved By** Ron Kore

**THAT Committee receive Report # 0094 for information as it pertains to the proposed Short Term Accommodations Policies and Regulations; and recommend:**

**THAT Committee direct Planning staff to prepare the Recommendation Report regarding the Proposed Short Term Accommodations Policies and Regulations.**

**Carried**

#### **4.2 Public Input**

Mr. Corey Ziraldo, a resident of the Lookout subdivision stated he is in support of short-term rental accommodations in the agricultural area and for By-law officer funding. He further indicated when purchasing his home he reviewed Town planning documents and believed no short-term rentals would be allowed in his area, however to his dismay the neighboring property is a short-term rental. He stressed he and his wife have safety concerns regarding their and neighboring children.

Ms. Pat Koehler on behalf of Concerned Pelham Residents stated last summer she formed a group which surveyed Pelham election candidates on their views of 'tourist rentals' and provided the information to other Pelham residents. She indicated her group has been in contact with the Town's Planning Department and was part of the roundtable discussion. Ms. Koehler indicated rentals add to parking, garbage and crime. She stated tourist rentals should be treated as hotels. She advised she has no objection to short-term rental within the commercial or rural areas, however objects to rentals within the residential area. She furthermore, voiced concerns regarding enforcement and the licensing process.

Mr. Al Toner read Mr. Larry Sztogryn's written submission into the record. A copy of the written submission formed part of the Public Meeting Agenda package and a copy is on file with the Clerk.

The Mayor opened the floor to the public within the gallery to speak.

Mr. Joe Robbie indicated he and his wife moved to Pelham as an older couple and they question if they should stay within Pelham due to issues such as short-term rentals.

Ms. Carol Jones asked if a short-term rental property remained empty for a length of time would the property owner qualify for a vacancy rebate. Furthermore, she indicated she had insurance concerns and asked if the municipality would have any liability regarding short-term rentals. In response, Ms. Wiens indicated if a property remained vacant for a certain period of time the owner would be able to qualify for a vacancy rebate. Mr. Cribbs indicated the municipality would not attract liability for incidents on private property.

Ms. Lindy Brunarski indicated she has been operating a short-term rental at her property for the last 6 years and has hosted guests from all over the world with no issues. She further advised when she travels she prefers to stay at short-term rentals. She stated she believes there is a place for short-term rental accommodations. Furthermore, she indicated she will be happy to comply with any licensing requires the Town may issue. Ms. Brunarski also indicated she was a participant at the roundtable discussion and indicated there is an elderly couple who runs a Bed & Breakfast and this is a valuable source of income for them.

Mr. Chuck Miller stated concerns he has regarding absent owner short-term rental accommodation units. He asked questions to Ms. Wiens regarding Appendix D of her report, grandfathering, and if existing short-term rental accommodations are legal or illegal based on the current zoning by-law. In response, Ms. Wiens indicated the current zoning by-law is silent on short-term accommodations; therefore, the opinion of staff is that such rentals are allowed.

Mr. Mike Jones stated he has concerns regarding his neighbor who he believes has converted his single residential dwelling to a duplex. He is concerned the neighbor may further use his property as a short-term rental.

Ms. Esther Houghman indicated she has concerns with strangers renting short-term properties within residential neighborhoods. She questioned why it is taking the Town a long time to deal with the issue.

Mr. Kit Lefroy indicated common law provides an unfettered right to the use of ones property in peace. He further stated if one cannot use his/her property he peace that individual has the right to sue. He requested Council ban short-term rentals in the residential area.

Mr. Stewart Galloway indicated the house behind him has been converted into four units and is rented as a short-term accommodation. He stated the noise level from the rental has made their backyard unusable. Mr. Galloway indicated the proposed by-law indicates 3 rooms may be rented, however he suggests an appropriate number would be 2 rooms.

Mr. Ernie Henson indicated he moved to Pelham 39 years ago and never dreamed a short-term rental could operate beside him. He stated he does not want to have any short-term rentals in his area and believes their existence will devalue his property.

Mr. Doug Major asked if any of the input from the meeting of October 1<sup>st</sup> changed the Planning Departments proposed by-laws. In response, Ms. Wiens indicated the Planning Department is currently collecting feedback and no changes have been made.

Ms. Lisa Galloway stated it has been said there has been successful short-term accommodation rental properties but questions who evaluates success.

Ms. Cherly Crozier indicated she appreciates the community feel Pelham offers and is concerned that short-term accommodation rentals and additional development will take away from that feel.

The Mayor closed the public portion of the meeting and thanked everyone for attending and for speaking.

**Moved By** Bob Hildebrandt

**THAT Committee receive and recommend that Council receive the public written submissions by the following individuals:**

1. **Corey Ziraldo**
2. **Jim Marando**
3. **Pat Koehler on behalf of Concerned Pelham Residents**
4. **Larry Sztogryn (Al Toner)**
5. **Apollo and Joanne van Veen**
6. **Ron and Judy Riva**
7. **Blair Minnes and Rose Craig**
8. **Scott Strike**
9. **Jim and Sandy Stokes**

**AND THAT Committee receive and recommend that Council receive the verbal submissions by made by the public.**

**Carried**

### 4.3 Committee Input

A Member requested a timeframe as to when Council may expect to receive a report from staff on this matter. In response, Mr. Cribbs indicated the Town is still receiving public and Council input and reiterated some staff priorities from Council direction and indicated it would be several months until staff would be able to bring a report to Council. The Mayor then stated staff have been busy working on cannabis related By-Laws and referenced the extended interim control by-law.

Mr. Cribbs indicated that Council may debate the topic and provide staff with direction as how to move forward. Mr. Cribbs emphasized staff is required to provide an initial draft which is balanced and fair to each side.

A Member suggested there should be no short-term rentals or bed and breakfasts within the residential area. Other Members agreed and indicated these types of rentals should be limited within the downtown and rural areas. The Mayor added he has concerns about enforcement.

By way of Council consensus staff were directed to revise the proposed By-laws to not allow short-term rentals or bed and breakfasts within the residential areas of the Town.

### 5. Adjournment

**Moved By** Lisa Haun

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

**Carried**

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Mayor: Marvin Junkin

---

Deputy Clerk: Holly Willford



**Centre de santé  
communautaire**

Votre bien-être, notre raison d'être!

☐ 810 rue East Main  
Welland, ON L3B 3Y4  
Tél.: 905-734-1141 / Téléc.: 905-734-1678  
Courriel: cschn@cschn.ca

Sarah Leach, Administrative Assistant, Clerk's Department  
Pelham Council  
20 Pelham Town Square, PO Box 400  
Fonthill ON L0S 1E0

Dear Ms. Leach,

We would like to respectfully request your support in adding an item to the Council's November 18<sup>th</sup> 2019 meeting agenda. Specifically, we are seeking Council approval for waving \$5,000 yearly rental space fees (2019-2020 and 2020-2021) that Meridian Centre has informed that our Community Health Centre (CHC) must cover should we continue to use their space for our "Stay Fit" and "Keeping Balance" community programs. "Stay Fit" and "Keeping Balance" are designed to assist people who are 55 years old and over and/ or vulnerable persons to help them improve physical and mental health in order to maintain autonomy and be active members of the community. 65% of participants are Pelham residents.

Here are some contextual details regarding these initiatives:

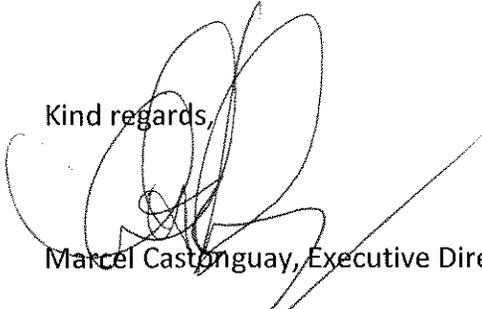
- We have always had a positive partnership with Meridian Centre which we value and wish to nourish moving forward. Because our agency is beyond capacity in providing space for group programs, one of the results of our successful collaboration with Meridian Centre allowed us to explore whether they could offer us space for the above-mentioned programs at no cost. We were delighted and extremely grateful when they agreed to partner with us in October 2018 as part of their "Seniors Active Living Centre (SALC)" strategy. As such, should Meridian Centre require assistance with other community work, it will be our pleasure provide support.
- Our programs are funded by the provincial Ministry of Health through our local Hamilton Niagara Haldimand Brant Local Health Integration Network (HNHB LHIN) and run yearly from September to June (Stay Fit is scheduled Tuesdays and Thursdays from 1 to 2pm,

whereas Keeping Balance runs Wednesdays and Fridays from 10:30 to 11:30am). As the Council can appreciate, the funding attached to these programs is extremely limited and our agency does not have a budget line for operating, administrative or rental-related costs. In fact, our CHC has not seen an increase to its base (operating) budget since 2011. More so, we are unable to advocate for additional funding as the provincial government discourse contemplates budget cuts that may also impact our organization in the future.

- As requested by our funder, our CHC strives to “do more with less” while demonstrating value-add in the community and improving residents’ health and wellbeing.
- The programs have been a massive success, which also helped Meridian Centre solidify their reputation and help more Pelham residents see themselves as a central, vibrant part of Meridian. Here is some quantitative data to support our statements based on information we collected in the last year:
  - “Stay Fit” has a capacity of 30 people per class. On average, 75 classes are offered yearly with a total of 143 participants, averaging 22-25 people per class.
  - “Keeping Balance” has a capacity of 12 people per class, totalling 68 participants. 73 classes are offered yearly, averaging 11-16 attendees per class.
  - Our client surveys demonstrate high satisfaction with these services and that more participants would like to be able to join.
- Our agency has been making necessary schedule adjustments whenever Meridian Centre informed that space is unavailable, which we completely understand.

We much appreciate your attention to this time sensitive matter and would be happy to provide additional information or clarification if needed.

Kind regards,



Marcel Castonguay, Executive Director

Centre de santé communautaire Hamilton/ Niagara (CSCHN)

**Ministry of Natural  
Resources and Forestry**

Strategic and Indigenous  
Policy Branch

Policy Division

300 Water Street  
3<sup>rd</sup> Floor North  
Peterborough ON K9J 3C7  
Tel: 705-755-1727

**Ministre des Richesses  
naturelles et des Forêts**

Direction des politiques relatives aux  
stratégies et aux affaires autochtones

Division de la politique

300, rue Water  
3e étage Nord  
Peterborough (Ontario) K9J 3C7  
Tél.: 705-755-1727



October 29, 2019

Re: Environmental Registry notice (019-0732) by the Ministry of Natural Resources and Forestry regarding proposal to amend three statutes and make a new regulation

Greetings,

The Ministry of Natural Resources and Forestry (MNRF) is proposing legislative changes to seven statutes and to make a new regulation under the *Lakes and Rivers Improvement Act*. The legislative changes are part of the proposed *Better for People, Smarter for Business Act, 2019*. If passed, these changes are intended to support the government's commitment to reduce unnecessary red tape and regulatory burden and modernize government to be simpler, faster and more cost-effective, while ensuring the sustainable use of natural resources and public health and safety are not compromised.

A proposal to amend the following three Acts and propose a new regulation is posted on the Environmental Registry.

1. *Crown Forest Sustainability Act, 1994*
2. *Oil, Gas and Salt Resources Act*
3. *Lakes and Rivers Improvement Act* and new Minister's regulation under the Act

The proposed amendments and new regulation are described below:

- Proposed amendments to the *Crown Forest Sustainability Act, 1994*, would if passed:
  - Enable the issuance of a "permit" to allow a person to remove forest resources from a Crown forest for non-forestry purposes.
  - Modernize the requirements for annual work schedules by removing the requirement for MNRF approval.
  - Enable the Minister to extend a Forest Management Plan.

- Proposed amendments to the *Oil, Gas and Salt Resources Act*, would if passed:
  - Allow future regulations to be made, where appropriate, to relieve existing activities from requirements that would apply to new activities.
  - Enable the use of a rules-in-regulation approach, or the mandatory issuance of approvals for more activities, subject to conditions and requirements that would be set out in regulation intended to streamline approvals for the specified activities.
  - Clarify the types of geological evaluation and testing activities captured by the definition of “well”.
  
- Proposed amendments to the *Lakes and Rivers Improvement Act*, would if passed:
  - Create a new Minister’s regulation-making authority in the Lakes and Rivers Improvement Act to allow the Minister to require some owners of electricity-producing dams to, where necessary, assess, monitor and report on methyl mercury related impacts to water and fish.
  - Amend an existing authority to incorporate guidelines by reference in the regulations.

#### Regulation Proposal

- If the proposed Lakes and Rivers Improvement Act legislative amendment is passed, the ministry proposes to develop a subsequent Minister’s regulation that if made, would require some dam owners of electricity-producing dams to, where necessary, assess, monitor and report on mercury levels in surface water and/or fish tissue. We are also seeking comments on this proposed regulation via this notice.

Owners of the twelve existing dams that currently have mercury assessment, monitoring and reporting requirements established through Ministry of Environment, Conservation and Parks issued Permits to Take Water, would, if the regulation is made, continue these requirements under the authority of the Lakes and Rivers Improvement Act and reporting would be to the Ministry of Natural Resources and Forestry. Each of these twelve Permits to Take Water were subject to consultation prior to their issuance.

New or significantly redeveloped electricity-producing dams may, if the regulation is made, require assessment, monitoring and reporting of mercury, where there is a new or expanded head pond area and/or where there are identified risks associated with human consumption of fish.

The Ministry of Environment, Conservation and Parks is concurrently consulting on a proposal to amend the Ontario Water Resources Act Permit to Take Water requirements for electricity-producing facilities. For more information, please visit <https://ero.ontario.ca> and enter 019-0545 in the search to view this Environmental Registry notice.

In addition, there are other administrative and housekeeping changes proposed for the *Crown Forest Sustainability Act, 1994* and the *Oil, Gas and Salt Resources Act*.

All proposed changes to MNRF statutes appear in the proposed *Better for People, Smarter for Business Act, 2019*, which can be found through the following link to the Bill on the Legislative Assembly, <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-132> .

MNRF recognizes that this proposal may be of interest to you. To view the Environmental Registry notice, please visit <https://ero.ontario.ca> and enter 019-0732 in the search.

Proposed changes to the *Aggregate Resources Act* are also included in the proposed *Better for People, Smarter for Business Act, 2019* and are the subject of a separate registry proposal posting. For more information, please visit Environmental Registry of Ontario and enter 019-0556 in the search. Please note the posting related to proposed changes to the *Aggregate Resources Act* will close on November 4, 2019.

We invite you to contact Tigist Abebe at 416-314-0961 or [SIPB@ontario.ca](mailto:SIPB@ontario.ca) with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Gierak', written in a cursive style.

Tosh Gierak  
A/Director  
Strategic and Indigenous Policy Branch  
Policy Division



REGIONAL MUNICIPALITY OF NIAGARA  
**POLICE SERVICES BOARD**

5700 VALLEY WAY, NIAGARA FALLS, ONTARIO L2E 1X8

Tel: (905) 688-4111 Fax: (289) 248-1011  
E-mail: [psb@niagarapolice.ca](mailto:psb@niagarapolice.ca)  
Website: [www.niagarapolice.ca](http://www.niagarapolice.ca)

October 28, 2019

**SENT BY EMAIL**

Mayor Marvin Junkin  
and Members of Council  
Town of Pelham  
20 Pelham Town Square  
P.O. Box 400  
Fonthill, Ontario  
L0S 1E0

Dear Mayor Junkin:

On behalf of the Regional Municipality of Niagara Police Services Board, I would like to take this opportunity to express the Board's sincere appreciation to you, members of Pelham Town Council and staff for hosting our Police Services Board meeting on October 24, 2019.

In particular, I wish to acknowledge Councillors Bob Hildebrandt, Marianne Stewart, John Wink and Regional Councillor Diana Huson for taking the time to attend our meeting. I would also like to thank and recognize Belinda Ravazzolo and Marc MacDonald who assisted Board staff with the meeting arrangements.

On behalf of the Board, I want you to know that the Town of Pelham's contribution was much appreciated and helped to make our meeting a great success. We sincerely appreciate the co-operative relationship between the Board and the Town of Pelham.

Yours very truly,

Kenneth A.W. Gansel  
Board Chair

- c. Regional Councillor Diana Huson, Niagara Region  
Vice-Chair and Members, Niagara Police Services Board



**Notice of Decision to Adopt  
Regional Official Plan Amendment 13 (ROPA 13)  
Transportation Update**

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Take Notice that the Council of the Regional Municipality of Niagara passed By-law Number 2019-77 "A By-law to Provide for the Adoption of Amendment 13 to the Official Plan for the Niagara Planning Area to Update the Transportation Policies and Mapping" on October 17, 2019.

**PURPOSE AND EFFECT**

The purpose and effect of the By-law is to make changes to the Regional Official Plan in accordance with Section 26 of the *Planning Act, 1990*.

Specifically, ROPA 13 seeks to support the goals, vision, and recommendations identified in the Niagara Region Transportation Master Plan, and to ensure conformity with Provincial planning policy, including the 2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe. The amendment introduces new transportation policies that replaces the current policies within Chapter 9 of the Regional Official Plan, as well as updates the Plan's other related transportation policies, schedules and definitions.

A public Open House to provide information on ROPA 13 was held on November 8, 2017, followed by a statutory public meeting on June 6, 2018. A comprehensive comment and response matrix, as well as a summary of the revisions made to the final draft of the amendment, is included in the final Recommendation Report (Report No. PDS 36-2019). All comments received at the public meeting and through the prescribed circulation were considered as part of the planning review.

**APPROVAL AUTHORITY**

As outlined in subsection 17(1) of the *Planning Act, 1990*, the Minister of Municipal Affairs and Housing is the approval authority for amendments processed as a conformity exercise under subsection 26(1) of the Act. As such, ROPA 13, as adopted, will be submitted to the Minister for a decision as required by subsection 17(31) of the *Planning Act, 1990*.

Any person or public body is entitled to receive notice of the decision from the approval authority if a written request be notified of the decision (including the person or public body's address, fax number or email address) is made to the approval authority:

Ministry of Municipal Affairs and Housing  
Central Municipal Services Office  
c/o Lorelea Tulloch  
College Park 13<sup>th</sup> Floor  
777 Bay Street  
Toronto, Ontario M5G 2E5

The Ministry will give written notice of its decision to those persons or public bodies that submitted a request to be notified of the decision.

Take Notice that as of April 3, 2018, through the *Building Better Communities and Conserving Watersheds Act, 2017*, no appeals can be made with respect to a decision on a new Official Plan or Official Plan Amendment brought forward under Section 26 of the *Planning Act, 1990*.

**ADDITIONAL INFORMATION**

Additional information, including a copy of ROPA 13, and Regional Council's decision is available to the public for inspection in the offices of the Planning and Development Services Department at the Regional Municipality of Niagara Administration Building, 1815 Sir Isaac Brock Way, Thorold from 8:30 a.m. to 4:30 p.m. (Telephone: (905) 980-6000 or 1-800-263-7215) or online at [www.niagararegion.ca/ropa13](http://www.niagararegion.ca/ropa13). Alternatively, please contact Alexandria Tikky, Planner, Long-Range Planning, at 905-980-6000 ext. 3593 for further information.

**Date Mailed: October 29, 2019**

**Cannabis Control Committee  
Town of Pelham**

**Minutes of Meeting  
Wednesday, August 21, 2019 - 5:00 p.m.  
Town Hall, Council Chambers - 20 Pelham Town Square, Fonthill**

**PRESENT:** Mike Ciolfi, Councillor - Town of Pelham  
Tim Nohara (**Chair**)  
Carla Baxter  
Jim Steele  
Bill Heska  
Jim Jeffs  
Barbara Wiens, Director, Community Planning & Development - Town of Pelham  
Shannon Larocque, Senior Planner, Community Planning & Development-Town of Pelham  
Jodi Legros, Administrative Assistant, Community Planning & Development-Town of Pelham  
(**Secretary**)

**REGRETS:** Louis Damm, John Langendoen & David Cribbs

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**1. Declaration of Quorum**

Chair declared quorum at 5:08 pm.

**2. Approve Agenda**

Moved by C. Baxter, seconded by J. Steele that the agenda of August 21 be approved, as amended.

Carried.

**3. Approve Minutes of August 7 and August 14, 2019**

Moved by C. Baxter, seconded by J. Steele that the minutes of August 7 and August 14 be deferred to the next meeting date of August 28, 2019.

Carried.

**4. Due to discussion relating to the public meeting, the Agenda Items (i.e. the drafts of the staff-proposed Fence By-law, Fortification By-law, Nuisance By-law, Zoning By-law amendment and Official Plan amendment) were not discussed at this meeting.**

J. Jeffs noted that getting the collection of above documents the day before the meeting isn't helpful for review. S. Laroque indicated that we can simply receive the documents as information and review subsequently. In this case, these documents were fresh off the press.

T. Nohara inquired from Nancy Bozzato, Clerk if there was a policy concerning the release of the Committee's working documents to others outside of the Committee, since our meetings are public and these documents are discussed at our meetings. N. Bozzato confirmed if there was an issue relating to same it could be referred to her and noted that the Committee's work has not been endorsed by Council and are considered Town records. She noted that working documents do not need to be disclosed.

Discussion took place relating to the release of draft documents for the public meeting scheduled for September 10<sup>th</sup> at 5:30 pm. B. Wiens confirmed the time of the meeting is set by council following the procedural by-law. The purpose of the meeting is to allow the public to have input. The documents are watermarked as draft and are not final. B. Wiens confirmed that no recommendation will be put forward by staff on the draft documents at the September 10<sup>th</sup> public meeting. The draft documents can be amended after the meeting. The draft documents were also circulated to the agencies for feedback and input. The cannabis producers were also notified of the public meeting.

J. Jeffs expressed concern over the time of the public meeting at 5:30 pm, which would make it very difficult to get people out. M. Ciolfi asked if the time could be changed. N. Bozzato confirmed at this stage, due to notice requirements, it could not. N. Bozzato confirmed the start time was in keeping with the Council's procedural bylaw.

T. Nohara and other committee members voiced their frustrations to B. Wiens and S. Larocque with the release of draft by-laws to the public and staff's positioning that they may bring a revised regulatory package to Council for a vote on September 23<sup>rd</sup> without the Cannabis Control Committee on board. B. Heska noted that in the public announcement and materials prepared by staff, the Committee isn't even acknowledged in any way. B. Wiens confirmed that council directed the public meeting be held and staff are following Council direction. Further, the draft Zoning By-Law Amendment and draft Official Plan Amendment must be made available.

T. Nohara inquired if staff will be recommending to not extend the interim control by-law at the September 23<sup>rd</sup> Council meeting. B. Wiens indicated that staff have not taken a position and are waiting for the input received from the public and agencies before being able to determine what a recommendation may be. B. Wiens confirmed that the only date that staff currently have and that they are working towards is the expiration of the interim control by-law in October and that is why draft by-laws were prepared. Staff are following Council's direction.

B. Wiens and S. Larocque both confirmed that the Town will note at the public meeting that the draft documents are provided by the Town and not by the Committee. T. Nohara noted that Committee members may also speak at the public meeting. He noted that the Committee has much more work to be completed before any decisions should be made by Council.

T. Nohara noted that the Committee will be making its own presentation to Council for the September 23<sup>rd</sup> meeting.

A lively discussion took place among Committee members regarding staff's proposed 150m setback. M. Ciolfi indicated he has been getting a lot of complaints with people unhappy about the 150m. B. Wiens and S. Larocque indicated that they have not been receiving any communications.

T. Nohara shared with the Committee the mapping of residential properties within 150m and 300m of the CannTrust and RedeCan sites on Balfour Street and Foss Road generated by staff. He pointed out that 150m doesn't meet the sniff test. For example, if Redecan applied to locate on the same property, the 150m wouldn't prevent it, notwithstanding the vast number of complaints and adverse impacts it is having. J. Steele and others indicated that they fully agreed.

B. Wiens and S. Larocque advised that the draft by-laws are tools to better manage cannabis operations. M. Ciolfi requested that the next two committee meetings focus on the documents and what will be presented at the public meeting.

5. **Motion by T. Nohara**

T. Nohara presented a motion that he drafted for the Committee's consideration. The Committee discussed several amendments to the motion which are included in the text below.

*Whereas the Cannabis Control Committee (CCC) has been tirelessly carrying out its work to develop and recommend a suite of control measures to mitigate the adverse impact of cannabis production facilities (CPFs) on residents, based on good planning justification; and Whereas the CCC, on 15 July 2019, sought a one-year extension to the Interim Control By-Law (ICBL) from Council to afford the CCC the time to get the job done right; and*

*Whereas, upon advice of the Town to avoid the appearance of acting in bad faith, Council deferred approving the one-year extension until 23 September 2019; and*

*Whereas in the meantime, the Town would endeavour to hold a Public Meeting to present a few initial control measures to the community and solicit feedback from residents; and*

*Whereas the Town has set 10 September 2019 for the Public Meeting, and has been drafting resolutions associated with a few new by-laws and amendments to our existing Zoning By-law and Official Plan; and*

*Whereas the CCC has been working in good faith with the Town to provide feedback to the Town on its initial set of proposed measures, and has raised serious concerns to the Town about some of those measures, including setbacks and zoning for new CPFs, which require much more work and time on the part of the CCC and staff to get them right so they actually work as desired, and which directly impact amendments to the Zoning By-Law and Official Plan; and*

*Whereas the CCC believes that it is reckless and can result in legal consequences for the Town if Council hurriedly adopt specified values for measures including minimum setbacks (e.g. 150 m) and the zones/areas in the Town where new CPFs will be authorized to locate in order to meet the ICBL deadline in October 2019, when our work has already shown that there is a likelihood that such measures will have to be made more stringent thereafter following completion of the CCC's work, in order to mitigate the known adverse impacts; and*

*Whereas, the CCC believes that it is likely that the Town will present a complete set of cannabis regulations to Council on 23 September 2019 and may further recommend against extending the ICBL; and*

*Whereas the CCC believes that it may strongly disagree with some provisions proposed by the Town and may wish to recommend alternative or additional measures that Council should have the CCC develop which would require an extension to the ICBL;*

Now therefore, the CCC resolves that:

1. *It can not and does not support the collection of amendments and new by-laws that staff are proposing to present at the Public Meeting on September 10, 2019, as published on the Town web-site as of this date;*
2. *It urges staff not to specify any minimum threshold for parameters such as setbacks and not to specify the zones where new CPFs will be authorized to locate in the Town as recommendations to Council before the work of the CCC is complete.*

Moved by C. Baxter, seconded by J. Steele that the motion as presented by T. Nohara, as amended above, be approved and forwarded to Council.

6. **Next meeting:** August 28, 2019 at 5:00 pm – Fire Station 1, 177 Highway 20 W.

7. **Items for Discussion at Next Meeting**

Draft By-laws to be reviewed at the next meeting.

8. **Adjournment:**

Moved by C. Baxter, seconded by J. Jeffs that the meeting be adjourned.

The meeting adjourned at approximately 7:17 p.m.

Carried.

Signed by:

*Tim Nohara*  
\_\_\_\_\_  
Edited by: Tim Nohara (Chair)

*J. Legros*  
\_\_\_\_\_  
Prepared by: Jodi Legros, Administrative Assistant  
Community Planning & Development-Town of Pelham

Cannabis Control Committee  
Town of Pelham

**Minutes of Meeting**  
**Wednesday, August 28, 2019 - 5:00 p.m.**  
**Fire Station #1 - 177 Highway 20 W, Fonthill**

**PRESENT:** Mike Ciolfi, Councillor - Town of Pelham  
Tim Nohara (**Chair**)  
Carla Baxter  
Jim Jeffs  
Jim Steele  
Bill Heska  
David Cribbs, CAO - Town of Pelham  
Barbara Wiens, Director, Community Planning & Development - Town of Pelham  
Shannon Larocque, Senior Planner, Community Planning & Development-Town of Pelham  
Jodi Legros, Administrative Assistant, Community Planning & Development-Town of Pelham  
(**Secretary**)

**OTHER:** 6 attendees including members of public, including representatives from Niagara North Federation of Agriculture, Niagara South Federation of Agriculture and Ontario Federation of Agriculture

**REGRETS:** John Langendoen & Louis Damm

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1. **Declaration of Quorum**

Chair declared quorum at 5:08 p.m.

T. Nohara hand delivered to J. Legros signed minutes for July 10, 24, and 31, 2019.

2. **Approve Agenda**

Members were in agreement to the agenda of August 28.

Carried.

3. **Approve Minutes of August 7, 2019**

Revisions to the draft minutes were provided by T. Nohara.

Moved by J. Steele, seconded by B. Heska that the minutes of August 7 be approved, as amended.

Carried.

**Approve Minutes of August 14, 2019**

Moved by C. Baxter, seconded by J. Jeffs that the minutes of August 14 be approved as amended, with the correction to the apostrophe in paragraph 4 in Jim Jeff's name.

Carried.

## Approve Minutes of August 21, 2019

Moved by C. Baxter, seconded by J. Steele that the approval of the August 21st minutes be deferred to the next meeting date.

Carried.

### 4. David Cribbs

D. Cribbs noted the open letter to the community submitted to The Voice by T. Nohara, indicated that it was well thought out and respectful, encouraging the community to attend and speak up; and he agreed with its content. He thinks that it is extremely likely that there will be two different recommendations to council, one from staff and one from the Committee. He noted staff must work within planning parameters and will provide their recommendations however separate recommendations will be provided by the committee. He acknowledges that the committee has a mandate and that the committee is fulfilling it. D. Cribbs further noted that extension of the interim control by-law may be reasonable however he felt a one year extension would not be.

T. Nohara asked D. Cribbs if the interim control bylaw could be extended twice. D. Cribbs said no. T. Nohara asked if an interim control by-law could be rescinded. D. Cribbs said it was not self evident to him at this time.

D. Cribbs discussed his recent attendance at the Association of Municipalities of Ontario (AMO) Conference. He was given the opportunity to meet with the Deputy Minister of the Ministry of Agriculture, Food and Rural Affairs to discuss minimum distance setbacks. The Ministry has not yet had to establish guidelines/formula for a crop or cannabis. D. Cribbs also attended an MPAC session as they are working on valuations for cannabis production facilities. Once reclassified, the Town would take be able to claw back two years of taxes for such facilities.

B. Heska noted the summary of D. Cribb's meetings at AMO that were printed in The Voice omitted any discussion of cannabis. He also noted that wording in the Town's public meeting notice in The Voice differs in some respects from wording on the Town's website and that is confusing for residents.

M. Ciolfi noted that we need to respect everyone at this table so we can work together. He challenged staff that he did not want to see them bring to Council a 150m setback when the committee was calling for more, and it was clear that more is allowable.

### 5. Cannabis Control Committee Working Session

J. Jeffs reviewed information he put together based on discussions with and review of other municipalities specifically relating to minimum distance setbacks. He highlighted different approaches by municipalities. The Norfolk County Town planner stated:

- No guidelines exist for minimum separation distances for cannabis production, so they used comparators.
- He said that they took the average of the Minister of Agriculture's Minimum Separation Distance of 325 metres for egg, chicken and cattle farms and the Ministry of Environment's separation distance for industry of 300 metres, under D-6 Class II.
- They assessed odour at 300 metres from the average size cannabis production facility and the odour was not overwhelming. (not scientific)
- There was no consideration for temperature, humidity or wind speed.

- The 150 metre value was simply, quote, "pulled out of the hat".

B. Wiens and D. Cribbs reminded that 300m or larger would be prohibitive in Pelham and that setbacks need to consider the context of the Town. T. Nohara commented that it can prohibit provided the Town has good planning justification.

B. Wiens provided two maps to the Committee members highlighting separation distances of 150m from sensitive receptors and 300m in order to inform discussions. B. Wiens noted that in the blue areas, you can not have any development because they are Greenbelt and Natural Heritage and regulated areas. B. Wiens explained that we can't go with a 300m setback because there would be no room for cannabis. M. Ciolfi noted there is still some room for cannabis. D. Cribbs said that's why the 1,000m that J. Jeffs was advocating was impossible. T. Nohara noted the Committee's frustration that it has been telling staff they need to be more surgical, but they are not respective. They want a broad brush approach which causes this problem. T. Nohara asked why can't we have 1,000 m from dense population areas. And why not 300 m in Greenbelt and agricultural areas. And we can have less in Industrial or require cannabis in buildings; not in greenhouses and not outdoor. Staff noted that they added 150m as minimum plus what odour control dictates. D. Cribbs said that could be much larger.

T. Nohara commented that the Committee's mandate is not to find solutions for cannabis but to address adverse impacts faced by residents; and he suggests the map clarifies why all growing must remain indoors, due to the density of sensitive receptors through the agricultural area as the maps clearly show.

T. Nohara expressed concern on how staff will mitigate odour issues once a facility is built. How will staff enforce their proposed regulations. He noted staff are simply asking for a study that would be done as part of the permit process. After the permit is granted, the applicant builds and plants. Only then do you have the problem, like we do now with CannTrust and Redecan. We have already learned that with our present tools, there was no way to pinpoint the source and confirm the odour. We can only do this with proper ongoing monitoring. The Committee has proposed ongoing monitoring but to date staff have not endorsed this tool.

Motion approved by C. Baxter and J. Steele to receive information – Sensitive Receptors Mapping provided by B. Wiens.

Discussion continued around the maps. M. Ciolfi noted that at least 300 m setbacks should come before Council. The discussion indicated that we still have room for cannabis at 300m, and that this is clearly just good planning. D. Cribbs expressed some agreement. T. Nohara noted that requiring 1000m away from the subdivisions would still leave effectively the same picture. i.e. there is still land that could serve additional future cannabis producers.

T. Nohara reminded the Committee that there are still other adverse impacts being researched by the Committee including agricultural conflicts that John and Louis are investigating.

T. Nohara also brought up another issue for awareness. Hydro has been a concern to neighbouring properties of at least one of the cannabis facilities in Town. He was contacted directly by Hydro to access his lands for an easement to upgrade hydro infrastructure. He noted his company suffered tens of thousands of dollars in IT infrastructure damage when it received 'dirty power' from Hydro over a three day period recently. Discussions with neighbouring businesses indicated a similar experience. Electricians have indicted they believe the problem was triggered by power demands of the neighbouring cannabis facility. This is speculation at this point, but may be another adverse impact. Had a public meeting been held, T. Nohara indicated his engineers

would have questioned the cannabis producer applicant and Hydro One and would have obtained assurances to mitigate any potential adverse impacts on power. The Town has had power problems prior to the arrival of cannabis. Cannabis only makes matters more challenging because they consume large amounts of power.

6. **Overview of Proposed Regulatory By-laws**

**Draft Fence By-law** – T. Nohara asked if a tracked changes version is available from the current fence by-law. B. Wiens indicated a tracked changes version is not available. D. Cribbs noted that Paragraphs 11 and 12 (Barbed Wire & Razor Wire and Electrified Fences) are the only sections that would be relevant to cannabis facilities. J. Jeffs noted a typo in paragraph 13.1.

**Draft Fortification By-law** - B. Wiens advised that the Town does not currently have a fortification by-law in place. T. Nohara has inquired how this by-law would help the Committee and noted that the Committee does not have expertise in this area. D. Cribbs commented that fortification by-law is protect against excessive fortification of land to assist emergency response personnel; and that these types of by-laws are common for municipalities. D. Cribbs further noted that there is nothing specifically for cannabis producers here.

7. **Next meeting:** September 4, 2019 at 5:00 pm - Fire Station #1.

8. **Items for Discussion at Next Meeting**

Continuation of by-law review and zoning / official plan amendments.

9. **Adjournment:**

Moved by C. Baxter, seconded by J. Steele that the meeting be adjourned.

The meeting adjourned at approximately 7:06 p.m.

Carried.

Signed by:

*Eclited*   
by: Tim Nohara (Chair)

  
Prepared by: Jodi Legros, Administrative Assistant  
Community Planning & Development-Town of Pelham

**Cannabis Control Committee  
Town of Pelham**

**Minutes of Meeting  
Wednesday, September 4, 2019 – 5:00 p.m.  
Fire Station #1 – 177 Highway 20 W, Fonthill**

- Present:** Mike Ciolfi, Councillor – Town of Pelham  
Tim Nohara **(Chair)**  
Jim Jeffs  
Louie Damm  
John Langendoen  
Jim Steele  
Bill Heska  
Carla Baxter  
David Cribbs, CAO – Town of Pelham  
Barbara Wiens, Director, Community Planning & Development – Town of Pelham  
Shannon Larocque, Senior Planner, Community Planning & Development – Town of Pelham  
Jodi Legros, Administrative Assistant, Community Planning & Development – Town of Pelham **(Secretary)**
- Other:** 1 public attendee, and  
Mayor Marvin Junkin
- 

**1. Declaration of Quorum**

Chair declared quorum at 5:09 p.m.

**2. Approve Agenda**

Moved by C. Baxter, seconded by J. Langendoen that the agenda of September 4, 2019 be approved, as amended.

Carried.

**3. Comments by Councillor M. Ciolfi**

Councillor Ciolfi commented that the Committee focus on the Terms of Reference and that mitigation of issues, i.e. odour and light were the issues heard during the election campaign last year. M. Ciolfi suggested that an extension of the Interim Control By-Law is needed and the work of the Committee is not complete.

**4. Approve Minutes of August 21 and August 28, 2019**

T. Nohara delivered to J. Legros signed minutes for June 19, 2019 and undertook to e-mail her electronic marked-up copy as approved on 26 June 2019.

Moved by J. Langendoen, seconded by L. Damm that the minutes of August 21 and 28, 2019 be deferred to the next meeting date.

Carried.

## 5. Cannabis Control Committee Working Session

T. Nohara provided a chart he prepared in discussion with committee members in relation on how 'town staff and the Cannabis Control Committee (CCC) differ significantly on approach'. This overview highlighted the current regulations, staff proposed regulations and CCC proposed regulations on the following items:

- What is currently permitted for cannabis productions facilities & notifications to residents;
- Where are cannabis productions facilities permitted;
- Setbacks;
- Odour & Light Mitigation and Enforcement;
- Proof for enforcement and transparency; and
- Mitigation of other adverse impacts.

The following edits to the chart were proposed:

- For Odour & Light Mitigation and Enforcement: (i) add to Present Regulations "Since May 2019 Site Plan Control can require odour and light mitigation on new greenhouses." and (ii) add to Staff-Proposed Regulations "and odour monitoring" to the end of the first bullet
- For Mitigation of other adverse impacts, (iii) add "biological" after the word "environmental" in the second bullet of the CCC-Proposed Regulations.

S. Larocque also informed the Committee that the proposed 1000m setback from the Niagara Escarpment Plan Area may be an issue as the Niagara Escarpment Commission recognizes that cannabis production is an agricultural use and agricultural uses are permitted in the NE Plan Area in Niagara Escarpment Rural area.

Motion by J. Steele and B. Heska to approve the chart , as edited – 'Town staff and the Cannabis Control Committee (CCC) differ significantly on approach' as the position of the Committee.

Carried.

T. Nohara advised that the committee is not ready to take items off the table and the committee feels they have a lot of work to accomplish and will require an extension of the interim control by-law.

The committee advised the odour issue needs to be first priority. L. Damm suggested that different types of cannabis production facilities should be referenced in the zoning by-law rather than greenhouses to avoid grouping them together with other agricultural commodities. J. Jeffs informed the Committee that during a tour of a cannabis production facility he was informed that they stopped using a masking agent as it was destroying plastic and M. Ciolfi also noted it was corroding fixtures around fans.

T. Nohara continued discussion this week regarding power issues. S. Larocque confirmed that NPEI and Hydro One would now have input on cannabis production facilities as part of the site plan control review and approval process. D. Cribbs also informed the Committee that there cannot be separate rules for cannabis facilities and the focus should be on nuisances such as odour and light. J. Langendoen noted fruit and vegetable growers have concerns over impacts on crops, in Lincoln greenhouse growers have concerns as there could be impacts on them and the Vineland Research Station is setting up a cannabis research facility. L. Damm expressed concern over issues related to environmental and ecological matters.

T. Nohara suggested an extension of one year to the interim control by-law and for Council to repeal the by-law once the work is completed. T. Nohara also expressed concern with the enforcement of by-laws.

With regards to a potential extension to the interim control by-law, D. Cribbs suggested that the Committee focus on realistic monthly timelines and that a workplan be presented to Council and also noted that perhaps the Committee may want to review a gypsy moth report submitted to Council that provides for six reasonable options.

**6. Next Meeting:** September 18, 2019 at 5:00 pm – Kinsmen Room, Meridian Community Centre

**7. Adjournment**

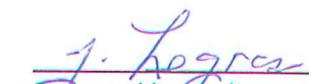
Moved by J. Jeffs, seconded by J. Steele that the meeting be adjourned.

The meeting adjourned at approximately 7:19 p.m.

Carried.

Signed by:

Edited by:   
\_\_\_\_\_  
Tim Nohara (Chair)

  
\_\_\_\_\_  
Prepared by: Jodi Legros, Administrative Assistant  
Community Planning & Development-Town of Pelham

**Meeting #:** 07/2019  
**Date:** Tuesday, July 9, 2019  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** Donald Cook  
Sandra Marsh  
Bill Sheldon

**Members Absent** John Klassen  
Bernie Law

**Staff Present** Holly Willford  
Sarah Leach

**Others Present** Applicants, agents and interested parties

**1. Attendance**

Applicants, agents and interested parties

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

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

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

None.

**4. Requests for Withdrawal or Adjournment**

Holly Willford, Assistant Secretary-Treasurer of the Committee of Adjustment, advised the Committee that the applicant for items A18/2019P and A19/2019P have requested to have their matter adjourned to allow the applicant time to work with the Niagara Region to seek their approval of the private sewage and drainage system.

The Committee determined the applications would be adjourned, sine die.

The Agent for the Applicant requested the rescheduling fees for application A19/2019P be waived. The Agent indicated the plan had been revised and recirculated appropriately, however the applicant is unsure if the Region provided comments on the correct drawing. Through discussion the Committee determined the rescheduling fee for A19/2019P would be waived.

**Moved By Bill Sheldon**  
**Seconded By Sandra Marsh**

**THAT application A18/2019P - 241 Farr Street and A19/2019P - 237 Farr Street be adjourned, sine die.**

**Carried**

**Moved By Sandra Marsh**  
**Seconded By Bill Sheldon**

**THAT the rescheduling fee be waived for application A19/2019P – 237 Farr Street**

**Carried**

**5. Applications for Minor Variance**

**5.1 A18/2019P - 241 Farr Street - Lot '2'**

Application was adjourned, sine die.

**5.2 A19/2019P - 237 Farr Street Lot '3'**

Application was adjourned, sine die.

**6. Applications for Consent**

None.

**7. Minutes for Approval**

**Moved By Sandra Marsh**  
**Seconded By Bill Sheldon**

**That the minutes of the May 8, 2019, Committee of Adjustment Hearing be approved.**

**Carried**

**8. Adjournment**

**Moved By Bill Sheldon**

**Seconded By Sandra Marsh**

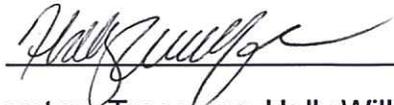
**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for August 13, 2019 at 4:00 pm.**

**Carried**



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Don Cook, Chair



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Assistant Secretary-Treasurer, Holly Willford



**Meeting #:** 09/2019  
**Date:** Tuesday, September 10, 2019  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** Donald Cook  
Bernie Law  
Bill Sheldon  
Sandra Marsh

**Members Absent** John Klassen

**Staff Present** Holly Willford

**Others Present** Applicants, Agents and other interested members of the public

**1. Attendance**

Applicants, Agents and Interested Parties

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

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

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

Bill Sheldon declared a conflict with regard to application A22/2019P as he is an adjacent neighbor.

**4. Requests for Withdrawal or Adjournment**

Chair Sheldon vacated Council Chambers and Member Cook took the place of Chair.

Holly Willford, Assistant Secretary-Treasurer of the Committee of Adjustment, advised the Committee that the applicant for items A22/2019P have requested to have their matter adjourned to allow the applicant time to work with the neighbor whom objected to the application to hopefully come to a resolution.

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**THAT application A22/2019 be adjourned sine die**

**Carried**

**5. Applications for Minor Variance**

**5.1 A22/2019P - 250 Canboro Road**

Application was adjourned, sine die.

**5.2 A23/2019P - 405 Canboro Road**

Member Sheldon returned to his seat as Chair.

**Purpose of Application**

Application for relief, pursuant to Section 7.7 (a) "Maximum Lot Coverage (Accessory)" to permit a maximum lot coverage of an accessory building of 4% whereas the by-law permits 1% to allow the construction of a pool cabana.

**Representation**

The Applicant was present.

**Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning & Development Services

**Applicant's Comments**

The Applicant had no comments.

**Public Comments**

There were no comments made by the public.

## **Members Comments**

There were no comments made by the members.

**Moved By** Sandra Marsh

**Seconded By** Bernie Law

**Application is made for relief of Section 7.7 (a) "Maximum Lot Coverage (Accessory)" to permit a maximum lot coverage of an accessory building of 4% whereas the by-law permits 1% to allow the construction of a pool cabana, is hereby: GRANTED.**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land offer an enhanced rear yard amenity area and allow more flexibility in terms of property usage.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decision is subject to the following conditions:**

- 1. That all necessary building permits are required prior to construction commencing to the satisfaction of the Chief Building Official and shall not be approved for any living accommodations or plumbing within the accessory building.**

**Carried**

**6. Applications for Consent**

None.

**7. Minutes for Approval**

None.

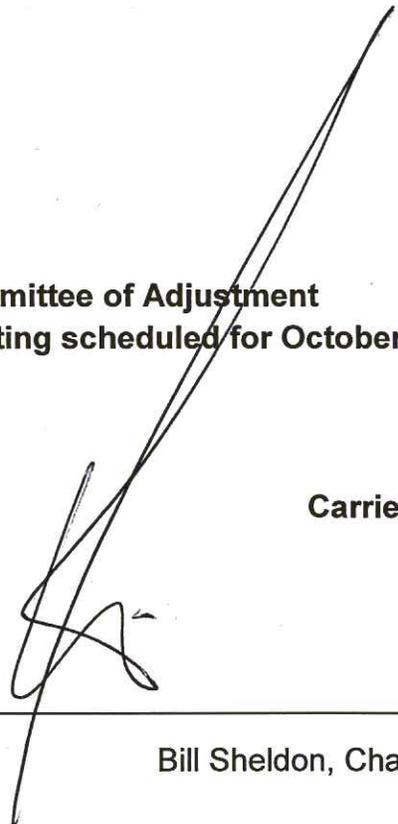
**8. Adjournment**

**Moved By** Sandra Marsh

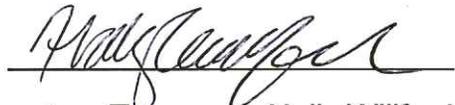
**Seconded By** Bernie Law

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for October 1, 2019 at 4:00 pm.**

**Carried**

A large, stylized handwritten signature in black ink, slanted upwards from left to right, crossing over itself multiple times. It appears to be the signature of Bill Sheldon.

Bill Sheldon, Chair

A handwritten signature in black ink, slanted upwards from left to right, appearing to be the signature of Holly Willford.

Assistant Secretary-Treasurer, Holly Willford



**Meeting #:** 10/2019  
**Date:** Tuesday, October 1, 2019  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** Donald Cook  
John Klassen  
Bernie Law

**Staff Present** Nancy Bozzato  
Holly Willford

**Others Present** Authorized Agent and interested citizens

**1. Attendance**

Authorized Agent and Interest Citizens

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

Noting that a quorum was present, Chair Cook called the meeting to order at approximately 4:04 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

None.

**4. Requests for Withdrawal or Adjournment**

None.

**5. Applications for Minor Variance**

None.

**6. Applications for Consent**

## **6.1 B8/2019P - 82, 84, 90 Canboro Road**

### **Purpose of Application**

Application is made for consent to partial discharge of mortgage, to mortgage or charge and to convey 0.172 hectare (Part 1) for continued use of the dwellings known municipally as 82 and 84 Canboro Road. 0.200 hectare of land (Part 2) is to be retained for continued use of the dwelling known as 90 Canboro Road.

### **Representation**

The Agent was present.

### **Correspondence Received**

1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Frank Tauss and Edda Tauss

### **Applicant's Comments**

The Agent indicated he and his client agree with the Town's Planning Report and have no objection to the requested conditions. The Agent indicated the applicant is planning to sell the severed parcel.

### **Public Comments**

Ruth Clarke requested clarification as to which parcel would be sold. In response, Chair Cook and the Agent indicated Part 1 on the sketch, known as 82 and 84 Canboro Road would be the parcel for sale.

Vera Morrison asked if the municipal address would change, as there are currently two numerical addresses on the property. In response, Mr. Curtis Thompson, Planner for the Town of Pelham indicated there would be no municipal address change unless one of the buildings was demolished or the driveway changed. Mr. Thompson further advised multiples municipal addresses on a parcel of land is not uncommon.

Cindy Pitt asked if 90 Canboro Road is protected as a historical house. In response, Mr. Thompson indicated 90 Canboro Road is not currently designated as a historical house under the *Ontario Heritage Act*.

Gary Tracey requested clarification as to where parking for the current tenants would occur after the severance. In response, the Agent indicated the parcel would still be large enough to accommodate parking and the parking would likely remain in the same place.

### **Members Comments**

Member Klassen asked if new development was to occur on the property, would the neighbors receive further notice. In response Mr. Thompson indicated, depending on the planning application, yes the neighbors would receive notice of further development. He did state, although the owners could go through a site plan application, which is not a public meeting, this would have to be approved by Council, which is a public process.

**Moved By John Klassen**

**Seconded By Bernie Law**

**Application is made to seek consent to partial discharge of mortgage, to mortgage or charge and to convey 0.172 hectare (Part 1) for continued use of the dwellings known municipally as 82 and 84 Canboro Road. 0.200 hectare of land (Part 2) is to be retained for continued use of the dwelling known as 90 Canboro Road, is hereby: GRANTED**

**This decision is based on the following reasons:**

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**
- 4. As stated in the application, there is no new development proposed through this application.**

The above decision is subject to the following conditions:

**To the Satisfaction of the Director of Public Works**

1. Ensure both lots are serviced with individual 20mmØ water services and 125mmØ sanitary sewer laterals in accordance with Town standards. Installation of any missing services will require Temporary Works Permit(s) to be obtained and approved by the Public Works Department at the applicant's expense and to the satisfaction of the Director of Public Works. Locate cards must also accompany the installation of any new services.
2. Submit a drawing indicating the location of individual water services and sanitary laterals to both lots confirming no existing water or sanitary laterals cross the proposed lot line servicing another parcel of private property.

**To the Satisfaction of the Secretary-Treasurer**

3. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
4. That the final certification fee of \$387, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Carried

**7. Minutes for Approval**

**Moved By** John Klassen  
**Seconded By** Bernie Law

**That the minutes of the June 5, 2019, Committee of Adjustment Hearing be approved.**

Carried

8. **Adjournment**

**Moved By** Bernie Law

**Seconded By** John Klassen

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for November 5th, 2019 at 4:00 pm.**

**Carried**



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Don Cook, Chair



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Secretary-Treasurer, Nancy J. Bozzato

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THE CORPORATION OF THE  
TOWN OF PELHAM

BY-LAW NO. 4174 (2019)

**Being a by-law to appoint Andrew McMurtrie as a Building Inspector for the Corporation of the Town of Pelham.**

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**WHEREAS**, authority is granted pursuant to Section 3(2) of the Building Code Act, S.O. 1992, c.23, as amended, to municipal councils to appoint such inspectors as are necessary for the enforcement of the Building Code Act in the areas in which the municipality has jurisdictions;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) That Andrew McMurtrie is hereby appointed as a Building Inspector for the Corporation of the Town of Pelham;
- (2) That the Building Inspector shall be responsible for the enforcement of the Building Code Act. S.O. 1992, c.23 as amended, and the regulations thereunder;
- (3) That this by-law shall come into force and take effect on November 19, 2019.

ENACTED, SIGNED AND SEALED THIS

18<sup>th</sup> DAY OF NOVEMBER, 2019 A.D.

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MAYOR MARVIN JUNKIN

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CLERK NANCY J. BOZZATO

THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW #4175(2019)

**Being a by-law to adopt, ratify and confirm the actions of  
the Council at its regular meeting held on the 18th day of  
November 2019.**

WHEREAS Section 5 (3) of the Municipal Act, S.O. 2001, Chapter M.25, as amended, provides that, except if 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 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 18th day of November, 2019, 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) THAT this by-law shall come into force on the day upon which it is passed.

READ, ENACTED, SIGNED AND SEALED  
THIS 18th DAY OF NOVEMBER, 2019 A.D.

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MAYOR MARVIN JUNKIN

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TOWN CLERK, NANCY J. BOZZATO