

REGULAR COUNCIL REVISED AGENDA

C-01/2021 - Regular Council

Monday, January 11, 2021

5:30 PM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

During the ongoing global pandemic, Novel Coronavirus COVID-19, the Town of Pelham Council will continue to convene meetings in compliance with Provincial directives. Attendance by most Members of Council will be electronic. Public access to meetings will be provided via Livestream

www.youtube.com/townofpelham/live and subsequent publication to the Town's website at www.pelham.ca.

Pages

1. Call to Order and Declaration of Quorum
2. Approval of Agenda
3. Disclosure of Pecuniary Interests and General Nature Thereof
4. Hearing of Presentation, Delegations, Regional Report
 - 4.1. Presentations
 - 4.1.1. COVID-19 Update - Community Emergency Management Co-Ordinator
B. Lymburner
 - 4.1.2. COVID-19 Update - Chief Administrative Officer
D. Cribbs

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2. By-law 4307(2021) - Delegation of Authority - Being a by-law to delegate certain powers and duties under the *Municipal Act, 2001*, S.O. 2001, c. 25, and other Acts as contained in the Schedules hereto.

3. By-law 4308(2021) - Being a by-law to authorize the execution of a Site Plan Agreement for the lands located at 1768 – 1770 Balfour Street. Wierenga Greenhouses Limited. File No. SP-09-2020

14. Motions and Notices of Motion

14.1. Motion: Niagara Central Dorothy Rungeling Airport Commission Funding

Moved by Councillor Olson

Seconded by Councillor Wink

WHEREAS the funding request from the Niagara Central Dorothy Rungeling Airport Commission (NCDRAC) for the year 2021 remains the same as the 2020 request, in the amount of \$154,770;

AND WHEREAS the 2021 funding request contains a Depreciation amount of \$80,000;

AND WHEREAS Depreciation is a non-cash expense item;

AND WHEREAS the removal of Depreciation from the 2021 NCDRAC funding request would not create operational or financial difficulties for the Airport Commission;

NOW THEREFORE BE IT RESOLVED THAT Pelham Town Council approves the Niagara Central Dorothy Rungeling Airport Commission funding request in the amount of \$74,770, such amount being \$154,770 minus Depreciation of \$80,000, resulting in the Town of Pelham Municipal Contribution in the amount of \$13,459.

14.2. Motion: Town of Pelham Trail System

Moved by Councillor Wink

Seconded by Councillor Hildebrandt

WHEREAS the Provincial Government launched the Ontario Trails Strategy that is a long term plan that establishes strategic direction for planning, managing, promoting and using trails in Ontario;

AND WHEREAS trails play an important role in building a healthier, more prosperous, Ontario;

AND WHEREAS section 1.5.1 of the Provincial Statement 2020 states: "Healthy, active communities should be promoted by: a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity; b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources; c) providing opportunities for public access to shorelines; and d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas";

AND WHEREAS good trails play a vital role in our well-being by supporting an active lifestyle that improves health, trails attract tourists to our community, trails build strong communities that strengthen our social fabric, and trails conserve and appreciate the environment;

AND WHEREAS the Steve Bauer Trail has been in existence for over 20 years and is public property owned by the Town of Pelham;

AND WHEREAS the Gerry Berkhout Trail has been in existence for over 2 years and is public property owned by the Town of Pelham;

AND WHEREAS these trails provide safe areas to increase trail use by all community residents including children, youth, seniors and persons with a disability;

AND WHEREAS the ongoing COVID-19 pandemic has increased the demand for safe, accessible trails to the point that the trails are one of the most utilized public spaces in Pelham;

AND WHEREAS our Town's ecosystems and natural features need to be preserved;


NOW THEREFORE BE IT RESOLVED that no new road crossings

over the Steve Bauer Trail or the Gerry Berkhout Trail shall be permitted by the Town;

AND FURTHER BE IT RESOLVED THAT the Town shall not dedicate any portion of the Steve Bauer Trail or the Gerry Berkhout Trail as a public highway;

AND FURTHER BE IT RESOLVED THAT the Pelham Town Council endorses the preservation of the Steve Bauer Trail and the Gerry Berkhout Trail as they currently exist.

15. **Matters for Committee of the Whole or Policy and Priorities Committee**
16. **Matters Arising Out of Committee of the Whole or Policy and Priorities Committee**
17. **Resolution to Move in Camera**
18. **Rise From In Camera**
19. **Confirming By-Law** 280 - 280
20. **Adjournment**

Name: <u>William Heikoop</u>	
Address: <u>3-30 Hannover Drive, St. Catharines ON</u>	
Postal Code: <u>L2W 1A3</u>	Telephone #: _____
Email Address: <u>whaikoop@vcc.com</u>	
The Council Chambers is equipped with a laptop and projector. Please Check your audio/visual needs: <input type="checkbox"/> Laptop <input type="checkbox"/> Speaker <input type="checkbox"/> Internet Connection	
PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION: Regular Council: 1 st and 3 rd Monday of the month; 5:30 p.m. (except summer schedule) DATE: <u>Jan. 11th, 2021</u>	
Please identify the desired action of Council that you are seeking on this issue: <u>Request letter attached, motion requested of council</u> <u>to allow for minor variance application on proposed</u> <u>Cavender Fields development.</u>	
I have never spoken on this issue before. Key points of my deputation are as follows: (Presentation must accompany the request) _____ _____ _____ _____	
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 in accordance with the deadlines outlined above.	
Signature: <u></u>	Date: <u>Dec. 16, 2020</u>

DEPUTATION PROTOCOLS:

The Town of Pelham is an Open, Welcoming and Inviting Community, committed to supporting the strategic theme of ensuring that we are an engaged Community. To assist in achieving this goal, a Deputation Protocol has been developed to allow residents to make their views known to Council, based on the requirements of the Town of Pelham Procedural By-law. The views of interested citizens are valued and input is welcome, along with comments and constructive suggestions. Council must consider a large number of issues and concerns at any given time, thus the following protocol is observed:

Before:

- ✓ Please provide Clerk with a final and complete copy of your presentation to be included on the agenda for the meeting. MS PowerPoint is preferred. Failure to provide the final presentation will result in the deferral of your delegation.
- ✓ Presentations will be livestreamed. Therefore any PowerPoint presentation should move forward with your speaking points for the ease of the online public audience.
- ✓ Please arrive at the meeting by 5:15 p.m.

During:

- ✓ When called upon, please proceed immediately to the podium.
- ✓ Please keep your presentation brief and to the point. The maximum allowable time is 10 minutes.
- ✓ Please, only discuss the matters indicated on your submission and present in a respectful, temperate manner.
- ✓ If appearing as a group, please designate a spokesperson.
- ✓ Rules of decorum apply during your delegation in accordance with the Procedural By-law.

After:

- ✓ Upon completion of your presentation, please remain in position to allow for questions from Council members.

In Addition:

- ✓ Thank you for participating in this public meeting process.
- ✓ Your submission will form part of the public record on this matter.
- ✓ Deputation will not be permitted on items that are or have been subject of a Public Meeting under the Planning Act, unless exceptional circumstances apply. Persons should present such concerns and opinions at the scheduled public meeting.

This form may contain personal information as defined under the Municipal Freedom of Information and Protection of Privacy Act. This information is collected under the legal authority of the Municipal Act, S.O. 2001 c.25, as amended and may be publicly released. Questions should be directed to the Clerk, 905.892.2607, ext. 315.

December 22, 2020

UCC File: 2032

To: Town of Pelham
20 Pelham Town Square
PO Box 400
Fonthill Ontario L0S 1E0

Attn: Mayor & Council Members

**Re: Request for Council Resolution to Allow for Minor Variance Application
Lavender Fields**

On behalf of our client Grey Forest Homes, please accept this letter as a request for Council to pass a motion to allow for the submission of minor variance applications for the ongoing site plan process for Lavender Fields. The subject site is located on Block 178 of Saffron Meadows Phase 3, now known as Block 1, 59M-481.

Site Specific Zoning By-law provisions were established concurrently with the Subdivision approval on September 16, 2019, the site specific zone is RM1-291. Hert Inc. established this zoning through the development and approval for the Subdivision known as Saffron Meadows Phase 3.

At the time of zoning implementation the specific home builder was not known and therefore certain accommodations afforded to the Saffron Meadows Condo adjacent to the subject site was not completed due to unknown site and building designs.

The first phase of the subdivision Saffron Meadows Phase 3 was registered and the block was sold to Grey Forest Homes who desires to construct residential dwellings consistent with the existing development within Saffron Condo. A site plan process is currently underway and Grey Forest Homes is hoping to move forward with construction in a timely manner.

Upper Canada Consultants has reviewed the building/site plans and has made concurrent applications to the Committee of Adjustment for the following variances:

- To permit an unenclosed porch, balcony step or patio to be 1.5m from the front and exterior side lot line (Units 31-60) and 2.2m from the rear lot line (Units 1-19), whereas a minimum setback of 2m is required from the front or exterior side lot line and a minimum setback of 4.5m is required from the rear lot line. This will provide a consistent street wall and look with the existing townhouse dwelling to the east.
- To increase the maximum exterior side yard from 5m to 7.5m on Units 44 and 45; and 7m on Unit 69. Due to existing site and proposed roadway geometry there are angles whereby the maximum exterior side yard is exceeded.



Included with this letter is a request to delegate to council to further explain the request and to show through a PowerPoint presentation what we will be asking for at the Committee of Adjustment.

Ultimately this request is associated with the Grey Forest Homes desire to provide a building product that is the same as the neighbouring development Saffron Condo.

Thank you for the opportunity to present this request.

Respectfully submitted,

William Heikoop, B.U.R.Pl.
Planner
Upper Canada Consultants

cc. Grey Forest Homes – Ron Berard



LEGAL DESCRIPTION
BLOCK 1, REGISTERED PLAN 59M-481, TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA

NOTE:
OPTIONAL DECK/PATIO AREA NOT TO
EXCEED 0.6m ABOVE FINISHED GRADE
AT HIGHEST POINT

LAND USE SCHEDULE		
CONDO LANDS	m ²	%
BUILDING	15082.85	38.70
ROADWAY/DRIVEWAY	9101.27	23.35
LANDSCAPING	14787.22	37.95
DEVELOPABLE AREA	38971.34	100.0
MIN PARKING SPACE PER DWELLING UNIT = 1.5 SPACES REQUIRED = 131 SPACES PROPOSED = 210 SPACES		
UNITS	87	
DENSITY (87 UNITS PER 3.9 HECTARE)	22.31u/Ha	

LEGEND

- F.F FINISHED FLOOR
- GRD GROUND
- WV EX WATER VALVE
- HYD EX HYDRANT
- CB EX CATCHBASIN
- MH EX MANHOLE
- HPO EX HYDRO POLE
- SHORT IRON BAR
- LS EX LIGHT STANDARD
- LS PROPOSED LIGHT STANDARD
- FRS PROPOSED FIRE ROUTE SIGN
- PROPOSED C.L FIRE ROUTE
- PROPOSED WOOD PRIVACY FENCE
- REGIONAL GARBAGE TURNAROUND
- 6.0m WIDE FIRE ROUTE
- PATIO/DECK AREA
- 12'x12' COVERED DECK

FIRE ROUTE SIGN DETAIL
NTS

Typ. Fire Access Route Signage

One steel T-bar stakes each driven securely into the ground

2.0-3.0 E

Curb

SIGNAGE NOTES:
ALL SIGNS & FIRE ROUTE SIGNS TO BE LOCATED ON STREET LIGHTS WHERE POSSIBLE.
ALL SIGNS SHALL BE MOUNTED AT A HEIGHT OF 2-3 METRES FROM TOP OF CURB TO BOTTOM OF SIGN.
ALL SIGNS SHALL CONFORM TO THE ONTARIO TRAFFIC MANUAL AND HIGHWAY TRAFFIC ACT.

#	REVISION	DATE	INIT
2	REVISED UNITS 20 & 21	2020-12-15	M.C.
1	REVISED PER COMMENTS (NOV 4, 2020)	2020-11-09	M.C.
0	ISSUED FOR SPA SUBMISSION	2020-09-04	M.C.

DRAWING FILE: F:\2032\Engineering\2032-ENG BASE.dwg PLOTTED: Dec 18, 2020 - 9:57am PLOTTED BY: MCoak

DRAFTING M.C.
DESIGN M.C.
CHECKED BY J.S.
APPROVED BY

PROFESSIONAL ENGINEER
P. SCHOLLEY
NOV 15/20
PROVINCE OF ONTARIO

Est 1990
GREY FOREST
HOMES LTD.

UPPER CANADA CONSULTANTS
ENGINEERS / PLANNERS
3-30 Hannover Drive
St. Catharines, ON
L2W 1A3
Phone: (905)688-9400
Fax: (905)688-5274

LAVENDER FIELDS
#162 PORT ROBINSON ROAD
TOWN OF PELHAM
SITE PLAN

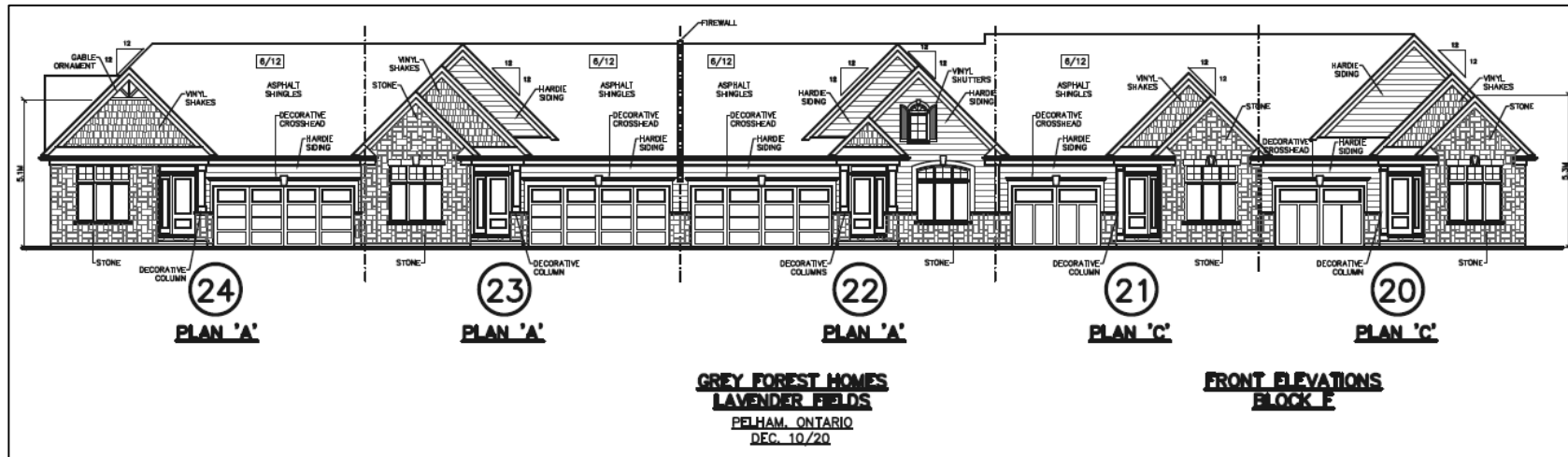
OWNER'S NAME
SIGNATURE
THE TOWN OF PELHAM
CLERK MAYOR
DATE

NOTE: THE DIMENSIONS, AREAS, AND LOCATIONS SHOWN ON THIS PLAN ARE APPROXIMATE AND MAY BE SLIGHTLY ALTERED IN THE FINAL DESIGN, PROVIDING THE INTENT AND PURPOSE OF THE ORIGINAL PLAN IS MAINTAINED AND ALL RELEVANT ZONING PROVISIONS COMPLIED WITH. FURTHER AND NOTWITHSTANDING ANYTHING SHOWN ON THIS PLAN TO THE CONTRARY, ALL SITE SERVING, GRADING, AND DRAINAGE SHALL BE IN ACCORDANCE WITH PLANS FILED IN THE CITY ENGINEER'S OFFICE AND APPROVED BY THE ENGINEER.

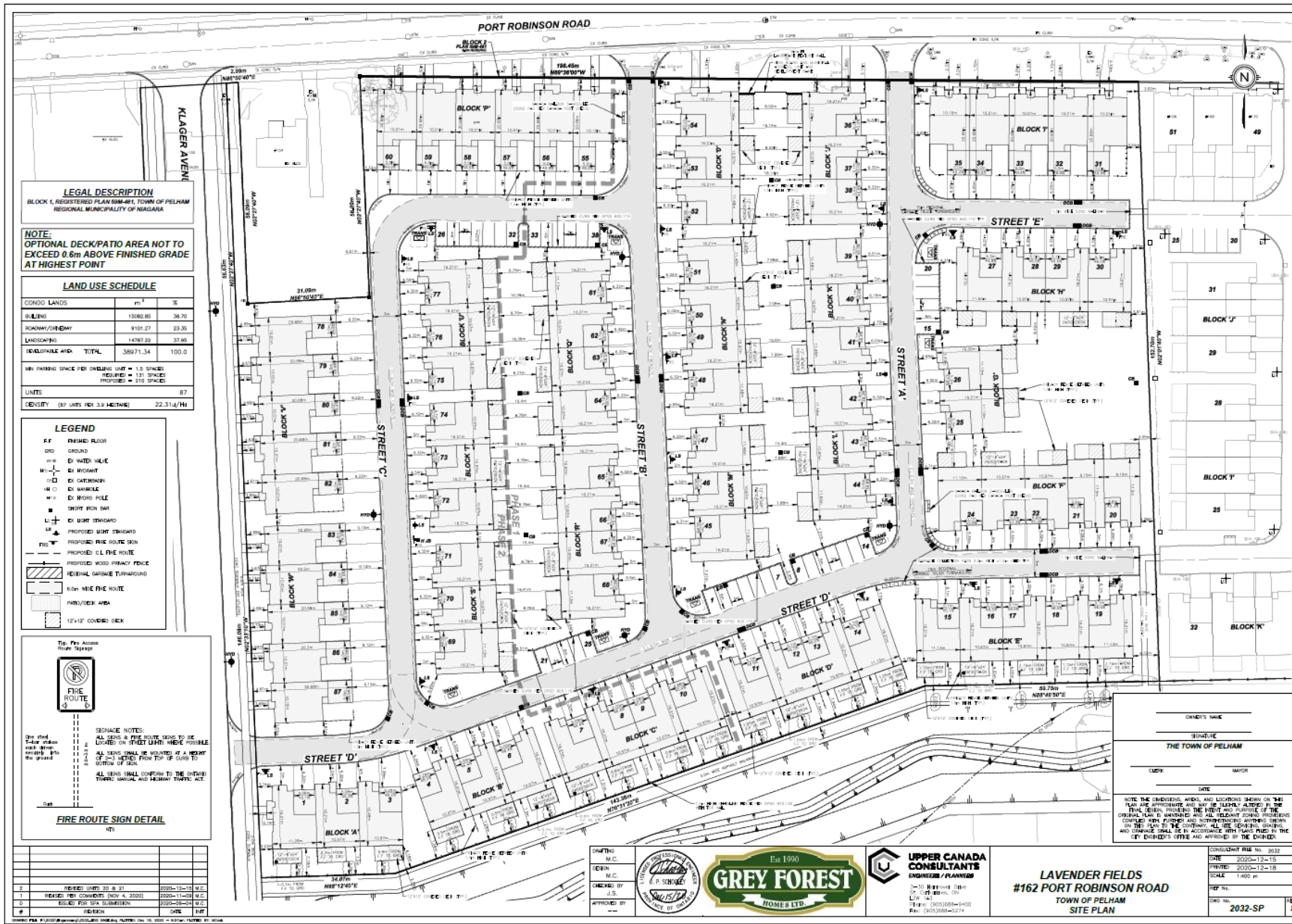
CONSULTANT FILE No.	2032
DATE	2020-12-15
PRINTED	2020-12-18
SCALE	1:400 m
REF No.	
DWG No.	2032-SP
REV	2

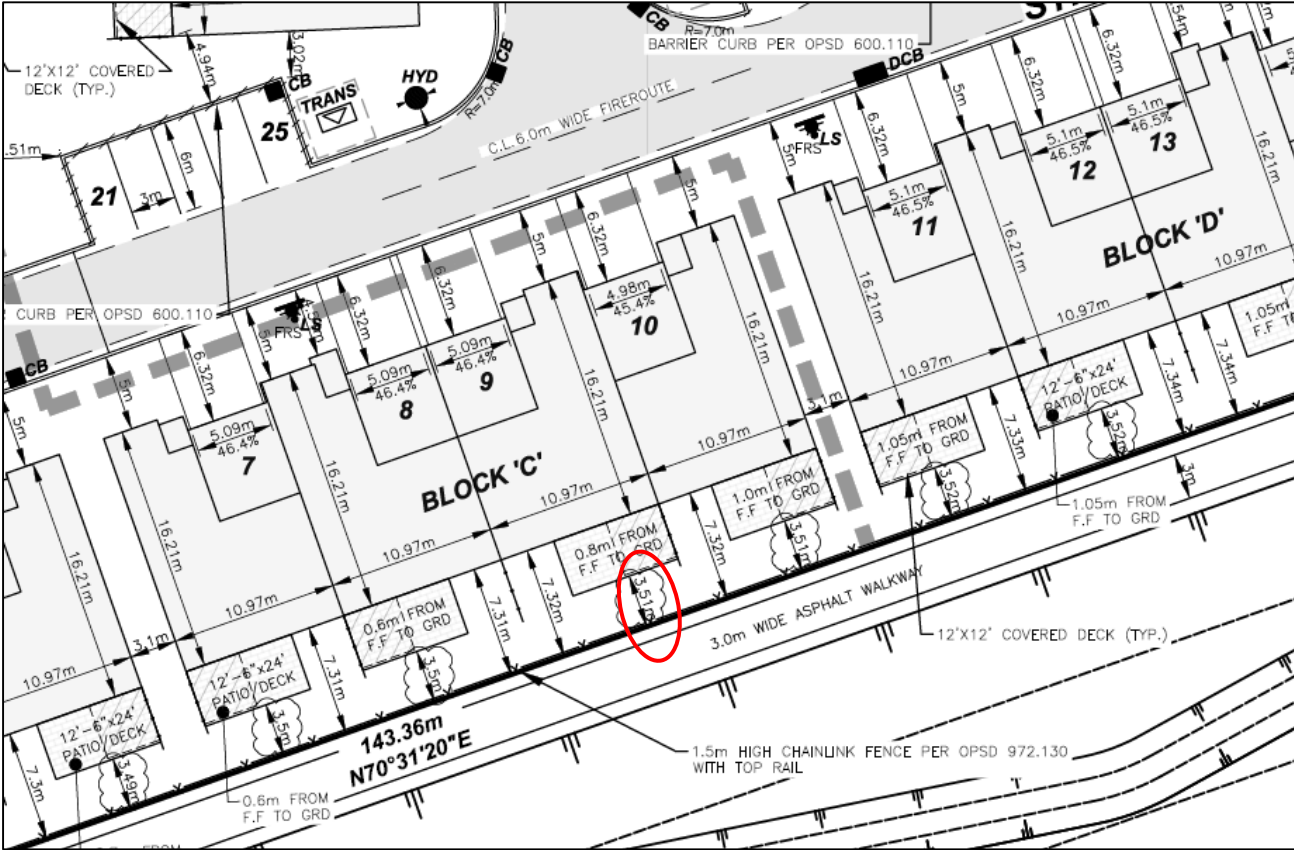
Lavender Fields

Request to allow for Minor Variances



Lavender Fields

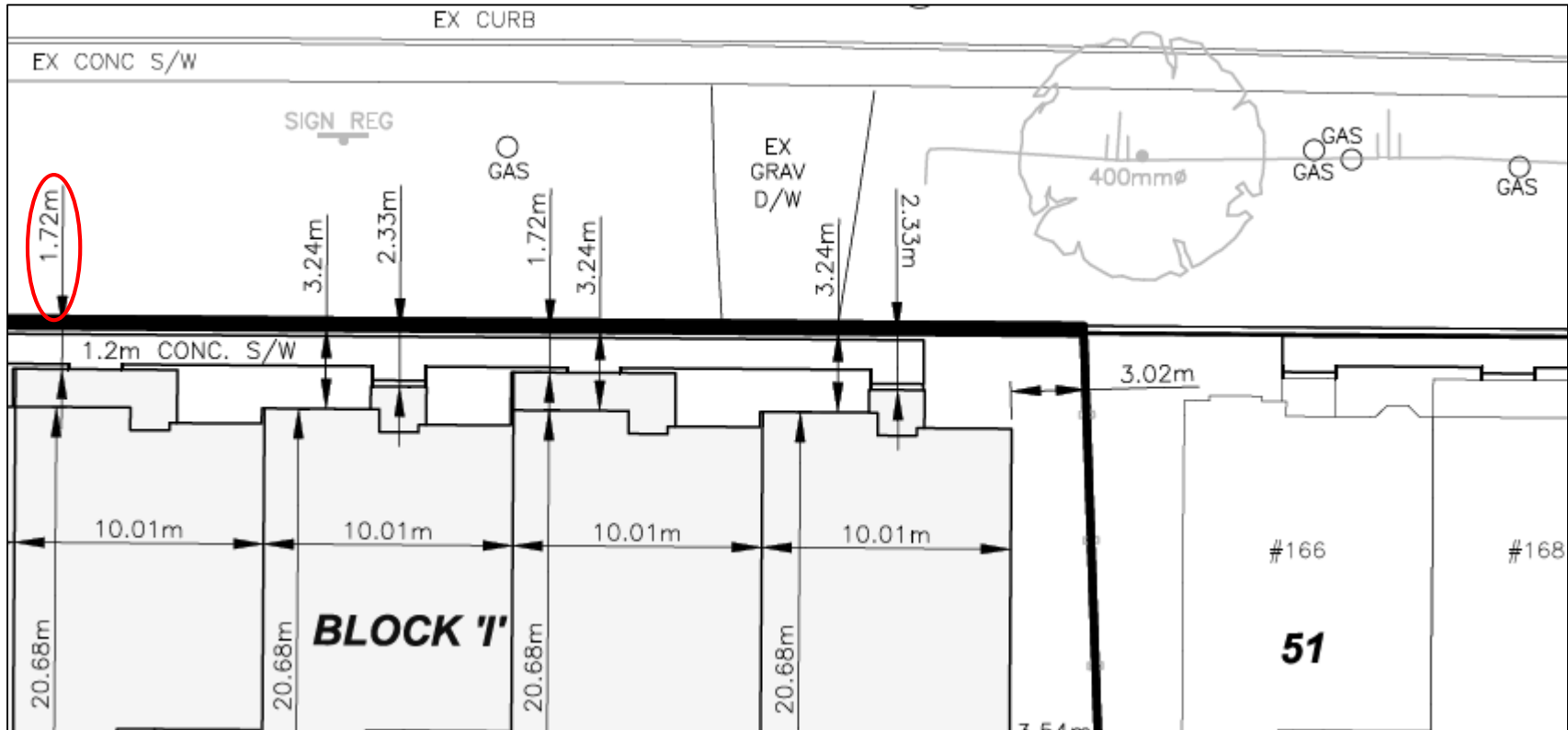




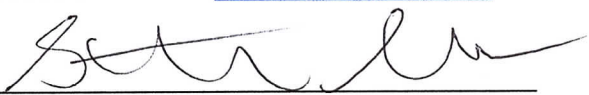
► Exterior Yard Setback



► Front Porch Setback

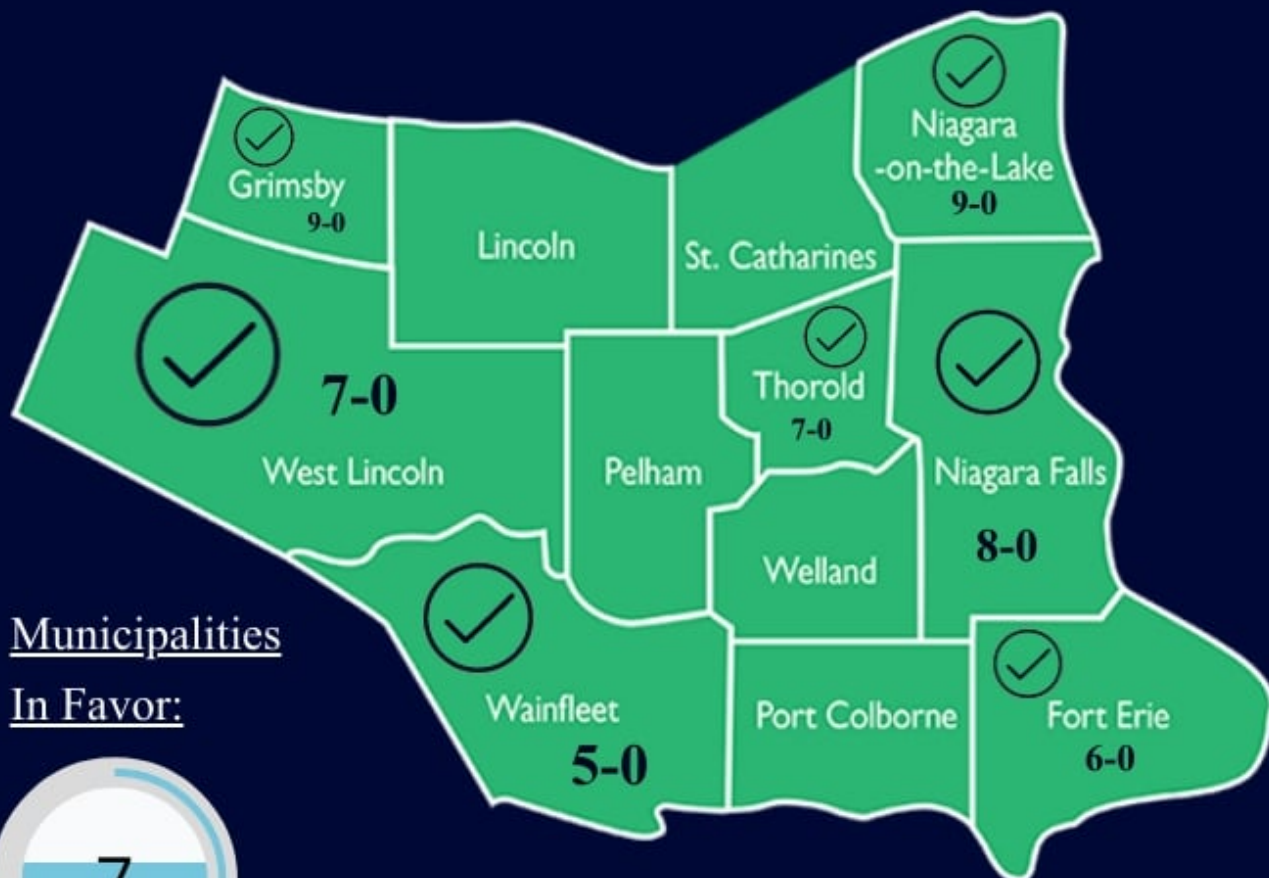


Request to Appear Before Council for the Town of Pelham

Name: <u>Steven Soos</u>	
Address: <u>31 Pietz Ave, Welland - ON.</u>	
Postal Code: <u>L3C 1Z5</u>	Telephone #: <u>647-782-8376</u>
Email Address: <u>stevenwelland81@gmail.com</u>	
The Council Chambers is equipped with a laptop and projector. Please Check your audio/visual needs: <input type="checkbox"/> Laptop <input type="checkbox"/> Speaker <input type="checkbox"/> Internet Connection <u>N/A</u>	
PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION: Regular Council: 1 st and 3 rd Monday of the month; 5:30 p.m. (except summer schedule) DATE: <u>January 11, 2021</u>	
Please identify the desired action of Council that you are seeking on this issue: <u>Motion of Council Support on request for</u> <u>Niagara Regional Council to declare a State</u> <u>of emergency on mental health, homelessness</u> <u>and addiction.</u>	
I have never spoken on this issue before. Key points of my deputation are as follows: (Written presentation must accompany the request) → goal is a coordinated response + increased powers around → The state of emergency request currently has the support of 7/12 of Niagara's local area municipalities → The focus of the state of emergency is on the major proportions to human life outlined in the 2008 Ontario Response Plan. → focus is on the → 625 Homeless residents - 144 children (2018) 475 over doses in Niagara 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 in accordance with the deadlines outlined above.	
Signature: <u></u>	Date: <u>Dec 28/20</u>

Niagara Local Municipal Vote Tracker

ON MOTION REQUESTING THAT NIAGARA
REGIONAL COUNCIL DECLARE A STATE OF
EMERGENCY ON MENTAL HEALTH,
HOMELESSNESS AND ADDICTION



Municipalities

In Favor:





Township of Wainfleet

"Wainfleet - find your country side!"

December 18, 2020

Regional Municipality of Niagara
Attention: Niagara Regional Council
c/o Ann-Marie Norio, Regional Clerk
1815 Sir Issac Brock Way
Thorold, ON L2V 4T7

VIA EMAIL: ann-marie.norio@niagararegion.ca

Re: Request Niagara Region to Declare a State of Emergency on Mental Health, Homelessness and Addiction

Dear Members,

Please be advised the Municipal Council of the Township of Wainfleet at its meeting of December 15, 2020 received and supported correspondence from the City of Niagara Falls dated November 17, 2020 requesting the Niagara Region to declare a state of emergency on mental health, homelessness and addiction.

Attached please find a copy of the City of Niagara Falls correspondence dated November 17, 2020.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact the undersigned.

Regards,

William J. Kolasa
Clerk

cc: Local Area Municipalities
Steven Soos



The City of Niagara Falls, Ontario

Resolution

No. 10

November 17, 2020

Moved by: Councillor Wayne Campbell

Seconded by: Councillor Victor Pietrangelo

WHEREAS According to the Province of Ontario Emergency Response Plan (2008), Canadian municipalities are free to declare states of emergencies in response to "any situation or impending situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to life or property."

WHEREAS Approximately 625 residents- including 144 children in Niagara, were counted as homeless (March 2018), with shelter occupancy operating at 109.4 percent capacity

WHEREAS Niagara EMS reported 335 suspected opiate overdoses (Jan-June 2019).

WHEREAS Some Niagara-area municipalities have had services such as mental health removed from their Hospitals, and whereas Niagara is severely lacking in mental health and addiction services

THEREFORE BE IT RESOLVED that the City of Niagara Falls request the Niagara Region to declare a state of emergency on mental health, homelessness, and addiction.

FURTHERMORE, the Niagara Regional Council, Niagara Region Public Health and Social Services, Premier of Ontario, the provincial Minister of Health, Minister of the Attorney General, Minister of Children, Community, and Social Services, the Minister of Municipal Affairs and Housing, and the Leader of the Official Opposition, as well as the Prime Minister of Canada, all regional municipalities and all local area municipalities within the Niagara Region be copied on this resolution."

AND The Seal of the Corporation be hereto affixed.

CARRIED

A handwritten signature in black ink, appearing to read "William G. Matson", is written over a horizontal line.

WILLIAM G. MATSON
CITY CLERK

A handwritten signature in black ink, appearing to read "James M. Diodati", is written over a horizontal line.

JAMES M. DIODATI
MAYOR



The Corporation of the Town of Grimsby

Committee of the Whole Meeting Minutes

Town Hall Council Chambers

160 Livingston Avenue

December 7, 2020

(electronic participation)

Present: Mayor J.A. Jordan
Councillor D. Bothwell
Councillor J. Dunstall
Councillor R. Freake
Councillor D. Kadwell
Councillor K. Ritchie
Councillor D. Sharpe
Councillor R. Vaine
Councillor L. Vardy

Town Clerk, S. Kim
CAO, H. Schlange

Also Attending: Deputy Town Clerk, D. Kripp
Director of Public Works, B. Wartman
Director of Parks, Recreation and Culture, S. Sweeny
Director of Planning, Building and By-law, A. Minichillo
Chief Building Official, P. Nickerson
Director of Corporate Services/Treasurer, S. Gruninger

1. Call to Order

- a) The meeting is called to order at 6:30 p.m.

2. Disclosure of Pecuniary Interest

- a) There is no disclosure of pecuniary interest.

3. Approval of the Agenda

a) CW-20-081

Moved by Councillor Kadwell; Seconded by Councillor Freake;
Resolved that the agenda for the Committee of the Whole meeting of
December 7, 2020 be approved.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe,
Vaine, Vardy and Mayor Jordan

4. Adoption of Previous Minutes

a) Planning and Development Public Meeting Minutes - November 10, 2020

b) Grimsby Art Gallery Advisory Board Minutes - November 12, 2020

c) Grimsby Economic Development Advisory Committee Minutes -
November 18, 2020

d) Heritage Grimsby Advisory Committee Minutes - November 19, 2020

CW-20-082

Moved by Councillor Freake; Seconded by Councillor Ritchie;
Resolved that the following Advisory Board and Committee minutes be
received:

- Planning and Development Public Meeting of November 10, 2020;
- Grimsby At Gallery Advisory Board of November 12, 2020;
- Grimsby Economic Development Advisory Committee of
November 18, 2020; and
- Heritage Grimsby Advisory Committee of November 19, 2020.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe,
Vaine, Vardy and Mayor Jordan

5. Consent Agenda

The following items listed with an asterisk () are considered to be routine and non-controversial by the Committee or Council and enacted in one motion. However, any Committee or Council member may request one or more items to be removed from the Consent Agenda for separate discussion and/or action. Each and every matter of business contained in the Consent Agenda is recorded separately in the minutes of the meeting.*

Report DRS20-13: LED Lighting Retrofit for the Peach King Centre, Report
DPW20-44: 2019 Annual RQMS Infrastructure Review, Report DPW20-47: Tree
Planting Services Contract Award and Memo re: Amendments to By-law No.18-

86 the Administrative Penalties By-law and By-law 14-45 the Town of Grimsby Zoning By-law are removed from the Consent Agenda.

CW-20-083

Moved by Councillor Vaine; Seconded by Councillor Ritchie;

Resolved that the Committee of the Whole hereby approves the following items and that the various consent items be approved on the recommendation as contained therein:

- a) *Report DRS20-11: RFQ 2020-05 PRC - Parks Fleet Vehicle Replacements
Resolved that Report DRS10-11 dated December 7, 2020 be received; and
That staff be authorized to purchase a new 2021 Dodge Ram 2500 Truck from Blue Mountain Chrysler Ltd. Of Collingwood, Ontario in the amount of \$39,391.00 excluding taxes; and
That staff be authorized to purchase a new 2021 Hyundai Kona Electric Vehicle from Grimsby Hyundai of Grimsby, Ontario in the amount of \$46,535.00 excluding taxes and \$5000 Federal Purchase Incentive.
- b) *Report DPW20-43: Award of Supply and Delivery of New Backhoe Loader
Resolved that Report DPW20-43, dated December 7, 2020 be received; and
That the Director of Public Works be authorized to award the purchase of a new 2021 backhoe loader to Strongco Corporation, in the amount of \$149,200 (excluding HST).
- c) *Report DPW20-45: 2020-2021 Annual Salt Management Plan Endorsement
Resolved that Report DPW20-45 dated December 7, 2020 be received; and
That the Committee endorse the current revision of the plan and associated documents.
- d) *Report DPW 20-46: 2020 Annual Roads QMS Operational Plan Endorsement
Resolved that Report DPW20-46 dated December 7, 2020 be received;
That Committee endorse the current revision of the Roads QMS Operational Plan, dated November 2020;
That the Mayor be authorized to sign the current revision of the Roads QMS Operational Plan; and
That Committee re-endorse the existing Roads QMS Policy statement.

CARRIED

Committee of the Whole December 7, 2020

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

- e) *Report DPW20-48: Award of Contract for Mountain Cemetery Maintenance Access Improvements

Resolved that Report DPW20-48 dated December 7, 2020 be received; and

That the Director of Public Works be authorized to award the contract to Original Greenscapes Landscaping Inc. in the amount of \$19,926.75 (excluding HST); and That the Mayor and Clerk are hereby authorized to sign any agreements and documents and the Clerk is hereby authorized to affix the corporate seal thereto and to deliver the same.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

6. Delegations

- a) Gordana Mosher, Canadian Hard of Hearing Association, re: ACCESS Masks

CW-20-084

Moved by Councillor Vardy; Seconded by Councillor Freake;

Resolved that the delegation from Gordana Mosher, Canadian Hard of Hearing Association, be received.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

7. Parks, Recreation and Culture

7.1 Reports

- a) Report DRS20-13: LED Lighting Retrofit for the Peach King Centre

CW-20-085

Moved by Councillor Bothwell; Seconded by Councillor Vardy;

Resolved that Report DRS20-13 dated December 7, 2020 be received; and

That staff be authorized to proceed with the LED lighting retrofit project for the Grimsby Peach King Centre at a cost of \$69,754.16 with an eligible incentive payback of \$13,166.75.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

- b) Report DRS20-12: Whittaker Park Building

CW-20-086

Committee of the Whole December 7, 2020

Moved by Councillor Ritchie; Seconded by Councillor Vaine;
Resolved that Report DRS20-12 dated December 7, 2020 be received;
and
That the Whittaker Park building (Conservation Clubhouse) at 6 Lakeside Drive be scheduled for demolition with the intention of creating additional parkland at this site be referred to the 2021 budget process; and
That staff advance plans to protect the shoreline in this area and create an improved walking path between Whittaker Park and the Elizabeth St. Pump house.

RECORDED VOTE requested by Councillor Freake:

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

CARRIED

8. Public Works

8.1 Reports

- a)** *Report DPW20-44: 2019 Annual RQMS Infrastructure Review

CW-20-087

Moved by Councillor Vardy; Seconded by Councillor Kadwell;
Resolved that Report DPW20-44 dated December 7, 2020 be received.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

- b)** Report DPW20-47: Tree Planting Services Contract Award

CW-20-088

Moved by Councillor Bothwell; Seconded by Councillor Vardy;
Resolved that Report DPW20-47 dated December 7, 2020 be received;
and

That the Director of Public Works be authorized to award the contract for Tree Planting Services to Rodsan Landscaping & Services Ltd. in the amount of \$25,960.25 (excluding HST);

That the Mayor and Clerk are hereby authorized to sign any agreements and documents and the Clerk is hereby authorized to affix the corporate seal thereto and to deliver the same.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

9. Planning and Development

9.1 Reports

- a) Memo re: Amendments to By-law No.18-86 the Administrative Penalties By-law and By-law 14-45 the Town of Grimsby Zoning By-law

CW-20-089

Moved by Councillor Freake; Seconded by Councillor Ritchie;

Resolved that the Memo regarding Amendments to By-law 18-86 the Administrative Penalties By-law and By-law 14-45 the Town of Grimsby Zoning By-law be received; and

That Council approve By-law 20-89 and By-law 20-90.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

10. Notice of Motions

- a) Requested by Councillor Sharpe
- Ward Meetings

Mayor Jordan acknowledges that the Notice of Motion will be given consideration at the December 14 Committee of the Whole meeting.

- b) Requested by Councillor Vardy
- Parking

Mayor Jordan acknowledges that the Notice of Motion will be given consideration at the December 14 Committee of the Whole meeting.

11. Correspondence

- a) Administration and Finance
- Ministry of Municipal Affairs and Housing, re: Enforcement of Orders under the Reopening Ontario Act 2020
 - Ministry of Municipal Affairs and Housing, re: Amendments to COVID-19 Orders under the Reopening Ontario Act 2020
 - Niagara Region, re: Section 22 Order and COVID-19 Enforcement
 - Niagara Region, re: Support for Niagara Local Businesses through COVID-19
 - City of Niagara Falls, re: Niagara Region Declaring a State of Emergency on Mental Health Homelessness and Addiction
 - Norfolk County, re: Illicit Cannabis Operations
 - Town of Fort Erie, re: Support Resolution for Decriminalization Personal Possession of Illicit Drugs

- Town of Fort Erie, re: Amending the AGCO Process to Consider Radial Separation from Other Cannabis
 - Letter from the Ombudsman's Office, re: Town of Grimsby Complaints
- b)** Parks, Recreation and Culture
- Niagara Region, re: Miller's Creek Marine Resort Development
- c)** Public Works
- d)** Planning and Development
- Niagara Peninsula Conservation Authority, re: Bill 229 Proposed Changes to the Conservation Authorities Act
 - Town of Niagara-on-the-Lake, re: Bill 229 and Conservation Authorities
 - City of St Catharines, re: Bill 229 and Conservation Authorities
 - City of Thorold, re: Ministry of Environment, Conservation and Parks Citizen Appointments
 - Town of Fort Erie, re: Legislation to Support Local Governments with Land Use Management and Enforcement Issues regarding Cannabis Act

CW-20-090

Moved by Councillor Vaine; Seconded by Councillor Sharpe;
Resolved that the correspondence with references to the Ministry of Municipal Affairs and Housing, re: Enforcement of Orders under the Reopening Ontario Act 2020, Ministry of Municipal Affairs and Housing, re: Amendments to COVID-19 Orders under the Reopening Ontario Act 2020, Niagara Region, re: Section 22 Order and COVID-19 Enforcement, Niagara Region, re: Support for Niagara Local Businesses through COVID-19, Town of Fort Erie, re: Support Resolution for Decriminalization Personal Possession of Illicit Drugs, Town of Fort Erie, re: Amending the AGCO Process to Consider Radial Separation from Other Cannabis, Niagara Region, re: Miller's Creek Marine Resort Development, City of Thorold, re: Ministry of Environment, Conservation and Parks Citizen Appointments, Town of Fort Erie, re: Legislation to Support Local Governments with Land Use Management and Enforcement Issues regarding Cannabis Act be received.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

CW-20-091

Moved by Councillor Sharpe; Seconded by Councillor Ritchie;
Resolved that the correspondence from City of Niagara Falls with reference to Niagara Region Declaring a State of Emergency on Mental Health Homelessness and Addiction be endorsed; and
That the Town of Grimsby support the City of Niagara Falls request to declare a state of emergency on mental health, homelessness, and addition; and
That this resolution be circulated to Niagara Regional Council and all local area municipalities.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

CW-20-092

Moved by Councillor Bothwell; Seconded by Councillor Freake;
Resolved that the Town of Grimsby supports the Town of Lincoln correspondence item dated November 17, 2020 as attached and also supports the motion passed by the Municipality of Norfolk County on October 20, 2020 and correspondence dated October 26, 2020, as attached, with respect to illicit Cannabis operations.
And further, that this endorsement, and attachments, be circulated to Dean Allison, MP; Sam Oosterhoff, MPP and all Ontario municipalities.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

CW-20-093

Moved by Councillor Bothwell; Seconded by Councillor Dunstall;
Resolved that the letter from the Ombudsman's Office be received.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

CW-20-094

Moved by Councillor Bothwell; Seconded by Councillor Freake;
Resolved that the correspondence with references to Bill 229 Proposed Changes to the Conservation Authorities Act and Bill 229 and Conservation Authorities be received; and

Be it further resolved that:

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 - Conservation Authorities

Act;

WHEREAS the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, and engaging in review and appeal of municipal planning applications:

WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the *Planning Act*,

WHEREAS the changes allow the Minister to make decisions without CA watershed data and expertise;

WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs;

WHEREAS municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs;

WHEREAS municipalities believe that the appointment of municipal representatives on CA Boards should be a municipal decision; and the Chair and Vice Chair of the CA Board should be duly elected;

WHEREAS the changes to the 'Duty of Members' contradicts the fiduciary duty of a CA board member to represent the best interests of the conservation authority and its responsibility to the watershed;

WHEREAS conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative;

WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process;

AND WHEREAS municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water;

THEREFORE BE IT RESOLVED:

1. THAT the Province of Ontario work with conservation authorities to address their concerns by repealing and/or amending changes to the *Conservation Authorities Act* and the *Planning Act*.
2. THAT the Province of Ontario delay enactment of clauses affecting municipal concerns.
3. THAT the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of CA-municipal budget processes.
4. THAT the Province respect the current conservation authority/municipal relationships.
5. AND THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

And that this resolution be circulated to the Premier, Minister of Environment, Conservation and Parks, the Minister of Natural Resources and Forestry, the Minister of Municipal Affairs and Housing, the Minister of Finance, the Auditor General, Sam Oosterhoff MPP, Dean Allison MP, local area municipalities, NPCA and Conservation Ontario.

CARRIED

YES: Councillors Bothwell, Dunstall, Freake, Kadwell, Ritchie, Sharpe, Vaine, Vardy and Mayor Jordan

26. Next Meeting

The next Committee of the Whole meeting is scheduled for December 14, 2020 at 5:30 p.m. and will be available through electronic participation:
<https://vimeo.com/grimsbycouncilchambers>

28. Adjournment

- a) The meeting adjourns at 8:20 p.m.

J.A. Jordan, Mayor

S. Kim, Town Clerk

December 24, 2020

SENT ELECTRONICALLY

Regional Municipality of Niagara
1815 Sir Issac Brock Way, PO Box 1042
Thorold ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio:

RE: Request to Niagara Regional to Declare a State of Emergency on Mental Health, Homelessness & Addiction

Please be advised the Council of The Corporation of the Town of Niagara-on-the Lake, at its regular meeting held on December 21, 2020 endorsed the attached resolution from the City of Niagara Falls dated November 17, 2020 requesting the Niagara Region to declare a state of emergency on mental health, homelessness and addiction.

Attached please find a copy of the City of Niagara Falls correspondence dated November 17, 2020.

If you have any questions or require further information please contact our office at 905-468-3266.

Yours sincerely,



Peter Todd, Town Clerk

Cc: The Honourable Doug Ford, Premier of Ontario premier@ontario.ca
The Honourable Christine Elliott, Minister of Health christine.elliott@pc.ola.org
The Honourable Doug Downey, Minister of the Attorney General douq.downey@oc.ola.org
The Honourable Todd Smith, Minister of Children, Community and Social Services
Todd.smithco@pc.ola.org
The Honourable Steve Clark, Minister of Municipal Affairs and Housing steve.clark@pc.ola.org
Andrea Horwath, Leader of the Official Opposition ahonvath-qp@ndp.on.ca
The Right Honourable Justin Trudeau, Prime Minister Justin.trudeau@parl.gc.ca
Wayne Gates, MPP-Niagara Falls, Legislative Assembly of Ontario wgates-co@ndp.on.ca
Tony Baldinelli, MP- Niagara Falls Tony.Baldinelli@parl.gc.ca
Local Area Municipalities



The City of Niagara Falls, Ontario

Resolution

No. 10

November 17, 2020

Moved by: Councillor Wayne Campbell

Seconded by: Councillor Victor Pietrangelo

WHEREAS According to the Province of Ontario Emergency Response Plan (2008), Canadian municipalities are free to declare states of emergencies in response to "any situation or impending situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to life or property."

WHEREAS Approximately 625 residents- including 144 children in Niagara, were counted as homeless (March 2018), with shelter occupancy operating at 109.4 percent capacity

WHEREAS Niagara EMS reported 335 suspected opiate overdoses (Jan-June 2019).

WHEREAS Some Niagara-area municipalities have had services such as mental health removed from their Hospitals, and whereas Niagara is severely lacking in mental health and addiction services

THEREFORE BE IT RESOLVED that the City of Niagara Falls request the Niagara Region to declare a state of emergency on mental health, homelessness, and addiction.

FURTHERMORE, the Niagara Regional Council, Niagara Region Public Health and Social Services, Premier of Ontario, the provincial Minister of Health, Minister of the Attorney General, Minister of Children, Community, and Social Services, the Minister of Municipal Affairs and Housing, and the Leader of the Official Opposition, as well as the Prime Minister of Canada, all regional municipalities and all local area municipalities within the Niagara Region be copied on this resolution."

AND The Seal of the Corporation be hereto affixed.

CARRIED

WILLIAM G. MATSON
CITY CLERK

JAMES M. DIODATI
MAYOR

CLERKS DEPARTMENT

Dec 16, 2020

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold, ON
L2V 4T7

Dear Ms. Norio,

Re: Request to support City of Niagara Falls Resolution Requesting Niagara Regional Council to Declare a State of Emergency on Mental Health, Homelessness & Addiction

This is to confirm that at the Dec 14, 2020 Council Meeting the following resolution was adopted with respect to the above noted matter:

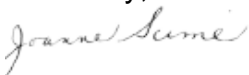
That, the correspondence from the City of Niagara Fall, dated November 17, 2020, requesting Niagara Region to declare a state of emergency on mental health, homelessness, and addiction be received; and,

That, the Township of West Lincoln support the City of Niagara Falls request to declare a state of emergency on mental health, homelessness and addition; and,

That, this resolution be forwarded to Niagara Regional Council, Niagara Region Public Health and Social Services, the Premier of Ontario, the Provincial Minister of Health, the Minister of the Attorney General, the Minister of Children, Community, and Social Services, the Minister of Municipal Affairs and Housing, and the Leader of the Official Opposition, Niagara West MPP, Sam Oosterhoff, Niagara West MP, Dean Allison as well as the Prime Minister of Canada, and all local area municipalities within the Niagara Region.

If you have any questions or concerns regarding the above, do not hesitate to contact the undersigned.

Sincerely,



Joanne Scime, Clerk

cc. Justin Trudeau, Prime Minister of Canada
Niagara Region Public Health and Social Services

Doug Ford, Premier of Ontario
Christine Elliott, Provincial Minister of Health
Doug Downey, Minister of the Attorney General
Todd Smith, Minister of Children, Community and Social Services
Steve Clark, Minister of Municipal Affairs & Housing
Andrea Horwath, Leader of the Official Opposition
Niagara Municipalities
Sam Oosterhoff, Niagara West MPP
Dean Allison, Niagara West MP

X:\cl-Clerks\Council\Council-2020\Letters\Letter to Niagara Region - Declare a State of Emergency on Mental Health, Homelessness & Addiction - Dec 14, 2020



Community Services

Legislative Services

December 15, 2020

File #120203

Sent via email: ann-marie.norio@niagararegion.ca

Ann-Marie Norio, Regional Clerk
o/b Members of the Niagara Regional Council and Niagara Region
Public Health and Social Services Committee
Niagara Region
1815 Sir Issac Brock Way
Thorold, ON L2V 4T7

Dear Members:

Re: Request Niagara Region to Declare a State of Emergency on Mental Health, Homelessness and Addiction

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of December 14, 2020 received and supported correspondence from the City of Niagara Falls dated November 17, 2020 requesting the Niagara Region to declare a state of emergency on mental health, homelessness and addiction.

Attached please find a copy of the City of Niagara Falls correspondence dated November 17, 2020.

Thank you for your attention to this matter

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca

CS:dlk

c.c

The Honourable Doug Ford, Premier of Ontario premier@ontario.ca

The Honourable Christine Elliott, Minister of Health christine.elliott@pc.ola.org

The Honourable Doug Downey, Minister of the Attorney General doug.downey@pc.ola.org

The Honourable Todd Smith, Minister of Children, Community and Social Services todd.smithco@pc.ola.org

The Honourable Steve Clark, Minister of Municipal Affairs and Housing steve.clark@pc.ola.org

Andrea Horwath, Leader of the Official Opposition ahorwath-qpc@ndp.on.ca

The Right Honourable Justin Trudeau, Prime Minister Justin.trudeau@parl.gc.ca

Local Area Municipalities

Mailing Address:

The Corporation of the Town of Fort Erie

1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca



The City of Niagara Falls, Ontario

Resolution

No. 10

November 17, 2020

Moved by: Councillor Wayne Campbell

Seconded by: Councillor Victor Pietrangelo

WHEREAS According to the Province of Ontario Emergency Response Plan (2008), Canadian municipalities are free to declare states of emergencies in response to "any situation or impending situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to life or property."

WHEREAS Approximately 625 residents- including 144 children in Niagara, were counted as homeless (March 2018), with shelter occupancy operating at 109.4 percent capacity

WHEREAS Niagara EMS reported 335 suspected opiate overdoses (Jan-June 2019).

WHEREAS Some Niagara-area municipalities have had services such as mental health removed from their Hospitals, and whereas Niagara is severely lacking in mental health and addiction services

THEREFORE BE IT RESOLVED that the City of Niagara Falls request the Niagara Region to declare a state of emergency on mental health, homelessness, and addiction.

FURTHERMORE, the Niagara Regional Council, Niagara Region Public Health and Social Services, Premier of Ontario, the provincial Minister of Health, Minister of the Attorney General, Minister of Children, Community, and Social Services, the Minister of Municipal Affairs and Housing, and the Leader of the Official Opposition, as well as the Prime Minister of Canada, all regional municipalities and all local area municipalities within the Niagara Region be copied on this resolution."

AND The Seal of the Corporation be hereto affixed.

CARRIED

WILLIAM G. MATSON
CITY CLERK

JAMES M. DIODATI
MAYOR

RECEIVED

DEC 14 2020

BY COUNCIL Page 37 of 280



The City of Niagara Falls, Ontario

Resolution

No. 10

November 17, 2020

Moved by: Councillor Wayne Campbell

Seconded by: Councillor Victor Pietrangelo

WHEREAS According to the Province of Ontario Emergency Response Plan (2008), Canadian municipalities are free to declare states of emergencies in response to “any situation or impending situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to life or property.”

WHEREAS Approximately 625 residents- including 144 children in Niagara, were counted as homeless (March 2018), with shelter occupancy operating at 109.4 percent capacity

WHEREAS Niagara EMS reported 335 suspected opiate overdoses (Jan-June 2019).

WHEREAS Some Niagara-area municipalities have had services such as mental health removed from their Hospitals, and whereas Niagara is severely lacking in mental health and addiction services

THEREFORE BE IT RESOLVED that the City of Niagara Falls request the Niagara Region to declare a state of emergency on mental health, homelessness, and addiction.

FURTHERMORE, the Niagara Regional Council, Niagara Region Public Health and Social Services, Premier of Ontario, the provincial Minister of Health, Minister of the Attorney General, Minister of Children, Community, and Social Services, the Minister of Municipal Affairs and Housing, and the Leader of the Official Opposition, as well as the Prime Minister of Canada, all regional municipalities and all local area municipalities within the Niagara Region be copied on this resolution.”

AND The Seal of the Corporation be hereto affixed.

CARRIED

**WILLIAM G. MATSON
CITY CLERK**

**JAMES M. DIODATI
MAYOR**



December 3, 2020

Office of the Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

Re: Resolution - Request to Region of Niagara to Declare State of Emergency on Mental Health, Homelessness and Addiction

Please be advised Thorold City Council, at its December 1, 2020 meeting, adopted the following resolution:

Whereas according to the Province of Ontario Emergency Response Plan (2008), Canadian municipalities are free to declare states of emergencies in response to “any situation or impending situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to life or property”; and

Whereas approximately 625 residents – including 144 children in Niagara, were counted as homeless (March 2018), with shelter occupancy operating at 109.4 percent capacity; and

Whereas Niagara EMS reported 475 suspected opiate overdoses (Jan – September 2020); and

Whereas some Niagara-area municipalities have had services such as mental health removed from their hospitals; and

Whereas Niagara is severely lacking in mental health and addiction service.

Therefore be it resolved that the City of Thorold request the Niagara Region to declare a state of emergency on mental health, homelessness, and addiction.

...2

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

www.thorold.ca

Tel: 905-227-6613

Furthermore, the Niagara Regional Council, Niagara Region Public Health and Social Services, Premier of Ontario, the Provincial Minister of Health, Minister of the Attorney General, Minister of Children, Community, and Social Services, the Minister of Municipal Affairs and Housing, and the Leader of the Official Opposition, as well as the Prime Minister of Canada, all regional municipalities and all local area municipalities with the Niagara Region be copied on this resolution.

Yours truly,



Donna Delvecchio
City Clerk

DD:cd

cc: M. Dilwaria, Chief Administrative Officer

Niagara Regional Council
Niagara Region Public Health and Social Services
Premier of Ontario
Provincial Minister of Health
Minister of the Attorney General
Minister of Children, Community and Social Services
Minister of Municipal Affairs and Housing
Leader of the Official Opposition
Prime Minister of Canada
Local Area Municipalities

SPECIAL COUNCIL MINUTES

Meeting #: SC-17/2020
Date: Tuesday, December 15, 2020, 5:00 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Lisa Haun
Bob Hildebrandt
Ron Kore
Wayne Olson
Marianne Stewart, Chair
John Wink

Regrets Marvin Junkin

Staff Present David Cribbs
Nancy Bozzato

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Deputy Mayor, Councillor Stewart, called the meeting to order at approximately 5:03 p.m.

2. Approval of the Agenda

Moved By Lisa Haun

Seconded By John Wink

BE IT RESOLVED THAT the agenda for the December 15th, 2020 Special Meeting of Council be adopted as circulated.

	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0

Carried (6 to 0)

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Resolution to Move in Camera

Moved By Wayne Olson
Seconded By Bob Hildebrandt

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

(b) - personal matters about an identifiable individual, including municipal employees; and (f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

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

	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

Moved By Wayne Olson

Seconded By Lisa Haun
BE IT RESOLVED THAT the legal counsel be and is hereby authorized to undertake the directions provided during the In Camera meeting of December 15, 2020.

	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

6. Confirming By-law

Moved By Bob Hildebrandt
Seconded By Lisa Haun
BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 4305(2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 15th day of December, 2020.

	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

7. Adjournment

Moved By John Wink

Seconded By Bob Hildebrandt
BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next regular meeting scheduled for January 11th, 2021 at 5:30 pm.

	For	Against
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

Mayor Marvin Junkin

Town Clerk, Nancy J. Bozzato

REGULAR COUNCIL MINUTES

Meeting #: C-21/2020 - Regular Council
Date: Monday, December 14, 2020
Time: 6:00 PM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present: Marvin Junkin
Lisa Haun
Bob Hildebrandt
Ron Kore
Marianne Stewart
John Wink
Wayne Olson

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Teresa Quinlin
Barbara Wiens
Ryan Cook
Holly Willford

Other: Port Colborne, Councillor Gary Bruno,
Welland Councillor, Adam Moote,
Welland, Councillor Van Vliet and
Nancy Gilies

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 6:00pm.

2. Approval of Agenda

Moved By Bob Hildebrandt
Seconded By Marianne Stewart

BE IT RESOLVED THAT the agenda for the December 14, 2020 Regular meeting of Council be adopted.

Amendment:

Moved By Bob Hildebrandt

Seconded By Marianne Stewart

BE IT RESOLVED that the Agenda be amended to include the addendum item within agenda item 13, being the amendment to the Sign By-Law.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Wayne Olson	X	
Results	7	0

Carried (7 to 0)

Amendment:

Moved By Bob Hildebrandt

Seconded By Marianne Stewart

BE IT RESOLVED THAT the agenda for the December 14, 2020 Regular meeting of Council be adopted, as amended.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Wayne Olson	X	
Results	7	0

Carried (7 to 0)

3. Disclosure of Pecuniary Interests and General Nature Thereof

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

The Mayor provided an apology to the community for a 'hot mic' incident at the last regular Council Meeting. He sincerely apologized if he offended anyone.

The Mayor acknowledged the work of Cynthia Roberts, Vice Chair of the Town Beautification Advisory Committee who organized committee members and volunteers from the Pelham Garden Club to fasten the green wreaths onto street lights. The Mayor also thanked Jennifer Dube from Pelham Cares for providing the final numbers from the Pelham Cares Food Drive. The Mayor indicated food donations are down 35% however, monetary donations were up 60%. He thanks all 300 volunteers over the 5 weeks the food drive ran. The Mayor again thanked Pelham Cares for their hard work and dedication to the community.

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.1.1 2020 Town of Pelham Holiday Cards

Ryan Cook, Acting Director of Recreation, Culture and Wellness provided Council a slideshow presentation of the community holiday card winners. A copy of the presentation is on file with the Clerk.

4.1.2 Niagara Central Dorothy Rungeling Airport Overview

Councillor Haun, Welland, Councillor Van Vliet, Chair of the NCDRA, Port Colborne, Councillor Gary Bruno, Welland Councillor, Adam Moote and Nancy Gilies, NCDRA Bookkeeper provided an overview presentation of the Niagara Central Dorothy Rungeling Airport Commission and answered questions from the Mayor and Council. A copy of the presentation is on file with the Clerk.

Moved By Wayne Olson
Seconded By John Wink

BE IT RESOLVED THAT Council receive the presentation by the Niagara Central Dorothy Rungeling Airport Commission Update dated December 2020, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	

John Wink	X	
Wayne Olson	X	
Results	7	0

Carried (7 to 0)

4.1.3 COVID-19 Update - Community Emergency Management Co-Ordinator

B. Lymburner, Community Emergency Management Co-Ordinator, presented an update on the COVID-19 pandemic.

Moved By Ron Kore
Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive the COVID-19 update presentation from B. Lymburner, Fire Chief and Community Emergency Management Co-Ordinator, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Wayne Olson	X	
Results	7	0

Carried (7 to 0)

4.1.4 COVID-19 Update - Chief Administrative Officer

D. Cribbs, CAO presented the corporate update as they relate to the ongoing pandemic.

Moved By Bob Hildebrandt
Seconded By Wayne Olson

BE IT RESOLVED THAT Council receive the COVID-19 update presentation from D. Cribbs, Chief Administrative Officer, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Wayne Olson	X	
Results	7	0

Carried (7 to 0)

4.2 Delegations

None.

4.3 Report of Regional Councillor

None.

5. Adoption of Minutes

5.1 C20/2020 - Council Minutes December 7, 2020

Moved By Marianne Stewart

Seconded By Bob Hildebrandt

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

1. C20/2020 - Council Minutes - December 7, 2020

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Wayne Olson	X	
Results	7	0

Carried (7 to 0)

6. Business Arising from Council Minutes

None.

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

None.

8. Consent Agenda Items to be Considered in Block

Moved By Bob Hildebrandt

Seconded By Wayne Olson

BE IT RESOLVED THAT the Consent Agenda items as listed on the December 14, 2020 Council Agenda be received and the recommendations contained therein be approved, as applicable.

8.1 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. PCOW-07/2020 Public Meeting Under Planning Act - November 23, 2020

8.2 Minutes Approval – Committee

BE IT RESOLVED THAT Council receive the following minutes for information:

1. PCOW-07/2020 Public Meeting Under Planning Act - November 23, 2020

8.3 Staff Reports of a Routine Nature for Information or Action

8.3.1 Update on Operations Centre Portable Trailer Electrical Service, 2020-0188-Public Works

BE IT RESOLVED THAT Council receive Report #2020-0188, Update on the Public Works Operation Centre Portable Building Electrical Servicing for information.

8.3.2 Ontario Trillium Foundation Resilient Community Fund Grant Update, 2020-0191-Corporate Services

BE IT RESOLVED THAT Council receive Report # 2020-0191, Ontario Trillium Foundation Resilient Community rant Application Update for Pelham Library for information purposes with regards to the grant application for the Radio-frequency identification (RFID) technology for the Pelham library.

8.5 Information Correspondence Items

8.5.1 Cannabis Related Items

BE IT RESOLVED THAT Council receive Cannabis Related correspondence from the Municipality of Chatham-Kent, Town of Fort Erie, Town of Lincoln and Town of Huron-Kinloss, for information.

8.5.2 Niagara Regional Housing Third Quarter Report 2020

BE IT RESOLVED THAT Council receive the Niagara Regional Housing Third Quarter Report 2020, for information.

8.5.3 Women's Place of South Niagara re: Municipal Grant Application

BE IT RESOLVED THAT Council receive correspondence from the Women's Place of South Niagara regarding Municipal Grants, for information;

AND THAT the request be referred to staff for consideration as part of the 2021 Town of Pelham grant process.

8.6 Regional Municipality of Niagara - Action Items

8.6.1 Regional Report CLK C 2020-209 PWC C 44-2020 – Transit

BE IT RESOLVED THAT Council receive Regional Report CLK-C 2020-209 PWC C-44-2020 (LNTC C 4-2020) regarding the Regional Transit System and refer discussion to February 16, 2021, with Regional representatives to be present.

8.7 Committee Minutes for Information

8.7.1 Committee of Adjustment Minutes

BE IT RESOLVED THAT Council receive the Committee of Adjustment minutes dated September 1, 2020 and November 3, 2020, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Wayne Olson	X	
Results	7	0
Carried (7 to 0)		

9. Items for Separate Consideration, if Any

None.

10. Presentation & Consideration of Reports

10.1 Reports from Members of Council:

10.2 Staff Reports Requiring Action

10.2.1 Establish Reserve Fund for Volunteer Fire Fighter Life Insurance, 2020-0189-Corporate Services

Moved By Wayne Olson
Seconded By Lisa Haun

BE IT RESOLVED THAT Council receive Report #2020-0189- Corporate Services; AND THAT staff be directed to prepare the necessary by-law for the establishment of a Volunteer Fire Fighters Life Insurance Reserve Fund AND THAT this Reserve Fund be effective for the December 31, 2020 year end.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Wayne Olson	X	
Results	7	0

Carried (7 to 0)

10.2.2 Letter of Support for Inclusive Community Grant , 2020-0190-Corporate Services

Moved By Marianne Stewart
Seconded By Ron Kore

BE IT RESOLVED THAT Council receive Report #2020-0190, Letter of Support for Inclusive Community Grant; and

THAT Council provides a letter of support for the Inclusive Community grant of \$60,000 from the Ontario Ministry for Seniors and Accessibility.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	

Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Wayne Olson	X	
Results	7	0

Carried (7 to 0)

10.2.3 ICIP-COVID-19 Resilience Fund grant application, 2020-0192-Corporate Services

Moved By Wayne Olson

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council receive Report #2020-0192, Council Support for Investing in Canada Infrastructure Program – COVID-19 Resilience Fund;

AND THAT Council support the Splash Pad project at Centennial Park in Fenwick to be funded partially by ICIP COVID-19 Resilience Fund for \$112,331, and the remaining \$237,669 to be funded by Development Charges revenue as stated in the DC Background Study and included in the 2021 Capital Budget.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Wayne Olson	X	
Results	7	0

Carried (7 to 0)

10.2.4 Delegation of Powers and Duties, 2020-0186-Clerks

Moved By John Wink

Seconded By Wayne Olson

BE IT RESOLVED THAT Council receive Report #2020-0186, Delegation of Powers and Duties;

AND THAT Council consider the Draft Delegation of Powers and Duties By-law and associated schedules outlining the administrative authority delegated to various municipal staff positions as detailed therein;

AND THAT Staff be directed to present the by-law for Council approval at the next regular meeting.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Wayne Olson	X	
Results	7	0

Carried (7 to 0)

10.2.5 By-Law 4199(2020) Sign By-Law Amendment , 2020-0193-Fire Dept

Moved By Ron Kore
Seconded By Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2020-0193, Sign By-law Amendment;

AND THAT Council consider approval of the Amendment to Sign By-law, 4199(2020) included on the December 14, 2020 Council agenda.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	

Wayne Olson	X	
Results	7	0

Carried (7 to 0)

11. Unfinished Business

None.

12. New Business

None.

13. Presentation and Consideration of By-Laws

Moved By John Wink
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-laws do now read a first, second and third time and do pass same, and THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-laws:

- 1. By-law 4299(2020) - Being a by-law to amend By-law No. 3728(2016) to establish 2021 Fees and Charges to be collected by the Corporation of the Town of Pelham, and to Repeal By-law No. 4187(2020), as amended by By-law No. 4250(2020).**
- 2. By-law 4300(2020) - Being a by-law to authorize the execution of a site plan agreement for the lands municipally known as 160 Highway 20 East, legally described as Part Block 3, Plan 59M-432 Parts 1, 8, 9, 10, 11, 16, 17, 18 & 19 59R-16208; subject to an easement In gross over Pts 10 & 16 59R-16208 as in SN 489589; subject to an easement in gross over Part 15 59R-16208 as in SN 489306; subject to an easement in gross over Pts 9 & 18 59R-16208 as in SN 306187; Town Of Pelham. Crowngrove Estates Inc. File No. SP-02-20.**
- 3. By-law 4304(2020)- Being a by-law to amend Sign By-law 4199(2020), being a by-law to prohibit and regulate signs and regulate the placing of signs upon highways and buildings.**

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	

Marianne Stewart	X	
John Wink	X	
Wayne Olson	X	
Results	7	0

Carried (7 to 0)

14. Motions and Notices of Motion

14.1 Councillor Haun - Support for 988 Crisis Line

Moved By Lisa Haun
Seconded By Marianne Stewart

WHEREAS there is a call for the Federal government to adopt 988, a National three-digit suicide and crisis hotline;

AND WHEREAS the ongoing COVID-19 pandemic has increased the demand for suicide prevention services by 200 per cent;

AND WHEREAS existing suicide prevention hotlines require the user to remember a 10-digit number and go through directories or be placed on hold;

AND WHEREAS in 2022 the United States will have in place a national 988 crisis hotline;

AND WHEREAS Pelham Town Council recognizes that it is a significant and important initiative to ensure critical barriers are removed to those in a crisis and seeking help;

NOW THEREFORE BE IT RESOLVED THAT Pelham Town Council endorses this 988 crisis line initiative;

and that Staff be directed to send a letter indicating such support to the local MP, MPP and local area municipalities to indicate our support.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Wayne Olson	X	

O

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for January 11, 2021 at 5:30 pm.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Marianne Stewart	X	
John Wink	X	
Wayne Olson	X	
Results	7	0

Carried (7 to 0)

Mayor: Marvin Junkin

Deputy Clerk: Holly Willford

Recommendations of the Public Meeting under the Planning Act held December 14, 2020

BE IT RESOLVED THAT COUNCIL HEREBY approves the following
Recommendations Resulting from the Public Meeting under the Planning Act meeting of
December 14, 2020:

1. THAT the agenda for the December 14, 2020 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Amendment

**THAT the agenda be amended to include the addendum item number(s)
4.3.2 and 4.3.2.1.**

Main Motion as Amended

**THAT the agenda for the December 14th, 2020 Public Meeting Under the
Planning Act, Special Meeting of Committee of the Whole, be adopted as
amended.**

2. **THAT Committee receives Report #2020-183 for information as it pertains
to File No. AM-07-20;**

**AND THAT Committee directs Planning staff to prepare the
Recommendation Report on this topic for Council's consideration.**

3. **THAT Committee receive the applicants verbal presentation for
information.**

4. **THAT Committee receive the written correspondence as listed on the
agenda;**

**AND THAT Committee receive the verbal presentations made by the public
listed on the Agenda;**

**AND THAT Committee receive any e-mail comments received during the
public portion of the meeting at the clerks@pelham.ca e-mail address.**

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

Committee of the Whole Meeting

Minutes

Meeting #: PCOW-08/2020 Public Meeting Under the Planning Act
Date: Monday, December 14, 2020
Time: 4:30 PM
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

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

Staff Present: Holly Willford, Barbara Wiens, Jason Marr, Shannon
Larocque

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 4:35 pm.

Ms. Holly Willford, Deputy Clerk read opening remarks regarding the Zoom Webinar meeting and procedures for public participation.

2. Adoption of Agenda

THAT the agenda for the December 14, 2020 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Amendment:

Moved By Councillor Bob Hildebrandt

THAT the agenda be amended to include the addendum item number(s) 4.3.2 and 4.3.2.1.

For (6): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, and John Wink

Carried (6 to 0)

Original Motion as Amended:

Moved By Councillor Bob Hildebrandt

THAT the agenda for the December 14th, 2020 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Planning Act Application: AM-07-20 n/s Pancake Lane

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

4.1 Planning Report

Ms. Shannon Larocque, Senior Town Planner provided an overview of the application before Council. A copy is available through the Clerk.

4.1.1 Application for Zoning By-law Amendment - north side of Pancake Lane, 2020-0183-Planning

4.2 Applicant's Presentation

The Applicant indicated he had no further comments and that he and his team are here to listen and available to answer any questions.

4.3 Public Input

Mr. Samuel Knight indicated he was concerned about traffic. He stated he lives on Pancake Lane and that people use Pancake Lane to travel from Haist Street to South Pelham. He indicated people are speeding on Pancake Lane and that there is already a surplus of drivers and the proposal will increase congestion. Mr. Knight indicated he is concerned about the safety of children. He further indicated he is concerned the proposed 4-story apartment building will stick out like a sore thumb and is out of character in the area. He stated the area generally has single or double level family homes and is worried this proposal will be an eye sore and affect the esthetic of Pancake Lane. He also indicated he is concerned this proposal could set a precedent. He further advised he believes this is the type of urbanization most citizens do not want and that people live in Pelham because of its small town charm. Mr. Knight indicated if the development moves forward he would like a traffic impact study, consider a four-way traffic light or stop would be helpful and requested speed bumps similar as on Haist Street. He also indicated, perhaps the proposal could decrease the number of levels.

Mr. Leigh Whyte, Planner from Quartek indicated that he represents the owners of 1306 and 1312 Pelham Street. Mr. Whyte provided Council a PowerPoint presentation a copy of which is on file with the Clerk.

Mr. Whyte indicated he represented his clients and expressed concerns when the proposed consent application was heard a few years ago. He stated at the time they suggested the consent and rezoning should be considered at the same time,

however was not. Mr. Whyte indicated the lands are zoned Institution and are being asked to be rezoned to Residential Multiple 2 to allow an apartment building. He indicated the proposal is by far more than what belongs in the neighbourhood. Mr. Whyte reviewed the zoning requests and indicated he believes the applicant is trying to fit too much on the parcel of land. Mr. Whyte further emphasized Council must be satisfied that the proposal meets the Official Plan policies to approve the proposal and stated he was concerned the proposal does not meet Policy A2.3 Urban Character, B.1.1.3 Residential Intensification, and B.1.1.5 Semi-Detached, Townhouse, Multiple and Apartment Dwellings. He stated he believes the proposal is not consistent with the Official Plan and that the lands are not large enough for what is being proposed. He stated he would be interested in further dialog with the proponent and that mediation might be useful.

Mr. John Abbott indicated he is delighted with the verbal presentations thus far as they mirror his concerns. Mr. Abbott indicated he wished to address the location and design of the building and traffic. He indicated he recalled the severance application and was taken aback that the rezoning was not part of the application. He stated it was well known at the time the proposal would be for a four-story apartment building. Mr. Abbott stated he finds this to be a dishonest approach. Mr. Abbott stated he finds the location and design of the proposal to be out of sync with the neighbourhood. He further stated he would like to think Council has the authority to modify design, consider location seriously and move away from an agreement in which developers may do what they wish. He stated he believes the development of East Fonthill has left a blot on the character of the Town. Mr. Abbott indicated he sees the two other apartment developments and feels this proposal is increasing the problem. He further indicated he is concerned about traffic and agreed with the other presenters indicating Pancake Lane has become a heavy street for traffic and indicated it is difficult to turn onto Pelham Street. He stated he is concerned the proposal only has one entrance and exit onto Pancake Lane. Mr. Abbott indicated if the proposal goes forward he believes there should be another exit onto Pelham Street, a traffic light and traffic calming measures and speedbumps installed. Mr. Abbott indicated he supports the rejection of this proposal as it is currently designed.

Ms. Willford indicated that Mr. Mike Mrkalj had entered the Zoom waiting room but has since left the meeting. She indicated she has received no e-mails at the clerks@pelham.ca e-mail address and the public portion of the meeting is closed at 5:16 pm.

The applicant indicated he had no further comments and indicated he and his team have noted concerns and will speak to staff.

4.3.1 Pre-Registered Members of the Public

4.3.1.1 Samuel Knight

4.3.1.2 Leigh Whyte

4.3.1.3 John Abbott

4.3.1.4 Glad Tidings Church of God - Elaine Shute

4.3.2 Additional Public Input

4.3.2.1 Mike Mrkalj - Pre-Registered to Speak

4.3.2.2 Shelley Wilson - Written Correspondence

4.4 Committee Input

A Councillor indicated there are a lot of concerns regarding a two-way stop at Pelham Street and Pancake Lane and asked if the Pelham Street revitalization project will include a four way stop light. In response, Mr. Jason Marr, Director of Public Works indicated at this point there are no plans for a four way signalized intersection. Mr. Marr indicated Public Works has reviewed the traffic impact study and a traffic four way signal was not warranted from the study. Mr. Marr indicated this is something he can take back to the design consultant.

A Councillor indicated there is an overflow of water coming from the ditches and asked if the Pelham Street reconstruction will alleviate that. In response, Mr. Marr indicated yes. Mr. Marr stated stormwater will be collected and diverted to storm sewers on John Street.

A Councillor requested the Planning Director to advise on the status of the apartment building on the south side of Pancake Lane as he recalled zoning had been approved and would have provided intensification. He indicated he believed the height of that new building would be four stories. In response, Ms. Barb Wiens, Director of Community Planning and Development indicated previous variance and site plan approval had been provided for an apartment building three stories with 12 additional units. Ms. Wiens indicated the site plan had not been executed and that approval was approximately 3 years ago.

A Councillor asked if the infrastructure is in place to handle this level of development. In response, Mr. Marr indicated the Town will be looking at the reconstruction of Pancake Lane between Haist Street and Pelham Street which will include a full urbanization of that road. Mr. Marr indicated currently the cross section of Pancake Lane is semi-urban and does have stormwater drainage. The applicant in this case will be looking to extend the storm sewers to the development property, which will tie into the stormwater management system on Pelham Street once it is reconstructed. The roadway infrastructure will

be reconstructed pending Council and budget approval with a forecast design in 2023 and construction in 2024.

The Councillor then asked if all the infrastructure must be in place prior to the proposed development can be considered for construction. In response, Mr. Marr stated with respect to the stormwater management the Town would request the developer to extend the storm sewer from Pelham Street to the development and that the rest of the infrastructure is currently in place to support the development. Mr. Marr also indicated the Town is looking to upgrade and reconstruct that section of roadway in 2024.

A Councillor stated the eight variances being requested seem unusually large for a property in this area. He stated the difference between the 2 or 3 storey buildings in the area is significant. He stated 3 storeys might work however 4 storeys in his eyes seem excessively large. He stated he would not be in favour of a 4-story apartment building.

A Councillor indicated the traffic study was done in 2018 and stated the Town has experienced a lot of growth in the past 2 year and asked if it might be a good idea to have a fresh traffic study done. The Councillor also suggested a traffic counter to be put on Pancake Lane entering onto Pelham Street to get an accurate count of the daily usage. In response, Mr. Marr stated requesting an updated traffic impact study is something the Town can ask the developer to provide however is not sure there would be many changes from 2018. Mr. Marr also indicated the study did look at the am and pm peaks with respect to the number of vehicles and turning movements. He further indicated the Town also undertakes its own traffic counts and stated that staff can provide this information to Council.

A Councillor suggested that if an additional traffic study is going to be done that it should be done fairly soon while Pelham Street is still fully open. Another Councillor also suggested depending on what happens with COVID people may be working more from home and that this would affect the numbers and counts.

4.5 Presentation of Resolutions

Moved By Councillor Ron Kore

THAT Committee receives Report #2020-183 for information as it pertains to File No. AM-07-20;

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

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Moved By Councillor Marianne Stewart

THAT Committee Receive the applicants verbal presentation for information.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Moved By Councillor Lisa Haun

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

AND THAT Committee receive the verbal presentations made by the public listed on the Agenda;

AND THAT Committee receive any e-mail comments received during the public portion of the meeting at the clerks@pelham.ca e-mail address.

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

5. Adjournment

Moved By Councillor John Wink

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

For (7): Marvin Junkin, Lisa Haun, Bob Hildebrandt, Ron Kore, Wayne Olson, Marianne Stewart, and John Wink

Carried (7 to 0)

Mayor: Marvin Junkin

Deputy Clerk: Holly Willford

Subject: October 2020 Financial Report**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-0008-Corporate Services, October 2020 Financial Report, for information.

Background:

The Corporate Services Department has prepared the attached financial reports, as at October 31, 2020, for the information of Council. The MCC and Transit reports also include non-financial indicators such as hydro usage and ridership.

Analysis:

Appendix 1 to this report summarizes operating revenues compared to budget as at October 31, 2020, with approximately 83% of the year lapsed. Total revenues were at approximately 85% of budget. The financial impact from the closure of facilities and cancellation of programs that resulted from COVID-19 are evident in transit and MCC revenues as well as certain miscellaneous user fees and charges for services. Most other revenue sources such as grants, transfers from reserves, and property taxation are in keeping with the budget. The MCC opened on July 6 with one ice pad and summer programming. On July 27, the second ice pad opened due to the high demand for summer ice in the Niagara Region. Ten months of water and wastewater had been billed and are at 90% of budget because consumption tends to be higher in the summer months. The Safe Restart COVID-19 funding of \$224,182 has been included in the report to offset the direct COVID-19 expenses incurred to October 31, 2020.

On December 16, the Ontario provincial government announced additional financial relief for municipalities facing operating pressures related to COVID-19 under the federal-provincial Safe Restart agreement. Pelham will receive \$1,298,000 under Phase 2, in addition to \$428,500 received under Phase 1 for operating pressures and \$18,334 received for transit. This will be presented along with the final year-end results on the December 2020 financial report. This funding is sufficient to offset the operating pressures that Pelham experienced due to COVID-19, both as a result of lost revenues and increased costs.

Appendix 2 to this report summarizes operating expenditures compared to budget at October 31, 2020. Total expenses were at approximately 77% of budget and appeared to be on track because of debenture principal and interest payments to be paid as well as cost mitigations undertaken by the Town. This report includes \$224,182 of direct costs related to COVID-19 such as purchase of computer equipment and additional cleaning costs.

Appendix 3 summarizes the revenues and expenditures related to the MCC at October 31, 2020. MCC revenues were at 72% of budget and trending below the prior year due to closures from COVID-19 from mid-March to July 6. MCC expenses were at 73% of budget, which is below the expectation for the first eight months of the year as a result of reduced wages from the facility closure and lower hydro rates, which are partially offset by full year insurance expensed and cost of supplies that are related to the server revenues. It is anticipated that revenues for the MCC will be below budget at year-end due to the impact of the pandemic. With the opening of the MCC in July and August, the revenue from ice and summer programming is \$163,199. The ice times were booked solid for the months of July and August due to the high demand for ice, because other municipalities did not have their ice pads operational. Revenues are lower in September and October because schools re-opened, but are continuing at strong levels given the impact of COVID-19 on capacity limitations.

Appendix 4 summarizes revenues and expenditures related to Pelham Transit. Approximately \$154,000 in provincial gas tax funding has been received, with \$50,000 deferred and placed in a reserve fund for future expenditures, and \$100,000 of Community Transit grant has been received. It is anticipated that additional provincial gas tax funds will be deferred. Effective August 17, 2020, the Niagara Region has taken over the service delivery of the transit with on-demand service by a third party provider VIA. Transit expenditures were at 52% of budget due to reduced cost of contracted services in April and May, but any cost savings are expected to result in reduced grant funding. In addition, the Town has not yet paid the Region for contracted services for September or October.

Financial Considerations:

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

Alternatives Reviewed:

Not applicable.

Strategic Plan Relationship: Strong Organization

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

Consultation:

These reports have been provided to the Pelham Finance and Audit Committee for review.

Other Pertinent Reports/Attachments:

Appendix 1 – Monthly Revenue Report at October 31, 2020

Appendix 2 – Monthly Expenditure Report at October 31, 2020

Appendix 3 – Meridian Community Centre Report at October 31, 2020

Appendix 4 – Transit Report at October 31, 2020

Prepared and Recommended by:

Teresa Quinlin, MBA, CPA, CA
Director of Corporate Services/Treasurer

Prepared and Submitted by:

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

Appendix 1
Monthly Revenue Report at October 31, 2020 (83% of time lapsed)

		2020			2019	
	Notes	Budget	Actual at Oct 31	Actual as a % of Budget	Budget	Actual at Dec 31
Taxation						
General Tax Levy		\$ 14,946,487	\$ 12,405,591	83 %	\$ 13,674,386	\$ 13,674,375
Payments in Lieu		300,471	250,758	83 %	300,471	300,875
Total Taxation		15,246,958	12,656,349	83 %	13,974,857	13,975,250
Finance Department						
Penalties and Interest	(1)	270,000	189,669	70 %	270,000	261,321
Supplemental Taxation Revenues	(2)	200,000	321,277	161 %	210,000	366,800
Transfer from Building Department		79,497	66,248	83 %	77,938	77,938
Ontario Unconditional Grants		39,800	41,100	103 %	39,800	46,600
Miscellaneous	(3)	18,000	17,834	99 %	15,000	23,572
Investment Income	(4)	10,000	28,510	285 %	10,000	25,241
Safe Restart COVID-19 Funding	(5)	-	224,182	- %	-	-
Total Finance Department		617,297	888,820	144 %	622,738	801,472
Clerk's Department						
Committee of Adjustment		36,500	38,597	106 %	50,000	50,528
Miscellaneous	(6)	14,250	8,653	61 %	16,750	12,946
Total Clerk's Department		50,750	47,250	93 %	66,750	63,474
Fire and By-law Services						
Fire Department Revenues	(7)	36,450	37,281	102 %	35,450	43,019
By-law and Parking Enforcement	(8)	28,138	27,986	99 %	14,300	24,012
Provincial Offences Act Revenue		25,000	20,794	83 %	10,000	44,463
Total Fire and By-law Services		89,588	86,061	96 %	59,750	111,494
Public Works						
Non-recreation Facilities and Beautification	(9)	49,000	15,645	32 %	49,000	41,282
Aggregate Resource Grant	(10)	25,000	48,836	195 %	25,000	52,831
Transfer from Reserve - Roads	(11)	-	-	- %	-	120,766
Miscellaneous	(12)	85,500	47,880	56 %	80,500	87,515
Fonthill/Hillside Cemeteries		76,500	88,847	116 %	78,500	94,329
Total Public Works		236,000	201,208	85 %	233,000	396,723
Recreation, Culture and Wellness						
Recreation and Wellness	(13)	364,520	208,883	57 %	347,450	433,228
Special Events and Festivals	(14)	147,770	15,790	11 %	150,150	152,919
Culture and Community Enhancement	(14)	75,000	1,671	2 %	78,500	65,258
Public Transit		274,500	252,586	92 %	211,953	208,397
MCC Facility	(15)	786,342	619,632	79 %	1,052,719	1,134,460
Total Recreation, Culture and Wellness		1,648,132	1,098,562	67 %	1,840,772	1,994,262
Community Planning and Development						
Building Department Revenues	(16)	600,500	481,944	80 %	500,500	713,260
Planning Fees	(17)	140,340	212,340	151 %	65,340	153,085
Municipal Drainage		-	7,525	- %	-	-
Total Community Planning and Development		740,840	701,809	95 %	565,840	866,345
Water and Wastewater						
Water Revenues		2,948,982	2,636,651	89 %	2,761,884	2,576,841
Wastewater Revenues		2,161,293	1,954,228	90 %	2,014,104	1,913,948
Total Water and Wastewater	(18)	5,110,275	4,590,879	90 %	4,775,988	4,490,789
GRAND TOTAL		\$ 23,739,840	\$ 20,270,938	85 %	\$ 22,139,695	\$ 22,699,809

Appendix 1

Monthly Revenue Report at October 31, 2020 (83% of time lapsed)

Explanatory Notes:

- (1) Due to the COVID-19 pandemic, Council approved the waiving of interest and penalties on taxes from April 1 to June 30, 2020.
- (2) The majority of supplemental revenue is collected June through November, and has exceeded budget for the year.

Supplementary/omitted taxes result from an addition, renovation, construction or class change that occurred on a property that was not previously recorded on the assessment roll. When supplementary/omitted assessment is added to the roll, additional property taxes can be collected for the current year, and if applicable, for any part of all of the two previous years as described in Section 34 of the Assessment Act.
- (3) Fees for tax certificates have exceeded budget for the year.
- (4) Interest will be allocated to non-discretionary and obligatory reserves at year-end, and an estimate of the portion related to Q1-Q3 has been adjusted. There has been a significant decline in interest rates compared to the prior year.
- (5) In August, the Federal and Provincial Governments announced that under the Safe Restart Agreement, municipalities would receive emergency assistance toward financial pressures resulting from COVID-19. It was announced that under Phase 1 of the program, the Town of Pelham would receive \$428,500 to support its operating costs and pressures based on a per household allocation, as well as \$18,334 in funding toward to financial pressures in transit. Safe Restart funds receivable have been presented in this report up to the amount of direct COVID-19 expenditures spent, as the remaining funding will be needed to offset expenditures for the remainder of the year. The Town intends to apply for Phase 2 funding, which applies to municipalities whose financial pressures in 2020 exceed the Phase 1 funding.
- (6) Certain revenue streams, such as lottery and marriage licenses, are unpredictable in timing and it is anticipated that these revenues will be significantly impacted by COVID-19.
- (7) Increased fees for fire response to uncontrolled open air burns.
- (8) Provincial grant funding for cannabis legalization has been applied against eligible costs. Increased parking fines as well as increased administration and inspection fees related to property standards.
- (9) Revenue is primarily related to cost recoveries for parks from spring to fall and has decreased due to the impact of COVID-19. Hall rental revenue has also decreased.
- (10) Aggregate resource grant received in September and exceeded budget for the year.
- (11) Transfer for any shortfall in the Winter Control budget will occur at year-end if required in accordance with the Reserve and Reserve Fund policy.
- (12) It is anticipated that driveway culvert fees and other miscellaneous revenues will be below budget due to COVID-19. Approximately \$9,800 of the remaining Climate Change grant funding is expected to be collected.

Appendix 1

Monthly Revenue Report at October 31, 2020 (83% of time lapsed)

Explanatory Notes Continued:

- (13) Recreation and wellness revenue related to camps and swim, with an approximate budget of \$192,000, is collected in the summer, and is approximately 50% below budget due to the impact of COVID-19.
- (14) Most recreation special event activity normally occurs in Q2 and Q3. On May 4, Council determined that all festivals and events outside of the Farmer's Market will be cancelled up to September 30, 2020. Lost revenues will be approximately \$205,000, but there will be some expense savings to offset. Holiday special events are being modified to adjust to COVID-19 but revenues are expected to be minimal.
- (15) Arena revenues are normally higher from approximately September to February and a significant portion of fees for the first part of the year were collected during that time, but decreased significantly due to the impact of COVID-19. There has been an improvement with the reopening of the facility and both ice pads during the summer.
- (16) It is anticipated that building permit fees will be lower than budget due to the impact of COVID-19.
- (17) Significant subdivision fees collected early in the year; continued growth within the Town has resulted in revenues which have exceeded budget for the year.
- (18) Water and wastewater have been billed for January to October. Consumption tends to be higher in the summer.

Appendix 2

Monthly Expenditure Report at October 31, 2020 (83% of time lapsed)

	Notes	2020			2019	
		Budget	Actual at Oct 31	Actual as a % of Budget	Budget	Actual at Dec 31
Administration Services						
Members of Council	(1)	\$ 218,670	\$ 181,533	83 %	\$ 217,409	\$ 212,385
CAO's Office	(2)	277,310	181,105	65 %	257,512	189,147
Human Resources		86,945	62,392	72 %	86,145	90,451
Total Administration Services		582,925	425,030	73 %	561,066	491,983
Clerk's Department						
Clerk's Department and COA		356,450	284,495	80 %	364,464	363,036
Marketing and Communication	(3)	130,670	92,376	71 %	125,975	110,505
Total Clerk's Department		487,120	376,871	77 %	490,439	473,541
Corporate Services						
Finance Department		820,165	655,543	80 %	809,394	842,444
Shared Administrative Overhead	(4)	736,043	700,591	95 %	845,015	2,061,971
Shared Information Technology	(5)	514,770	452,573	88 %	448,848	437,155
COVID-19 Direct Expenditures		-	224,182	- %	-	-
Total Corporate Services		2,070,978	2,032,889	98 %	2,103,257	3,341,570
Fire and By-law Services						
Fire Services	(6)	1,434,772	924,147	64 %	1,329,511	1,337,303
By-law and Parking Enforcement		203,928	159,577	78 %	126,146	132,003
Health and Safety		8,120	2,166	27 %	7,955	8,604
Crossing Guards		48,400	22,144	46 %	42,563	44,810
Animal Control	(7)	36,800	36,900	100 %	36,000	35,850
Total Fire and By-law Services		1,732,020	1,144,934	66 %	1,542,175	1,558,570
Public Works						
General Administration	(8)	1,336,942	1,176,099	88 %	1,183,229	1,031,459
Roadway Maintenance		4,191,665	3,266,680	78 %	3,810,707	3,959,218
Non-recreation Facilities and Beautification	(9)	2,272,451	1,574,263	69 %	1,930,024	1,747,889
Street Lighting		199,789	161,576	81 %	224,789	182,683
Fonthill and Hillside Cemeteries		130,280	97,351	75 %	128,322	118,259
Niagara Central Airport	(10)	27,621	25,282	92 %	20,844	20,844
Total Public Works		8,158,748	6,301,251	77 %	7,297,915	7,060,352
Recreation, Culture and Wellness						
General Administration		371,007	283,087	76 %	357,669	353,870
Recreation and Wellness	(11)	386,775	285,173	74 %	379,270	392,110
Special Events and Festivals	(11)	271,070	110,147	41 %	270,601	274,260
Culture and Community Enhancement	(11)	157,700	44,381	28 %	158,046	160,575
Public Transit	(12)	526,570	274,827	52 %	442,390	448,203
MCC Facility	(13)	1,631,749	1,168,197	72 %	1,773,538	1,476,835
Libraries		864,218	720,182	83 %	814,218	814,218
Total Recreation, Culture and Wellness		4,209,089	2,885,994	69 %	4,195,732	3,920,071
Community Planning and Development						
Building Department		600,500	450,834	75 %	500,500	713,260
Planning and Zoning		727,810	591,974	81 %	633,487	617,087
Municipal Drainage		60,375	46,348	77 %	39,136	32,586
Total Community Planning and Development		1,388,685	1,089,156	78 %	1,173,123	1,362,933
Water and Wastewater						
Water		2,948,982	2,374,253	81 %	2,761,884	2,576,841
Wastewater		2,161,293	1,655,504	77 %	2,014,104	1,913,948
Total Water and Wastewater		5,110,275	4,029,757	79 %	4,775,988	4,490,789
GRAND TOTAL		\$ 23,739,840	\$ 18,285,882	77 %	\$ 22,139,695	\$ 22,699,809

Appendix 2

Monthly Expenditure Report at October 31, 2020 (83% of time lapsed)

Explanatory Notes:

- (1) Increased cost of consulting for the Cannabis Control Committee approved by Council outside of budget process, partially offset by decreased municipal grants due to facility closures and event cancellations.
- (2) Costs for volunteer recognition and Pelham Active Transportation Committee not yet incurred.
- (3) The timing of marketing expenditures has shifted later in the year due to the impact of Covid-19. The annual fall/winter Life in Pelham Guide will not be published, but there will be an increase in weekly advertisements and print advertising.
- (4) Prepaid insurance has been expensed for the full year and global wage budget has been distributed. Increased legal fees related to cannabis.
- (5) Some software licenses and support fees have been paid in full for the year. Interdepartmental transfers (costs allocated to rate-supported departments) will be recorded at year-end.
- (6) Volunteer firefighter stipends are paid in November.
- (7) Animal control payments have been made for Q1 to Q4.
- (8) Significant debenture principal and interest has been paid.
- (9) Significant debenture principal and interest to be paid late in the year.
- (10) Operating contribution to Niagara Central Dorothy Rungeling Airport Commission has been paid. This has been reduced slightly by interest on loans.
- (11) Most recreation camp and special event activity normally occurs in Q2 and Q3. On May 4, Council determined that all festivals and events outside of the Farmer's Market will be cancelled up to September 30, 2020. There will be lost revenues and expense savings as a result. Holiday special events are being modified to adjust to COVID-19 and while revenues are expected to be minimal, the net cost will not exceed budget.
- (12) Decreased cost for transit contracted services due to partnership with Niagara Region for On-Demand transit services. Invoice for mid-August to October has not yet been received.
- (13) Reduced labour costs during temporary facility closure.

	Notes		2020			Actual 2020											
			Budget	Actual YTD Total	Actual as a % of Budget	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
MCC Revenues																	
Arena Revenues	(1)		\$ 595,342	\$ 493,482	83 %	\$ 84,582	\$ 80,798	\$ 32,288	\$ (1,929)	\$ 358	\$ -	\$ 48,725	\$ 114,474	\$ 59,057	\$ 75,129	\$ -	\$ -
Multi-Purpose Space Revenues	(2)		63,000	29,240	46 %	10,156	8,480	5,510	164	-	-	-	-	474	4,456	-	-
Gymnasium Revenues	(3)		63,000	39,426	63 %	7,985	7,554	3,075	(21)	-	-	840	6,520	4,340	9,133	-	-
Programming Revenues	(4)		129,800	57,415	44 %	2,178	8,351	1,665	-	-	33	16,872	24,291	4,025	-	-	-
Grants	(5)		42,700	42,700	100 %	10,675	-	-	10,675	-	-	-	10,675	-	10,675	-	-
Other Rev. - Miscellaneous	(6)		63,550	38,266	60 %	16,003	11,988	6,664	1,656	-	58	434	562	168	733	-	-
Other Revenues - Advertising	(7)		30,000	10,000	33 %	10,000	-	-	-	-	-	-	-	-	-	-	-
Total Revenues		(a)	987,392	710,529	72 %	141,579	117,171	49,202	10,545	358	91	66,871	156,522	68,064	100,126	-	-
MCC Expenditures																	
Salaries and Benefits	(8)		1,239,600	884,279	71 %	96,243	91,068	96,918	73,517	62,746	61,796	100,367	117,215	96,449	87,960	-	-
Professional Development			10,900	8,399	77 %	6,201	7,464	-	-	(1,307)	102	-	(4,061)	-	-	-	-
Associations and Memberships			7,000	2,088	30 %	1,096	379	-	613	-	-	-	-	-	-	-	-
Travel			4,500	-	- %	-	-	-	-	-	-	-	-	-	-	-	-
Hydro	(9)		400,000	288,100	72 %	28,437	30,005	23,975	17,296	15,338	15,347	33,829	44,889	36,927	42,057	-	-
Natural Gas			65,000	42,914	66 %	4,992	6,214	6,179	2,966	2,763	1,540	1,996	5,511	5,901	4,852	-	-
Water			40,000	33,256	83 %	-	7,158	-	4,577	-	5,161	-	9,444	-	6,916	-	-
Telephone			10,760	6,921	64 %	683	684	684	697	682	653	571	838	714	715	-	-
Office Supplies			6,650	3,307	50 %	239	398	124	405	213	176	-	292	380	1,080	-	-
Materials and Supplies	(10)		55,000	76,366	139 %	10,832	12,251	2,492	3,678	11,117	17,710	716	11,572	3,271	2,727	-	-
Furniture and Equipment	(10)		6,000	209	3 %	209	-	-	-	-	-	-	-	-	-	-	-
Materials and Supplies - Janitorial			34,488	14,916	43 %	3,033	1,299	5,468	789	72	488	1,538	783	383	1,063	-	-
Fuel			4,850	3,877	80 %	441	476	381	24	125	25	557	617	547	684	-	-
Internet			12,000	8,243	69 %	824	825	824	824	824	825	824	824	824	825	-	-
Insurance	(11)		49,631	49,631	100 %	49,631	-	-	-	-	-	-	-	-	-	-	-
Contract Services - Janitorial			13,500	11,888	88 %	921	1,184	794	105	106	13	104	5,248	375	3,038	-	-
Contract Services - Other			155,631	110,496	71 %	12,580	17,956	7,737	5,119	1,718	(1,273)	17,114	23,802	6,718	19,025	-	-
Repairs and Maintenance	(12)		11,500	11,808	103 %	6,098	3,811	-	-	-	193	-	1,307	-	399	-	-
Total Expenditures before Debt and Other Items		(b)	2,127,010	1,556,698	73 %	222,460	181,172	145,576	110,610	94,397	102,756	157,616	218,281	152,489	171,341	-	-
Net Surplus (Deficit) before Debt and Other Items		(c)= (a) - (b)	(1,139,618)	(846,169)	74 %	(80,881)	(64,001)	(96,374)	(100,065)	(94,039)	(102,665)	(90,745)	(61,759)	(84,425)	(71,215)	-	-
MCC Debt Activity																	
Tax Levy Debenture Interest	(13)		(282,024)	(142,107)	50 %	-	-	-	-	-	(142,107)	-	-	-	-	-	-
Tax Levy Debenture Principal	(13)		(198,227)	(98,293)	50 %	-	-	-	-	-	(98,293)	-	-	-	-	-	-
Development Charge Revenue	(14)		630,188	630,188	100 %	317,023	-	-	-	-	-	313,165	-	-	-	-	-
Development Charge Debenture Interest	(14)		(368,875)	(368,875)	100 %	(187,410)	-	-	-	-	-	(181,465)	-	-	-	-	-
Development Charge Debenture Principal	(14)		(261,313)	(261,313)	100 %	(129,613)	-	-	-	-	-	(131,700)	-	-	-	-	-
Pre-MCC RCW and Facility Net Costs			951,088	792,570	83 %	79,257	79,257	79,257	79,257	79,257	79,257	79,257	79,257	79,257	79,257	-	-
One-Time Transfer from MCC Reserve			100,000	83,333	83 %	8,333	8,334	8,333	8,333	8,334	8,333	8,333	8,334	8,333	8,333	-	-
Net Debt and Other Items		(d)	570,837	635,503	111 %	87,590	87,591	87,590	87,590	87,591	(152,810)	87,590	87,591	87,590	87,590	-	-
NET SURPLUS (DEFICIT)		(e)= (c) + (d)	\$ (568,781)	\$ (210,666)	37 %	\$ 6,709	\$ 23,590	\$ (8,784)	\$ (12,475)	\$ (6,448)	\$ (255,475)	\$ (3,155)	\$ 25,832	\$ 3,165	\$ 16,375	\$ -	\$ -

Meridian Community Centre

Appendix 3

Actual Results to Budget at October 31, 2020 (83% of time lapsed)

Explanatory Notes:

The COVID-19 pandemic resulted in facility closures and some programming cancellations. The Duliban Arena ice pad has been in use since July 8, and the Accipiter Arena opened for rental commencing July 27. The MCC's gradual integration of services follows the Ontario Recreation Facilities Association's guidance for sports and recreational fitness activities during COVID-19. The impact on future revenue as a result of COVID-19 is uncertain at this time, and will be dependent on many factors including guidance from senior levels of government and Public Health guidelines.

Additional COVID-19 direct expenditures have been excluded from this report, as they are being tracked separately in order to apply for grant funding. Corresponding Safe Restart COVID-19 funding, which will offset these expenditures, has also been excluded.

- (1) Higher ice rental revenue during hockey season; normally expected to be lower in the summer. Monthly trend in this revenue was similar to the prior year but lower in March due to closures from COVID-19. Some fees were refunded in April, and show as negative revenue. Revenue has improved July through October as a result of the ice pad re-openings.
- (2) Multi-purpose space revenue was trending above the prior year, at 38% of budget vs. 30% of budget in March 2019 but there will be no further revenue while facilities are unavailable due to COVID-19. Some programs, such as pickleball, commenced in October.
- (3) The normal expectation for gymnasium revenue would be higher during basketball season and lower in the summer, however it decreased in March due to COVID-19 closure and was nil for April.
- (4) The majority of camp revenue is normally earned in the summer, and is below budget due to the impact of COVID-19 and the associated capacity limitations.
- (5) Senior Active Living Centre grant monies received for Q1 to Q4, and online seniors programming has continued during the COVID-19 closure.
- (6) Miscellaneous revenue includes cost recoveries, equipment rentals, event revenue, donations, servery sales, and other items that are individually too small to classify separately. Revenue above budget relates primarily to servery sales and has related costs under materials and supplies. Revenue in April relates to recoveries of expenses in Q1 that were invoiced in April.
- (7) Advertising revenue will not be earned during facility closure.
- (8) Reduced wages during facility closure April to June and three pay periods in July. Part-time staff increased in July and August due to the opening of two ice pads.
- (9) Hydro savings due to facility closure from the end of March to June, and reduced hydro rates due to Covid-19. Increased hydro in July and August due to the operation of two ice pads.
- (10) Increased costs relate primarily to supplies and cost of goods related to servery sales revenue which is also above budget. Most of the costs in May and June relate to the new cold-water management system for ice-making in the arenas. August includes furniture for the Seniors Lounge for which there was a Senior Active Living Centre special grant received in 2019.
- (11) Prepaid insurance has been expensed in full for the year.
- (12) Predominantly relates to costs for television screens and automatic door opener for the 55+ Community Room.
- (13) Tax levy debenture payments for the MCC occur in June and December.
- (14) Development charge debenture payments for the MCC occur in January and July.

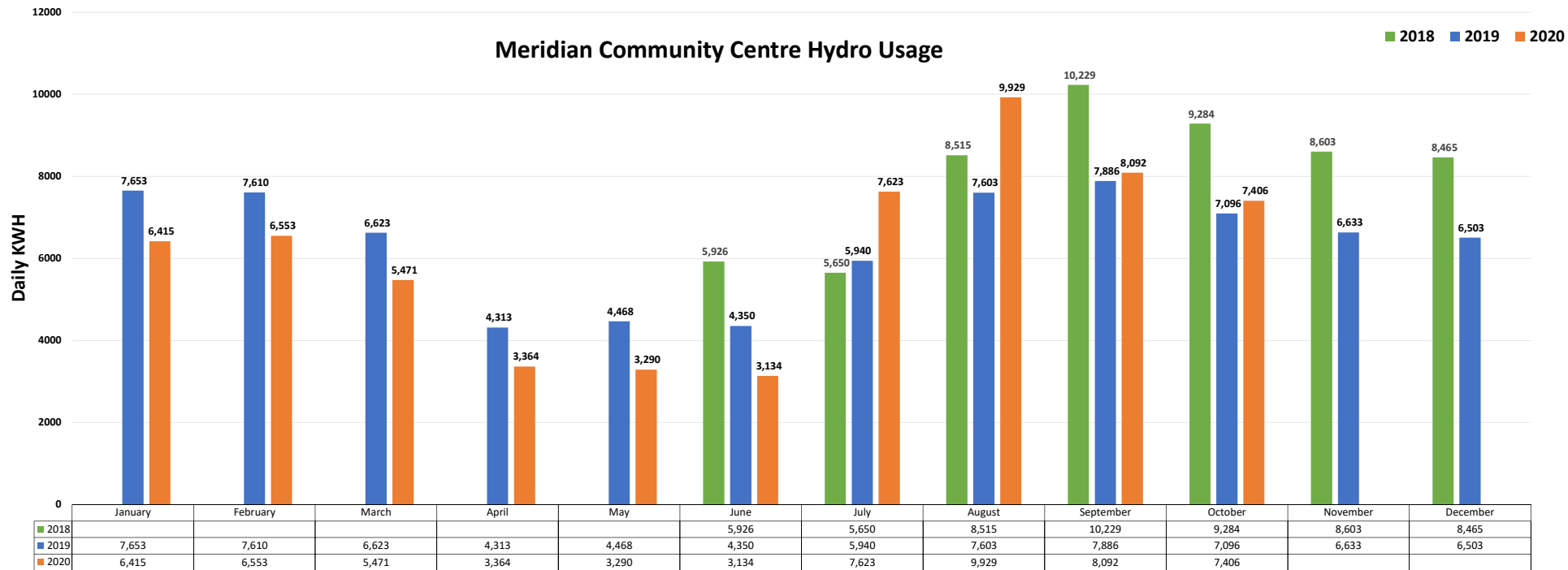
Meridian Community Centre - Revenue by Major Customer & Activity

Appendix 3

For the month ended October 31, 2020 (83% of time lapsed)

	Hours	Amount
Arena Revenues		
Pelham Minor Hockey Association (PMHA)	96.0	\$ 22,591
Niagara Centre Skating Club (NCSC)	26.5	6,509
Pelham Junior Hockey Club	29.0	3,996
Southern Tier Admirals AAA Hockey	40.5	7,992
Public Ice	222.0	31,108
Recreation & Wellness Programming	14.0	2,933
Arena Revenues Subtotal	428.0	75,129
Multi-Purpose Space Revenues		
Room Rentals	14.0	455
Recreation Programming	14.0	4,001
Multi-Purpose Space Revenues Subtotal	28.0	4,456
Gymnasium Revenues		
Pelham Panthers Basketball	207.0	8,299
Other	-	834
Gymnasium Revenues Subtotal	207.0	9,133
Camp and Multi-Space Program Revenue		
Camp Revenues	40.0	-
Grants	-	10,675
Other Revenues		
Miscellaneous	-	733
TOTAL REVENUES	703.0	\$ 100,126

Meridian Community Centre Hydro Usage



Billing Period

	Notes	2020			Actual 2020											
		Budget	Actual YTD Total	Actual as a % of Budget	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Revenues																
Grants - Provincial	(1)	\$ 175,000	\$ 247,467	141 %	\$ -	\$ -	\$ -	\$ 50,000	\$ -	\$ -	\$ 115,600	\$ 25,000	\$ 13,533	\$ 43,334	\$ -	\$ -
Grants - Other	(2)	62,500	-	- %	-	-	-	-	-	-	-	-	-	-	-	-
Other Revenues	(3)	22,000	3,119	14 %	742	919	385	30	266	418	139	144	76	-	-	-
Sponsorships	(4)	15,000	2,000	13 %	1,000	-	-	1,000	250	(250)	-	-	-	-	-	-
Total Revenues		274,500	252,586	92 %	1,742	919	385	51,030	516	168	115,739	25,144	13,609	43,334	-	-
Expenditures																
Salaries and Benefits	(5)	116,500	104,059	89 %	10,789	9,080	9,082	9,210	9,069	8,916	21,001	7,915	9,501	9,496	-	-
Materials and Supplies	(6)	5,570	239	4 %	-	-	-	-	-	239	-	-	-	-	-	-
Contract Services - Bus	(6)	400,000	170,529	43 %	54,014	42,966	35,147	9,318	6,162	7,960	8,149	6,813	-	-	-	-
Interdepartmental Transfers	(7)	4,500	-	- %	-	-	-	-	-	-	-	-	-	-	-	-
Total Expenditures		526,570	274,827	52 %	64,803	52,046	44,229	18,528	15,231	17,115	29,150	14,728	9,501	9,496	-	-
NET SURPLUS (DEFICIT)		\$ (252,070)	\$ (22,241)	9 %	\$ (63,061)	\$ (51,127)	\$ (43,844)	\$ 32,502	\$ (14,715)	\$ (16,947)	\$ 86,589	\$ 10,416	\$ 4,108	\$ 33,838	\$ -	\$ -
Ridership 2020	(8)		3,191		796	737	551	71	51	84	91	153	322	335	-	-
Ridership 2019			7,895		453	464	594	786	559	783	671	797	609	834	764	581

Explanatory Notes:

- (1) To date, the Town has received \$100,000 of the MTO Community Transportation grant for the year and \$154,133 in provincial gas tax. \$50,000 of the provincial gas tax funding received in 2020 has been deferred and placed in a reserve fund for future years, as grant funding has exceeded budget for 2020.
- (2) Region contribution to link received in December.
- (3) Niagara College and Brock uPass are being collected by the Region and will be received from the Region later in the year.
- (4) Sponsorships are often paid in advanced for the full year of advertising; decrease due to impact of COVID-19.
- (5) There were three pays in July, as well as staff training.
- (6) The Town will be paying Niagara Region for services from late August to December in accordance with the one-year pilot agreement.
- (7) Interdepartmental transfers are allocations of costs from other department, such as facilities. These are recorded at year-end based on actual results.
- (8) Ridership lower due to impact of COVID-19. On April 14, Pelham Transit began operating as a Dial-a-Ride service, in which riders were pre-booked and pre-screened. On August 17, Pelham Transit entered into a partnership with Niagara Region Transit to provide On-Demand transit services under a one-year pilot agreement.

Report: Information Report on Second Dwelling Units

Recommendation:

THAT Council receives Report #2021-0004 for information as it pertains to proposed Second Dwelling Units Policies and Regulations.

Executive Summary:

This report is intended to provide the information on the Provincial requirements as it relates to Bill 108, *More Homes, More Choice Act*, 2019. The intention is to inform Council and the public that changes and amendments are required to the Town of Pelham's Official Plan and Zoning By-law to provide policy guidance and requirements under which Second Dwelling Units may be permitted in the Town. Furthermore, this report will outline the public engagement process to ensure that the final policies and regulations focus on a "made in Pelham" solution.

Background:

The Minister of Municipal Affairs and Housing introduced Bill 108, *More Homes, More Choice Act*, 2019 on May 2, 2019. The Bill proposed a number of amendments to thirteen (13) different statutes including *the Planning Act*, the *Local Planning Appeal Tribunal Act* and the *Development Charges Act*. The changes to *the Planning Act* require that Municipal Official Plans and Zoning By-laws must contain provisions permitting additional residential units, subject to applicable provisions in the Ontario Fire Code, Building Code and municipal by-laws. Similar to the 2011 Bill 140 *Planning Act* amendments, there is no appeal related to Official Plan policies or zoning by-law regulations that authorize the use of Second Dwelling Unit (SDUs).

Over the last few years, planning staff have received inquiries from the public regarding the establishment of SDUs and the process required to build such a unit in their dwelling and/or accessory building. The number of inquiries have grown considerably over the last few years with staff fielding approximately two to three inquiries a month regarding the provincial changes and establishing a SDU on

their property. This level of inquiry is indicative of a need to update the Town Official Plan and Zoning By-law to address SDUs.

More Homes, More Choice Act (2019), requires that municipalities support housing choices by ‘identifying a diverse range and mix housing options’, noting that second dwelling units play an important role in addressing affordable housing and contributing to housing options.

Currently the Town of Pelham Official Plan has limited policy guidance with respect to SDUs and the Zoning By-law does not speak specifically to permitting a Second Dwelling Unit(s), which results in red tape for property owners to maneuver through should they wish to pursue permission for a SDU. Presently, to establish a Second Dwelling Unit a number of applications and permits are required, making it difficult and expensive to establish. This also means that instead of obtaining the necessary permissions people are establishing SDU’s ‘illegally’ without the benefit of building permits or inspections to ensure compliance with Building and Fire Code requirements which can result in unintended life safety risks to the habitants of the SDU’s.

Staff are currently drafting Second Dwelling Units policies and regulations that will align with the recent Provincial updates while being specific to the needs of the Public engagement will be a key component of developing a “made in Pelham” solution.

Project Description and Purpose:

This report is intended to provide the background information that speaks to the Provincial requirements for Second Dwelling Units, as well as inform Council and the public on that staff are proposing to bring forward proposed amendments to the Town Official Plan and Zoning By-law with respect to SDUs and how the public can engage in the discussion on this topic knowing that there is a variety of public interest on this matter.

Engagement and Communications:

Engaging the public on this matter will ensure the required policy and regulation addresses the needs of Pelham while encouraging a diverse mix of housing options to aide in the manageable growth of Pelham and address a component of housing affordability. As required by the *Planning Act*, notification of a public meeting to be

held on February 8th, 2021 will be published in the local newspaper. Additionally, staff will be sending notice of the public meeting via email to those individuals who have inquired about SDU's over the past years and requested to be added to the circulation list.

Further, to achieve meaningful public engagement, staff have also developed a project specific webpage on the Town website as a tool to engage the public remotely so that those who are unable to attend the public meeting will also have a venue by which they can provide input.

Project Webpage

A webpage dedicated to the SDU project has been posted on the Town of Pelham website. This webpage includes explanations of what is required of the Town, why SDUs are needed, the planning process that is being undertaken, how to comment, graphics, survey and contact information. Furthermore, the public will be kept informed as the project moves forward with staff posting project timelines and updates. Once the policies receive Council approval, they will be uploaded to the website along with the Recommendation Report for continuity purposes and to have this information readily available to the public.

Next Steps:

Staff are preparing policies to amend the Town of Pelham Official Plan and Zoning By-law to include provisions specific to SDU's, which the Town is required to implement to be in line with Provincial legislation.

A draft of the proposed policies and regulations will be presented at a public meeting scheduled for February 8th, 2021. Following the public meeting and review of the public input received through the Town website, the proposed Official Plan and Zoning By-law amendments will be finalized and presented to Council for its consideration later in 2021.

Prepared and Recommended by:

Tara Lynn O'Toole, B.A (Hons.)
Policy Planner



Community Planning & Development Department – Planning Application Report
January 11, 2021

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

Reviewed and Submitted by:

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

January 8, 2021

UCC File No. 1995

To: Mrs. Nancy J. Bozzato, Clerk
Town of Pelham
Fonthill, ON L0S 1E0

**Re: Request to Defer Consideration of Agenda Item 14.2
Town of Pelham Trail System**

I have recently become aware of the motion on the agenda for Monday January 11, 2021 from Councillor Wink and seconded by Councillor Hildebrandt to prohibit any road crossings over the Steve Bauer Trail. This motion has a direct impact on the Kunda Park Draft Plan of Subdivision (Town File No. 26T19-01-2020) for which I am the agent on behalf of Sterling Realty. The Kunda Park Draft Plan of Subdivision has two proposed municipal roads that cross the Steve Bauer Trail as a means of dispersing traffic, connecting the subdivision with East Fonthill and providing secondary access to the subdivision for emergency services.

Sterling Realty has owned the Kunda Park Property since 2012 and has actively been working towards Draft Plan Approval since that time. The owner and their consulting team have put in considerable effort to work collaboratively with Planning Staff, the Niagara Peninsula Conservation Authority, the Niagara Region, the public and review agencies to develop the proposed plan as a means to balance the interests of all involved. A plan showing the proposed Kunda Park Draft Plan of Subdivision as well as the proposed Forest Park Draft Plan of Subdivision is attached for Council's information.

Earlier iterations of the Kunda Park Draft plan did not include the crossings over the Stage Bauer Trail. However, the applicant was compelled to provide the trail connections as a means to address important planning considerations. In particular, the East Fonthill Secondary Plan Demonstration Plans (Appended to this letter) illustrate at least one (1) road connection that would connect the Kunda Park Subdivision with East Fonthill, over the existing Steve Bauer Trail. The provision of at least one trail crossing is necessary to maintain conformity with the East Fonthill Secondary Plan.

The connection of the subdivision to Station Street to the east (over the Steve Bauer Trail) is important as the distance between Port Robinson Road and Merritt Road is over 1 km in length. Removal of the connection(s) between Kunda Park Subdivision and Station Street would increase the driving distance to facilitate basic trip movements in, or around Fonthill. This would also direct all future traffic from the subdivision, including construction vehicles, through the established neighbourhood to the west. This could result in unfavourable traffic impacts on Stella Street, John Street and Kunda Park Boulevard as well as already busy intersections including the intersection of Port Robinson Road and Pelham Street.

Passing a motion that prohibits road crossings over the Steve Bauer Trail will not stop the development of a subdivision on the Kunda Park Lands. Attached for Council's information is an earlier iteration of the plan that could be implemented without any road crossings over the Steve Bauer Trail. The owner is prepared to pursue the approval of this plan, should Council wish to pass the motion before them.

The owner is receptive to the public concern over the crossings of the Steve Bauer Trail and believes it is an appropriate time to review these crossings. For this reason, they engaged a traffic consultant to undertake an analysis of the traffic impacts and safety considerations of the current plan and the earlier iteration that does not include the crossings. The traffic consultant may also recommend design alternatives should this be required.

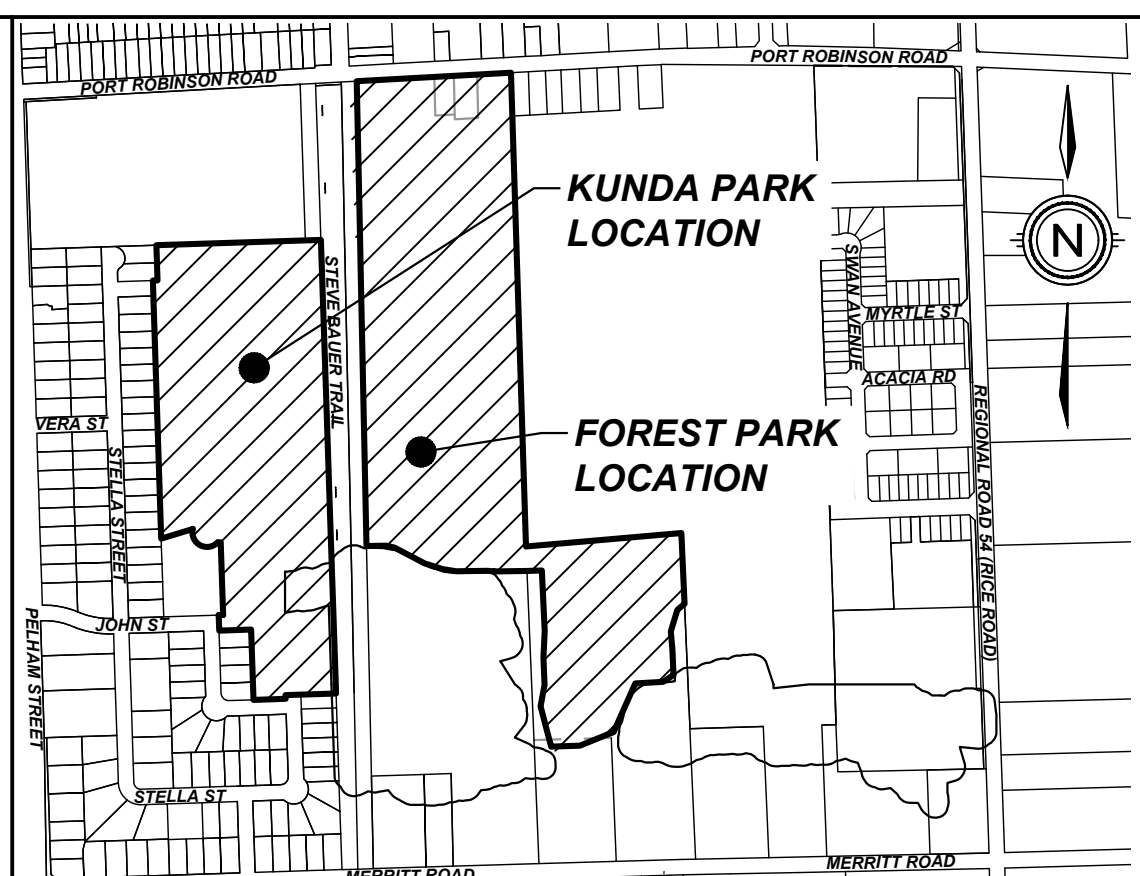
On behalf of Sterling Realty, I respectfully request that Council defer their decision on the motion regarding the Town of Pelham trail system until input is received from the owner's traffic consultant and Town Staff on the review of the trail crossings.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Matt Kernahan', with a stylized flourish at the end.

Matt Kernahan, MCIP, RPP
Senior Planner
Upper Canada Consultants

CC: John DeLisio, Sterling Realty
Mayor and Council
Barbara Wiens, Direct of Community Planning and Development



DEMONSTRATION PLAN FOR LAND USE

LEGEND

COMMERCIAL / EMPLOYMENT

- COMMERCIAL / EMPLOYMENT
- MIXED USE

RESIDENTIAL

- HIGH / MEDIUM DENSITY
- MEDIUM DENSITY
- LOW DENSITY
- MEDIUM DENSITY CAP END
- LOW DENSITY CAP END

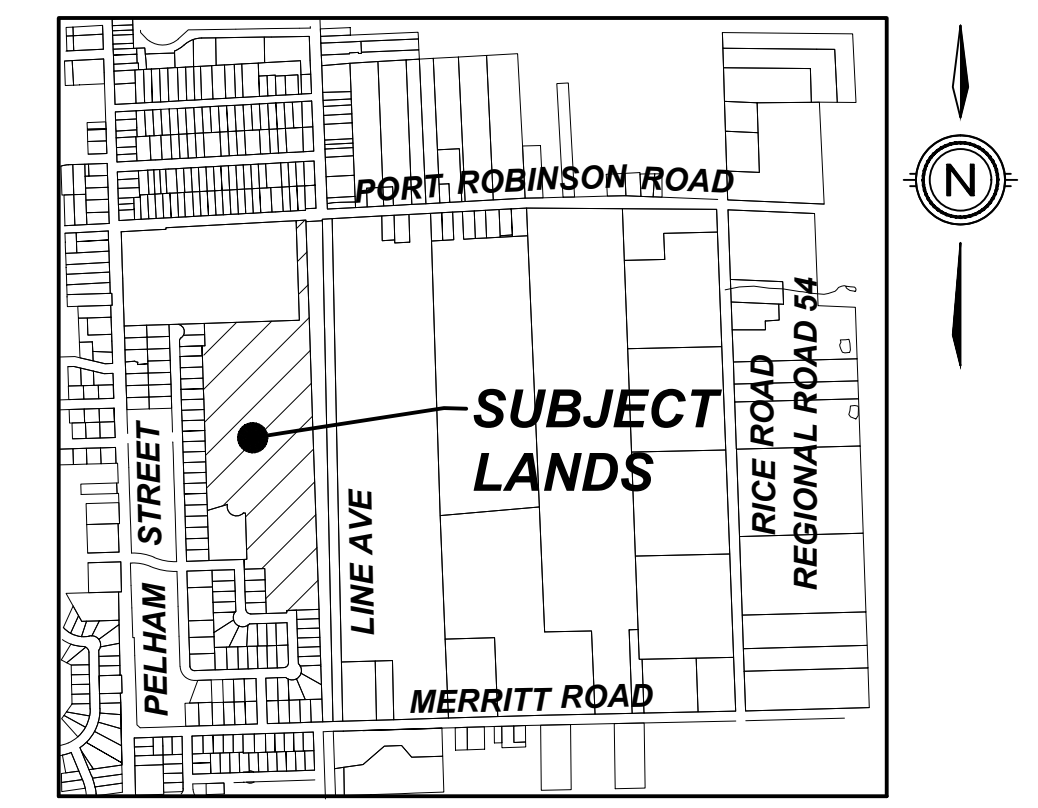
OPEN SPACE

- STORMWATER MANAGEMENT POND
- NEIGHBOURHOOD PARKS
- PARKETTES LINKAGES

NATURAL HERITAGE

- ENVIRONMENTAL PROTECTION ONE
- WATERCOURSES





DRAFT PLAN OF SUBDIVISION

DRAWING TITLE	DRAFTING		TA
	DATE	JANUARY 29, 2019	
	PRINTED	JANUARY 8, 2021	
	SCALE	1:1000	
	DWG No.	REV	
	1269-DP	0	



ADR
CHAMBERS

Integrity Commissioner Office
for the Town of Pelham

Edward T. McDermott
Integrity Commissioner
Town of Pelham
Integrity@adr.ca

December 14, 2020

Sent by Email to:

Ms. Nancy Bozzato
Town Clerk
nbozzato@pelham.ca

Re: IC-214-0620

Dear Ms. Bozzato:

I wish to advise that after a thorough review of this extensive matter, I have determined to dismiss this Complaint.

Because part of the reasons for arriving at this decision are made pursuant to section 3 (l) of the Town's Protocol for Complaints and Investigations, ordinarily, no report would be provided to Council unless I determine exceptional circumstances exist.

In my view, the numerous issues set forth in the complaint which challenge the ability of duly elected Councillors of a municipality to make decisions within their mandate and jurisdiction as well as the length of time it has taken to initiate this complaint and, in particular, the reasons I have set forth for dismissing this complaint do give rise to such exceptional circumstances.

I am accordingly requesting you as the Clerk of the Town of Pelham to provide this Report/Decision to Council through the public agenda in the interests of Transparency

and Accountability. It is hoped that this decision and my findings will provide future guidance for Members of Council and the residents of the Town of Pelham.

I also wish to remind you that the Complaint and Report/Decision are to remain confidential until delivered to Council.

I would further advise that in accordance with section 223.6 (2) of the Municipal Act 2001, I have determined that all matters disclosed in the Report are necessary for the Report/Decision itself.

This matter is now concluded.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'E. McDermott', with a large, stylized flourish at the end.

Edward T. McDermott
Integrity Commissioner - Town of Pelham



ADR

CHAMBERS

Integrity Commissioner Office
for the Town of Pelham

Edward T. McDermott
Integrity Commissioner
Town of Pelham
Integrity@adr.ca

December 14, 2020

Sent by email to:

Mr. Frank Feeley
[REDACTED]

Re: IC- 214-0620- Complaint of Contravention(s) of the Code of Conduct

Dear Mr. Feeley:

Background to Complaint

I wish to confirm that your Complaint of a contravention of the Town of Pelham's Code of Conduct for Members of Council was first received by my office on Tuesday October 6, 2020.

You will recall that (on June 23, 2020) I initially responded to an inquiry from you about the process involved in filing a complaint under the Code and provided you with guidance on the required steps to properly deliver such a complaint.

Ultimately, on or about August 31, 2020 you delivered (in a "sealed envelope") a package to the office of the Town Clerk containing your proposed complaint. That package was dispatched by the Clerk to my office on September 9, 2020 but the delivery service failed to effect delivery. When I was advised of this, I advised the Town Clerk to have it forwarded to my home. Once again however, nothing was received for a week or so as a result of which a senior manager of the delivery service was engaged by the Town Clerk to address this situation and it was then rectified and, as indicated above, received by me on October 6, 2020.

I regret this delay, but I hope you will understand, it was not attributable to the office of the Town Clerk or my office.

I then commenced a review of the extensive materials you forwarded as part of your complaint. My office also forwarded to you (on October 26, 2020) a Consent and Confidentiality Agreement which is a precondition to processing the matter.

You then had some questions relative to the confidential obligations of other parties to the Complaint, (which were responded to in my letter of November 2, 2020). You were also advised in such letter that I had no mandate or jurisdiction to deal with any complaint about a Member of Staff. My letter in particular advised as follows: . . .

“Part V.1 of the Municipal Act (including section 223.3) and the terms of the Town’s Code of Conduct (the “Code”) set forth the extent of my authority which is limited to dealing with the propriety of actions of Members of Council (and Local Boards) under the applicable statutes and the Code. Insofar as your concerns relate to the actions or omissions of members of Staff, not a Councillor, it is not within my mandate or jurisdiction to deal with such complaints. Members of staff can accordingly not be party to a complaint of a violation of the Code.

You have been advised on previous occasions about the appropriate procedure to follow if you have any complaint about a member of staff and I encourage you to consult with the Town Clerk if you are in any doubt about the process to be followed if you wish to pursue those avenues. I however have no mandate from Council or jurisdiction to inquire into such matters and will not do so.

In the face of this reality, I am proceeding to complete my review of the balance of your extensive brief to determine whether it falls within my jurisdiction and warrants an investigation and adjudication under the Code. I will advise you of the result of this assessment in due course. “

The Confidentiality Agreement was then signed and returned to me on November 3, 2020.

In its essence, your complaint is that Council and Staff at all levels (including up to the CAO) have failed to adopt a proper “Spraying Program” for the Gypsy Moth infestation/plague, and/or to properly allocate the cost of such a program fairly amongst the residents most directly affected and the ratepayers at large.

You have presented this position on numerous occasions to Staff and Council and, clearly, you are unsatisfied with their response, as a result of which you have asked me to intervene and conduct a full investigation of the main issues and numerous factual examples you have brought forward in the 22 separate matters you have identified in the compendium to your complaint.

I have now read and re read your numerous complaints about the Town of Pelham, its Staff and the Mayor. I have then put it aside so I could pause and reflect upon it before I read it again (which I have done).

You clearly have adopted an intrepid approach to the cause you are advancing to Council, the public and whoever can bring influence to bear on it. No one can question your expertise and dedication to the cause and complaints you are advancing.

The bottom line however is that the elected Council and its Staff do not support your oft repeated positions in this debate. I have already advised you that I have no jurisdiction or mandate to address your numerous complaints about Staff on this issue.

Review of Complaints

A close review of the 22 individual attachments to your Complaint reveals a number of things:

- 1) The vast majority of your complaints relate to your interactions with members of Staff (not Members of Council) and your criticism of the manner in which staff and the Town (as an institution) are dealing with a Gypsy Moth Spraying Program and (in 2019) the allocation of the costs of such program between the Town and (294) Urban residents.
- 2) Your concerns about the Mayor and his conduct are virtually negligible and fundamentally amount to a few statements he made about the Town's reaction to the Gypsy Moth issue which you consider to be inaccurate. These statements (which were made at least 15 months prior to the date of your Complaint) were identified by you and publicly challenged at the time they were made and many times thereafter. They involve such things as:
 - a) A statement (in or about May, 2019) that he understood from the "expert" that the Ministry of Natural Resources would not allow spraying every year unless the infestation has reached a certain level. While you disagree with the

accuracy of such a statement, you do not assert that this was not the information the Mayor had. You have publicly made your views known on this issue on many occasions over the sixteen month period since the statement was made and the date of your complaint.

- b) A statement by the Mayor (May, 2019) that the Staff decision to enter into a consulting contract between the Town and Trees Unlimited for consulting work on the 2019 spraying program was not subject to an RFP because they were the “only game in Town”. You proceeded to challenge this statement by publicly identifying other similar providers who are in generally the same business and provide such services to Municipalities.

Once again, this comment was allegedly made almost 16 months before the date of your complaint and there is no assertion that the Mayor himself was involved in the decision to award the contract without an RFP process or that he did not believe his statement to be true or that he had any personal interest in the matter.

It also appears that a like minded citizen on this issue, Mr. AD (email of May 19, 2019) and you (email of June 24, 2019) were quite pleased with the approach and work of Trees Unlimited on the 2019 program.

- c) The Mayor had originally indicated (June 19, 2019) that a Gypsy Moth Committee (or Citizen’s Group) might be established to provide input to Council on the ongoing program. Subsequently, on the advice of Staff, he was persuaded that a better way of proceeding would be to receive public input as part of developing a future program and a formal committee was not necessary. You in particular, were invited by the Mayor to provide your knowledge and input to the development of such a program. You were also invited by the Mayor to contact him personally if you felt you weren’t being listened to.

It would also appear that on October 23, 2019 a special public meeting was held to hear the voices of residents on the development of a program. You attended and made your views known at such meeting.

Again, on November 19, 2019, the Mayor advised you that Council considered the 2019 program (and issues relating to it) closed and advised you that the Town was hoping to receive your “assistance/knowledge” for the 2020 program.

In January, 2020, David Cribbs, the CAO of the Town, advised you that a second round draft of the spraying policy was about to be released and invited you to appear as a delegate before Council to provide “commentary and guidance” on the issue to Council.

In light of the various (and numerous) efforts of Staff and the Mayor to invite you to bring your knowledge and expertise on this matter to the table in the overall interests of the community, it can hardly be said that your views and potential contribution were being ignored or rejected.

- d) On April 8, 2020 you wrote to the Mayor and Members of Council proposing that you would pay for the 2019 spraying of your property on the basis of the size of your lot i.e. 0.25 acre. You accordingly proposed to pay \$95.85 rather than the amount others (294 residents similarly situated) were paying (\$260).

The Mayor responded by advising you that the Town “does not made deals with individuals in relation to previous mass billing’s (*sic*).” You responded you were not looking for a “special deal” just for the Town to “honour their written word and not inflate the bill.”

While there may be others, the foregoing are the main incidents I can specifically identify in your lengthy complaint where you appear to take issue with Mayor Junkin or his conduct and they all deal with your ongoing objections to the manner in which the 2019 spraying program was conducted by the Town and how the cost thereof was allocated to the 294 Urban residents (of which you are one). I note however, that on June 24, 2019 you wrote to the Mayor and Council as follows:

“Thank you for clarifying some points and I look forward to the public consultation in the fall.

I have always endorsed and advocated for gypsy moth spraying and commend you and Council for taking an active role in it and Jason Marr and Ryan Cook for expediting it. From what I’ve observed I have not seen anywhere near the tree defoliation and caterpillar frass I’ve seen in the past which indicates a successful outcome this time. Hats off to all those who made it happen.

I appreciate the fact that you recognize the Town is responsible for the report they sign and hopefully by citizens bringing legitimate attention to areas of

concern in such reports it will assist you (us) in developing a comprehensive gypsy moth spray control policy in the future.

I am heartened that you feel the past can be improved upon and you look forward to doing better next time. This is similar to my May 10 email suggesting you tell the citizens to bear with us this year and rest assured we will design a gypsy moth control program in the future.

Looking forward to the upcoming consultations.

Frank Feeley. “

Remedy Sought

You then state that the remedy you are seeking me to fashion is as follows:

“The remedy sought is a (*sic*) follows:

1. Refund all monies paid by private urban property owners to the Town on this file including penalty interest, late payment charges.
2. Adjust all records to reflect no monies are owed by private urban property owners who have not paid or fully paid the \$260 plus penalty interest.
3. Ensure the credit rating of any resident has not been adversely affected due to the actions by the Town on this file.
4. Include pre judgment and post judgment interest on this file and or further remedies as may be available to the Integrity Commissioner in these matters.”

It is noted that while your complaint is directed at the Mayor, no remedy is sought against him personally.

Decision

I have reviewed and given considerable thought to the complaint you have presented which names Mayor Junkin as the Member of Council who has allegedly contravened the Town’s Code of Conduct for Members of Council.

In my view, the complaints you have referred to me against the Mayor; the Town; Council as a whole; and the Staff of the Town in particular are all related to your intense and dedicated effort to secure your objectives relative to the Gypsy Moth Spraying Program and the allocation of costs for such a program.

The vast majority of the complaints you have particularized in the appendices to your complaint against Mayor Junkin deal with members of Staff and, as you have been advised, do not fall within my jurisdiction or mandate under the Municipal Act or the Code. You have received direction and advice from Mr. Cribbs (and me) on the appropriate procedure to follow in the event you wish to pursue such complaints against members of Staff (including Mr. Cribbs).

You have also named the Town and Council (as institutions) in a number of your complaints relative to the development of an appropriate spraying program and other related matters. Once again, I have no jurisdiction or mandate over such institutions and you have been referred by Mr. Cribbs to the Office of the Ombudsman if you wish to pursue those complaints further.

Insofar as your complaints against the Mayor are concerned, I agree I do have jurisdiction to consider such complaints and, if warranted, conduct an investigation of them to determine if the Mayor has contravened the Code.

I also however have the authority to determine not to pursue an investigation into a complaint about a Member of Council if I conclude that it is “vexatious”.

While that is on the surface a harsh word, the definition of the term in the Code makes it clear that it is not necessarily a judgment that the complainant has brought the allegations forward for an improper purpose. Section 3.1 of the Code provides as follows:

3.1 The following terms shall have the following meanings in this Code of Conduct: . . .

“(m) “vexatious” includes something that is instituted without sufficient grounds and serving only to cause annoyance, frustration or worry.”

Section 3 (1) of the Town’s current Complaint and Investigation Protocol as adopted by Council, provides:

“3. Integrity Commissioner Investigations

1. If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, shall terminate the investigation . . . “

You will note that this section of the Town’s Investigation Protocol also enables me to decline to pursue an investigation of a matter if, in my opinion there are no grounds or insufficient grounds to warrant one.

After carefully considering the direct allegations you have made against the Mayor, I have concluded that they fall within the definition of being “vexatious” under the Code. All of these allegations are more than one year old and do not, on their face, reveal a violation of the Code. In addition, they do not in my opinion contain sufficient or indeed any grounds to warrant an investigation of your complaint that the Mayor has acted in contravention of the Code. In my view your allegations against the Mayor do not give rise to even a prima facie case he has contravened the Code. I also wish to note that in all of the written exchanges with the Mayor that you have submitted, the Mayor has responded in a direct and respectful manner to you.

As the Integrity Commissioner, I am concerned with the adherence by Members of Council to the Town's Code of the Conduct and the Municipal Conflict of Interest Act. It is not within my purview to investigate or critique the lawful decisions of a duly elected Council (or its Members) when such decisions fall squarely within that Council's mandate to determine. Disagreement with a decision of a democratically elected Council or Councillor does not on its own give rise to a valid Integrity Commissioner complaint; rather, a prima facie case must be advanced which shows a decision or actions of a Member (or Members) of Council to be contrary to the Code of Conduct or the Municipal Conflict of Interest Act.

Finally, you have asked that I issue a far sweeping remedy for the alleged breach of the Code of Conduct by the Mayor including ordering a refund of all monies paid by all property owners to the Town for the 2019 Spraying Program.

Under the provisions of the Code and the Municipal Act I have no power to order the remedy you are seeking. Section 223.4 (5) of the Municipal Act also sets forth the powers of a municipality to establish penalties upon a finding by an Integrity

Commissioner that a Member of Council has contravened a Code. It provides as follows:

(5) The municipality may impose either of the following penalties on a member of council or a local board if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct.

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days. *2006, c. 32, Sched A, s 98.*

As previously indicated, your Complaint seeks no remedy against the Mayor personally.

It is accordingly my determination that your Complaint against the Mayor is not well founded and does not warrant an investigation. The Complaint is accordingly dismissed.

Yours very truly,



Edward T. McDermott
Integrity Commissioner Town of Pelham

Board of Directors Meeting Highlights – November 19th, 2020

On Thursday, November 19th, 2020, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) held its regular monthly meeting electronically. Highlights from the meeting included:

Code of Conduct Training

To coincide with the newly adopted Code of Conduct, Board Members undertook a two-hour in-camera training session offered by Suzanne Craig, Municipal Integrity Commissioner.

2021 Conservation Area Rates

After an evaluation of inflationary pressures, a review of user demand and a comparison of other Conservation Authorities' services and facilities, the Board directed that the current schedule of fees remain unchanged with the exception of camping rates. The Board approved a \$1.00 increase for one-night camping and a 2% increase for seasonal camping commencing in 2021. Day use admission fees, membership passes, permits and education program fees remain the same for 2021 as in 2020.

Bill 229 Proposed Amendments to the Conservation Authorities Act

The Board held a lengthy discussion on Bill 229 and its implications for Conservation Authorities, culminating in correspondence to Premier Doug Ford requesting that the Government of Ontario remove the proposed Schedule 6 from Bill 229 and continue to work with Conservation Authorities on regulations proposed under previous Bill 108 in order to achieve desired improvements in the planning process. This correspondence was copied to the Auditor General, partner municipalities, and Conservation Ontario seeking their support and endorsement.

C.A.O. Evaluation

The Board approved a process for evaluation of its C.A.O. Secretary -Treasurer to be implemented beginning in December, 2020.

Financial Report – Q3 – 2020

The Board of Directors received its third quarter Financial Report for 2020 and approved the reallocation \$534,000 of NPCA self-generated surplus to critical capital projects.

2021 Draft Operating and Capital Budgets

The Board approved its 2021 Draft Operating and Capital Budget figures for discussion with participating municipalities. This included a request in 2021 budget discussions with the Regional Municipality of Niagara for a contribution of \$500,000 to replenish capital reserves along with discussion with municipal funding partners on the possibility of reinstating the Land Acquisition Reserve contributions. The Board also directed that the list identifying unfunded pressures for 2021 be offered to partner municipalities in hopes of developing collaborative projects or

identifying external funding for any future opportunities outside the 2021 budget. It was anticipated that the results of discussions with participating municipal staff would be brought back to the Finance Committee meeting during the first quarter of 2021.

Links to Minutes and Video:

<https://npca.ca/administration/board-meetings>

December 22, 2020

CL 23-2020, December 17, 2020
BRCOTW 3-2020, November 26, 2020
CSD 65-2020, November 26, 2020

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

2021 Budget-Water and Wastewater Operating Budget, Rate Setting and Requisition CSD 65-2020

Regional Council, at its meeting held on December 17, 2020, approved the following recommendations of Budget Review Committee of the Whole:

That Report CSD 65-2020 – REVISED, dated November 26, 2020, respecting 2021 Budget-Water and Wastewater Operating Budget, Rate Setting and Requisition, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the 2021 Water & Wastewater net operating base budget increase of \$1,229,624 or 1% for Operating and \$1,229,417 or 1% for Capital Financing over the 2020 operating budget **BE APPROVED** in accordance with the 2021 budget planning strategy;
2. That the 2021 Water Operations gross operating budget of \$47,038,985 and net budget in the amount of \$46,656,372 as outlined in Appendix 7 of Report CSD 65-2020 for the Water Budget, Rates and Requisition **BE APPROVED**;
3. That the proposed fixed water requisition shown in Table 4 of Report CSD 65-2020, based on 25% of the Region's water net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the serviced Local Area Municipalities starting January 1, 2021, apportioned based on their previous three year's average water supply volumes, **BE APPROVED**;
4. That the Region's proposed 2021 variable water rate of \$0.611, shown in Table 5 of Report CSD 65-2020, to be effective January 1, 2021 and calculated by taking 75% of the Region's water net operating budget and dividing by the estimated supply volume, to be billed on a monthly basis to each serviced Local Area Municipality based on the previous month's metered flows, **BE APPROVED**;

5. That the 2021 Wastewater Operations gross operating budget of \$82,409,557 and net budget in the amount of \$78,774,320 as outlined in Appendix 7 of Report CSD 65-2020 for the Wastewater Budget, Rates and Requisition **BE APPROVED**;
6. That the proposed 2021 fixed wastewater requisition as shown in Table 6 of Report CSD 65-2020, based on 100% of the Region's net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the serviced Local Area Municipalities starting January 1, 2021, apportioned based on their previous three year's average wastewater supply volumes, **BE APPROVED**;
7. That the 2021 wastewater monthly bills **INCLUDE** the reconciliation for the 2019 net requisition allocation based on actual wastewater flows versus the estimated flows, as shown in Table 7 of Report CSD 65-2020;
8. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
9. That a copy of Report CSD 65-2020 **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report CSD 65-2020 and By-law Nos. 2020-92 and 2020-93 are enclosed for your reference.

Yours truly,



Ann-Marie Norio
Regional Clerk

CLK-C 2020-244

cc: H. Chamberlain, Director, Financial Management & Planning, Deputy Treasurer
T. Harrison, Commissioner, Corporate Services, Treasurer
K. Beach, Executive Assistant, Corporate Services

Subject: 2021 Budget-Water and Wastewater Operating Budget, Rate Setting and Requisition

Report to: Budget Review Committee of the Whole

Report date: Thursday, November 26, 2020

Recommendations

1. That the 2021 Water & Wastewater net operating base budget increase of \$1,229,624 or 1% for Operating and \$1,229,417 or 1% for Capital Financing over the 2020 operating budget **BE APPROVED** in accordance with the 2021 budget planning strategy;
2. That the 2021 Water Operations gross operating budget of \$47,038,985 and net budget in the amount of \$46,656,372 as outlined in Appendix 7 for the Water Budget, Rates and Requisition **BE APPROVED**;
3. That the proposed fixed water requisition shown in Table 4 of Report CSD 65-2020, based on 25% of the Region's water net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the serviced Local Area Municipalities starting January 1, 2021, apportioned based on their previous three year's average water supply volumes, **BE APPROVED**;
4. That the Region's proposed 2021 variable water rate of \$0.611, shown in Table 5 of Report CSD 65-2020, to be effective January 1, 2021 and calculated by taking 75% of the Region's water net operating budget and dividing by the estimated supply volume, to be billed on a monthly basis to each serviced Local Area Municipality based on the previous month's metered flows, **BE APPROVED**;
5. That the 2021 Wastewater Operations gross operating budget of \$81,409,557 and net budget in the amount of \$78,774,320 as outlined in Appendix 7 of Report CSD 65-2020 for the Wastewater Budget, Rates and Requisition **BE APPROVED**;
6. That the proposed 2021 fixed wastewater requisition as shown in Table 6 of Report CSD 65-2020, based on 100% of the Region's net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the Local Area Municipalities starting January 1, 2021, apportioned based on their previous three year's average wastewater supply volumes, **BE APPROVED**;

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7. That the 2021 wastewater monthly bills **INCLUDE** the reconciliation for the 2019 net requisition allocation based on actual wastewater flows versus the estimated flows, as shown in Table 7 of Report CSD 65-2020;
 8. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
 9. That a copy of Report CSD 65-2020 **BE CIRCULATED** to the Local Area Municipalities.

Key Facts

- The proposed Water net budget represents a \$0.7 million increase, or 1.60% over 2020; the proposed Wastewater net budget represents a \$1.7 million increase, or 2.24% over 2020, for a combined Water & Wastewater Budget increase of 2% as shown in Table 1.
- The budget is representative of the 2021 budget planning strategy of 2.00% for base budget expenditure (1% for operating and 1% for enhanced capital financing) before COVID-19 expenditures.
- Staff have deferred the 2021 request for a 5.15% increase that supports the Council approved Safe Drinking Water Act (SDWA) Financial Plan in order to comply with 2021 budget planning strategy.
- Incorporated in the 2% increase for the 2021 operating budget is the requirement for the operating and debt servicing cost associated with the proposed South Niagara Falls Wastewater treatment facility. This has been accommodated with a reduction in the transfer to the capital reserve which will be re-established through future commitments to the 5.15% increase in accordance with the SDWA Financial Plan.
- The requisition methodology conforms to Councils approved cost recovery methodology from 2011, which was reaffirmed through report CSD 61-2015, on July 2, 2015. The methodology apportions to the LAMs water at 75% variable rate and 25% as a fixed component and wastewater 100% fixed.
- The proposed variable water rate is increased to \$0.611 (2020 = \$0.602) attributed to the budget increase with no projected change in water flows for 2021.
- ***The municipal requisitions have been corrected for an error in one quarter of a year's actual water and wastewater flows incorporated within the three year average.***

Financial Considerations

The Water and Wastewater Division's proposed 2021 net budget amount of \$125.40 million represents a \$2.5 million net increase or 2% (1% for base operating and 1% for enhanced capital financing) from the 2020 budget, as shown in Table 1. The total net cost related to the Wastewater program is \$78.7 million, representing a net increase of \$1.7 million, or 2.24% from 2020. The remaining \$46.7 million relates to the Water program, which has increased by \$0.7 million, or 1.60% from 2020. The proposed gross budget and comparison to the 2020 net budget are outlined in Table 1.

Table 1 – Summary of Proposed Water and Wastewater Budget ('\$000)

Water & Wastewater 2021 Budget Summary	Water	Wastewater	Total
2020 Net Requisition	45,921	77,021	122,942
2021 Budget:			
Total Operating Expenses	22,225	47,913	70,138
Business Support	1,828	3,296	5,124
Reserve Transfer & Debt Charges	22,527	29,430	51,957
2021 Gross Budget Total - Before Enhanced Capital Financing	46,580	80,639	127,219
Enhanced Capital Financing (1%)	459	770	1,229
2021 Gross Budget Total	47,039	81,410	128,449
Less: Revenues*	(352)	(2,572)	(2,924)
Less: Safe Restart Funding*	(31)	(93)	(124)
2021 Net Requisition	46,656	78,744	125,401
Percentage Change	1.60%	2.24%	2.00%

*Revenue amounts presented in this table do not include revenue amounts in water and wastewater shared services (included as an offset in total operating expenses).

Analysis

The 2021 Water and Wastewater budgets were developed giving consideration to historical results (2019 actuals, 2020 forecast), operational concerns, legislative compliance, standard operating procedures, impacts as a result of COVID-19 and cross-divisional and corporate business support costs. In Table 2, the increases/pressures identified for 2021 are \$3.0 million before recommended mitigation measures totaling \$1.6 million.

Table 2 – Summary of Proposed Water and Wastewater Budget with Pressures and Mitigations ('000)

Water & Wastewater 2021 Budget Summary	Water \$	Wastewater \$	Total \$	Total %
2020 Net Requisition	45,921	77,021	122,942	
Gross Increase/Pressures	599	2,376	2,975	
Base Subtotal	46,520	79,396	125,916	2.42%
Mitigations	(292)	(1,328)	(1,620)	
Safe Restart Funding	(31)	(93)	(124)	
Net Operating Increase	276	954	1,230	
Base Total	46,197	77,974	124,172	1.00%
Enhanced Capital Financing	459	770	1,229	1.00%
2021 Net Requisition	46,656	78,744	125,401	2.00%

Council previously adopted a 5.15% increase as per the SDWA financial plan. This would have allowed for a budget increase of \$6.3 million, however, the budget planning strategy only allowed for a 2% increase or \$2.5 million: 1% for base operating (\$1.2 million) and 1% for enhanced capital financing (\$1.2 million). Given the largely fixed cost nature of the operations (i.e., chemicals, utilities, property tax, previously approved debt charges) staff needed to identify mitigations options within the very small budget of discretionary spending so not to impact the daily operations of the services. Of the total requisition amount of \$125M for 2021 approximately 94% of the total amount is fixed as it relates to treatment of water and wastewater and capital financing. The remaining 6% can be classified as discretionary expenditures that does not specifically relate to water/wastewater treatment (i.e., CSO grants, certain building maintenance such as snow removal and grass cutting). The proposed mitigations will decrease the net requisition increase from 2.42% or \$3 million to the budget planning strategy amount of 2% or \$2.5 million.

The increases/pressures to the budget of \$3.0 million are largely due to the following:

- Utilities (Gross: \$0.8 million; Net: \$0.4 million) – The gross increase aligns with overall corporate utility assumptions for 2021. Utility rebates of \$0.4 million have also been budgeted. This is an increase of 3.6% in the overall utility budget.
- Chemical Costs (\$0.5 million) – The pressure is representative of various chemical contracts being renewed in 2021 plus additional anticipated chemical usage at the existing Niagara Falls WWTP to meet compliance objectives. This is an increase of 12.1% in the overall chemicals budget.

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- Base Capital financing (\$0.5 million) – 1% or \$0.5 million increase in base funding for capital to address infrastructure backlog.
 - External Legal (\$0.3 million) – External legal fees are anticipated to increase as a result of on-going legal issues associated with previously completed capital works which cannot be accommodated within the existing base budget of \$34,000.
 - Property Taxes (\$0.3 million) – Annual inflationary increases on property taxes plus the on-boarding of the previously unbudgeted new NOTL treatment facility. This is an increase of 12.5% in the overall property tax budget
 - Bio-Solids (\$0.2 million) – Expected increases in volumes and contract per unit rates as initiated in 2020. This is an increase of 3.23% in the combined bio-solids budget for cake disposal, land application and sludge haulage.
 - Compensation (\$0.1 million) – annual increases as per current labour contracts and policies.
 - Business Support/Department Allocations (\$0.2 million) – increase in allocations from other departments (i.e. integrated services, facilities, finance, insurance, etc.)
 - Repair & Maintenance (-\$0.2 million) – decrease in repair and maintenance as a result of reduced spend in 2020 (excluding the impacts of increase R&M Grounds as a result of student deferral – see below).

The mitigations of \$1.6 million are comprised of the following discretionary expenses:

- CSO Program Deferral (-\$1.0 million) - The 2020 annual budget for this program is \$4.0 million with \$2.0 million funded from the rate requisition and \$2.0 million funded from Development Charges. Deferring half of the 2021 CSO would provide \$1.0 million relief on the proposed 2021 wastewater requisition. The \$1.0 million program cost represents 1.27% on the 2021 wastewater requisition and 0.80% on the combined 2021 water/wastewater requisition. The Region currently has \$16 million in commitments (as at y/e 2019) to 10 LAMs for approved but unspent CSO projects which will be maintained. Deferring half of the 2021 CSO funding may allow municipalities to complete historical projects that remain outstanding anticipating they too may experience some budget pressures due to the current economic environment but will allow some projects to proceed in 2021.
- Student Position Deferral (Gross: -\$0.4 million; Net: -\$0.2 million) – Student positions supplement staff resources to enable staff to focus on special projects.

As well they are responsible for grass cutting which will now be completed by the contractor.

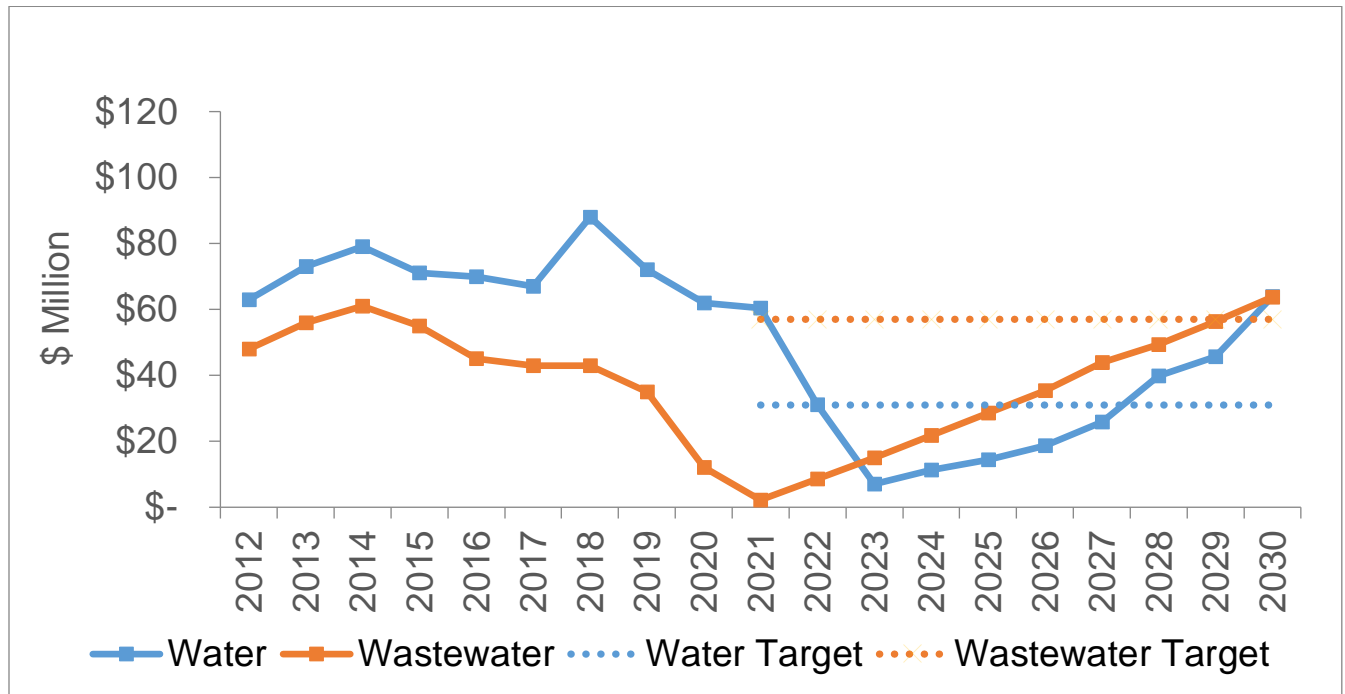
- Water Wagon/Water Festival Deferral (-\$0.2 million) – Deferral of both the water wagon and in person water festival activities (continued virtually in 2020/21) for 2021 as a result of COVID-19 restrictions.
- Salary Gapping (-\$0.2 million) – Staff have implemented a salary gapping strategy which estimates the savings due to staff turnover at 1% of the proposed personnel budget.

The proposed one-time mitigations provided above (deferrals of half the 2021 CSO program, student positons, Water wagon/festival, and conferences) will create additional pressures in 2022 to re-instate the programs, however these are anticipated to be accommodated within the 5.15% SDWA Financial Plan previously approved by Council.

Reserve Management - Capital/Infrastructure

The proposed 2021 budget planning strategy of 2% recommended 1% for base services and 1% for capital financing enhancement. As a result, staff are deferring the Council approved SDWA Financial Plan combined water/wastewater increase of 5.15% for 2021. Staff will be recommending that the financial plan be reinstated for 2022 in order to address both the asset renewal backlog as well as the Region's annual funding gap of \$77 million (10 year Average Annual Renewal Investment – AARI) that had been identified in the 2017 Council approved comprehensive Asset Management Plan (AMP).

As per the capital financial strategy, staff proposed as a guiding principle that a minimum reserve balance of 2% of the current asset value be maintained. The dotted lines on the chart below illustrate the 2% target compared to the forecasted reserve balance for each year. The Reserve balance has been decreasing to support the necessary backlog of infrastructure renewal. The strategy is to replenish the reserve with the 5.15% increase each year in accordance with the financial plan. The transfer to reserve is being temporarily reduced to accommodate the new South Niagara Falls WWTP debt charges and operating costs budget within a 2% overall budget increase. However, until the plant is operational, this budget will continue to fund pay-as-you-go capital projects (in accordance with the Budget Planning By-law) to invest in critical infrastructure similar to the transfer to capital reserve.

Chart 1 – Forecasted Water and Wastewater Capital Reserve Balances**South Niagara Falls Wastewater Treatment Facility**

As identified in report PW 39-2020 – South Niagara Falls Update, the SNF WWTP capital projects and required debt financing can be accommodated within a 2% rate increase in 2021 with the following key strategies:

- Temporary reduction in the transfer to the WW capital reserve to accommodate increased debt charge budget (\$3.8 million). To be used for pay-as-you-go infrastructure until SNF WWTP debt is required;
- Use of plant operations and maintenance budget to fund pay-as-you-go infrastructure until the plant is operational (\$5.3 million operating costs net of savings); and
- 5.15% combined requisition increase from 2022 – 2028 is required to re-establish the transfers to capital reserves to \$40 million from \$21 million in 2020 to support the asset management plan.

For 2021, the capital projects funded from the total SNF WWTP operating and debt charge budget amounts of \$9.1 million can be found in Appendix 1.

Table 3 below provides a reconciliation of the wastewater operations (net), capital reserve contributions and the debt charge amounts. The impacts of the SNF WWTP have been accommodated in the base budget by decreasing the transfer to the capital reserve.

Table 3 – Reconciliation of the Wastewater Operating Budget with Consideration to the SNF WWTP

Wastewater Operating Budget	Operating (Net)	Reserve Contributions	Debt Charge	Total
2020 Approved Net Budget	\$47,908	\$20,963	\$8,150	\$77,021
<i>Changes SNF WWTP:</i>				
Reduction in transfer to Reserve to increase Debt Charge Budget	0	(3,814)	3,814	0
Reduction in transfer to Reserve to increase for net Plant Operating Expenses	5,265	(5,265)	0	0
Temporary Budget allocation to Capital Until SNF WWTP Operational	(5,265)	\$9,079	(\$3,814)	0
2021 Net Budget Impact After SNF WWTP	47,908	20,963	8,150	77,021
% Increase due to SNF WWTP	0.00%	0.00%	0.00%	0.00%
<i>Changes 2021 Net Budget:</i>				
Base Budget Change	636	(379)	697	953
Capital Financing Enhancement – 1%	0	770	0	770
2021 Net Budget	48,544	21,354	8,847	78,744
% Increase total Wastewater	1.33%	1.87%	8.55%	2.24%

COVID-19 Impacts

Staff have identified \$0.1 million in COVID-19 related expenditures that will be funded from Safe Restart funding for 2021 water and wastewater operations. These amounts primarily relate to enhanced cleaning and social distancing measures for Regional staff.

Water and wastewater flow volumes from municipalities have also declined due to business related shutdowns due to COVID-19. However relative to the three-year average, water flows are only down 1.3% as of September 2020. As the 2020 water and

wastewater flows are part of the 3-year average used for the 2021 water and wastewater fixed requisitions this reduction will impact the distribution of costs across the municipalities. This has caused municipalities that have had relatively consistent flows over the 3-year average to be allocated a greater share of the fixed requisition. For the wastewater fixed charge, any variations in the 3-year average for 2021 relative to actual flows will be incorporated in the year-end reconciliation in the 2023 wastewater billing (as is the 2019 reconciliation in the 2021 requisition). For the water fixed amount, there is no year-end reconciliation. Area municipalities may be eligible to claim these fluctuations as COVID-19 related impacts for Provincial funding.

Water Requisition

Fixed Water Requisition

As per Council's approved methodology, \$11,664,093 (25%) of the net Water budget will be recovered from fixed monthly requisitions to the local municipalities based on historical flows. The historical water flows and percentages utilized are included in **Appendix 2 and 3**. This annual amount based on the historical flows is then divided by 12 to determine the monthly charge to be billed to each of the services LAMs starting January 1, 2021. Also included as part of **Appendix 2**, is the annual impact on the fixed water requisition between 2020 and 2021 for each LAM. Table 4 summarizes the fixed amounts to be billed to each LAM based on the above methodology.

Table 4—Fixed Water Requisition for 2021 Net Budget

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	7.63%	\$889,684	\$74,140
Grimsby	5.42%	\$632,039	\$52,670
Lincoln	4.13%	\$482,303	\$40,192
Niagara Falls	25.35%	\$2,956,366	\$246,364
Niagara-on-the-Lake	5.67%	\$660,794	\$55,066
Pelham	2.25%	\$262,062	\$21,839
Port Colborne	5.05%	\$589,592	\$49,133
St. Catharines	26.65%	\$3,107,935	\$258,995
Thorold	3.74%	\$436,004	\$36,333
Welland	12.42%	\$1,448,698	\$120,725
West Lincoln	1.70%	\$198,626	\$16,552
Total	100.00%	\$11,664,093	\$972,008

Table 4 – Fixed Water Requisition for 2021 Net Budget-REVISED

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	7.58%	\$883,772	\$73,648
Grimsby	5.46%	\$637,160	\$53,097
Lincoln	4.16%	\$485,166	\$40,431
Niagara Falls	25.27%	\$2,947,840	\$245,653
Niagara-on-the-Lake	5.73%	\$668,598	\$55,716
Pelham	2.25%	\$262,088	\$21,841
Port Colborne	5.05%	\$589,416	\$49,118
St. Catharines	26.55%	\$3,097,272	\$258,106
Thorold	3.78%	\$441,389	\$36,782
Welland	12.42%	\$1,448,636	\$120,720
West Lincoln	1.74%	\$202,756	\$16,896
Total	100.00%	\$11,664,093	\$972,008

Variable Water Rate

The remaining \$34,992,279 (75%) will be charged through the variable rate. The recommended variable rate of \$0.611 per cubic metre as outlined in Table 5 is based on a water forecast using the past three year average flows plus an anticipated growth factor. Despite above average growth for the Region in recent years the flow estimates are still volatile and are dependent on weather conditions. The resulting estimate for 2021 is an overall volume consistent with the amount used for the 2020 budget. An overview of the water trends and related risk is outlined in more detail in **Appendix 3**. The proposed variable water rate increase is \$0.009 (1.53%) (2020 = \$0.602) which is attributed only to the budget increase. Any variation in water flows that result from COVID-19 will be mitigated at 2021 year-end with Safe Restart funding held in the taxpayer relief reserve.

Table 5 – Variable Water Rate for 2021 Net Budget

2021 Variable Water Rate	
Variable Allocation (75% x \$46,656,372)	\$34,992,279
2021 Water Flow Forecast (m ³)	57,250,000
Variable Rate (\$/m ³)	\$0.611

Wastewater Requisition

The wastewater net requisition is recovered 100% from fixed monthly requisitions to the local municipalities, apportioned based on the historical three year average flows. The annual amount is divided by twelve to determine the monthly charge to each of the serviced LAMs starting January 1, 2021. The historical wastewater flows and apportionments are included in **Appendix 4** as well as the comparison of the fixed wastewater requisition amount between 2020 and 2021 for each LAM. Table 6 provides the fixed amounts to be billed to each LAM based on the above methodology.

Table 6 – Fixed wastewater Requisition for 2021 Net Budget

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	10.39%	\$8,184,943	\$682,079
Grimsby	4.63%	\$3,643,091	\$303,591
Lincoln	3.82%	\$3,010,169	\$250,847
Niagara Falls	18.76%	\$14,775,188	\$1,231,266
Niagara-on-the-Lake	4.05%	\$3,188,847	\$265,737
Pelham	1.84%	\$1,449,600	\$120,800
Port Colborne	6.06%	\$4,771,502	\$397,625
St. Catharines	29.06%	\$22,884,473	\$1,907,039
Thorold	5.24%	\$4,126,205	\$343,850
Welland	14.45%	\$11,376,462	\$948,038
West Lincoln	1.69%	\$1,333,840	\$111,153
Total	100.00%	\$78,744,320	\$6,562,027

Table 6 – Fixed wastewater Requisition for 2021 Net Budget -REVISED

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	10.25%	\$8,073,792	\$672,816
Grimsby	4.40%	\$3,463,418	\$288,618
Lincoln	3.84%	\$3,027,278	\$252,273
Niagara Falls	18.70%	\$14,728,945	\$1,227,412
Niagara-on-the-Lake	4.06%	\$3,193,230	\$266,103
Pelham	1.83%	\$1,442,578	\$120,215
Port Colborne	6.10%	\$4,805,270	\$400,439
St. Catharines	29.20%	\$22,996,058	\$1,916,338
Thorold	5.30%	\$4,173,480	\$347,790

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
<i>Welland</i>	<i>14.57%</i>	<i>\$11,476,001</i>	<i>\$956,333</i>
<i>West Lincoln</i>	<i>1.73%</i>	<i>\$1,364,268</i>	<i>\$113,689</i>
<i>Total</i>	<i>100.00%</i>	<i>\$78,744,319</i>	<i>\$6,562,027</i>

As per Council's approved cost recovery methodology, the 2021 monthly Wastewater charges will include reconciliation of the 2019 Wastewater requisition payments. Municipal 2019 rebates or charges will be based on their respective share of actual flows versus the estimated share used to initially allocate the 2019 charges. This reconciliation results in a total of \$1,944,713 in payments to, and \$1,944,713 in rebates from, the local municipalities. Tables outlining the calculation of the reconciliation have been included as **Appendix 5**, and the total charge including the 2021 requisition and 2019 reconciliation by local municipality has been included as **Appendix 6**.

Table 7 – Wastewater Reconciliation for 2019 included in 2021 Requisition

Municipality	Reconciliation (\$)	Monthly Rebate (\$)	Monthly Payment (\$)
Fort Erie	(298,910)	(24,909)	
Grimsby	(246,320)	(20,527)	
Lincoln	(65,291)	(5,441)	
Niagara Falls	(1,272,205)	(106,017)	
Niagara-on-the-Lake	62,552		5,213
Pelham	(61,986)	(5,165)	
Port Colborne	381,960		31,830
St. Catharines	661,502		55,125
Thorold	450,909		37,576
Welland	311,092		25,924
West Lincoln	76,697		6,391
Total	(0)	(162,059)	162,059

Risks & Opportunities

- Water/wastewater flows are weather dependant and therefore subject to fluctuations that are outside the Region's control.
- COVID-19 has also caused reductions in water flows. Any variation in water flows as a result of COVID-19 will be offset at year-end 2021 with Safe Restart funding (taxpayer relief reserve).

- Unanticipated equipment and underground infrastructure failure may impact operating expenditures.
- Although additional capital financing has been included in the 2021 water and wastewater operational budget it is short of the SDWA financial plan recommended combined increase of 5.15%. This planned reduction in capital financing limits financial flexibility until the budget fully addresses the asset management plan/SDWA.

Alternatives Reviewed

Council may approve an additional increase of 3.15% over 2020 to maintain the previously adopted SDWA Financial Plan for a combined aggregate increase of 5.15%. This alternative is **NOT RECOMMENDED** but would be supported by Staff if Council direction is provided. This increase would generate an additional \$3.9 million in funds for 2021 that could be used to maintain the program mitigations (including the CSO program) and further enhance infrastructure funding.

Relationship to Council Strategic Priorities

The 2021 Water and Wastewater proposed budgets support Council's strategic priorities of organizational excellence, by meeting or exceeding legislative requirements and having 42% of the total program costs related to infrastructure renewal and replacement.

Other Pertinent Reports

CSD 21-2017	Asset Management Plan
PDS 37-2016	Niagara 2041 Growth Strategy – Local Municipal Growth Allocations
PW 22-2017	2016 Water & Wastewater Master Servicing Plan Update
PW 5-2019	Safe Drinking Water Act Financial
PW 39-2020	South Niagara Falls WWTP Update

Prepared by:

Helen Chamberlain, CPA, CA
Director, Financial Planning &
Planning/Deputy Treasurer

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.

Acting Chief Administrative Officer

This report was prepared by Rob Fleming, Senior Tax & Revenue Analyst, in consultation with Pamela Hamilton, Program Financial Specialist and Reviewed by Carrie Sportel, Supervisor, Corporate Budgets, Margaret Murphy, Associate Director, Budget Planning & Strategy, and Bruce Zvaniga, Interim Commissioner, Public Works.

Appendices

Appendix 1	2021 Wastewater Capital Projects Funded with SNF WWTP Operating and Debt Charge Budget Amounts
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2021 Wastewater Capital Projects Funded with SNF WWTP Operating and Debt
Charge Budget Amounts

- Mill St. Area Sanitary Improvements - \$825,000
- East Side Pump Station Forcemain Replacement - \$1,500,000
- Laboratory and Sampling Equipment Upgrade Program - \$100,000
- Campden Pump Station Upgrades - \$1,200,000
- Rolling Acres Pump Station Upgrades and Forcemain replacement - \$300,000
- George Street SPS Upgrade - \$2,600,000
- Spring Gardens Pumping Station Upgrades and Forcemain Replacement - \$350,000
- Royal Manor Pump Station Upgrades and Forcemain Replacement - \$300,000
- Nickel St Pumping Station Upgrades - \$300,000
- Fares St Pumping Station Upgrades - \$300,000
- Arena Pumping Station Upgrades - \$300,000
- Region Wide Sludge Septic Haulage Program - \$1,000,000
- Nigh Rd Pumping Station Upgrade - \$300,000

Water Flows and Fixed Water Requisition by Local Area Municipality**Table 1 – Water Flows by Municipality**

Municipality	3-Year Avg. per 2020- By-law		3-Year Avg. per 2021- By-law	
	Megalitres	%	Megalitres	%
Fort Erie	4,686	8.06%	4,355	7.63%
Grimsby	3,258	5.60%	3,094	5.42%
Lincoln	2,315	3.98%	2,361	4.13%
Niagara Falls	15,424	26.53%	14,471	25.35%
Niagara-on-the-Lake	3,147	5.41%	3,235	5.67%
Pelham	1,266	2.18%	1,283	2.25%
Port Colborne	3,093	5.32%	2,886	5.05%
St. Catharines	15,350	26.41%	15,213	26.65%
Thorold	2,076	3.57%	2,134	3.74%
Welland	6,653	11.45%	7,091	12.42%
West Lincoln	862	1.48%	972	1.70%
Total	58,130	100%	57,096	100%

Table 1 - Water Flows by Municipality - REVISED

Municipality	3-Year Avg. per 2020 By-law		3-Year Avg. per 2021 By-law	
	Megalitres	%	Megalitres	%
Fort Erie	4,478	7.84%	4,308	7.58%
Grimsby	3,027	5.30%	3,106	5.46%
Lincoln	2,254	3.94%	2,365	4.16%
Niagara Falls	14,989	26.23%	14,370	25.27%
Niagara-on-the-Lake	3,105	5.43%	3,259	5.73%
Pelham	1,178	2.06%	1,278	2.25%
Port Colborne	3,037	5.31%	2,873	5.05%
St. Catharines	15,148	26.51%	15,099	26.55%
Thorold	2,127	3.72%	2,152	3.78%
Welland	6,932	12.13%	7,062	12.42%
West Lincoln	874	1.53%	988	1.74%
Total	57,149	100%	56,860	100%

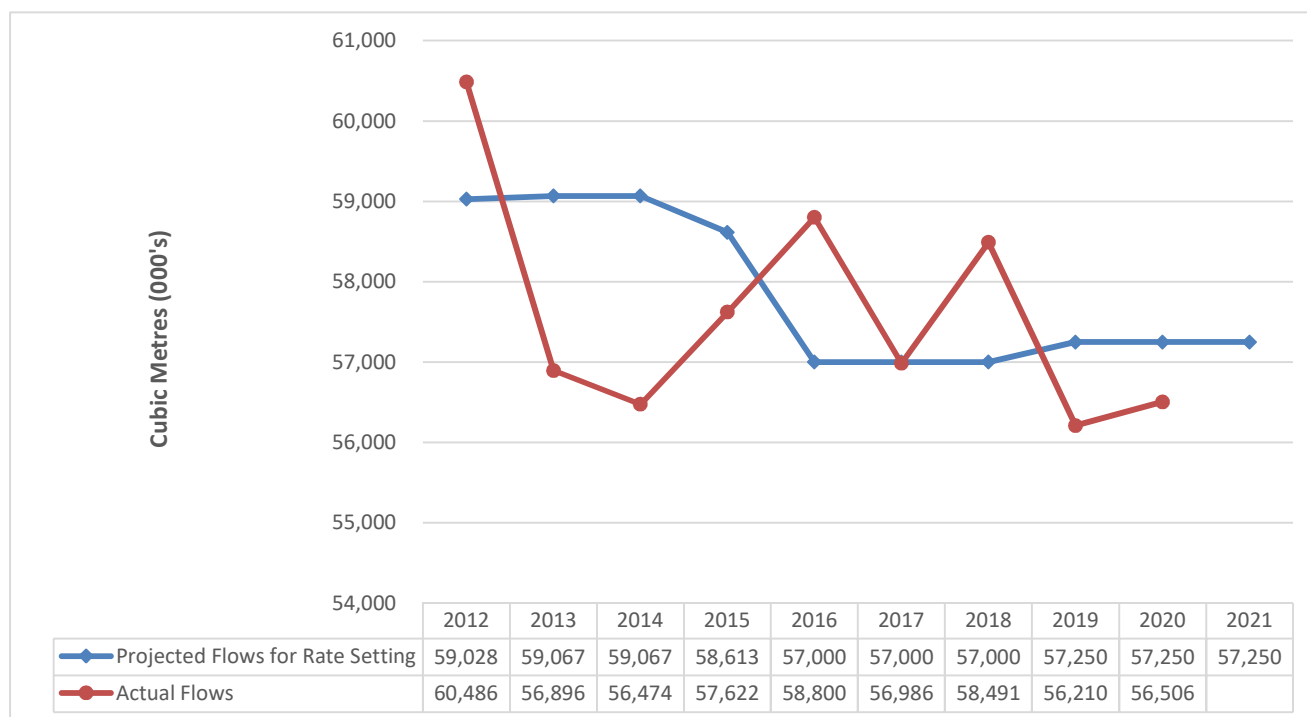
Table 2 – Fixed Water Requisition by Municipality

Municipality	Fixed Requisition			
	2020 (\$000)	2024 (\$000)	Difference	
			\$000s	%
Fort Erie	900	890	(10)	-1.11%
Grimsby	608	632	24	3.94%
Lincoln	453	482	30	6.52%
Niagara Falls	3,011	2,956	(55)	-1.82%
Niagara-on-the-Lake	624	664	37	5.95%
Pelham	237	262	26	10.78%
Port Colborne	610	590	(20)	-3.35%
St. Catharines	3,043	3,108	65	2.14%
Thorold	427	436	9	2.06%
Welland	1,393	1,449	56	4.03%
West Lincoln	176	199	23	13.11%
Total	11,480	11,665	184	1.60%

Table 2 - Fixed Water Requisition by Municipality - REVISED

Municipality	Fixed Requisition			
	2020 (\$000)	2021 (\$000)	Difference	
			\$000s	%
Fort Erie	900	884	(16)	-1.76%
Grimsby	608	637	29	4.78%
Lincoln	453	485	32	7.15%
Niagara Falls	3,011	2,948	(63)	-2.10%
Niagara-on-the-Lake	624	669	45	7.20%
Pelham	237	262	26	10.79%
Port Colborne	610	589	(21)	-3.38%
St. Catharines	3,043	3,097	54	1.79%
Thorold	427	441	14	3.32%
Welland	1,393	1,449	56	4.03%
West Lincoln	176	203	27	15.46%
Total	11,480	11,664	184	1.60%

Water Volume Analysis



The 2020 actual flows are estimate to finish the year approximately 1.3% lower than project flows. The forecasted water usage in 2020 is estimated to total to 56,506 ML.

The water volume forecast for 2021 has been prepared giving consideration to historical trends and current considerations.

The volume forecast for 2021 is above the 3-year calendar average of 57,069 ML and below the 5-year average of 57,399 ML. This includes 2018 which were more typical summer weather years. 2016 experienced drought conditions during the summer. 2017 and 2019 experienced very wet summers. The 2020 flows are impacts by a dry summer and COVID-19 shutdowns. The 2021 estimate reflects no change over previous year's projection.

COVID-19 volatility may continue into 2021. Any variation in flow as a result of COVID-19 that has a negative impact on variable water revenue will be mitigated with Provincial Safe Restart funding.

Wastewater Flows and Fixed Requisition By Local Area Municipality**Table 1 - Wastewater Flows by Municipality**

Municipality	3-Year Avg. per 2020 By-law		3-Year Avg. per 2021 By-law	
	Megalitres	%	Megalitres	%
Fort Erie	7,931	10.44%	7,679	10.39%
Grimsby	3,688	4.86%	3,418	4.63%
Lincoln	2,907	3.83%	2,824	3.82%
Niagara Falls	14,901	19.62%	13,861	18.76%
Niagara-on-the-Lake	3,141	4.14%	2,992	4.05%
Pelham	1,360	1.79%	1,360	1.84%
Port Colborne	4,480	5.90%	4,476	6.06%
St. Catharines	21,608	28.45%	21,469	29.06%
Thorold	3,845	5.06%	3,871	5.24%
Welland	10,858	14.30%	10,673	14.45%
West Lincoln	1,220	1.61%	1,251	1.69%
Total	75,938	100%	73,874	100%

Table 1 - Wastewater Flows by Municipality - REVISED

Municipality	3-Year Avg. per 2020 By-law		3-Year Avg. per 2021 By-law	
	Megalitres	%	Megalitres	%
<i>Fort Erie</i>	<i>7,931</i>	<i>10.44%</i>	<i>7,712</i>	<i>10.25%</i>
<i>Grimsby</i>	<i>3,688</i>	<i>4.86%</i>	<i>3,308</i>	<i>4.40%</i>
<i>Lincoln</i>	<i>2,907</i>	<i>3.83%</i>	<i>2,892</i>	<i>3.84%</i>
<i>Niagara Falls</i>	<i>14,901</i>	<i>19.62%</i>	<i>14,069</i>	<i>18.70%</i>
<i>Niagara-on-the-Lake</i>	<i>3,141</i>	<i>4.14%</i>	<i>3,050</i>	<i>4.06%</i>
<i>Pelham</i>	<i>1,360</i>	<i>1.79%</i>	<i>1,378</i>	<i>1.83%</i>
<i>Port Colborne</i>	<i>4,480</i>	<i>5.90%</i>	<i>4,590</i>	<i>6.10%</i>
<i>St. Catharines</i>	<i>21,608</i>	<i>28.45%</i>	<i>21,966</i>	<i>29.20%</i>
<i>Thorold</i>	<i>3,845</i>	<i>5.06%</i>	<i>3,987</i>	<i>5.30%</i>
<i>Welland</i>	<i>10,858</i>	<i>14.30%</i>	<i>10,962</i>	<i>14.57%</i>
<i>West Lincoln</i>	<i>1,220</i>	<i>1.61%</i>	<i>1,303</i>	<i>1.73%</i>
<i>Total</i>	<i>75,938</i>	<i>100%</i>	<i>75,218</i>	<i>100%</i>

Tables 2 – Fixed Wastewater Requisition by Municipality

Municipality	Fixed Requisition			
	2020 (\$000)	2021 (\$000)	Difference	
			\$000s	%
Fort Erie	8,044	8,185	141	1.75%
Grimsby	3,740	3,643	(97)	-2.60%
Lincoln	2,949	3,010	61	2.09%
Niagara Falls	15,114	14,775	(338)	-2.24%
Niagara-on-the-Lake	3,185	3,189	3	0.11%
Pelham	1,379	1,450	71	5.12%
Port Colborne	4,544	4,772	227	5.00%
St. Catharines	21,916	22,884	968	4.42%
Thorold	3,900	4,126	226	5.81%
Welland	11,012	11,376	364	3.31%
West Lincoln	1,238	1,334	96	7.78%
Total	77,021	78,744	1,724	2.24%

Tables 2 - Fixed Wastewater Requisition by Municipality - REVISED

Municipality	Fixed Requisition			
	2020 (\$000)	2021 (\$000)	Difference	
			\$000s	%
<i>Fort Erie</i>	<i>8,044</i>	<i>8,074</i>	<i>30</i>	<i>0.37%</i>
<i>Grimsby</i>	<i>3,740</i>	<i>3,463</i>	<i>(277)</i>	<i>-7.40%</i>
<i>Lincoln</i>	<i>2,949</i>	<i>3,027</i>	<i>79</i>	<i>2.67%</i>
<i>Niagara Falls</i>	<i>15,114</i>	<i>14,729</i>	<i>(385)</i>	<i>-2.54%</i>
<i>Niagara-on-the-Lake</i>	<i>3,185</i>	<i>3,193</i>	<i>8</i>	<i>0.25%</i>
<i>Pelham</i>	<i>1,379</i>	<i>1,443</i>	<i>64</i>	<i>4.61%</i>
<i>Port Colborne</i>	<i>4,544</i>	<i>4,805</i>	<i>261</i>	<i>5.75%</i>
<i>St. Catharines</i>	<i>21,916</i>	<i>22,996</i>	<i>1,080</i>	<i>4.93%</i>
<i>Thorold</i>	<i>3,900</i>	<i>4,173</i>	<i>274</i>	<i>7.02%</i>
<i>Welland</i>	<i>11,012</i>	<i>11,476</i>	<i>464</i>	<i>4.21%</i>
<i>West Lincoln</i>	<i>1,238</i>	<i>1,364</i>	<i>127</i>	<i>10.24%</i>
Total	77,021	78,744	1,724	2.24%

2019 By-law Wastewater Reconciliation

Wastewater Flows (Mega Litres)		
Municipality	Prior 3-Yr Avg	2019 By-Law Period Actual Flows ¹
Fort Erie	7,348	7,931
Grimsby	3,216	3,345
Lincoln	2,745	3,013
Niagara Falls	14,247	14,624
Niagara-on-the-Lake	2,864	3,286
Pelham	1,309	1,404
Port Colborne	3,944	4,846
St. Catharines	20,064	23,261
Thorold	3,420	4,333
Welland	10,025	11,602
West Lincoln	1,125	1,348
Total	70,306	78,992

Wastewater Fixed Allocation Percentages			
Municipality	Prior 3-Yr Avg	2019 By-Law Period Actual Flows ¹	Difference
Fort Erie	10.5%	10.0%	-0.4%
Grimsby	4.6%	4.2%	-0.3%
Lincoln	3.9%	3.8%	-0.1%
Niagara Falls	20.3%	18.5%	-1.8%
Niagara-on-the-Lake	4.1%	4.2%	0.1%
Pelham	1.9%	1.8%	-0.1%
Port Colborne	5.6%	6.1%	0.5%
St. Catharines	28.5%	29.4%	0.9%
Thorold	4.9%	5.5%	0.6%
Welland	14.3%	14.7%	0.4%
West Lincoln	1.6%	1.7%	0.1%
Total	100.0%	100.0%	0.0%

Wastewater Fixed Allocation charge (\$000)			
Municipality	2019 By-Law Charges ^{1,2}	Charges Based on Actual Flows ¹	Underpayment/ (Overpayment) ³
Fort Erie	\$ 7,596	\$ 7,297	\$ (299)
Grimsby	3,324	3,078	(246)
Lincoln	2,837	2,772	(65)
Niagara Falls	14,728	13,455	(1,272)
Niagara-on-the-Lake	2,961	3,023	63
Pelham	1,354	1,292	(62)
Port Colborne	4,077	4,459	382
St. Catharines	20,741	21,402	662
Thorold	3,536	3,986	451
Welland	10,363	10,675	311
West Lincoln	1,163	1,240	77
Total	\$ 72,680	\$ 72,680	\$ (0)

Sum of Overpayment:	(1,944,714)
Percentage of Requisition	2.68%

Notes:

1. 2019 By-Law period consists of the 12 month period from January 2019 to December 2019
2. Charges paid excluded payments made/rebates received for 2017 reconciliation.
3. Underpayments/(Overpayments) based on comparing 2 difference allocation methodologies (3-yr average vs. actual flows during By-law period).

Fixed Wastewater Requisition Including Reconciliation by Municipality Comparison

Municipality	Requisition		Reconciliation Payment / (Refund)		Total Charge (Requisition + Reconciliation)			
	2020 By-Law	2021 By-Law	2020 (2018 Rec.)	2021 (2019 Rec.)	2020 By-Law	2021 By-Law	Difference	
	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)	%
Fort Erie	8,044	8,185	(190)	(299)	7,854	7,886	32	0.40%
Grimsby	3,740	3,643	73	(246)	3,813	3,397	(416)	-10.92%
Lincoln	2,949	3,010	23	(65)	2,972	2,945	(27)	-0.91%
Niagara Falls	15,114	14,775	(711)	(1,272)	14,402	13,503	(899)	-6.24%
Niagara-on-the-Lake	3,185	3,189	115	63	3,300	3,251	(49)	-1.48%
Pelham	1,379	1,450	(84)	(62)	1,295	1,388	92	7.11%
Port Colborne	4,544	4,772	160	382	4,704	5,153	449	9.55%
St. Catharines	21,916	22,884	448	662	22,364	23,546	1,182	5.28%
Thorold	3,900	4,126	301	451	4,200	4,577	377	8.97%
Welland	11,012	11,376	(192)	311	10,820	11,688	868	8.02%
West Lincoln	1,238	1,334	57	77	1,294	1,411	116	8.99%
Total	77,021	78,744	-	-	77,021	78,744	1,724	2.24%

Fixed Wastewater Requisition Including Reconciliation by Municipality Comparison - REVISED

Municipality	Requisition		Reconciliation Payment / (Refund)		Total Charge (Requisition + Reconciliation)			
	2020 By-Law	2021 By-Law	2020 (2018 Rec.)	2021 (2019 Rec.)	2020 By-Law	2021 By-Law	Difference	
	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)	(\$000)	%
Fort Erie	8,044	8,074	(190)	(299)	7,854	7,775	(79)	-1.01%
Grimsby	3,740	3,463	73	(246)	3,813	3,217	(596)	-15.63%
Lincoln	2,949	3,027	23	(65)	2,972	2,962	(10)	-0.33%
Niagara Falls	15,114	14,729	(711)	(1,272)	14,402	13,457	(946)	-6.57%
Niagara-on-the-Lake	3,185	3,193	115	63	3,300	3,256	(44)	-1.35%
Pelham	1,379	1,443	(84)	(62)	1,295	1,381	85	6.57%
Port Colborne	4,544	4,805	160	382	4,704	5,187	483	10.27%
St. Catharines	21,916	22,996	448	662	22,364	23,658	1,293	5.78%
Thorold	3,900	4,173	301	451	4,200	4,624	424	10.09%
Welland	11,012	11,476	(192)	311	10,820	11,787	967	8.94%
West Lincoln	1,238	1,364	57	77	1,294	1,441	147	11.34%
Total	77,021	78,744	-	-	77,021	78,744	1,724	2.24%

Object of Expenditure	2020 Water Budget Total (\$)	2020 Wastewater Budget Total (\$)	2020 Combined Total (\$)	2021 Water Budget Total (\$)	2021 Wastewater Budget Total (\$)	2021 Combined Total (\$)	Combined Total Variance (\$)	Total Combined Variance (%)	Note
A_40000AB Compensation	7,954,489	10,773,458	18,727,947	7,672,587	10,588,464	18,261,051	(466,896)	(2.5%)	(1)
A_41000AB Administrative	594,726	742,955	1,337,681	492,196	1,086,665	1,578,861	241,180	18.0%	(2)
A_44000AB Operational & Supply	1,759,425	10,854,079	12,613,504	2,078,986	11,499,124	13,578,110	964,606	7.6%	(3)
A_50000AB Occupancy & Infrastructure	5,639,309	11,340,226	16,979,535	5,999,040	12,032,768	18,031,808	1,052,273	6.2%	(4), (5)
A_52000AB Equipment, Vehicles, Technology	1,175,515	3,301,033	4,476,548	1,157,143	3,129,063	4,286,206	(190,342)	(4.3%)	(5)
A_56000AB Partnership, Rebate, Exemption	10,000	4,000,000	4,010,000	10,000	2,000,000	2,010,000	(2,000,000)	(49.9%)	(6)
A_75100AC Transfers To Funds	19,786,216	20,962,502	40,748,718	20,698,763	17,539,843	38,238,606	(2,510,112)	(6.2%)	(7)
A_60000AC Allocation Between Departments	629,912	862,801	1,492,713	610,620	913,076	1,523,696	30,983	2.1%	(8)
A_60260AC Allocation Within Departments	4,164,914	6,503,657	10,668,571	4,204,379	6,664,250	10,868,629	200,058	1.9%	(8)
Gross Expenditure Subtotal	41,714,506	69,340,712	111,055,217	42,923,714	65,453,253	108,376,967	(2,678,250)	(2.4%)	
A_30000AB Taxation	(45,920,957)	(77,020,694)	(122,941,651)	(46,656,372)	(78,744,319)	(125,400,691)	(2,459,040)	2.0%	
A_32400AB By-Law Charges & Sales	(12,000)	(1,409,278)	(1,421,278)	(12,000)	(1,505,443)	(1,517,443)	(96,165)	6.8%	
A_34950AB Other Revenue	(367,663)	(2,074,294)	(2,441,957)	(339,663)	(1,066,894)	(1,406,557)	1,035,400	(42.4%)	(6)
A_75000AC Transfers From Funds	-	-	-	(30,950)	(92,900)	(123,850)	(123,850)	-	(9)
Gross Revenue Subtotal	(46,300,620)	(80,504,266)	(126,804,886)	(47,038,985)	(81,409,556)	(128,448,541)	(1,643,655)	1.3%	
Net Expenditure (revenue) before indirect allocations	(4,586,114)	(11,163,555)	(15,749,669)	(4,115,271)	(15,956,303)	(20,071,574)	(4,321,905)	27.4%	
A_70000AC Indirect Allocation	1,942,566	2,879,953	4,822,519	1,766,598	3,205,914	4,972,512	149,993	3.1%	
A_70200AC Capital Financing Allocation	2,643,548	8,283,602	10,927,150	2,348,673	12,750,389	15,099,062	4,171,912	38.2%	(7)
Allocation Subtotal	4,586,114	11,163,555	15,749,669	4,115,271	15,956,303	20,071,574	4,321,905	27.4%	
Net Expenditure (revenue) after indirect allocations	0	0	0	0	0	0	0	0	

Notes:

- (1) Includes compensation pressure for existing water/wastewater staff complement of \$0.1M less mitigation impacts of student position deferrals, waterfestival/wagon deferral and salary gapping totaling \$(0.5M).
- (2) Includes external legal pressure of \$0.3M less impacts by waterfestival/wagon deferral \$(0.1M) .
- (3) Includes pressures related to chemicals of \$0.5M and Bio-solid of \$0.2M.
- (4) Includes pressures related to utilities of \$0.8M and property taxes of \$0.3M less utilities rebate of \$(0.4M).
- (5) Includes decrease in R&M of \$(0.2M).
- (6) Includes 1/2 deferral of the 2021 CSO funding of \$(2M). Corresponding decrease in Development Charge revenue of \$1M.
- (7) Includes base capital financing increase of \$0.5M, enhanced capital financing of \$1.2M and impacts of SNF WWTP with net impact of \$0.
- (8) Includes pressure related to business support/department allocation (i.e., self supported operations) of \$0.2M.
- (9) Safe Restart Funding of \$0.1M to offset COVID-19 related expenditures.

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-92

A BY-LAW TO ADOPT THE 2021 WATER BUDGET AND TO
SET THE REQUISITION TO BE CHARGED FOR WATER
SUPPLIED TO LOWER-TIER MUNICIPALITIES FOR THE
PERIOD JANUARY 1, 2021 TO DECEMBER 31, 2021

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality may pass by-laws respecting services and things that the municipality is authorized to provide;

WHEREAS section 390 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that the definition of a person includes a municipality;

WHEREAS section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality is authorized to impose fees or charges on person for costs payable by it for services or activities provided or done by or on behalf of any other municipality; and

WHEREAS water supplied to the lower-tier municipalities is a service provided by the Regional Municipality of Niagara on behalf of the lower-tier municipalities within the Niagara Region.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

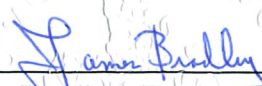
1. That the 2021 Water Gross Operating Budget of \$47,038,986 and Net Operating Budget of \$46,656,373 be and hereby is adopted.
2. That 75% of the Net Operating Budget, \$34,992,280 be recovered from the lower-tier municipalities based on actual metered water flows multiplied by the Region's annually set uniform water rate.
3. That the rate payable by the lower-tier municipalities for treated water supplied by the Regional Waterworks system shall be established at \$0.611 for every cubic meter supplied to each lower-tier municipality for the period of January 1, 2021 to December 31, 2021.
4. That 25% of the Net Operating Budget, \$11,664,093 be apportioned to the lower-tier municipalities based on their proportionate share of the Region's total three year average historical flows.


5. That the lower-tier municipalities be requisitioned during the period January 1, 2021 to December 31, 2021 as follows:

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	7.58%	883,772	73,648
Grimsby	5.46%	637,160	53,097
Lincoln	4.16%	485,166	40,431
Niagara Falls	25.27%	2,947,840	245,653
Niagara-on-the-Lake	5.73%	668,598	55,716
Pelham	2.25%	262,088	21,841
Port Colborne	5.05%	589,416	49,118
St. Catharines	26.55%	3,097,272	258,106
Thorold	3.78%	441,389	36,782
Welland	12.42%	1,448,636	120,720
West Lincoln	1.74%	202,756	16,896
Total	100.00%	11,664,093	972,008

6. That the Treasurer of the Regional Corporation shall submit similar invoices on or before the 15th day of each month commencing February 15, 2021 for the monthly requisition. Such monthly invoices shall continue thereafter until the December monthly requisition has been invoiced. Each lower-tier municipality shall remit the amount of each such invoices to the Treasurer of the Regional Corporation on or before the last business date of the month in which such invoice is submitted.
7. That in the event of default of payment of any monies payable under this by-law by a lower-tier municipality, interest at the rate of 15 per cent per annum shall be added to the amount in arrears from the date of default until the date of payment thereof.
8. That this by-law shall come into force and effect on January 1, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA


James Bradley, Regional Chair


Ann-Marie Norio, Regional Clerk

Passed: December 17, 2020

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-93

A BY-LAW TO SET THE REQUISITIONS TO BE CHARGED
FOR WASTEWATER RECEIVED FROM THE LOWER –
TIER MUNICIPALITIES FOR THE PERIOD OF JANUARY 1,
2021 TO DECEMBER 31, 2021

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality may pass by-laws respecting services and things that the municipality is authorized to provide;

WHEREAS section 390 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that the definition of a person includes a municipality;

WHEREAS section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality is authorized to impose fees or charges on person for costs payable by it for services or activities provided or done by or on behalf of any other municipality,

WHEREAS wastewater received from the lower-tier municipalities is a service provided by the Regional Municipality of Niagara on behalf of the lower-tier municipalities within the Niagara Region; and

WHEREAS the Council of the Regional Municipality of Niagara passed By-Law No. 119-2011 which indicated that, consistent with the wastewater reconciliation methodology described in PWA 87-2011, a reconciliation adjustment will commence with the 2013 Budget.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

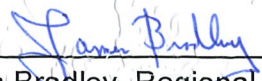
1. That the 2021 Wastewater Gross Operating Budget of \$82,409,557 and Net Operating Budget of \$78,744,319 be and hereby is adopted.
2. That the 2021 budgeted net wastewater operating budget be apportioned to the lower-tier municipalities based on their proportionate share of the Region's total three year average historical wastewater flows.
3. That the 2021 wastewater bills also include reconciliation of the 2019 net requisition allocated based on actual wastewater flows versus the estimated flows.


4. That the lower-tier municipalities be requisitioned during the period January 1, 2021 to December 31, 2021 as follows:

Municipality	2021 Net Budget Allocation (\$)	2019 Reconciliation (\$)	Total (\$)	Monthly (\$)
Fort Erie	8,073,792	(298,910)	7,774,882	647,907
Grimsby	3,463,418	(246,320)	3,217,098	268,092
Lincoln	3,027,278	(65,291)	2,961,987	246,832
Niagara Falls	14,728,945	(1,272,205)	13,456,740	1,121,395
Niagara-on-the-Lake	3,193,230	62,552	3,255,783	271,315
Pelham	1,442,578	(61,986)	1,380,592	115,049
Port Colborne	4,805,270	381,960	5,187,230	432,269
St. Catharines	22,996,058	661,502	23,657,560	1,971,463
Thorold	4,173,480	450,909	4,624,389	385,366
Welland	11,476,001	311,092	11,787,093	982,258
West Lincoln	1,364,268	76,697	1,440,965	120,080
Total	78,744,319	-	78,744,319	6,562,026

5. That the Treasurer of the Regional Corporation shall submit similar invoices on or before the 15th day of each month commencing February 15, 2021 for the monthly requisition. Such monthly invoices shall continue thereafter until December monthly requisition has been invoiced. Each lower-tier municipality shall remit the amount on each such invoice to the Treasurer of the Regional Corporation on or before the last business day of the month in which such invoice is submitted.
6. That in the event of default of payment of any monies payable under this by-law by the lower-tier municipality, interest at the rate of 15 per cent per annum shall be added to the amount in arrears from the date of default until the date of payment thereof.
7. That this by-law shall come into force and effect on January 1, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA


James Bradley, Regional Chair


Ann-Marie Norio, Regional Clerk

Passed: December 17, 2020

December 22, 2020

CL 23-2020, December 17, 2020
BRCOTW 3-2020, November 26, 2020
CSD 66-2020, November 26, 2020

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

2021 Waste Management Operating and Rate Requisition Budget CSD 66-2020


Regional Council, at its meeting held on December 17, 2020, approved the following recommendations of the Budget Review Committee of the Whole:

That Report CSD 66-2020, dated November 26, 2020, respecting 2021 Budget-Waste Management Services Operating Budget and Requisition, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the 2021 Waste Management Services net operating budget increase of \$1,745,162 or 4.50% inclusive of mitigations and reserve funding **BE APPROVED**;
2. That the 2021 Waste Management Services gross operating budget of \$62,873,938 and net budget of \$40,566,763 as per Appendix 3 of Report CSD 66-2020, **BE APPROVED**;
3. That the net budget amount of \$40,566,763 **BE APPORTIONED** between the local municipalities in accordance with the methodology approved in PWA 55-2011 as per Appendix 1 as amended;
4. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
5. That a copy of Report CSD 66-2020 **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report CSD 66-2020 and By-law No. 2020-94 are enclosed for your reference.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ann-Marie' followed by a stylized flourish.

Ann-Marie Norio
Regional Clerk

CLK-C 2020-245

cc: H. Chamberlain, Director, Financial Management & Planning, Deputy Treasurer
T. Harrison, Commissioner, Corporate Services, Treasurer
K. Beach, Executive Assistant, Corporate Services

Subject: 2021 Budget-Waste Management Services Operating Budget and Requisition

Report to: Budget Review Committee of the Whole

Report date: Thursday, November 26, 2020

Recommendations

1. That the 2021 Waste Management Services net operating budget increase of \$1,548,984 or 3.99% inclusive of mitigations and reserve funding **BE APPROVED**;
2. That the 2021 Waste Management Services gross operating budget of \$62,677,760 and net budget of \$40,370,586 as per Appendix 3 of Report CSD 66-2020, **BE APPROVED**;
3. That the net budget amount of \$40,370,586 **BE APPORTIONED** between the local municipalities in accordance with the methodology approved in PWA 55-2011 as per Appendix 1;
4. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
5. That a copy of this Report **BE CIRCULATED** to the Local Area Municipalities.

Key Facts

- The proposed Waste Management Service (WMS) net budget represents a \$1.5 million increase, or 3.99% over 2020 as shown in Table 1.
- The proposed 2021 WMS operating base budget after proposed mitigations is above the budget planning strategy for 2021 of 2% before COVID-19 expenditures. Due to operating cost pressures of 15.3% primarily attributed to the first full year of the new collection contract, the budget does not include enhanced capital financing as per the budget planning strategy.
- In recognition that the budget planning strategy proposed 2021 increase be limited to 2%, the budget includes a Stabilization Reserve draw of \$3.4M which is able to reduce the budget increase to \$1.5 million or 3.99%.
- In 2020, staff forecasted a 9.8% increase each year for 2020 through to 2022 (increased to 9.9% in 2020 and 10.7% for 2021 and 2022 as a result of additional enhanced services as directed by Council). This strategy included significant use of

the Waste Management Stabilization reserve funding over this same period to mitigate the pressure associated with the new collection contract award.

- Assessment growth for the Region and Area Municipalities has not been finalized however estimated assessment growth by municipality is summarized in Appendix 1. The Region's year-to-date overall assessment growth (as of November 3, 2020) is 1.33% for 2020, resulting in the net requisition increase to be approximately 2.66% (3.99% less 1.33%) with an average typically residential annual impact of \$3.85.
- The net requisition amount has been allocated in accordance with the methodology approved in PWA 55-2011. The impacts by municipality in Appendix 2 are affected by the budget increase as well as growth in households and the enhanced services (as requested and selected by each LAM)

Financial Considerations

The gross budget proposed for 2021 totals \$62.7 million with a net budget of \$40.4 million, which is a \$1.5 million or a 3.99% increase over 2020 as outlined in Table 1. The significant driver of the annual increase is the new collection contract for which 2021 is the first full year. The proposed 2021 budget does not include any increases as a result of program changes or new staffing initiatives. In an effort to meet Budget Planning Strategy, staffing levels for 2021 have decreased by one-temporary FTE and 7.2 student FTE positions from 2020 due to budget mitigation proposals described further on in this report.

A schedule providing the revenues and expenditures for 2020 and 2021 is included as Appendix 3. This appendix includes the 2020 budget and the 2021 budget including the percentage change for comparison.

Table 1 – 2021 Waste Management Gross & Net Budget ('000)

	2020	2021	2022	2023
Total Operating Expenditures	50,653	56,957	58,810	60,194
Business Support	1,624	1,586	1,604	1,656
Capital Transfer to Reserve & Debt Charges	4,948	4,136	4,190	4,190
Gross Budget	57,225	62,678	64,604	66,040
Less: Revenues	-16,800	-18,735	-19,303	-21,356
Net Budget Requisition – Before Reserve Funding	40,425	43,942	45,301	44,684
Safe Restart Funding:				
<i>COVID-19 Related Expenditures</i>	0	-126	0	0
WM Stabilization Reserve:				
<i>One-Time Items (2020)</i>	-1,194	0	0	0
<i>New Collection Contract Mitigation (2020-2022) / Replenishment Strategy (2023)</i>	-410	-3,446	-901	601
Net Budget Requisition – After Reserve Funding	38,822	40,371	44,400	45,285
Percentage Change		3.99%	9.98%	1.99%

Analysis

The 2021 WMS budget represents an increase of 3.99% over the approved 2020 net operating budget. In Table 2, the increases/pressures for 2021 are \$5.9 million before recommended mitigation measures totaling \$4.3 million.

Table 2 – Summary of Proposed Waste Management Budget with Pressures and Mitigations ('000)

Waste Management 2021 Budget Summary	Total \$	Total %
2020 Net Requisition	38,822	
Gross Increase/Pressures	5,938	
Operating Subtotal	44,760	15.3%
Mitigations	(4,263)	
COVID-19	(126)	
Net Operating Increase	1,549	
2021 Net Requisition	40,371	3.99%

Increases/Pressures/Mitigation

The budget planning strategy of a 2% increase would provide for \$0.8 million additional funding for 2021 operating expenditures. Given the largely fixed cost nature of the operations (i.e., contract services, etc.) mitigation options focused on discretionary items that do not significantly impact the daily operations of the services.

Recommended mitigations reduce the increase as much as possible without introducing risk in the future years due to lack of available reserves. The proposed mitigations will decrease the net requisition increase from 15.3% or \$5.9 million as identified in Table 2.

Approximately 51% of the gross budget is related to the waste collection followed by 24% for waste diversion, 19% for disposal operations and processing, with the remaining 6% of the budget for administration, policy and planning. As much of the program is delivered through partnerships with private service providers, 85% of the operating-related costs (before capital financing and business support) are in the form of outsourced costs (alternative service delivery) and are subject to contract escalations and conditions. Of total expenses, only approximately 3% are considered discretionary.

The 2021 net budget pressures of \$5.9 million and are largely comprised of the following:

- New Collection Contract (\$6.6 million) – The new contract came into effect October 2020 with the first full year in 2021.
- Recyclable Purchases (\$0.6 million) – due to increase in recycling commodity prices on Haldimand and Waterloo contracts based on recent trend.
- Compost Processing (\$0.4 million) – additional tonnage estimate for compost material plus inflationary increase to per unit processing rate
- 2020 Reserve Funding (\$0.9 million) – one-time draws from stabilization reserve in 2020 to mitigate requisition increase.
- End Market Revenue (-\$0.4 million) – projected increase in 2021 material rates based on Q3 2020 actuals and projected trends.
- Debt Charges (-\$0.8 million) – outstanding debt obligation associated with a previously completed capital works project has been satisfied in 2020.
- Resource Productivity & Recovery Authority (-\$1.3 million) – Increase in funding as a result of the forecasted recovery percentage and historical financial results in 2019 for which the 2021 funding is based on.
- Bag Tag Revenue Fee Increase (-\$0.1 million) – anticipated increase in sales based on trending due with no increase in per unit price.

External Disposal Services (-\$0.2 million) – reduction in landfill disposals as a result of the move to every other week waste collection under the new collections contract. The mitigations to the 2021 budget are -\$4.3 million and are comprised of the following:

- New Collection Contract Reserve Funding (-\$3.4 million) – The 2020 budget proposed a three-year mitigation plan to assist in phasing in the increased costs of the new collection contract. The 2021 budget, recommends similar reserve funding from the WM stabilization reserve to reduce the annual increase.
- Student Positions Deferral & Salary Gapping (-\$0.3 million) – Students supplement staff resources to enable staff to focus on special projects. Also included is a newly implemented salary gapping strategy, which estimates the savings due to staff turnover at approximately 1% of the proposed personnel budget.
- Eliminate Free Containers Exchange Program (-\$0.1 million) – elimination of free exchanged bins will see additional revenue from bin sales for the Region.
- Defer Tip Fee Exemption for Charities (-\$0.2 million) until 2022– Charities currently receive an exemption from tip fees at Region facilities.
- Defer Mattress Recycling Program and Diversion of Construction and Demolition Wood Products until 2022 (-\$0.2 million) – programs that support diversion of these materials from landfills.

Reserve Management

The operating budget includes a \$4.1 million transfer to reserves consistent with CSD 70-2017 - Waste Management Reserve Strategy, which included a strategy to fund waste management capital needs and landfill liability for closure and post-closure care. Waste Management reserve contributions are as follows:

- \$2.7 million to the Waste Capital Reserve – to fund open landfill site and MRF capital.
- \$1.5 million to the Landfill Liability Reserve – to fund the liability related to existing closed landfill site capital, and Humberstone and NR12 post-closure operating and capital, estimated at \$61.3 million in 2019. This will provide for operating revenues currently generated from operation of the landfills to address disposal costs in the future when the Region no longer has open landfills generating tipping fee revenue.
- No contributions to the Waste Stabilization Reserve – the Reserve strategy called for an end to stabilization reserve contributions of \$0.4 million in 2021 as it was anticipated that the Reserve would reach the desired target balance (before mitigation usage).

Report CSD 70-2017 - Waste Management Reserve Strategy showed the WMS capital reserve in a positive position over the proceeding 10-year capital forecast period. The reserve is projected to be at \$2.1 million by the end of 2020 (net of capital commitments pending for the Environmental Centre Expansion of \$7.9 million) and to decrease to \$0 by the end of 2022 which limits the capital program each year to pay-as-you-go until the reserve is replenished in the future.

As noted in Table 3, the existing post-closure landfill liability is \$61.3 million. The projected balance of the Landfill Liability reserve for the end of 2020 is estimated at \$10.6 million, which is not adequate to address the future liability. As such, the contribution to the reserve continues as outlined above so that the Region is in a suitable position for the future.

As previously identified in Table 1, funding from the WMS stabilization reserve totalling \$3.4 million is proposed to mitigate the impacts of the new collection contract. The reserve funding is part of a multi-year strategy, which was originally presented with the 2020 budget deliberations. As noted in Table 3, the proposed strategy to utilize the WM stabilization reserve will reduce the reserve to near zero by the end of 2022. This approach does have risk, as there will be no stabilization funding available in the future to mitigate one-time pressures or in-year deficits, therefore contributions to the stabilization reserve will be evaluated each year. In the absence of reserve balances to fund year-end deficits, increases to future budgets will be required. The current multi-year budget includes \$0.6 million to partially replenish the stabilization reserve in 2023

Table 3 – WMS Forecasted Reserve Balances and Targets (\$M)

Reserve	Projected 2020 YE Balance	Projected 2021 YE Balance	Projected 2022 YE Balance	Projected 2023 YE Balance	Target Reserve Balance
Waste Capital Reserve	\$2.1	\$2.3	\$0.0	\$0.0	\$7.0
Landfill Liability Reserve	\$10.6	\$9.6	\$8.4	\$8.8	\$61.3
Waste Stabilization Reserve	\$5.1	\$1.7	\$0.8	\$1.4	\$5.7 to \$8.6
Total	\$17.8	\$13.5	\$9.1	\$10.1	\$74-77

COVID-19 Impacts

Staff have identified \$0.1 million in COVID-19 related expenditures that will be offset from Safe Restart funding for 2021 waste management operations. These amounts primarily relate to enhanced cleaning and social distancing measures.

2021 Waste Management Requisition

The net requisition amount will be allocated in accordance with the methodology approved in PWA 55-2011. As such, base WMS costs will be apportioned based on the 2019 percentage of residential units in each municipality, while the enhanced collection services and associated disposal costs will be apportioned to the requesting municipalities.

The year-over-year increase in requisition amount by municipality before assessment growth equates to an increase ranging from 3.57% to 5.23% with an average increase of 3.99%, as outlined in Appendix 1.

The net requisition changes by municipality after year-to-date assessment growth (as at November 3, 2020) of 1.33% ranges from 0.27% to 4.24%. This range is the result of the differences in household growth between local area municipalities as well as net assessment growth. The WM levy is collected as a special levy with the Region establishing the tax rates for each municipality (with the exception of NOTL). Note that these are average impacts and the actual impact will vary on each individual property based on year-over-year assessment change relative to the average assessment change attributed to growth.

Appendix 2 provides the impacts of the WMS requisition for 2021 in comparison to 2020 on a cost per typical residential unit basis by area municipality. The 3.99% increase on the budget will impact the average residential property between \$0.36 to \$6.88 annually depending on the municipality (average annual impact of \$3.85).

Waste Management staff are reviewing the allocation methodology utilized for the WMS requisition between area municipalities. The current methodology was reaffirmed by Council in 2011 and has not been reviewed since that time. As part of the review, staff will engage the local area municipalities and review relevant legislation. No change will be proposed for 2021.

Risks & Opportunities

The proposed budget, like any budget, has a number of risks, as well as opportunities, which include:

- Recycling Commodity Prices –The market for commodities fluctuations. The 2021 commodity process are based on current market trends.

- Uncertainty around the Waste Free Ontario Act and the transition to extended producer responsibility and the impacts on the recycling facility.
- Other Price Risks – the collection contract with the private sector contains a number of contract adjustments related to fuel prices and CPI. If these factors exceed the forecast, that could have a material impact on the budget.
- Counterparty risk related to the waste collection contract for services that represents 49% of WMS's 2021 total gross operating costs.
- Reserve mitigation – utilize the Waste Management Stabilization Reserve to phase-in the pressure from the new collection contract that started in October 2020. This is projected to decrease reserve to a balance of \$0.8 million by the end of 2022. This may limit staff's ability to mitigate budget pressures as they arise (i.e. decreased end-market revenues) and could therefore result in increased pressure on future year budgets.
- Other mitigation measures – there are risks associated with all mitigations and details are included in supplementary business cases.

Alternatives Reviewed

None.

Relationship to Council Strategic Priorities

The 2021 WMS budget supports responsible growth and infrastructure planning and supports Council's objective of environmental sustainability and stewardship.

Other Pertinent Reports

PWA 55-2011 – Waste Management Services Financing Study

CSD 70-2017 – Waste Management Reserve Strategy

WMPSC-C 33 – 2018 Waste Management Tipping Fees

PW 61-2019 – Base Level Service for Waste Management Collection Contract

PW 65-2019 – Confidential – Pricing of Successful Proponents and Review of Optional Services for WM Collection Contract

Prepared by:

Helen Chamberlain, CPA, CA
Director, Financial Management &
Planning/Deputy Treasurer

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared by Rob Fleming, Senior Tax & Revenue Analyst, in consultation with Dan Ane, Manager, Program Financial Support and Reviewed by Margaret Murphy, Associate Director, Budget Planning & Strategy, Catherine Habermehl, Director, Waste Management Services.

Appendices

Appendix 1	Proposed 2021 Requisition by Municipalities
Appendix 2	2021 WM Requisition for Typical Residential Property by Municipality
Appendix 3	Waste Management – Schedule of Revenues and Expenditures

Proposed 2021 Requisition by Municipality

Municipality	2020 Charges (\$000)	2021 Requisition (\$000)	Difference		Growth Impact %	
			Increase/ (Decrease) (\$000)	% Increase/ (Decrease)	Taxable Assessment Growth (%)*	Net Increase/ (Decrease) (%)
Fort Erie	\$ 2,954	\$ 3,067	\$ 114	3.85%	1.69%	2.15%
Grimsby	\$ 2,121	\$ 2,220	\$ 100	4.70%	0.46%	4.24%
Lincoln	\$ 1,770	\$ 1,845	\$ 75	4.21%	2.71%	1.50%
Niagara Falls	\$ 7,615	\$ 7,915	\$ 300	3.94%	1.22%	2.72%
Niagara-on-the-Lake*	\$ 1,682	\$ 1,750	\$ 68	4.02%	1.23%	2.78%
Pelham	\$ 1,343	\$ 1,400	\$ 58	4.30%	2.91%	1.38%
Port Colborne	\$ 1,946	\$ 2,032	\$ 85	4.39%	1.70%	2.69%
St. Catharines	\$ 11,816	\$ 12,254	\$ 437	3.70%	0.41%	3.30%
Thorold	\$ 1,642	\$ 1,728	\$ 85	5.19%	4.91%	0.27%
Wainfleet	\$ 601	\$ 622	\$ 22	3.60%	1.28%	2.32%
Welland	\$ 4,355	\$ 4,511	\$ 155	3.57%	1.49%	2.08%
West Lincoln	\$ 975	\$ 1,026	\$ 51	5.23%	1.18%	4.04%
Total	\$ 38,822	\$ 40,371	\$ 1,549	3.99%	1.33%	2.66%

* NOTL assessment growth value on increase in residential units NOT CVA (as per NOTL requisition methodology).

* Total taxable assessment growth percentage of 1.33% represents Niagara actual growth for 2020 as of November 3, 2020

Change in Residential Units - 2021 Budget over 2020 Budget

Municipality	Residential Units 2020 Budget	Residential Units 2021 Budget	Difference	
			Increase/ (Decrease)	% Increase/ (Decrease)
Fort Erie	15,697	15,792	95	0.61%
Grimsby	11,175	11,297	122	1.09%
Lincoln	9,305	9,363	58	0.62%
Niagara Falls	38,306	38,496	190	0.50%
Niagara-on-the-Lake	8,605	8,711	106	1.23%
Pelham	7,064	7,097	33	0.47%
Port Colborne	10,304	10,313	9	0.09%
St. Catharines	59,879	60,012	133	0.22%
Thorold	8,510	8,608	98	1.15%
Wainfleet	3,220	3,231	11	0.34%
Welland	23,293	23,415	122	0.52%
West Lincoln	5,399	5,462	63	1.17%
Total	200,757	201,797	1,040	0.52%

2021 WM Requisition For Typical Residential Property by Municipality

Municipality	2020 Final		2021 Draft ³			Annual		Monthly
	CVA ¹	WM taxes	CVA ¹	WM Tax Rate	WM taxes	\$	%	\$
Fort Erie	216,145	\$ 152.17	216,145	0.00071891	\$ 155.39	\$ 3.22	2.12%	\$ 0.27
Grimsby	400,088	\$ 163.11	400,088	0.00042489	\$ 169.99	\$ 6.88	4.22%	\$ 0.57
Lincoln	364,773	\$ 159.96	364,773	0.00044494	\$ 162.30	\$ 2.34	1.46%	\$ 0.19
Niagara Falls	262,988	\$ 139.79	262,988	0.00054585	\$ 143.55	\$ 3.76	2.69%	\$ 0.31
Niagara-on-the-Lake ²								
Pelham	364,292	\$ 172.61	364,292	0.00048019	\$ 174.93	\$ 2.32	1.35%	\$ 0.19
Port Colborne	207,501	\$ 185.74	207,501	0.00091878	\$ 190.65	\$ 4.91	2.64%	\$ 0.41
St. Catharines	259,643	\$ 172.94	259,643	0.00068792	\$ 178.61	\$ 5.68	3.28%	\$ 0.47
Thorold	228,358	\$ 138.12	228,358	0.00060641	\$ 138.48	\$ 0.36	0.26%	\$ 0.03
Wainfleet	273,324	\$ 159.72	273,324	0.00059775	\$ 163.38	\$ 3.66	2.29%	\$ 0.30
Welland	214,079	\$ 165.85	214,079	0.00079062	\$ 169.26	\$ 3.40	2.05%	\$ 0.28
West Lincoln	323,030	\$ 145.97	323,030	0.00046995	\$ 151.81	\$ 5.83	4.00%	\$ 0.49

¹ 2020 and 2021 average CVA based on average value from 2020 tax policy study. No change from 2020 to 2021 as a result of Provincial one year delay of new assessment cycle.

² NOTL charge to residents based on fixed household amount.

³ 2021 draft WM rates based on 2020 tax policy, 2021 draft requisition amounts and 2021 estimated returned roll assessment values.

Object of Expenditure	2020 WMS Budget Total (\$)	2021 WMS Budget Total (\$)	Total Variance (\$)	Combined Variance (%)	Note
A_40000AB Compensation	3,923,106	3,574,470	(348,636)	(8.9%)	(1)
A_41000AB Administrative	1,296,112	746,504	(549,608)	(42.4%)	
A_44000AB Operational & Supply	42,447,824	49,749,724	7,301,900	17.2%	(2)
A_50000AB Occupancy & Infrastructure	1,453,183	1,620,477	167,294	11.5%	
A_52000AB Equipment, Vehicles, Technology	1,214,097	1,150,164	(63,933)	(5.3%)	
A_56000AB Partnership, Rebate, Exemption	188,906	0	(188,906)	(100.0%)	(3)
A_75100AC Transfers To Funds	4,135,500	4,135,500	0	0.0%	
A_60000AC Allocation Between Departments	129,808	115,321	(14,487)	(11.2%)	
Gross Expenditure Subtotal	54,788,537	61,092,161	6,303,624	11.5%	
A_30000AB Taxation	(38,821,603)	(40,370,585)	(1,548,982)	4.0%	
A_32400AB By-Law Charges & Sales	(11,609,056)	(12,269,077)	(660,021)	5.7%	(4)
A_34950AB Other Revenue	(5,190,883)	(6,466,388)	(1,275,505)	24.6%	(5)
A_75000AC Transfers From Funds	(1,603,653)	(3,571,710)	(1,968,057)	122.7%	(6)
Gross Revenue Subtotal	(57,225,194)	(62,677,760)	(5,452,564)	9.5%	
Net Expenditure (revenue) before indirect allocations	(2,436,657)	(1,585,599)	851,058	(34.9%)	
A_70000AC Indirect Allocation	1,498,760	1,507,622	8,862	0.6%	
A_70200AC Capital Financing Allocation	937,897	77,977	(859,920)	(91.7%)	(7)
Allocation Subtotal	2,436,657	1,585,599	(851,058)	(34.9%)	
Net Expenditure (revenue) after indirect allocations	0	0	0	0	

Notes:

- (1) includes mitigations of student position deferral and salary gapping of \$(0.3M).
(2) Includes pressures related to the new collection contract first full year of \$6.6M, recycling purchases of \$0.6M, compost processing of \$0.4M less the savings associated with external disposal services of \$(0.2M).
(3) Includes proposed mitigation impacts associated with eliminating tip fee exemption for charities of \$(0.2M).
(4) Includes increased revenue associated with the elimination of free container exchange of \$(0.1M), bag tag sales volume increase of \$(0.1M) and end market recycling revenue of \$(0.4M).
(5) Includes increase in revenue from the resource productivity and recovery authority of \$(1.3M).
(6) Includes proposed stabilization reserve mitigation measure of \$(3.4M) for 2021 less one-time stabilization reserve draw in 2020 of \$0.9M.
(7) Includes decrease as a result of satisfying outstanding debt obligation of \$(0.8M).

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-94

A BY-LAW TO ADOPT THE 2021 WASTE MANAGEMENT
BUDGET FOR THE REGIONAL MUNICIPALITY OF
NIAGARA

WHEREAS subsection 289 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, requires that an upper-tier municipality shall in each year prepare and adopt a budget; and,

WHEREAS the Council of the Regional Municipality of Niagara adopted its 2021 Waste Management Budget as described herein.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the 2021 Waste Management Gross Operating Budget of \$62,873,938 and Net Operating Budget of \$40,566,762 be and hereby adopted.
2. That the 2021 budgeted net waste management operating budget be apportioned to the lower-tier municipalities as follows:

Municipality	2021 Net Budget Allocation (\$)
Fort Erie	\$3,082,869
Grimsby	\$2,231,474
Lincoln	\$1,854,069
Niagara Falls	\$7,952,522
Niagara-on-the-Lake	\$1,758,444
Pelham	\$1,407,325
Port Colborne	\$2,041,737
St. Catharines	\$12,311,983
Thorold	\$1,735,985
Wainfleet	\$625,493
Welland	\$4,533,407
West Lincoln	\$1,031,454
Total	\$40,566,762

3. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair



Ann-Marie Norio, Regional Clerk

Passed: December 17, 2020

From: [Nancy Bozzato](#)
To: [Holly Willford](#); [Sarah Leach](#)
Cc: [Barbara Wiens](#)
Subject: FW: Draft plan of subdivision and zoning changes
Date: Thursday, December 17, 2020 11:35:11 AM

Hi Holly

Can you please place on January Council agenda correspondence?

Thank you



Nancy Bozzato, Dipl.M.M.

Town Clerk

Town of Pelham

T: 905-892-2607 x315 | E: njbozzato@pelham.ca

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

TOWN OF PELHAM CONFIDENTIALITY NOTICE

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

From: Mary Nolle [REDACTED]
Sent: December 17, 2020 7:59 AM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: Draft plan of subdivision and zoning changes

To Whom It May Concern,

Dec. 17, 2020

I would like to voice my concerns regarding the request for zoning changes for the development of the subdivision on the east side of the Steve Bauer Trail.

Is it true that a ten storey apartment building will be built there? How can this be allowed when there is not a single building of that size anywhere in Fonthill? It will change the feel of our neighborhood and the town permanently. The low rise apartment buildings built in Fonthill have not been stand out eye sores for the neighborhoods that surround them. 10 stories is simply not reasonable. No one wants to see Fonthill skyscrapers built.

Is there a subdivision plan (model) built that I could come look at? That shows exactly where and how high all the buildings will be and look?

As well, how is it possible that any trees we will be lost around the Steve Bauer Trail during this development? This trail is busy. People walk it for the solitude to be in nature. What is wrong with this town that would even consider allowing any changes to the trail?

I am well aware that the developers are pushing for a high density development project, but it's

the towns' job to protect these things from happening! Residents of Fonthill don't want our community to look like the cheap builds south of Webber (Welland) or Toronto high rises. We are a small but growing community.

More attention needs to be given to keep our community feel, that means nothing built over the three storeys and LOTS of green space.

Thanks for hearing my concerns,

Mary

Mary Nolle
[REDACTED] Port Robinson Road
Fonthill
tel:
[REDACTED]

From: Mary Nolle [REDACTED]
Sent: Monday, December 28, 2020 1:27 PM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: Re: Council meeting

To the Pelham Town Council,

I have lived in Fonthill for the last 25 years, in the same house on Port Robinson Road. I have worked as a realtor for the last 12 years here. I can appreciate the need for development both as a tax generator and the need to boost housing supply.

I am very concerned about the possibility of a ten storey building being built in my neighbourhood. That kind of look and density changes a neighbourhood in a dramatic way. This is an important decision. People move to Fonthill because it has a small town feel. It doesn't have any industry to speak of and it is quiet and picturesque. The people of Fonthill like a "town" type image and vibe.

We have apartment buildings in Fonthill, generally they are built on large pieces of property and low rise (corner of Pelham and Pancake). So they don't stand out in their respective neighbourhoods. Lookout Condos on HWY 20 are the only buildings that are higher, they sit on almost 600 foot frontage on a park like settingon acres of land!

I am asking you to not allow any buildings over 3 storeys high in the new subdivision beside the Steve Bauer Trail on the east side. And if you agree to 3 storeys, it should be on a large piece of land so that the building is not to appear too bold. By allowing a ten storey building it will change, not just my neighbourhood, but the vibe of Fonthill. The quaint town reputation will be gone. Fonthill will feel more like a city.

Once you allow one developer to move forward with high buildings, you will be pressured to continue. I have a lot of respect for developers but they push to maximize profits while we rely on our town council to maintain our towns vibe as much as possible.

The density in that area has already increased with the Grey Forest builds at the corner of Port Robinson and Rice. Add this new subdivision and we will be seeing traffic that will compare to most small cities. With the projected 443 households moving into this subdivision (that projection is from the letter you distributed for the November 23rd meeting) at two cars per household (conservative by most households), that would be an additional 886 vehicles moving in and out of the subdivision everyday.

Please do not allow any ten storey buildings in Fonthill. The density is too great, the look is not what anyone hopes to see in Fonthill... and it will change our towns vibe forever.

Mary Nolle
[REDACTED] Port Robinson Road

December 15, 2020

Ms. Nancy Bazzato, Town Clerk, Town of Pelham, 20 Pelham Town Square, Fonthill, ON. L0S 1E0

To: Mayor Junkin and Councillors Ms. Stewart, Ms. Haun, Mr. Wink, Mr. Hildebrandt, Mr. Kore and Mr. Olson

Regarding; Town of Pelham Tree Policy Under Development

I am sending this letter as I am aware that the Town is in the process of re-writing the Tree Management Policy. I understand this task is being undertaken by the Manager of Public Works. I believe a committee working together for the same cause can brainstorm so as to be more effective than an individual working alone. I am requesting that Council consider taking the initiative to create a citizens based committee to work with the Public Works department in devising the new Tree Management Policy. I would gladly volunteer for this committee and after discussion with Town of Pelham resident Graham Pett, he would be willing to serve as well. I'm sure others could be enlisted as well to serve, but I will leave that to the decision of Council.

For your information, the original Town of Pelham Tree Planting, Maintenance and Replacement Guidelines were created by volunteer citizens and then Town of Pelham Councillor Brian Walker. It was adopted unanimously by the Council of whole in 2000. This Guideline came into existence because of the Town's decision to remove healthy elder trees in the old part of Town, and citizens responded to that decision. Both Graham Pett and I were part of that group of volunteers.

In April 2016 the previous Town of Pelham Council passed the current Tree Management Policy. In my review of that document I note it is nearly identical to the 2000 Tree Planting, Maintenance and Replacement Guidelines with just three exceptions. Those exceptions are in small street tree maintenance (the watering of trees), tree fertilizing and for every tree removed, two must be planted.

As I noted in The Voice of Pelham, October 7, 2020 issue, on page 8; "Councillors Wink and Kore received more complaints than usual-presumably relating to concerns over the Town's trees in Ward 2". This report strongly supports my position that our Town needs input from its citizens. By doing so this would definitely help in the acceptance of Group 6 of the Town's new priorities, this being "Options for Urban Tree Canopy".

I believe that the Town's tree management policy requires significant changes and I feel confident that myself and other citizens could be of useful assistance in helping to devise a new Town of Pelham Tree Management Policy. I appreciate Council's consideration of my request and look forward to your response in this regard.

Sincerely

Mike Jones
The Pelham Tree Conservation Society
[REDACTED] Emmett Street, Fonthill, ON. L0S 1E0
[REDACTED]

In spring of 2000, I chose Fonthill as the place where I would continue to raise my daughter & call home. What drew me to the community was its small town feel. Acres of farmland & orchards tucked away outside of the hustle bustle of the larger cities. Quiet streets, kind & friendly neighbours who quickly became friends.

At that time the IGA grocery store in the Fonthill Plaza had only 2 checkouts & a deer actually made its way into the entrance of the Shoppers Drug Mart one year. The Steve Bauer Trail was & is home to many deer who on many occasions found their way into town or into my neighbour's, to the rear of me, backyard as the trail was across from their home. What a wondrous sight!

I had grown up in Cooksville, an area that later became part of Mississauga. It too was a small community but with much development became the busy city it is today. I watched those orchards be ploughed under & be replaced with homes & plazas. The farmer's fields we played in as children disappeared.

For the past 20 years I have watched Fonthill change as well. Gone is the 2 checkout IGA with only one of the registers that could process my debit card properly. Now there are two large grocery store chains. Gone are the days of waiting to turn left at the junction at the 406 for 15 minutes. Gone are the safe bicycle rides down Port Robinson Road. Gone are the 4-wheeler pulled sleighs through the fields on a moonlit New Year's Eve night with all the street's kids laughing with delight. AND if the Town & developers get their way, gone will be the many years of daily walks with the dog across the Steve Bauer Trail from Port Robinson over to Merritt & the enjoyment it brings to many.

Not only is this trail a natural habitat & home for countless wildlife, it is a piece of beauty, tranquility & peacefulness to the lives of those of us who live in the area. Many come from outside of the area to enjoy this lovely trail. Schools bring their students for nature walks on this trail for all it has to offer which I might add, is home to our Provincial & protected flower, the Trillium. Carpets of pink & white Trillium varieties have been photographed by residents on their walks. Will there be fines for their demise by the Ontario Government?

I am absolutely appalled & disgusted to learn that our Town is considering letting a developer destroy this source of beauty & home to wildlife. I am even more heartbroken that the Town would consider allowing a trail dedicated to one of our own, Steve Bauer, who the trail was named after, for his many, many accomplishments as a professional bicycle road racer. A man to be admired & respected. A 1984 Olympic Silver Medalist, a 1982 Silver Commonwealth Games athlete & medalist, a 1984 World Championship medalist in Barcelona; not to forget being inducted into the Olympic Sports Hall of Fame & The Canadian Sports Hall of Fame. The consideration of the destruction of the Steve Bauer Trail is utterly disrespectful & disgraceful. The Town MUST stop this ! Cheryl MacDavid-Fonthill

From: Tanya Blankenburg [REDACTED]
Sent: Saturday, January 2, 2021 4:36 PM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: Concerns for the development along the Steve Bauer Trail

Hi Nancy,

I am writing you in concern of the purposed re-zoning along the Steve Bauer Trail. Our home is located just up a few houses up from the trail on Port Robinson Rd. We purchased this home 20 years ago after growing up on Pancake Lane and my husband on Foss Rd. To put it into perspective I have been walking this trail since it was still an active train track so very familiar with the area. I am disappointed that the town has been not considering the surrounding landscape prior to considering a 10 story build in this area. The area of trees along this path would most likely be damaged or removed to make way for this development. I am not sure if the town is aware but there is an endangered species located in this section (several) from Port Robinson Rd to Merrit. I have included the link below so this can be reviewed as part of your consideration:

<https://www.ontario.ca/page/eastern-flowering-dogwood>

I have seen these trees flowering for many years on my walks and as a horticulturalist by trade they have been properly identified.

I hope the town will listen to many people who have been part of this community for decades. Not opposed to development but proper consideration of what is suited for an area and protection of the landscape must be a priority.

Thank you,
Tanya

Jack & Brenda Braybrook
[REDACTED] Pelham St N
Fonthill, ON, L0S 1E5

Dec 17 2020

Town Clerk
Town of Pelham
20 Pelham Town Square
Fonthill, ON

Attention: Mrs. Nancy Bozzato, Town Clerk

Re: #3 Hurricane Rd, Fonthill, ON
Zoning By-law application AM-09-2020
Installation of privacy fence.

First, I would like to thank the Mayor and Council for allowing me to speak at the public meeting on November 9th 2020 regarding the rezoning application for #3 Hurricane Rd.

We would like to once again outline our request to have the developer install a privacy fence, board on board, to be installed prior to the start of construction around the perimeter of the property.

During the public meeting the developer mentioned agreements between 3# Hurricane Road and 1599 Pelham St N - Carriage Hills when Carriage Hills was constructed. The agreement indicated that Carriage Hills would provide a fence acceptable to the Mr. & Mrs. Bell of #3 Hurricane Rd.

Carriage Hills has honored the agreement. There were no complaints from Mr. and/or Mrs. Bell in the 45 years that have passed since Carriage Hill was constructed. A fence was in place along the property line and several trees and shrubs were planted by both #3 Hurricane Rd and Carriage Hills. Carriage Hills enjoyed great neighborly relations with the Bell's for many years up and to the passing of Mrs. Bell. Our relations are an example on how development can work with the surrounding neighborhood.

We hope to enjoy those same neighborly relations with the new owner(s) of the #3 Hurricane Rd property(s).

Being that the developer is requesting a major change to the property with the subdivision of the property into several lots, we do not believe the request to install a privacy fence is an unreasonable request and would ask council to make it part of the approval to rezone and /or develop the property.

There was an agreement with Carriage Hills and the Mr. and Mrs. Bell regarding their property but we believe the responsibility to accommodate the neighborhood now falls to the developer of #3 Hurricane Rd. There are significant changes proposed to the property, including the removal of many mature trees that will affect the surrounding property owners.

We have attached photos of board on board fences to show what could be installed.

Thank you

Jack & Brenda Braybrook







From: [Craig Rohe](#)
To: [Marvin Junkin](#); [Nancy Bozzato](#)
Cc: [Barbara Wiens](#); [Shannon Larocque](#); [Ghazawan Alchi](#); [Richard Dekorte](#)
Subject: Letter of Objection - Conditions of Approval - Saffron Valley Phase 2 (CD-20-0017)
Date: Tuesday, January 5, 2021 9:22:11 AM
Attachments: [Letter to Council - Saffron Valley Phase 2 - Objection to Conditions of Approval.pdf](#)
[Response to Comments - Saffron Valley Phase 2 \(November 25, 2020\).pdf](#)

Mayor Junkin and Madam Clerk,

Attached, please find a letter of objection pertaining to recommended Conditions of Draft Plan of Condominium Approval for Town File CD-20-0017 (Saffron Valley Phase 2). This application and the associated Official Plan and Zoning By-law Amendments are scheduled to be considered by Council on Monday January 11, 2021.

On behalf of our client 2627781 Ontario Inc., we kindly ask that this request be considered by Council when rendering a decision on the affected applications.

Respectfully submitted,

Craig A. Rohe, M.Pl., MCIP, RPP

Senior Planner

Upper Canada Consultants

3-30 Hannover Drive

St. Catharines, ON. L2W 1A3

Tel: (905) 688-9400 ext. 506

Mobile: (289) 969-3556

Fax: (905) 688-5274

Email: craig@ucc.com

Web: www.ucc.com

January 5, 2021

UCC File No. 1994

To: Mayor Marvin Junkin
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S 1E0

**Re: Objection to Recommended Conditions of Approval – Saffron Valley Phase 2
1304 Rice Road, Pelham (Town File No's 26CD19-02-2020, OP-AM-02-2020 & AM-06-2020)**

On behalf of our client 2627781 Ontario Inc., please accept this letter of objection related to four (4) recommended Conditions of Draft Plan of Condominium Approval pertaining to the development known as Saffron Valley Phase 2 at 1304 Rice Road in Pelham.

On November 25, 2020 a written submission was made to the Town of Pelham Community Planning and Development Department requesting clarifications and modifications to proposed Conditions of Draft Plan of Condominium Approval that were provided by Niagara Region. It is our understanding that Town Planning Staff has spoken with Planning Staff at Niagara Region and requested clarifications on the matters pointed out in Upper Canada's submitted letter. Town staff has since informed Upper Canada Consultants that Niagara Region does not consent to any modifications of the identified conditions and has asked that they be put forward as originally requested.

As the report is not yet available for review, we are unable to correlate the exact condition numbers in the recommendation report. However, we would ask that Town staff please identify the conditions numbers for Council prior to, or at the Council meeting.

We kindly ask that the letter of November 25th (attached) be reviewed by yourself and members of Council prior to consideration of the applications on January 11th, 2021. It is our opinion that the requested removal of the identified conditions is a reasonable request that will not negatively impact the ability to develop the land as intended or implement the mitigations measures outlined in the Environmental Impact Study.

Respectfully submitted,



Craig A. Rohe, M.Pl., MCIP, RPP
Senior Planner
Upper Canada Consultants

CC: Nancy Bozzato, Town Clerk
Barbara Wiens, Direct of Community Planning and Development
Richard Dekorte, 2627781 Ontario Inc.
Gus Alchi, Galchi Homes

November 25, 2020

UCC File No. 1994

To: Shannon Larocque, MCIP, RPP
Senior Planner
Community Planning and Development
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S 1E0

**Re: Response to Public and Agency Comments RE: Saffron Valley Phase 2
1304 Rice Road, Pelham (Town File No's 26CD19-02-2020, OP-AM-02-2020 & AM-06-2020)**

On behalf of our client, 2627781 Ontario Inc. please accept this letter of response to Council, Agency & Town Comments provided regarding Saffron Valley Phase 2.

Please review the commentary below and advise if our responses and clarifications are satisfactory to Staff. For matters that may require additional clarification, I suggest that a short call or meeting be set up to discuss after staff has had a chance to review both internally and with Niagara Region.

Council Comments (Comments provided at November 23, 2020 Council Meeting)

- Councillor Haun – A request for playground equipment in the Parkette

I have conveyed this request to our client and it will be considered through the site plan process when we undertake detailed design.

Niagara Region (Comments dated October 14, 2020)

Generally, our client has no objection to the Region's written comments provided with this application, however in some instances there appears to be a disconnection between the positions provided by the Planner in the body of the letter regarding natural heritage matters and the requested Conditions of Approval.

Based on our review of the conditions with the client, we have been directed to request that the following items be reviewed, and in some cases be clarified or removed. The numbers cited correlate the with the condition numbers in the Region's comment letter.

- 3. d)** That no construction activity be allowed to occur during the month of June (bat maternity roosting season) in any year within 30 m of the forest edge in order to reduce disturbance to rare bat species.

The policy basis of this prohibition is not cited by the Region. Published Provincial advice regarding protection and stewardship of endangered bat species does not appear to contain this prohibition. Additionally, the biological premise of the Region's proposed prohibition appears to be incorrect, as the bat maternal roosting season is not confined to the month of June. This condition is requested to be removed.

7. That a Landscape Plan be provided to the satisfaction of the Niagara Region that addresses the Vegetation Protection Zone recommended in the Environmental Impact Study, prepared by Myler Ecological Consulting (dated June 2020). The VPZ should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities, including thorny species to discourage human intrusion into sensitive areas. The removal of invasive species should also be incorporated, as appropriate. The Landscape Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA).

Our client has no concerns with providing the required landscape buffer plan, as prescribed in the EIS. The removal of invasive species is understood, however, these species may form part of the ecological function of the feature itself. Our client has requested that this condition be amended to state that site preparation within the buffer area will include removal of invasive species, as well as the recommended removal of the top layer of clayey fill in places where it was historically deposited over native soils.

With regard to the provisions of “thorny species”, our client objects to this requirement. Although it is understood that the species will discourage human intrusion, it would pose a physical risk to any person performing required maintenance on the fences or drains, and most concerning it may hurt children or wild animals. Additionally, truly thorny native shrubs and trees are not characteristic of the adjacent natural area and introduction of such species, even if native to Ontario, and would be inappropriate for conservation of the adjacent natural area. This specific requirement is not supported and is requested to be removed.

9. That the owner prepares an information package for new homeowners outlining the importance of the adjacent natural heritage features and steps they can take to protect the natural environment. This information package is to be reviewed and approved by the Niagara Region. The package should be provided as an appendix to all offers of purchase and sale for properties within the development, and a clause shall be included in the condominium agreement to this effect.

This comment requires that the owner develop a document outlining the value of the natural environment to future owners and how they can be “stewards of the natural heritage system”. As the condition is open-ended and requires that the Region must review and be “satisfied” with this document, it is concerning to our client.

As the VPZ and natural heritage features within the development will be common element, stewardship lays with the Condominium Corporation and not with individual homeowners. Stewardship measures would more appropriately be written into conditions for the Condominium. Pamphlets encouraging individual stewardship are likely to be misinterpreted and cause some residents to engage in activities that are not aligned with those of the Condominium Corporation and that would be harmful to the VPZ and adjacent natural area.

It is my opinion that the physical mitigation measures as prescribed by the Biologist are appropriate and sufficient. Accordingly, our client requests that this condition be removed.

10. A detailed Ecological Monitoring Plan be submitted to Niagara Region for review and approval.

This condition does not provide a clear direction on what is required to be monitored, why, or how it can be satisfied. There is also no mention of the need for monitoring in the written portion of the comments, and this was not recommended in the EIS that the Region reviewed and approved. We respectfully ask that this condition be removed.

Town of Pelham (Preliminary comments provided via-e-mail on August 25, 2020)

The following comments are provided based on preliminary Town comments provided in August of 2020. We request that staff please forward the final Town comments from each department to our office for review and filing.

- Plant selections have not been included on the landscape plan. Please advise whether they are missing or it is intended they be provided as part of a later application.

The plant species will be confirmed through the future Site Plan Submission. The provided Landscape Plan was only preliminary and was meant to demonstrate how the property could be landscaped.

- Policy B1.7.3.2 related to affordability in the Town's Official has not be adequately addressed in the Planning Justification Report. Town staff previously recommended that a greater mix of housing types be considered.

Policy B1.7.3.2 of the Town's Official Plan prescribes that at least 25% of new development within the East Fonthill Secondary Plan Area be considered affordable housing, as defined by the Province of Ontario.

The Provincial definition for Affordable Housing is:

1. Housing for which the purchase price results in an annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
2. Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the Regional market area.

The exact sale price of the dwellings is unknown at this time given the rapidly changing housing market in Niagara. Based on the cost of land, anticipated servicing costs, the developers preferred level of trim and design for each unit and anticipated condominium fees, it is my opinion that these units would sell for a premium price and would not be considered as affordable under the Provincial definition.

Given the significant amount of freehold detached and multi-unit development proposed on adjacent lands, there remains ample opportunity for the achievement of the 25% affordability target elsewhere.

- Policy B1.7.4.5 relating to sustainable building/green design has not been addressed in the Planning Justification Report. Please address.

The Policy requires that all new development within the East Fonthill Secondary Plan Area be encouraged to achieve greater levels of water conservation, be LEED Silver or equivalent in design, and must achieve a minimum building performance level that is equal to an Energy Star standard.

The detailed building plans for the units in Saffron valley Phase 2 lands are not known at this time. These requirements will be passed along to the architect for review and implementation through site plan and building permit processes.

- Consider adding a pedestrian connection to the trail block from Street B.

A dedicated connection to the trail is provided at part of Phase 1 of Saffron Valley, as there is no roadway access/intersection with Rice Road to capitalize on. The intersection of the Trail Block and Street A is considered to be a reasonable, additional connection to the trail.

- Some revisions are required to the draft zoning by-law amendment. The Wetland and buffer should be rezoned to EF-EP (Section 30). Further, some definitions in the Zoning By-law have been misinterpreted (i.e. minimum lot frontage, townhouse side, front).

No objection to the EF-EP Zone being used. Please confirm the portions of the by-law that have been misinterpreted and how. I suggest we have a Zoom meeting to go through everything and confirm.

- Please review the number of visitor parking spaces, i.e. 11 spaces for 35 units. The so called double garages are not really double garages, they are more like car and half and they have an landing area and step inside them which further restricts the ability to park full size vehicles in them, at most, people will get one vehicle in them and maybe a motorcycle. And the width of the opening is not typical for a double car garage. While this complies with zoning, Council is often concerned that parking is insufficient in these developments and this will likely be brought up by them.

The proposed development meets the parking requirements set out in the Zoning By-law. Each unit will be provided with a minimum of two parking spaces (garage and driveway). As Council did not appear to have any concerns with the dedicated visitor parking amounts, our client would like to leave the parking as proposed. To provide additional spaces would require loss of units, affect the submitted OPA and Zoning Applications and potentially require a redesign of the plan.

- Units 24 and 35 will be limited with respect to openings due to the setbacks from the north property line (OBC 9.10.15.4 – Glazed Openings in Exposing Buildings Face). This will be reviewed at building permit stage once the elevations are available.

This comment is acknowledged and will be addressed through Site Plan review.

We trust that the comments above can be addressed and that the development applications will to proceed to Council for recommendation in the New Year.

Respectfully submitted,



Craig A. Rohe, M.Pl., MCIP, RPP
Senior Planner
Upper Canada Consultants

CC: Richard Dekorte, 2627781 Ontario Inc.
Gus Alchi, Galchi Homes
Martin Heikoop, Upper Canada Consultants

From: [Shannon Larocque](#)
To: [Nancy Bozzato](#)
Cc: [Lampman, Cara](#)
Subject: FW: Letter of Objection - Conditions of Approval - Saffron Valley Phase 2 (CD-20-0017)
Date: Tuesday, January 5, 2021 3:39:38 PM
Attachments: [Letter to Council - Saffron Valley Phase 2 - Objection to Conditions of Approval.pdf](#)
[Response to Comments - Saffron Valley Phase 2 \(November 25, 2020\).pdf](#)
[Homeowner Brochure - Example B.docx](#)
[Homeowner Brochure and Educational Signs - Example A.docx](#)

Hi Nancy,
Would you please include this on Monday's Council agenda re: Saffron Valley Phase 2?
Thanks,
Shannon



Shannon Larocque, MCIP. RPP.
Senior Planner
Town of Pelham
T: 905-892-2607 x319 | E: slarocque@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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From: Lampman, Cara [<mailto:Cara.Lampman@niagararegion.ca>]
Sent: Tuesday, January 5, 2021 3:08 PM
To: Shannon Larocque <SLarocque@pelham.ca>
Cc: Shanks, Amy <Amy.Shanks@niagararegion.ca>; Busnello, Pat <pat.busnello@niagararegion.ca>; Boudens, Adam <Adam.Boudens@niagararegion.ca>; Fricke, Britney <Britney.Fricke@niagararegion.ca>
Subject: FW: Letter of Objection - Conditions of Approval - Saffron Valley Phase 2 (CD-20-0017)

Good afternoon Shannon,

Regional staff have reviewed the attached correspondence provided by Upper Canada Consultants in regard to the conditions of Draft Approval requested by the Region for the subject file and offer the following comments for the Town's information and clarification.

3. d) This condition has been requested in order to ensure no negative impact to bats within the adjacent woodlands. June is a particularly important time to consider the bat population due to their level of activity and important stages of the life cycle during this time of the year. Although Provincial guidance documents do not specifically include this measure, other EIS work supporting development adjacent to rare bat habitat has included the June timing window, including the

work submitted in support of the Forest Park Subdivision.

- 7) The Region continues to recommend that thorny plants be included in the landscape plan to deter intrusion into the sensitive natural features, and assists in achieving the no negative impact tests of Provincial and Regional policies.
- 9) The inclusion of education materials (including information packages) as part of a mitigation strategy is a best management practice. The purpose of the information package is to educate individual landowners about the sensitivity of the natural heritage features impacting the subject lands and offer suggestions as to measures they can take to reduce negative impacts to the feature (i.e. preventing pets from entering the environmentally sensitive lands, preference to the planting of native species within garden areas, limit use of pesticides, importance of downward facing lighting etc.). This is not meant to be an onerous requirement, the landowner may wish to offer other examples of educational tools that they are more comfortable with (i.e. signage). Attached are examples of information packages prepared for other projects; however, it is recommended that the owner work with their environmental consultant to tailor the contents to the specific features impacting the site.
- 10) Monitoring Plans are standard requirements when restoration efforts are proposed. In this case, the purpose of the Ecological Monitoring plan is twofold:
 - a) Confirm that the restoration efforts are successful, i.e. the plant material survived
 - b) Detail if the proposed development has had any unintended impacts to the natural heritage features. This will assist in the Region getting a better understanding of whether mitigation measures were successful or if greater buffer widths and improved mitigation strategy should be considered for future projects.

In summary, the Region recommends that all previously requested conditions be included in the Draft Plan. The conditions are not meant to be onerous in any way, but will ensure that an appropriate mitigation strategy is implemented which ensures no significant negative impact to the natural heritage system.

I trust this information to be satisfactory, do not hesitate to contact me with any questions or concerns.

Cara Lampman

Manager Environmental Planning
Planning and Development Services, Niagara Region
Phone: 905-980-6000 ext. 3430 Toll-free: 1-800-263-7215
Cell: 289-668-4812
www.niagararegion.ca

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Welcome to Your New Home in Guelph

Homeowners Environmental Stewardship Guide

This homeowner's manual has been prepared as a guide to ensure the protection of natural areas, plants and wildlife in your neighbourhood. This community is located next to several natural features, including woodland, wetland, and Howitt Creek that together make up part of Guelph's Natural Heritage System (NHS). This community has been designed to preserve the NHS and the wildlife habitat that it provides through the establishment of a vegetated, protective buffer between the community and the woodland edge.

Living next to the NHS provides a wonderful educational opportunity to better understand and appreciate the natural features. With this opportunity comes a responsibility to learn how to manage daily affairs and activities so that these areas are protected and enhanced. Read on to learn more about these areas and take advantage of the opportunity to develop a lifestyle in harmony with this wonderful environment.

Species you may find in the adjacent NHS



Red-eyed Vireo



American Robin



Ostrich Fern

Protecting our Natural Heritage System

Watercourse Protection

Howitt Creek is located nearby and provides important habitat for a wide variety of plant and wildlife species. Watercourses provide valuable ecological services, such as water storage, wildlife habitat and water purification. You can help maintain the ecological health and integrity of Howitt Creek by following some of the recommendations below.

Wetland Protection

Wetlands associated with Howitt Creek are present nearby and provide important services, such as flood control, habitat for wildlife and improving water quality. Native vegetation plantings associated with the development of this community have been provided to protect this feature. Following recommendations outlined below will help to further enhance this feature.

Woodland Protection

Treed areas and woodlands provide a variety of important services, such as improving air quality, providing shade, reducing local energy use, sequestering carbon and providing habitat for a variety of wildlife species. Measures to enhance this feature have been provided through the development of this community including invasive species management and vegetation plantings.

As a landowner, it is important that you take steps to ensure the protection of these features which may back onto your property. You can do this by following the recommendations provided at the bottom of this brochure.

Wildlife Habitat

Various bird species and animal species have been found in areas near your home. As a homeowner, you have the opportunity to assist wildlife by providing additional habitat in your own backyard.

Please consider planting native plants including trees, shrubs, and perennials. Native shrubs plantings could include the attractive Red-osier Dogwood (*Cornus sericea*), Choke Cherry (*Prunus virginiana*), or Purple-flowering Raspberry (*Rubus odoratus*) all of which provide food for birds and other wildlife and habitat for native pollinators.



Broad-leaved Cattail

There are also a wide variety of native wildflower species that will thrive in your garden and provide excellent habitat for native pollinators, such as bees and butterflies. Consider species such as Black-eyed Susan (*Rudbeckia hirta*), New England Aster (*Symphyotrichum novae-angliae*), Common Milkweed (*Asclepias syriaca*) and Yellow Evening Primrose (*Oenothera biennis*) that are sure to add colour and vibrancy to your garden. Many native plant nurseries are located close to Guelph and carry a wide range of suitable species.

Another way that you can help the many bird species that call the nearby woodlands home is by the use of bird friendly design techniques. This includes the placement of visual markers/decals on large windows, particularly ones that are close to vegetation or back onto natural areas and by not placing an abundance of indoor plants near large windows.

Keeping your pet cat indoors is another way that we can help our local bird populations. On average cats kill tens of millions of birds per year in Canada (The State of Canada's Birds, 2019). If your cat is an outdoor cat, placing a bell on its collar is an excellent way to deter your pet from harming wild birds.

What Can I Do?

Do's

- Maintain vehicles to reduce leaks and drips. Clean up after accidental spills.
- Pick up after pets. Pet waste can pollute natural areas, particularly watercourses.
- Reduce the use of de-icing salt and chemicals which can contaminate groundwater and streams.
- Walk on designated pathways only.
- Have respect for local wildlife populations. Woodlands are home to a wide variety of wildlife species. Many of these species' populations are declining due to human impacts. None of these creatures are dangerous and all should be left alone.
- Keep dogs on a leash to limit disturbance to ground nesting birds.
- Keep domestic cats indoors to prevent predation on songbirds and nests.
- Leave all bird nests alone. Often mothers will leave when there is a threat and return once the threat is gone.
- Plant native species of shrubs, trees and wildflowers to provide additional habitat.

Don'ts

- Do not walk, or allow pets inside natural areas to prevent the disturbance of wildlife, trampling of plants and introduction/spreading of non-native plant species.
- Do not introduce invasive plant or animal species into the natural areas, including the dumping of any yard or household waste, which may contain seeds of invasive species.
- Use native species when planting trees, shrubs or flowers.
- Do not plant anything in the surrounding natural areas unless you are participating in an event authorized by the City of Guelph or other public agency.
- Do not interfere or disrupt local wildlife populations. Be mindful of species that could be using the surrounding habitats by not interfering or disrupting their movements.

Contact Information

If you have any questions or concerns please contact:

City of Guelph
Environmental Planning
1 Carden Street,
Guelph, ON
N1H 3A1

Email: EnvPlanningReview@guelph.ca

Phone: 519-837-5616



Monarch butterfly

The Importance of Woodlands

Species you might see or hear in this woodland



Red Admiral



Northern Cardinal



Gray Catbird



Ruby-throated Hummingbird

Why do we need woodlands?

Woodlands provide a diverse variety of functions and can greatly enhance the quality of our urban environments. This woodland exists as part of a wider system of natural features that make up Guelph's Natural Heritage System. Urban woodlands are incredibly dynamic and provide a range of benefits including:

- Providing habitat for plants and animals
- Supporting biodiversity
- Improving air quality by producing oxygen and absorbing pollution
- Mitigating climate change by sequestering carbon from the atmosphere
- Providing stormwater management by infiltrating rainfall and reducing runoff
- Improving water quality by filtering pollutants and stabilizing soils to prevent erosion
- Increasing property values
- Making neighbourhoods more beautiful and enjoyable



Accessibility Statement is tactile lettering

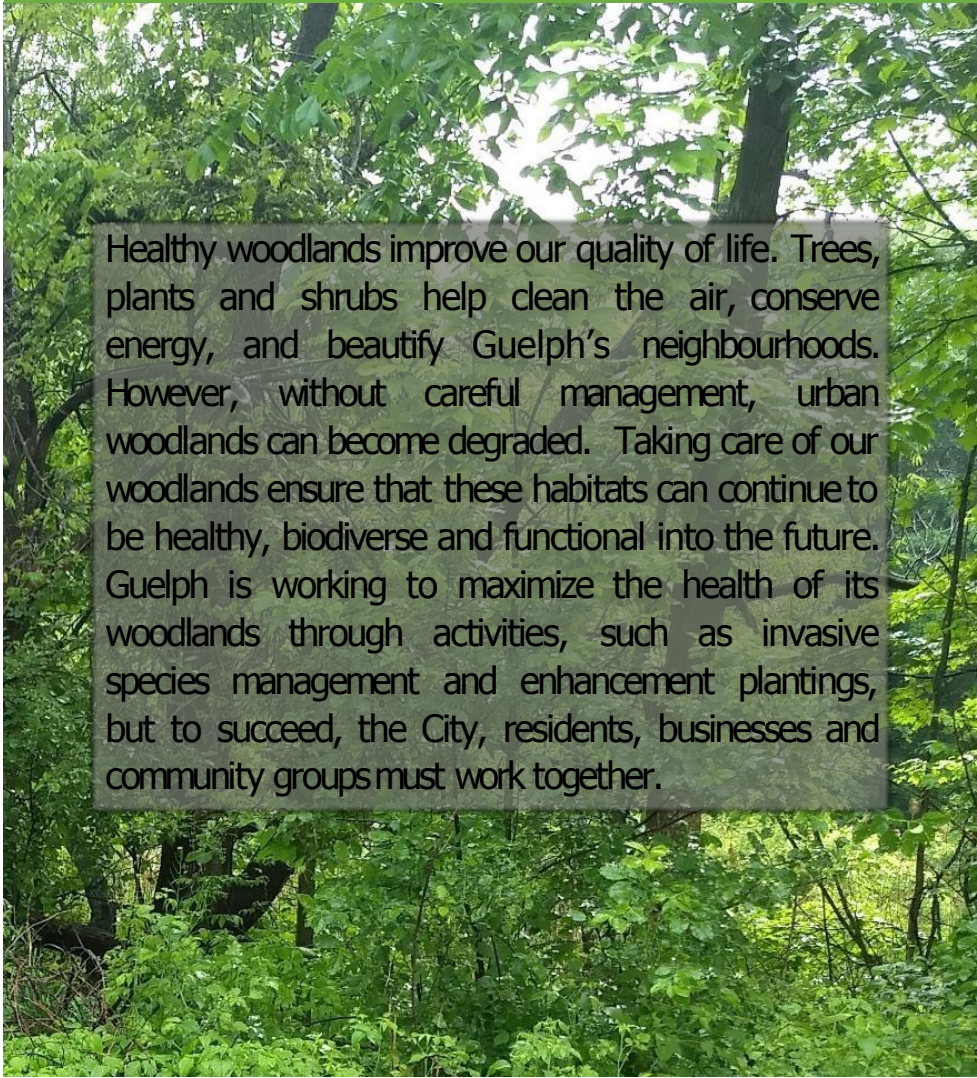
**Accessible format 519-837-5616
or TTY 519-826-9771**

*The Importance of Woodlands accessible format 519-837-5616

Braille representation of the text above it, consisting of three lines of Braille characters.

Woodland Management

Why do we need to manage our woodlands?



Healthy woodlands improve our quality of life. Trees, plants and shrubs help clean the air, conserve energy, and beautify Guelph's neighbourhoods. However, without careful management, urban woodlands can become degraded. Taking care of our woodlands ensure that these habitats can continue to be healthy, biodiverse and functional into the future. Guelph is working to maximize the health of its woodlands through activities, such as invasive species management and enhancement plantings, but to succeed, the City, residents, businesses and community groups must work together.

What you can do to help:

- Pick up after your pets and ensure they are leashed
- Stay on designated trails
- Avoid the use of motorized vehicles
- Do not litter or dump any household, industrial, or yard waste
- Clean your shoes and pets when moving between natural areas
- Do not introduce any non-native plant material or animals to the woodland
- Do not dig or pick native wildflowers



Invasive Garlic Mustard

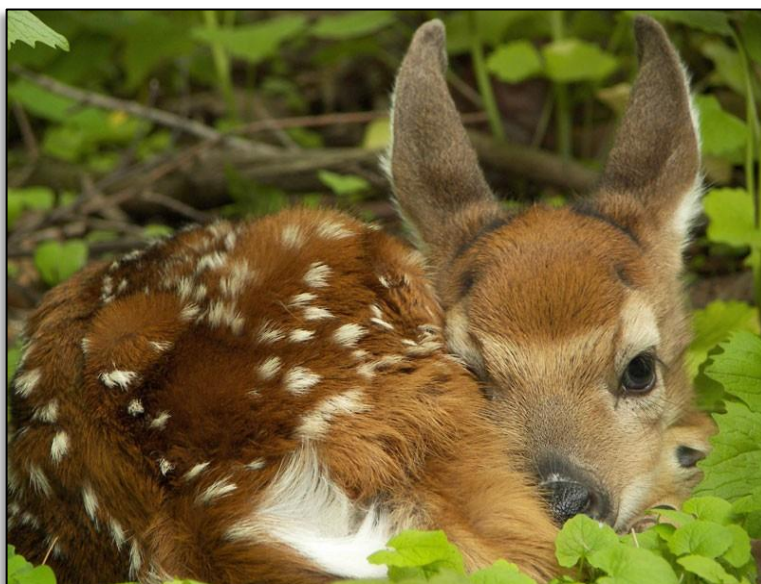


Native Panicked Aster

Homeowners Environmental Stewardship Guide

Welcome to your new home. This homeowner's manual has been prepared as a guide to ensure the protection of natural areas and sensitive species within the local area surrounding the Starwood development. These buildings are located next to the Clythe Creek Provincially Significant Wetland Complex (PSW). Collectively, these natural features represent an important component of the City of Guelph's Natural Heritage System. The property has been designed to preserve these adjacent natural features and the sensitive wildlife habitat that they provide. In the development of the site, a vegetated buffer was planted along the natural area, and invasive species are being treated and monitored.

The Clythe Creek PSW and surrounding woodland provides habitat for numerous native plant and wildlife species and is part of the Natural Heritage System for the City of Guelph. Living next to this natural area provides a wonderful educational opportunity for you and your neighbors to better learn and appreciate our natural heritage. With this opportunity comes a responsibility to learn how to manage your daily affairs and activities so that you protect and enhance this area. We encourage you to learn more about this natural area and take advantage of this opportunity to develop a lifestyle in harmony with this wonderful environment.



Wildlife found in the Clythe Creek PSW: White-tailed deer (Canadian Wildlife Federation), Black-Capped Chickadee (Source: Nature Conservancy of Canada) and Jewelweed (Source: Wildflowers of Ontario)

Protecting our Natural Heritage

Wetland Protection

Wetlands have a number of important roles in the environment, including water purification and flood control, serving an integral role in the City's Natural Heritage System. Wetlands provide multiple ecological functions, including groundwater discharge and recharge, water quality improvements and storage, contributions to biodiversity, and habitat for a wide variety of species. Many species of birds, mammals, amphibians, reptiles, and insects use this wetland as habitat.

Wildlife needs space where they will be relatively free from harassment by people and pets. Wild plants need habitat where they are not trampled and do not have to compete with non-native plants.



Native Species

A restoration and planting plan has been included as part of the development. In an effort to improve ecological function, native species have been planted in protective buffers separating the natural features from the Starwood community. Plantings have also been established on and around the stormwater management pond to naturalize and integrate this feature into the adjacent natural landscape. Native species known from the area have been planted to restore and enhance these areas, such as to improve the ecological integrity and species diversity of the woodland edge.

Help keep these areas wild and healthy by keeping to the trails and outside of the fenced natural community.



Black Eyed Susan

Protecting our Water

Stormwater Management System

Water quality is important to the health of humans and natural systems. The building complex has been designed to integrate innovative Low Impact Development (LID) technologies to ensure the protection of the adjacent natural features and groundwater. Collectively, these protect the quality and quantity of water. These LID systems have been carefully designed to filter pollutants from urban runoff before entering the adjacent Clyde Creek PSW, thereby maintaining the integrity of the Natural Heritage System.

The stormwater pond located just west of Watson Parkway has been designed to mimic the function of the natural vegetation and soils. The pond slows down the runoff, allows sediment and contaminants to settle, and slowly releases cleaner water into the wetland. The vegetation growing around the pond further improves water quality. Many of the plants trap particles and absorb pollutants and nutrients that, if left untreated, would reduce water quality.

Invasive Species

The natural area along the trail behind the property contains invasive species, such as Garlic Mustard (*Alliaria petiolata*), Dame's Rocket (*Hesperis matronalis*), European Buckthorn (*Rhamnus cathartica*), and Tartarian Honeysuckle (*Lonicera tatarica*). These species are being managed and monitored, but traffic and other disturbance helps these species spread, so please remain outside of the natural area, and keep dogs out.

For more information on the above-listed invasive species and more, please visit Ontario's Invading Species Awareness Program (<http://www.invadingspecies.com/>).



Garlic Mustard



European Buckthorn



Tartarian Honeysuckle



Dame's Rocket

What Can I Do?

Do's

- ✖ Maintain your vehicle to reduce leaks and drips. Clean up after accidental spills.
- ✖ Pick up after your pet. Pet waste can pollute wetlands.
- ✖ Walk on designated pathways only.
- ✖ Have respect for local wildlife populations. Wetlands are home to many creatures including frogs, toads, small mammals and reptiles, including snakes and turtles. Many of these species populations are declining due to human impacts. None of these creatures are dangerous and should be left alone.
- ✖ Keep dogs on a leash to limit disturbance to ground nesting birds.
- ✖ Keep domestic cats indoors to limit predation on songbirds and nests.
- ✖ Leave all bird nests and baby mammals alone. Often mothers will leave when there is a threat and return once the threat is gone.

Don'ts

- ✖ Do not walk, or allow your pets inside the wetland area to prevent the disturbance of wildlife, trampling of plants and introduction/spreading of non-native plant species.
- ✖ Do not cross the fence along the South-West side of the property. This is meant to separate and protect the natural area from human disturbance.
- ✖ Do not introduce non-native plant or animal species into the natural areas, including the dumping of any household waste, which may contain seeds of invasive species.
- ✖ Do not use bleach pucks in toilets.
- ✖ Do not harass or disrupt local wildlife populations. Be mindful of species that could be using the surrounding habitats by not harassing or disrupting their movements.
- ✖ Do not introduce pollutants or any foreign materials (including animal species such as pet fish) into the stormwater pond, to ensure that it continues to function in its intended manner.

Contact Information

If you have any questions or concerns please contact:

City of Guelph
(519) 822-1260

Natural Resource Solutions Inc.
(519) 725-2227

City of Guelph Online Enviroguide
<https://guelph.ca/wp-content/uploads/2019-EnviroGuide.pdf>



January 10, 2021

Dear Members of Pelham Town Council,

Re: 14.2 Motion: Town of Pelham Trail System

We applaud this motion and thank Council for proactively considering measures to protect an incredible community resource, our Town of Pelham Trail System.

On any given day both the Steve Bauer Trail and the Gerry Berkhout Trail host hundreds of daily walkers, parents pushing strollers, trail bikers exercising - people spending quality time together. The value of these natural places of sanctuary is highlighted even more dramatically during the current pandemic.

Both Trails exemplify Pelham's commitment to promoting a walk-friendly community, healthy living and environmental awareness.

We urge you to support this motion that preserves the integrity of both trails to ensure that these safe recreational spaces can be enjoyed by generations to come.

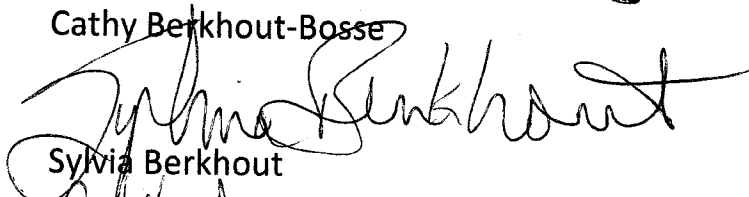
Sincerely,



Gwenn Alves



Cathy Berkhout-Bosse



Sylvia Berkhout



Carol Berkhout

**Cannabis Control Committee
Town of Pelham**

**Minutes of Meeting
Wednesday, October 28, 2020 – 6:00 p.m.
Teleconference**

PRESENT: Tim Nohara (Chair)
Bill Heska
Louis Damm
Jim Jeffs
Jim Steele
Carla Baxter
David Cribbs, CAO - Town of Pelham (arrived at 6:23pm)
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: John Langendoen
Bob Hildebrandt, Councillor - Town of Pelham

1. Declaration of Quorum

Chair declared quorum at 6:01 p.m.

2. Approve Agenda

Moved by B. Heska, seconded by J. Steele that the Agenda of October 28, 2020 be approved.

CARRIED

3. Approval of Minutes of September 30, 2020

Moved by J. Jeffs, seconded by C. Baxter that the Minutes of September 30, 2020 be approved, as amended.

CARRIED

4. Staff update relating to Local Planning Appeal Tribunal (LPAT), Court and Normal Farm Practices Protection Board (NFPPB) actions

B. Wiens noted the LPAT Case Management Conference relating to the appeal of the Interim Control By-Law by Redecan was held Wednesday, October 21, 2020. Councillor Hildebrandt, J. Jeffs and B. Heska also attended. J. Jeffs is also named as a participant. Aird & Berlis had received a list of issues the day prior to the conference. The Board Chair directed the parties to prepare a draft procedural order to be filed with Board by November 30, 2020.

The Town has not yet received notification from LPAT with respect to the three appeals of the Official Plan and Zoning-By-law Amendments.

The Town is also not aware of any movement on the court application. Leviathan has not responded yet to our material.

As for a facility growing during the interim control by-law, the Regional prosecutor has communicated with By-law staff that they have filed the Court preliminary filings against Woodstock Biomed. The Town will retain external legal counsel.

As to the Odorous Industries Nuisance By-law (OINBL), the Ministry of Agriculture, Food and Rural Affairs received the complaint and are unable to mediate. It is now up to Redcan to file a formal complaint with the Normal Farm Practices Protection Board. The Town has not yet received any Notice relating to this.

5. Staff update on the design of the Ambient Odour Monitoring Program

By-law staff are meeting to review P. Girard's draft Terms of Reference/Scope of Work. Once review is complete they will schedule a meeting with P. Girard to discuss and provide their comments.

B. Wiens updated the committee that By-Law Officers have been sampling at the property lines at various locations and have not received a reading exceeding the odour unit limit of the by-law.

T. Nohara noted that he invited P. Girard and B. Lymburner to brief the CCC and will do so for the next meeting. T. Nohara discussed timing with staff on completion of the implementation of the OINBL wanting to set reasonable expectations with Council when he briefs them on November 2nd.

The Committee discussed licensing with D. Cribbs, and timeline for implementation of the OINBL. D. Cribbs noted the Town will require a few more weeks to complete their review of the scope of work before going out to tender for a contractor.

D. Cribbs indicated that a realistic schedule to complete implementation would be a couple of weeks more on P. Girard's design, a report to Council in December, approval to follow. Then RFP and contracting thereafter, say four to six weeks from approval.

6. CCC Working Session

- a. Report on Letter to The Voice re how to file odour complaints; and**
- b. Provide formal feedback to staff for next meeting on making odour complaints easier. Discuss present observations.**

The Committee agreed at the last meeting to provide information to the public on how to file a complaint with Town. This was completed and posted in this week's (Oct. 28, 2020) issue of The Voice.

Town staff noted they are currently looking at how to improve the PSR system for all service requests. T. Nohara committed the CCC to provide some recommendations for staff to consider in the interim.

- c. Review Summary Regulatory Framework**

T. Nohara reviewed the details of the Summary Regulatory Framework with the Committee and Town Staff. Revisions provided from the staff and CCC members will be in the final version sent to Council for the November 2nd. Meeting.

d. Review Summary Work Plan and establish small working groups to do the leg work

T. Nohara reviewed the revised CCC Workplan with the Committee and Town Staff that will be presented to Council on November 2nd.

The estimated time to complete would be Spring 2021. Committee meetings will continue on a monthly basis giving the committee members time to carry out research and formulate agenda items in the period between each CCC meetings. Town staff indicated that they were not aware of the nature of the work being carried out by members but it was noted they are available for support. Four research groups were identified that will gather/draft material and share for discussion at meetings.

It was noted that all of the committee members can participate in any group however Working Groups include:

OINBL By-law implementation	B. Heska and T. Nohara
Light By-law	L. Damm and J. Langendoen B. Heska and T. Nohara will support
Resident's Guide	J. Jeff, C. Baxter, J. Steele with support from T. Nohara
Designated Grow Ops	L. Damm with J. Jeffs with support from T. Nohara

- 7. Next Meeting:** November 25, 2020 at 6:00pm (teleconference) and a new meeting added for December 16th at 5pm.

8. Adjournment

Moved by L. Damm, seconded by J. Steele that the meeting be adjourned.
The meeting adjourned at approximately 7:20 p.m.

CARRIED

Signed by:

Tim J. Nohara

Edited
By:

Tim Nohara (Chair)

J. Legros

Jodi Legros, Administrative Assistant,
Community Planning & Development-Town of Pelham (Secretary)

Pelham Art Advisory Committee Minutes
Wednesday, November 18, 2020 @ 2:30 p.m. by Zoom conference.

Present: Els Swart
Councillor Bob Hildebrandt
Brian DiMartile
Barb Rybiak
Catharine Carr
Christina Drummond
Vickie vanRavenswaay
Leah Letford

Absent with Regrets: all present.

1. **Declaration of Quorum and call to Order-** 2:30pm Leah Letford

2. **Adoption of Agenda**

Moved by: Brian DiMartile

Seconded by: Els Swart

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

None.

4. **Approval of Minutes of Previous Meeting**

Moved by: Els Swart

Seconded by: Barb Rybiak

THAT the minutes for the February19, 2020 Pelham Art Advisory Committee meeting be approved.

CARRIED

5. **Correspondence**

- Resignation of Committee Chair – Dianne Gibson
- Welcome of new committee member – Catharine Carr

6. **Business Arising from Minutes:**

- Committee Shirts: distribution of shirts for Christina and new board member Catharine to be completed, all others have received their shirts.

- Dean Irvine Update – no further information at this time.
- Updated Art Exhibit Rental Policy – was resolved and revised and renewed on March 5 2020. Currently no traffic into the Meridian Community Centre in the display area. Rental on hold based on current pandemic status.
- Dr. Albanese, Els contacted Dr Albanese regarding displaying works. At this time on hold and no further action required. To be reviewed when return to more normal functions occurring, post pandemic.
- Art Wall criteria: Create further communication to the applicant. This would include guidelines for evaluating artwork, overall criteria for selection, hanging procedures, signage requirements, removal procedures, and used in conjunction with the rental form. Art Advisory committee representative to consult with the applicant prior to display to create a personal contact for the artist.

7. New Business:

- Christmas Card Design. Review of all submitted artwork. Selection of top 10 to be provided by each to determine this years winning entries.
- Public Art in the Park, discussion regarding development of art and wall coverage for MSSP park. Indicated as area with repeat graffiti. Focus on creating a project that could be maintained when vandalism occurs. Review of similar projects in neighboring municipalities. Brian motioned to proceed with the Public Art in the Park Project, Els seconded. Carried.
- Committee Chair - Brian DiMartile was nominated as the New Committee Chair and all in favour. Carried.

8. Next Meeting: Wednesday, December 16, 2020 at 2:30pm by Zoom.

9. Adjournment

Moved by: Christina Drummond

Seconded by: Els Swart

THAT the meeting of the Pelham Art Advisory Committee meeting, November 18 2020 adjourned at 3:45pm.

CARRIED.



Brian DiMartile, Chair

Subject: 2021 Draft Capital Budget Update**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2021-0015-
Corporate Services;**

**AND FURTHER Council approve the amendment in this report to the
draft 2021 Capital Budget,**

AND THAT Council pass the 2021 Capital Budget as amended.

Background:

The draft 2021 Capital Budget was presented to Council on November 9, 2020 and continued on November 30, 2020. Council made some recommendations to the capital budgets which have been incorporated into this amended report. Also, the ICIP Resilience Stream grant was announced that the Town of Pelham would only receive \$112,331. Therefore, the ICIP Resilience Stream grants that were included in the proposed budget for two projects in the amount of \$775,287, but not approved, have been removed. These two projects were (1) RD 13-21 Pelham St Road Reconstruction project with grant funding of \$430,000 and (2) LIB 02-21 Fonthill Library basement renovations with grant funding of \$345,287.

The \$430,000 of the Pelham St Road Reconstruction project has to be funded since it is part of the work that needs to be completed in 2021. Table 3 shows where the Director Public Works has identified savings and deferrals from various capital projects to fund the \$430,000 in 2021. At the time of preparing the Capital Budget, The Ontario Capital Infrastructure Fund (OCIF) for 2021 was not announced. It has since been announced, and the Town is receiving an additional \$83,112 above budget which will be allocated to the Pelham St Road project RD13-21. Table 7 shows the Roads Budget Summary after the amendments which are listed in Table 3. The Fonthill Library project will be deferred to a future year, so it is completely removed from the 2021 Capital budget (see Table 9).

The \$112,331 of the ICIP Resilience Stream grant is being allocated to the Centennial Park Splash Pad. The original grant amount allocated to the Splash Pad was \$114,875. The \$2,544 difference is being funded by Development Charges

revenue (see Table 6). Table 2 shows the amended Capital Grant Summary for 2021.

Analysis:

The capital projects that were removed as per Council direction are as follows:

1. FD-02-21 removal of Electronic sign at Station 1 for \$30,000 (see Table 4);
2. FAC-07-21 removal of septic replacement at Old Pelham Town Hall for \$70,000 (see Table 5);
3. VEH-06-21 removal of Forestry Truck for \$190,000 and replace it with an addition of a One-Ton Truck for \$90,000 (see Table 8).

Table 1 shows the amended 2021 Capital Budget Summary. The Total 2021 Tax Levy Supported Capital requested is \$8,171,526, of which \$3,950,824 will be funded by grants; \$45,000 from external contributions; \$3,618,986 from in-year reserve transfers; \$145,000 from Parkland Dedication; \$403,100 from Development Charges and \$8,616 from the Building Department Reserve.

The Water and Wastewater Capital does not have any amendments from the original draft 2021 Capital Budget Summary.

Table 2 shows the 2021 Capital Grant Summary of \$3,950,824, of which \$3,346,678 has been approved and \$604,146 is waiting for final grant approval. The projects pending grant application or approval are red-circled pending funding announcements.

Financial Considerations:

The amended 2021 Capital Budget has incorporated all Council approved changes and has been adjusted for the grants that have not been approved, therefore approval of the amended Capital Budget for 2021 is required.

Alternatives Reviewed:

A thorough review of the 2021 Capital Budget was conducted by the Finance and Audit Committee.

Strategic Plan Relationship: Financial Sustainability

Adoption of a capital budget and review of the five- year capital forecast ensures financial sustainability and accountability.

Consultation:

Director of Public Works

Other Pertinent Reports/Attachments:

Table 1: Amended 2021 Capital Budget Summary

Table 2: Amended 2021 Capital Grant Summary

Table 3: To fund \$430,000 of RD12-21 Pelham St Road Reconstruction

Table 4: Amended Fire & By-Law Services 2021 Proposed Capital Budget Summary

Table 5: Amended Town Facilities 2021 Proposed Capital Budget Summary

Table 6: Amended Park Facilities 2021 Proposed Capital Budget Summary

Table 7: Amended Roads 2021 Proposed Capital Budget Summary

Table 8: Amended Fleet 2021 Proposed Capital Budget Summary

Table 9: Amended Library Services 2021 Proposed Capital Budget Summary

Prepared and Recommended by:

Teresa Quinlin, MBA, CPA, CA
Director of Corporate Services/Treasurer

Prepared and Submitted by:

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

2021 Capital Budget Summary

Amended January 11, 2021



Table 1

Tax Levy	Requested	Funding							
		Grants	External Contributions	In- year Reserve Transfers	Parkland Dedication	Development Charges	Other	Debenture	Total Funding
Information Technology	\$ 102,000	\$ -	\$ -	102,000	\$ -	\$ -	\$ -	\$ -	\$ 102,000
Fire & By-Law Services	185,000			125,000		60,000			185,000
Facilities	340,000			340,000					340,000
Park Facilities	1,049,815	604,146		63,000	145,000	237,669			1,049,815
Roads	6,009,121	3,346,678		2,557,012		105,431			6,009,121
Fleet	258,090			249,474			8,616		258,090
Cemeteries	5,000			5,000					5,000
Community Planning & Development	155,000			155,000					155,000
Library	17,500			17,500					17,500
Municipal Drainage	50,000		45,000	5,000					50,000
Total Tax Levy Capital Request 2021	\$ 8,171,526	\$ 3,950,824	\$ 45,000	\$ 3,618,986	\$ 145,000	\$ 403,100	\$ 8,616	\$ -	\$ 8,171,526
Estimated Cash Inflows	(8,329,332)	(3,950,824)	(45,000)	(3,776,792)	(145,000)	(403,100)	(8,616)	-	(8,329,332)
Total Capital Exceeding Cash Inflows	\$ (157,806)	\$ -	\$ -	\$ (157,806)	\$ -	\$ -	\$ -	\$ -	\$ (157,806)
Water and Wastewater Rates									
Wastewater	\$ 355,000			\$ 355,000					\$ 355,000
Water	749,000			\$ 749,000					749,000
Total Water and Wastewater Capital Request 2021	\$ 1,104,000	\$ -	\$ -	\$ 1,104,000	\$ -	\$ -	\$ -	\$ -	\$ 1,104,000
Estimated Cash Inflows	(1,104,000)	-	-	(1,104,000)	-	-	-	-	(1,104,000)
Total Capital Exceeding Cash Inflows	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Capital Grant Summary

2021 Capital Budget

Project #	Cost Centre	Project Name	Total Grants Budgeted	Long-Term Agreements and Approved Grants	Grants Pending Application or Approval	Update - Grants not Approved	Grant Description	Comments
PRK 01-21	CC 500188	MSSP - Splash Pad	491,815		491,815		ICIP - Community, Culture and Recreation Stream	Grant application was submitted in August 2020.
PRK 08-21	CC 500242	Centennial Park - Splash Pad	112,331		112,331		ICIP - COVID Resiliency Stream	Grant application to be submitted.
RD 01-21	CC 300585	Bridge Replacement - 16 Road	542,646	542,646			Gas Tax*	Long-term agreement in place and allocation is known.
RD 13-21	CC 300604	Road Reconstruction - Pelham St: Port Robinson Rd to John Street	2,395,920	2,395,920			ICIP - Rural and Northern Stream	Grant agreement was signed in February 2020.
RD 13-21	CC 300604	Road Reconstruction - Pelham St: Port Robinson Rd to John Street	83,112	83,112			OCIF*	Long-term agreement in place and allocation is known.
RD 06-21	CC 300593	Road Rehabilitation	325,000	325,000			OCIF*	Long-term agreement in place and allocation is known.
			3,950,824	3,346,678	604,146	-		

*Federal gas tax and Ontario Community Infrastructure Fund (OCIF) grants are part of long-term agreements. Pelham's expected funding for 2021 gas tax is known as is the OCIF funding for 2021. The OCIF funding allocation for 2021 is \$ 483,112 with \$ 75,000 used to fund a GIS employee contract and the remainder allocated towards capital projects. While the funding amount forms part of the agreement, the specific projects designated in a given year are subject to final approval, and alternate Town capital projects may be selected by the Treasurer if required.

Town of Pelham
2021 Draft Capital Budget Amendment
To fund \$430,000 of RD 12-21 Pelham St Road Reconstruction

Table 3

Items	Description	Savings (Cost)	Director Public Works Comments
1	OCIF OCIF budgeted for \$ 400,000 for 2021. Actual grant award is \$ 483,112.	\$ 83,112	Allocation for 2021 came in higher than originally budgeted.
2	RD 19-21 Construction of Road - Effingham St: Highway 20 to 225 metres south of Tice. Project cancelled.	200,000	This project was contemplated in order to reconstruct approximately 225 m of Effingham Road from Tice Road to the south. This section of Effingham is in particularly bad condition and was anticipated to be repaired prior to the 2021 Canada Games. Now that the games are extended to 2022 the project can be deferred until the spring of 2022.
3	RD 01-21 Bridge Replacement Program: Sixteen Road (50m East of Maple). Project budget reduced from \$ 661,384 to \$ 600,000.	61,384	The design for this bridge replacement was completed in 2021. Based on recent cost estimates for the project the project budget can be reduced to \$600,000.
4	RD 06-20 Culvert Replacement - Carry forward funding no longer required.	37,194	One culvert was completed in 2020 under this account. The remaining carry forward amount can be put towards the ICIP deficit and any culvert replacements can be completed under the 2021 Capital Budget (Project RD 03-21).
5	RD 07-21 Guard Rail Replacement - Project cancelled.	20,000	This project was a new addition to the 2021 Capital Budget and can be deferred to 2022.
6	RD 12-21 Roadside Ditching Program - Project budget reduced from \$ 100,000 to \$71,690	28,310	The 2020 Capital Budget for this project was \$75,000. It is anticipated that Public Works can complete another project of same value in 2021.
7	RD 13-21 Road reconstruction Pelham St: Port Robinson Rd to John St. \$430,000 was red-circled for ICIP COVID Resiliency Grant funding. Items 1 to 6 are covering this grant shortfall.	(430,000)	Transfer will come from Road Reserves from the savings listed in items 1-6 above
	Total	\$ -	

**Fire & By-Law Services
2021 Proposed Capital Budget Summary**

Project #	Project Name	Description	Justification	2021 Proposed Budget	FINANCING				
					Development Charges	Fire Reserve	Other	Other Description	Total Financing
				\$	\$	\$	\$		\$
FD 01-21	Bunker Gear.	Personal protective equipment.	OHSA.	35,000		35,000			35,000
FD 03-21	Replacement of Car 1.	Fire chief's vehicle.	Replace aging vehicle.	60,000	60,000				60,000
FD 04-21	Auto x Equipment Upgrade 1 Station - deferred from 2020.	Jaws of life tool.	Replacement of aging equipment.	20,000		20,000			20,000
FD 05-21	Replacement of SCBA Air System Station 1.	Equipment to fill breathing air bottles.	Aging equipment failing.	70,000		70,000			70,000
Total 2021 Proposed Budget				185,000	60,000	125,000	-		185,000

Town Facilities
2021 Proposed Capital Budget Summary

Project #	Project Name	Description	Justification	2021 Proposed Budget \$	FINANCING				
					Development Charges \$	Facilities Reserve \$	Other \$	Other Description	Total Financing \$
FAC 01-21	Concrete & Asphalt Repairs - Various Facilities.	This is for various asphalt and concrete repairs at Town owned facilities.	This project is to complete miscellaneous asphalt and concrete repairs at Town facilities. Included in this is the reconstruction of Fire Station No. 3 Parking Lot that is experiencing significant failure and causing operational and safety concerns.	150,000		150,000			150,000
FAC 02-21	Centennial Park Electrical Upgrades (Switch Gear inside).	This project is to replace the switch gear (fuse panel) in the concrete bunker at Centennial Park.	The existing switch gear is in poor condition and is unsafe to operate.	10,000		10,000			10,000
FAC 03-21	Old Pelham Town Hall - Foundation and Brick Repairs.	This project is required in order to repair deteriorated foundations at Old Pelham Town Hall.	Repairs to the foundation will ensure the structure remains in a dry / stable condition and will allow the continued use and rental of the facility.	25,000		25,000			25,000
FAC 04-21	Marlene Stewart Streit Park Electrical upgrades.	This project is to replace the switch gear (fuse panel) inside the pool building at MSS Park.	The existing switch gear is in poor condition and is unsafe to operate.	30,000		30,000			30,000
FAC 05-21	Clockwork Systems - Video Cameras for MCC.	Supply and installation of additional security cameras in the MCC.	There are currently areas within the building that are not covered by cameras.	50,000		50,000			50,000
FAC 06-21	Energy Efficiency - Potential Grant.	Energy Efficiency - green energy, electric vehicle charging stations, solar energy street lights.	To further energy efficiency initiatives in the Town as part of our Climate Adaptive strategies.	25,000		25,000			25,000
FAC 08-21	Fire Station #1 Design Consultant - deferred from 2020.	A consultant will be retained to complete a detailed condition assessment and undertake a feasibility study and needs evaluation for the eventual rehabilitation or replacement of Fire Station No. 1.	Fire Station No. 1 is exhibiting structural deficiencies and is not in compliance with current standards (including AODA Compliance). In addition, there is a requirement for additional staff office space as well as an additional fire truck bay.	50,000		50,000			50,000
Total 2021 Proposed Budget				340,000	-	340,000	-		340,000

A Red Circle indicates a project that is on hold, pending grant funding and/or further information for Council.

Park Facilities
2021 Proposed Capital Budget Summary

Project #	Project Name	Description	Justification	2021 Proposed Budget	FINANCING				
					Development Charges	Reserves	Other	Other Description	Total Financing
				\$	\$	\$	\$		\$
PRK 01-21	MSSP - Splash Pad.	Installation of a Splash Pad at MSSP.	Grant Funded & Identified in Development Charge Study. The Town of Pelham does not currently own or operate a splash pad.	491,815			491,815	ICIP - Community, Culture and Recreation Stream	491,815
PRK 02-21	Simplistic Lines - Line painter.	Purchase of a sports field line painter.	Replaces an existing non-functioning unit.	10,000		10,000			10,000
PRK 03-21	Playground Turf Repair.	Repair of artificial turf at play ground structures.	Annual program to repair turf identified through annual and monthly inspections.	5,000		5,000			5,000
PRK 04-21	Harold Black Park Drainage Improvement (deferred from 2020).	Purchase of 200m of drainage pipe and appurtenances to be installed at Harold Black Park.	Staff lead project to improve poor drainage conditions at Harold Black Park resulting in the loss of field utilization. Project includes the install of drainage pipe and appurtenances to improve drainage in the passive area near the concession and provide an outlet for future drainage projects.	13,000		13,000			13,000
PRK 05-21	General Park Furniture (Benches/Picnic Tables/Receptacles).	Purchase of Benches, Picnic Tables and Receptacles.	Annual project to replace worn and damaged Park Furniture.	10,000		10,000			10,000
PRK 06-21	Centennial Park Soccer Field #1 Fence.	Installation of fence around Centennial Park Soccer Field #1.	Required to reduce field damage by vandalism and to replace existing temporary fence to keep balls from the large drainage ditch.	25,000		25,000			25,000
PRK 07-21	Centennial Park Diamond 3 Lighting.	Addition of Field Lighting.	Required to improve field utilization.	145,000			145,000	Parkland Dedication Reserve	145,000
PRK 08-21	Centennial Park - Splash Pad.	Installation of a Splash Pad at Centennial Park.	Grant Funded & Identified in Development Charge Study. The Town of Pelham does not currently own or operate a splash pad.	350,000	237,669		112,331	ICIP - COVID Resiliency Stream	350,000
Total 2021 Proposed Budget				1,049,815	237,669	63,000	749,146		1,049,815

A Red Circle indicates a project that is on hold, pending grant funding and/or further information for Council.

Roads
2021 Proposed Capital Budget Summary

Project #	Project Name	Description	Justification	2021 Proposed Budget \$	FINANCING				
					Development Charges \$	Reserves \$	Other \$	Other Description	Total Financing \$
RD 01-21	Bridge Replacement Program: Sixteen Road (50m East of Maple).	Replacement of Sixteen Road Bridge (50 M east of Maple Street).	The Legislated Bridge and Culvert Appraisal completed in 2018 and 2020 has identified that this structure should be replaced.	600,000		57,354	542,646	Gas Tax	600,000
RD 02-21	Concrete Repair & Replacement Program.	Annual replacement of deficient concrete curb and sidewalk throughout the Town.	This is an annual program that is required in accordance with MMS.	80,000		80,000			80,000
RD 03-21	Culvert Replacement Program.	Removal and Replacement of deficient or defective culverts throughout the Town.	This is an annual program that is required in order to maintain drainage within the Town.	60,000		60,000			60,000
RD 04-21	Engineering.	Engineering account used to fund miscellaneous Engineering studies.	This funds miscellaneous external engineering studies.	25,000		25,000			25,000
RD 05-21	Road Base and Surface Repair Program.	Miscellaneous Patching and Base Repairs throughout the Town.	This is an annual program required to maintain our roadways to MMS and in accordance with pavement preservation strategies identified in the Pavement Condition Report.	150,000		150,000			150,000
RD 06-21	Road Rehabilitation.	Roadway Resurfacing and Reconstruction Project.	This is an annual program required to maintain our roadways in accordance with the Pavement Condition Report.	500,000		175,000	325,000	OCIF	500,000
RD 08-21	Sign Retro-Reflectivity Assessment.	This project is required to inspect all regulatory signs for reflectivity.	This is a legislated requirement.	15,000		15,000			15,000
RD 09-21	Stormwater Facility Maintenance Repairs.	This project involved the rehabilitation and maintenance activities for the Town's SWM Ponds.	Based on a recent review of our SWM ponds the Town has identified a number of improvement and maintenance activities.	20,000		20,000			20,000
RD 10-21	Streetlights and Traffic Signal Maintenance.	Street Light and Traffic Signal Maintenance on all traffic signals and pedestrian crossings throughout the Town.	This is an annual contract with the Region for the maintenance of our traffic signals and pedestrian crossings.	55,000		55,000			55,000
RD 11-21	Easement for Station Street storm outlet (previously RD 08-17).	To purchase and register an easement for the Station Street Storm Sewer Outlet.	This project is required in order to obtain an easement for the eventual storm sewer outlet for the Station Street Road Reconstruction project in the forecast for 2023.	35,000		35,000			35,000
RD 12-21	Roadside Ditching Program.	Complete ditching on areas throughout the Town.	This is an annual program required to maintain proper drainage.	71,690		71,690			71,690
RD 13-21	Road Reconstruction - Pelham St: Port Robinson Rd to John Street (deferred from 2020).	Road Reconstruction from Port Robinson Rd to John Street. This project is being completed in conjunction with the ICIP Rural and Northern Affairs grant.	The Reconstruction of this section of road is being completed in order to improve the safety of the roadway and Active Transportation users, as well as, drainage improvements to mitigate against flooding concerns.	3,892,500		1,413,468	2,479,032	2,395,920 ICIP Rural and Northern Stream, 83,112 OCIF	3,892,500
RD 14-21	Sulphur Springs Rd Rehabilitation - Site 1 & Site 2.	Rehabilitation of Sulphur Springs Road way at Site 1 and 2.	The roadway was closed at Site 1 and has experienced failures at Site 2. The roadway has been closed to traffic at Site 1 since 2016.	170,000		170,000			170,000
RD 15-21	Lookout Street Urbanization.	Urbanization of Lookout Street.	Work was completed by developer and is being reimbursed by the Town over two years.	105,431	105,431				105,431
RD 16-21	Design - Pelham St: Phase 3 and 4.	This project is the detailed design for Pelham Street Phase 3 and 4.	This project is required in order to complete the detailed design assignment for the Pelham Street Reconstruction project for Phases 3 and 4.	135,000		135,000			135,000
RD 17-21	Effingham Street Safety Signage Improvements.	This project is to supply and place flashing warning signs and speed zone indicator signs on Effingham Street, Welland Road, Port Robinson Road and Lookout Street.	Recommended as a result of the Engineering Safety Review completed by Associated Engineering and endorsed by Council under previous report.	44,500		44,500			44,500
RD 18-21	Design for Road Rehabilitation - Effingham St: Highway 20 to Tice.	Detailed Design assignment for the reconstruction of Effingham Street from Hwy 20 to Tice Road.	This assignment is required due to the poor condition of the roadway in accordance with the recent PCI Study and as a requirement of the 2022 Canada Summer Games.	50,000		50,000			50,000
Total 2021 Proposed Budget				6,009,121	105,431	2,557,012	3,346,678		6,009,121

A Red Circle indicates a project that is on hold, pending grant funding and/or further information for Council.

Fleet
2021 Proposed Capital Budget Summary

Project #	Project Name	Description	Justification	2021 Proposed Budget \$	FINANCING				
					Development Charges \$	Fleet Reserve \$	Other \$	Other Description	Total Financing \$
VEH 01-21	Combined lease payments.	2018 Lease Payments - Heavy Duty Work Truck with landscape box (\$ 15,108), Small SUV Facilities (\$ 8,616), Small SUV Building (\$ 8,616).	Required fleet resources required maintenance and inspection operations.	32,340		23,724	8,616	Building Dept Reserve	32,340
VEH 02-21	Seasonal summer fleet rental.	Seasonal rental of summer fleet - 4 Seasonal Vehicles for use in Parks and Facilities (7 months).	Required to support summer staff including parks, trails and horticulture maintenance operations.	25,200		25,200			25,200
VEH 03-21	Seasonal winter fleet rental.	(2) Tractors w/ plow and spreader - Rent 5 month seasonal rent.	Required to support winter operations in urban areas. These units replaced an existing inoperable combo plow truck that was not approved for replacement.	25,550		25,550			25,550
VEH 04-21	Landscape Tractor (Replaces 2000 Kubota M4700).	50hp Tractor with Cab.	Replaces 20 year old tractor primarily used for diamond and trail maintenance.	60,000		60,000			60,000
VEH 05-21	Gang Mower 14' (Replaces unit 720 - 2004 Landpride Mower) - deferred from 2020.	Gang Mower 14' (Replaces unit 720 - 2004 Landpride Mower).	Required to replace a 16 year old mower used to cut sports fields. It is at the end of it's useful life, replacement parts are no longer stocked and has no back up unit.	25,000		25,000			25,000
VEH 07-21	Purchase one-tonne truck	Truck to be used in Roads Department.	Truck required for use in Road Maintenance (e.g. Culvert Repairs, Cold patching of potholes, etc.).	90,000		90,000			90,000
Total 2021 Proposed Budget				258,090	-	249,474	8,616		258,090

Library Services
2021 Proposed Capital Budget Summary

Project #	Project Name	Description	Justification	2021 Proposed Budget	FINANCING				
					Development Charges	Library Reserve	Other	Other Description	Total Financing
				\$	\$	\$	\$		\$
LIB 01-21	Computer Services Development.	\$7,500 Replacement of public and staff computers that are either in need of an upgrade or are due to be replaced. \$10,000 Replace fileserver.	Computers that are due for replacement are at least 5 years old and are instrumental to Library Services. The fileserver is at risk of failure and is at end of life.	17,500	-	17,500	-		17,500
Total 2021 Proposed Budget				17,500	-	17,500	-		17,500

A Red Circle indicates a project that is on hold, pending grant funding and/or further information for Council.

Subject: 2021 Draft Operating Budget Update**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2021-0014-
Corporate Services;**

**AND FURTHER THAT Council approve the amendment in this report to
the draft 2021 Operating Budget;**

AND THAT Council pass the 2021 Operating Budget as amended.

Background:

The draft 2021 Operating Budget was presented to Council on November 30, 2020. The recommended tax levy increase was 4.59% after a 2.82% assessment growth. This number included COVID-19 related expenditures and revenue losses. Council deferred the approval of the 2021 Operating budget waiting for the Safe Restart Phase 2 COVID-19 grant announcement. This announcement was made on December 16, 2020. The Town has received \$1,298,000 for the Safe Restart Phase 2 funding. This funding specifically allocated \$86,000 of this grant to 2021 fiscal year to offset COVID-19 budget pressures. It also states that 2020 funds can be used to address 2021 pandemic-related operating needs. Of the total Safe Restart Phase 2 funding, approximately \$64,000 pertains to the Library for its COVID-19 operating pressures.

Analysis:

The 2021 draft operating budget had \$422,000 in COVID-19 related operating pressures relating to lost revenues and additional expenditures such as increase janitorial and cleaning costs and reduced revenues in parks, facilities and recreation. This represented 2.88% of the 2021 proposed tax levy increase.

On December 26, 2020 the Province of Ontario went into a lockdown for 28 days. The Province will assess the pandemic numbers after the lockdown to see if it will continue. Therefore, this will have further reduction to recreation revenue at the Meridian Community Centre since it is closed during a lockdown. As a result, an

additional \$170,000 impact of lost revenue net of salary savings will impact the draft 2021 Operating Budget. In addition, staff are recommending the extension of the Climate Change Co-ordinator contract position due to COVID-19 conditions, pending a request for extended grant funding, the Town portion of which will be funded by the Safe Restart Phase 2 funds. The total COVID-19 related costs in the 2021 draft budget will be covered by the Safe Restart Grant Phase 2 funding of \$602,350 (Table 3, Note 1).

Additional changes approved by Council include funding for Hospice Niagara over 5 years of \$17,000, increased cost of external odour monitoring for \$30,000, and removal of tourism partnership fund of \$15,000. In addition, staff are recommending reduced budget for part-time staffing at the MCC due to modified operations anticipated in 2021 at \$8,000.

Therefore the total amended draft 2021 Operating Revenues are \$19,376,524 and the amended draft expenditures are \$19,376,524.

Table 1 shows the 2021 Operating Budget New Increase after the Safe Restart Agreement funding which is a net 1.98% increase of the tax levy. This is approximately \$39 a year of a tax increase for the average household. Table 2 shows the updated Summary of 2021 Increases as Presented in the Budget.

Financial Considerations:

Applying the Safe Restart COVID-19 Phase 2 funding to the 2021 draft Operating Budget will decrease the proposed tax levy to residents from 4.59% to 1.98% after assessment growth of 2.82%.

Alternatives Reviewed:

N/A

Strategic Plan Relationship: Financial Sustainability

Allocating a portion of the Safe Restart COVID-19 grant will decrease the tax burden on the residents of Pelham.

Consultation:

None.

Other Pertinent Reports/Attachments:

Table 1 - 2021 Operating Budget Net Increase

Table 2 - Summary of 2021 Increases as Presented in the Budget

Table 3 – 2021 Budget Adjustments

Prepared and Recommended by:

Teresa Quinlin, MBA, CPA, CA
Director of Corporate Services/Treasurer

Prepared and Submitted by:

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

Table 1
2021 Operating Budget Net Increase

	2021 Budget	2020 Budget	Increase from 2020	Increase from 2020	Increase prior to Federal/Provincial funding announcement
Expenditures	\$ 19,376,524	\$ 18,629,565	\$ 746,959	4.01%	3.60%
Non-Tax Revenues	3,397,183	3,382,607	14,576	0.43%	-13.57%
	<u>15,979,341</u>	<u>15,246,958</u>	<u>732,383</u>	<u>4.80%</u>	<u>7.41%</u>
Assessment Growth			<u>429,964</u>	<u>2.82%</u>	<u>2.82%</u>
Net 2021 Operating Budget Increase			<u>\$ 302,419</u>	<u>1.98%</u>	<u>4.59%</u>

Summary of 2021 Increases as Presented in Budget

Addition of training officer (net of reduced volunteer firefighter points), IT technician from part-time to full-time, rink attendant and screeners and staffing at MCC, benefits for Council, temporary part-time HR clerk, extension of Climate Change coordinator contract by six months, as well as staff pay increases, and increases as per collective agreement	\$ 365,350
Decrease in transfer from MCC reserve	100,000
Increase in reserve transfers to allow for capital expenditures	150,000
Reduced revenues in parks, facilities, and recreation due to impact of COVID-19	465,000
Increased legal fees related to cannabis and contracted odour monitoring	230,000
Increased cost of insurance	36,000
Increase janitorial and cleaning costs	35,000
Increased cost of software licenses and support and soft phones	31,000
Net levy savings from transit pilot agreement	(74,000)
Savings on hydro at MCC due to lower rates and new cool water flooding system	(50,000)
Provincial Grant: Safe Restart Agreement (Phase 2 COVID-19)	(610,350)
Other changes in expenses, net of revenues	54,383
Total 2021 Proposed Increase	\$ 732,383
Less: Estimated Increase in Growth	(429,964)
Net 2021 Operating Budget Increase	\$ 302,419

Town of Pelham
2021 Budget Adjustments

Table 3

Description	Budget Area	
Revenues		
Total Revenues per Draft 2021 Budget Presented to Council November 30, 2020		19,300,774
Decreased property tax revenues		(398,000)
Decreased arena revenue of MCC due to COVID-19	Meridian Community Centre Facility - Rentals	(140,000)
Decreased gym revenue of MCC due to COVID-19	Meridian Community Centre Facility - Rentals	(20,000)
Decreased program revenues at MCC due to COVID-19	Recreation and Wellness - Fees	(10,000)
Extension of Climate Change Co-ordinator Grant	Public Works Operations - Federal Grant	41,400
Safe Restart Covid Grant Funding	Shared Administrative Overhead - Provincial Grant	602,350
Total Revenues per Draft 2021 Budget Presented to Council January 11, 2021		<u>19,376,524</u>
Expenditures		
Total Expenditures per Draft 2021 Budget Presented to Council November 30, 2020		19,300,774
Tourism Partnership Fund removed	Culture and Community Enhancement - Materials	(15,000)
Decrease staffing at MCC	Meridian Community Centre-Wages	(8,000)
Hospice Niagara funding \$85k/5 years	Council - External Contributions	17,000
Extension of Climate Change Co-ordinator Contract	Public Works Operations - Salaries and Benefits	51,750
Increased cost of external odour monitoring	Bylaw and Parking Enforcement - Contracted Services	30,000
Total Expenditures per Draft 2021 Budget Presented to Council January 11, 2021		<u>19,376,524</u>
Note 1 Safe Restart COVID Grant Funding Applied		
Decreased arena revenue of MCC due to COVID-19		140,000
Decreased gym revenue of MCC due to COVID-19		20,000
Decreased program revenues at MCC due to COVID-19		10,000
Increased screeners and staffing at MCC due to COVID-19		92,000
Reduced revenues in parks, facilities and recreation due to COVID-19		295,000
Increased janitorial and cleaning costs due to COVID-19		35,000
Town cost of extension of Climate Change Co-ordinator Contract		10,350
		<u>602,350</u>

Report: Recommendation for Applications for Official Plan, Zoning By-law Amendment and Draft Plan of Condominium – Saffron Valley Phase 2 (1304 Rice Road)

Recommendation:

THAT Council receives Report #2021-06 for information as it pertains to File Nos. 26CD19-02-20, OP-AM-02-20 and AM-06-20;

AND THAT Council directs Planning staff to prepare the by-laws for approval of the Draft Plan of Condominium, Official Plan and Zoning By-law Amendments for Council’s consideration.

Executive Summary:

The purpose of this report is to provide Council with a recommendation regarding applications for draft Plan of Condominium (Saffron Valley Phase 2) and to amend the Town’s Official Plan and Zoning By-law.

Location:

The property is located in the urban area of Fonthill on the west side of Rice Road south of Walker Road in the East Fonthill neighbourhood and is legally described as Part of Lot 171, Geographic Township of Thorold, Town of Pelham, Regional Municipality of Niagara (refer to Figure 1).

Rice Road forms the urban area boundary at this area of Fonthill with lands on the west side being located in the urban area and lands on the east side of Rice Road being located in the rural agricultural area.

Figure 1: Location of the Property



Project Description and Purpose:

The property is a total of 4.013 ha (9.92 ac) with 1.691 ha (4.18 ac) of developable area and 2.322 ha (5.74 ac) containing a provincially significant wetland and a significant woodland. No development is proposed on the portion of the property containing the natural heritage features. The developable area is proposed to be 35 block townhouse dwellings, landscaping and open space areas, internal roadways, visitor parking areas containing 11 spaces and a common amenity space. The plan also includes a road widening in favour of the Region and a trail block which will be transferred to the Town and allows the continuation of the off-road trail along the frontage of the property along Rice Road (refer to Figure 2).

Figure 2: Proposed Draft Plan Condominium



The requested official plan amendment would redesignate the property from EF Low Density and Environmental Protection One and Environmental Protection One to EF Medium Density and Environmental Protection One to allow development of the property exclusively for townhouse dwellings and recognize the location of the natural heritage features. The requested zoning change would rezone the property from Agricultural (A) to a site specific Residential Multiple 1 to permit block townhouses dwellings subject to specific regulations and East Fontheil - Environmental Protection (EF-EP) where the natural heritage features are located.

Policy Review:

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

Section 22 of the Act allows for consideration of amendments to the official plan.

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

Section 51 of the Act allows for consideration of a plan of subdivision (condominium).

Section 51 (24) of the Act states that in considering a draft plan of subdivision (condominium), regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- Whether the proposed subdivision is premature or in the public interest;
- Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- The suitability of the land for the purposes for which it is to be subdivided;
- The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- The dimensions and shapes of the proposed lots;

- The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- Conservation of natural resources and flood control;
- The adequacy of utilities and municipal services;
- The adequacy of school sites;
- The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and,
- The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.

Analysis of Section 51 (24) of the *Planning Act* will be provided under the Town of Pelham Official Plan analysis below.

Greenbelt Plan, 2017

The subject parcel is located in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

Niagara Escarpment Plan, 2017

The subject parcel is not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial

interests are upheld. PPS policies represent minimum standards.

The subject land is located in a 'Settlement Area' according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, support active transportation and are transit and freight supportive.

Policy 1.1.3.3 provides for the promotion of intensification and redevelopment accommodating a significant supply and range of housing options where it can be accommodated taking into account the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

The Provincial Policy Statement also requires that natural heritage features and areas shall be protected for the long term and recognizes that natural heritage systems will vary in size and form in settlement areas, rural areas and prime agricultural areas. Policy 2.1.4 states that development and site alteration shall not be permitted in significant wetlands and Policy 2.1.5 states that development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impact on the natural features or their ecological functions. Significant wetlands and woodlands have been identified on a portion of the subject lands.

The proposed draft plan of condominium will help to facilitate a mix of housing options and ownership types (block townhouse dwellings) in the East Fonthill neighbourhood and within the Settlement Area as a whole. The density of the development provides for the efficient use of land and planned/existing infrastructure that minimizes land consumption and costs of servicing. Further, the redevelopment of the property for block townhouse dwellings will be transit and active transportation supportive due to the location along existing transit routes and proximity to the off road trail on Rice Road. There are adequate public service facilities, including a planned neighbourhood

park on Walker Road and a private parkette within the proposed condominium. The Community Centre and library are also located within a short distance. No development is proposed within the significant wetland nor the significant woodland. Niagara Region and Niagara Peninsula Conservation Authority staff have reviewed the Environmental Impact Study submitted with the applications and have requested draft plan conditions to ensure that there will be no negative impacts to the natural heritage features. Based on this information, the proposed draft plan of condominium, official plan and zoning by-law amendments are consistent with the Provincial Policy Statement subject to approval of the recommended conditions of draft plan approval.

Growth Plan for the Greater Golden Horseshoe, 2019

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

The Growth Plan for the Greater Golden Horseshoe, 2019 provides for the policies to maintain, restore and enhance the diversity and connectivity of the natural heritage system and long ecological and hydrological functions of the features and areas. Further Policy 4.2.2.6 states that beyond the natural heritage system municipalities will continue to protect other natural heritage features and area consistent with the Provincial Policy Statement.

The proposed draft plan of condominium and supporting official plan and zoning by-law amendments will contribute to the intensification and development required within the built-up area. As discussed above, the natural heritage features are

being protected through avoidance and the requested draft plan conditions. As a result, the applications are consistent with the policies of the Growth Plan for the Greater Golden Horseshoe.

Regional Official Plan, consolidated August 2015

The Region of Niagara identifies this property as Built-up Area. It is an objective of the Regional Official Plan that intensification be directed to built-up areas and the Plan establishes a minimum intensification target of 15% for the total annual development in Pelham.

The Region also supports the inclusion of urban design analysis and guidelines for various types of plans and development projects.

Policy 11.A.1 encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through their life cycle.

Policy 11.A.2 states the Region encourages the development of attractive, well designed residential development that: provides for active transportation; de-emphasizes garages; emphasizes the entrance and point of access to neighbourhoods; is accessible to all persons; incorporates the principles of sustainability in building design; provides functional design solutions for waste collection and recycling; provides an attractive, interconnected and active transportation friendly streetscape; contributes to a sense of safety within the public realm; balances the need for private and public space; creates or enhances an aesthetically pleasing and functional neighbourhood; and, encourages a variety of connections between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.

A portion of the lands are designated as part of the Regional Core Natural Heritage System associated with being part of a significant wetland, significant woodland and ANSI. The Regional policies are similar to the policies of the Provincial Policy Statement that stipulate that no development or site alteration is allowed in the significant wetland and that development and site alteration shall not be permitted

in other natural heritage features unless it is demonstrated through the appropriate study that there is no negative impact on the ecological function of the feature.

The proposed block townhouse development will contribute to the 15% minimum intensification requirement within the Built-up Area and contribute to the variety of housing types which will provide opportunities for people at different stages of their life cycle. The development will be attractive with high quality landscaping along Rice Road and throughout. The building design will meet the requirements of the East Fonthill urban design guidelines. These items will be ensured through a future Site Plan Agreement. The building design will be energy efficient meeting the requirements of the Ontario Building Code. The development will be eligible for curbside Regional waste collection and the road network has been designed to accommodate the collection vehicles. In addition to the road connection on Rice Road, the road network has also been designed with two internal road connections north-south to Saffron Valley Phase 1, one being a through street to Walker Road. As mentioned, the development will have direct access to the off-road trail on Rice Road. Sidewalks and bike lanes are also provided on Walker Road allowing future residents to make use of active transportation. No development is taking place within the natural heritage features ensuring no negative impact on their ecological function subject to appropriate mitigation measures. Based on this analysis, the development conforms to the policies of the Niagara Region Official Plan.

Town of Pelham Official Plan, 2014

The subject parcels are located within the East Fonthill Secondary Plan Area and designated EF- Low Density Residential and Environmental Protection One in the Town's Official Plan, 2014.

Permitted uses in the EF- Low Density Residential designation are single detached and semi-detached dwelling units; accessory apartments/secondary suites; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes and open space linkages; and public uses and public and private utilities. Policy B.1.7.7.3.1(b) allows townhouses in the EF- Low Density Residential designation provided they are not more than 60% of the total number of dwelling units within any individual plan of subdivision.

The lands form part of Neighbourhood 3 on Schedule A4 'Structure Plan'. According to Policy B1.7.7.2 (b)(iii), Neighbourhood 3 shall achieve an overall minimum gross density of approximately 43 persons and jobs per gross hectare combined.

Permitted uses in the Environmental Protection One designation include forest, fish and wildlife management uses; conservation, flood control projects and agricultural drains where it has been demonstrated that they are necessary, in the public interest and other alternatives are not available; small-scale, passive recreational uses such as trails, fences, docks and picnic facilities that will have no negative impact on natural features or on the ecological functions of such features; and mineral aggregate operations may be permitted within a Provincially Significant Life Science ANSI subject to demonstrating no negative impact to the feature or its ecological functions and also subject to Section B2.5 of this Plan. No development is proposed within the portion of the property designated Environmental Protection One.

Policy B3.2.4.3 states that no development or site alteration shall be permitted on adjacent lands unless an Environmental Impact Study (EIS) demonstrates that there will be no negative impact on the feature or its ecological functions. The Region in consultation with the Town and the NPCA shall approve any EIS prepared to address impacts on development or site alteration within adjacent lands.

The requested official plan amendment would redesignate the property to EF – Medium Density Residential in order to allow 100% townhouse composition in the draft plan of condominium. The official plan amendment would also amend the boundary of the Environmental Protection One designation to conform to the findings of the Environmental Impact Study.

Permitted uses in the EF- Medium Density Residential designation are all forms of townhouse units; small scale apartment buildings; accessory apartments/secondary suites; live-work units; housing for seniors and/or special needs housing; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes and open space linkages; and public uses and public and private utilities. Townhouse dwellings shall be developed at densities ranging from 20 units per net hectare up to 60 (Policy B.1.7.7.4.2(a)).

The proposed block townhouse dwellings would be permitted in the EF- Medium Density designation and are proposed at a density of 20.7 units per hectare meeting the requirements of B1.7.7.4.2(a). The development will exceed the minimum gross density of 43 persons and jobs per hectare for Neighbourhood 3 providing 58.16 persons and jobs per hectare. Lands within the Environmental Protection One designation will be left in their natural state. The requirements of Policy B3.2.4.3 have been met through preparation of the Environmental Impact Study and acceptance by the Region and Niagara Peninsula Conservation Authority.

Official Plan Policy D5.3 requires that prior to the consideration of an application for Plan of Subdivision (Condominium), Council shall be satisfied that: a) The approval of the development is not premature and is in the public interest; b) The lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required; c) The density of the development is appropriate for the neighbourhood as articulated in the policies of these Plan that relate to density and intensification; d) The subdivision, when developed, will be easily integrated/connected with other development in the area through the use of roadways, natural corridor linkages and trails to accommodate active transportation; e) The subdivision conforms with the environmental protection and management policies of this Plan; and, f) The proposal conforms to Section 51 (24) of the Planning Act, as amended. This policy is similar to the requirements in Section 51(24) of the Planning Act, as amended.

Analysis of Section 51(24) of the Planning Act and Policy D5.3 of the Town's Official Plan, 2014

Effect of Development on Matters of Provincial Interest

Planning staff have reviewed the applications to ensure that they are consistent with the Provincial Policy Statement, 2020 and conform to applicable Provincial plans. In Planning staff's opinion, the development addresses all matters of Provincial interest outlined in Section 2 of the *Planning Act*.

Whether the Proposed Subdivision is Premature or in the Public Interest

The proposed condominium is not premature and is in the public interest.

Whether the Plan Conforms to the Official Plan and Adjacent Plans of Subdivision

The draft plan of subdivision conforms to the Official Plan subject to the approval of the requested Official Plan amendment and the East Fonthill Secondary Plan. The plan allows for connectivity to future plans of condominium/subdivision.

Suitability of Land for the Purposes of which it is to be Subdivided

The subject land is a Built-up Area within Fonthill's settlement area.

The density of the development is appropriate for the East Fonthill Secondary Plan – Neighbourhood 3.

There are no changes to any environmental features as a result of the current applications.

The Number, Width, Location, Proposed Grades, Elevations of Highways, their Adequacy, and the Highways linking the Highways in the Proposed Subdivision with the Established Highway System

The condominium development will have an access off of Rice Road and Walker Road. The proposed street networking provides connectivity to the established highway system, adjacent development and generally conforms to the street patterns depicted in the East Fonthill Demonstration Plans.

Draft plan conditions require and extension of the off-road trail on Rice Road along the frontage of the property. Grading and servicing will also be reviewed further and approved conditions of draft plan approval.

Dimensions and Shapes of the Proposed Lots

The proposed condominium will be one regularly shaped lot which will allow the appropriate siting of 35 block townhouses, driveways, amenity and parking areas depicted on the site plan.

The Restrictions or Proposed Restrictions, if any, on the Land Proposed to be Subdivided or the Buildings and Structures Proposed to be Erected on it and the Restrictions, if any, on Adjoining Land

There are no restrictions on the land proposed to be subdivided or on adjoining land.

The development must conform to the proposed zoning by-law (as well as other municipal by-laws, where applicable).

Conservation of Natural Resources and Flood Control

The proposed draft plan of condominium will not negatively impact the conservation of natural resources or flood control. Stormwater management plans will be reviewed and approved by Public Works and the Niagara Peninsula Conservation Authority as part of the draft plan conditions.

The Adequacy of Utilities and Municipal Services

Utility companies have been circulated the applications and no comments have been received to indicate that services are not adequate.

The Adequacy of School Sites

The development applications were circulated to the local school boards and no comments were received to indicate that the school sites are not adequate.

Adequacy of Parkland and Open Space, Community Facilities, and Other Amenities, as Required (D5.3)

The proposed development includes a private parkette. A neighbourhood park is planned north west of the property on Walker Road which will be easily accessible to the development. Future park designs and programming will be coordinated and implemented by the Department of Recreation, Culture and Wellness. The Community Centre is also located near the proposed development.

The Area of Land, if any, Within the Proposed Subdivision that, Exclusive of Highway, is to be Conveyed or Dedicated for Public Purposes

The draft plan indicates that Blocks 37 and 38 are to be dedicated to the Town for park purposes as off-road trail. Section 51(3) of the Planning Act permits the Town, in lieu of accepting conveyed or dedicated land, to require the payment of money by the owner of the land to the value of the land (five (5) percent of the land included in the plan) otherwise to be conveyed.

The Town will require the payment of money for the value of the land included in the plan that is not being conveyed as parkland being the difference of 5% of the land. This will be a condition of draft plan approval.

Block 39 is to be dedicated to the Region for a road widening. Finally, Block 36 (Provincially Significant Wetland) is to be dedicated to the Town for long-term protection.

The Extent to which the Plan's Design Optimizes the Available Supply, Means of Supplying, Efficient Use and Conservation of Energy

The design of the proposed development optimizes the available land supply and will aid in the efficient use and conservation of energy.

The Interrelationship between the Design of the Proposed Plan of Subdivision and Site Plan Control Matters Relating to any Development on the Land, if the Land is also Located Within a Site Plan Control Area designated under Subsection 41(2) of This Act.

Planning staff note that the development of the block townhouse units (Saffron Valley Phase 2) will require Site Plan Control. This has been included as a condition of draft plan approval.

In Planning staff's opinion, the proposed draft plan of condominium, official plan and zoning by-law amendment will conform to Section 51 (24) of the *Planning Act* and Policy D.5.3 of the Town's Official Plan, 2014.

Policy B1.1.5 requires that when considering a zoning by-law amendment application to permit a townhouse development, Council shall be satisfied that the proposal: respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing; can be easily integrated with surrounding land uses; will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.

In response to Policy B1.1.5, Planning staff are of the opinion that the development as proposed respects the character of adjacent residential neighbourhoods with respect to height, bulk and massing. The design of the units reflect traditional design elements that are consistent with the urban design guidelines for the area and will integrate well with existing and future neighbouring land uses. The building elevations show bungalow townhouses and the heights will comply with the standard building height zoning requirements of Fonthill's residential neighbourhoods. The proposed townhouses can easily integrate with surrounding land uses. The units are

buffered from existing residential uses to the south by the Provincially Significant Wetland and from residential uses on the west side of Rice Road through a large setback due to the road widening, off road trail and location of Street B. Additional landscaping and street trees has also been requested along Rice Road. Lands to north will also be developed for block townhouse dwellings (Saffron Valley Phase 1). Public Works and Regional staff reviewed the proposed development application and have not expressed any concerns about traffic or site servicing matters. The site plan depicts adequate parking with a double car garage and two driveway parking spaces per unit, both front and back outdoor amenity areas as well as space for landscaping and buffering and the provision for the parkette. 11 visitor parking spaces are also provided. Based on this analysis, the zoning by-law amendment conforms to Policy B1.1.5.

Zoning By-law 1136 (1987), as amended

The subject parcel is zoned Agricultural (A) which permits agricultural uses including greenhouses; seasonal or permanent farm help houses on farms larger than 10 hectares; one single detached dwelling on one lot; home occupations; kennels; animal hospitals; uses, buildings and structures accessory to the foregoing permitted uses; and forestry and conservation uses. The zoning by-law amendment application seeks approval to amend Zoning By-law No. 1136 (1987) from the Agricultural (A) zone to site specific Residential Multiple 1 zone to permit block townhouse dwellings with special zoning regulations (refer to Table 1) and East Fonthill - Environmental Protection (EF-EP).

Table 1: Requested Site Specific Zoning Regulations

Zoning Regulation	Residential Multiple 1	Requested Site Specific Zone
16.4(a) Minimum Lot Frontage	30.0 metres	7.1 metres
16.4(d) Minimum Front Yard	7.5 m on either a street or an internal roadway	4.5 metres to building face 6.0 metres to a garage
16.4(e) Minimum Side Yard	4.5 m, except that where the rear of a building faces the side yard the minimum side yard shall	Where the rear wall of a building faces an interior side yard, the minimum

Zoning Regulation	Residential Multiple 1	Requested Site Specific Zone
	be 7.5 m, and the minimum side yard abutting a street or an internal roadway shall be 7.5 m	required yard shall be 6.0 metres b) 5.3 for Unit 6 c) 2.1 metres for Unit 13 d) 3.8 metres for Unit 17 e) 1.5 metres for Units 24 & 35 f) 4.2 metres where abutting an internal roadway
16.4(f) Minimum Rear Yard	7.5 metres	6.1 metres
16.4(i) Distance Between Buildings on the Same Lot	Any side of any townhouse shall be no closer than 9 m to any side of another townhouse.	Any side of any townhouse shall be no closer than 3 metres to any side of another townhouse.
6.16(d)(i) Ingress and Egress	Ingress and egress, to and from the required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3.0 m wide, where only one-way traffic is permitted, and have a minimum width of 7.5 m, but not more than 9.0 m in perpendicular width where two-way traffic is permitted.	minimum width of 7.0 m, but not more than 9.0 m in perpendicular width where two-way traffic is permitted
6.35(c) Unenclosed Porches, Balconies, Steps and Patios	Notwithstanding the yard provisions of this By-law to the contrary, unenclosed porches, balconies, steps and patios, covered or uncovered may project	Notwithstanding the yard provisions of this By-law to the contrary, unenclosed porches, balconies, steps and patios, covered or uncovered may project

Zoning Regulation	Residential Multiple 1	Requested Site Specific Zone
	into any required yard a maximum distance of 1.5 m provided that, in the case of porches, steps or patios, such uses are not more than 1.3 m above ground. Patios may project into any required rear yard provided they are not more than 0.6 m above grade.	into any required yard a maximum distance of 3.0 metres (9.84 feet) provided that, in the case of porches, steps or patios, such uses are not more than 1.3 metres (4.27 feet) above ground. Patios may project into any required rear yard provided they are not more than 0.6 metres (1.97 feet) above grade.

The requested zoning by-law amendment would facilitate the development of the block townhouse dwellings as shown on the proposed site plan. The regulations will ensure that garages are recessed behind the front building face and required by the East Fonthill urban design guidelines. The requested zoning provisions are consistent with other recent development in the East Fonthill Secondary Plan area and modern building trends and standards. As such, the requested zoning by-law amendment conforms to the Town of Pelham Official Plan and employs good planning principles.

Submitted Reports:

The applicant provided copies of the following reports in support of the applications and to address the policy requirements of the Town, Region and Provincial plans and policy statement:

Stage 1, 2 and 3 Archaeological Assessments prepared by Detritus Consulting Ltd.
Environmental Impact Study prepared by Myler Ecological Consulting
Functional Servicing Report prepared by Upper Canada Consultants
Stormwater Management Brief prepared by Upper Canada Consultants
Planning Justification Report prepared by Upper Canada Consultants
Noise Feasibility Study prepared by HGC Engineering

Digital copies of the reports are available by contacting the Planning Division.

The Stage 3 Archaeological Assessment recommends no further investigation. The Niagara Region requested draft plan conditions relating to archaeology. Those conditions have been included in the conditions of draft plan approval being recommended by Town staff.

The Environmental Impact Study was reviewed by Regional and Niagara Peninsula Conservation Authority (NPCA) staff. A number of conditions are being requested by the Region and NPCA to ensure that the Provincially Significant Wetland on the site and the adjacent woodland along with the species at risk in the areas will be protected. Those conditions have been included in the conditions recommended by Town staff.

The Functional Servicing Report has been reviewed by Town Engineering staff as well as Regional staff and accepted. Requested conditions have been included in the recommended draft plan conditions.

The Planning Justification Report concludes that the applications are consistent with Provincial Policies and Plans, conform to the Regional Official Plan and represent good planning.

The Noise Feasibility Study makes recommendations to mitigate noise impacts on the future residential uses from Rice Road. Regional staff have requested conditions as recommended by the Noise Feasibility Study which have been included as draft plan conditions.

Agency Comments:

On October 30, 2020 a public meeting notice was circulated to external agencies and internal departments regarding the proposed applications. Full versions of the comments were included as on the November 23, 2020 Public Meeting agenda. The following is a summary of those comments:

Building Division: No concerns.

Hydro One: No comments or concerns.

Bell: Requests standard conditions of approval.

Public Works: Provided technical comments on engineering submission.

Niagara Peninsula Conservation Authority:

NPCA staff have no objections to the applications as they relate to NPCA policies, subject to rezoning the Provincially Significant Wetland and 15 metre buffer to an Environmental Protection zone category and the recommended Conditions of Draft Plan Approval.

Niagara Region:

Regional staff have no objection to the proposed Official Plan and Zoning By-law Amendment, or the Draft Plan of Condominium from a Provincial and Regional perspective, subject to the conditions outlined in the Appendix and provided Block 36 is designated and zoned Environmental Protection Area or the local equivalent.

All comments received from commenting agencies and Town staff have been included as recommended conditions of draft plan approval.

Public Comments:

On October 30, 2020 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, a public notice sign was posted facing Rice Road. A public meeting was held on November 23, 2020. No members of the public attended. Two members of the public jointly submitted comments in writing. These comments were included on the November 23, 2020 Public Meeting agenda in full.

Gloria Katch & Andy Nero

Would like their property on the east side of Rice Road to be redesignated to an urban designation.

In response to the comments from Gloria Katch and Andy Nero, Planning staff note that their lands are on the west side of Rice Road outside of the urban area boundary as set by the Region of Niagara and advise that the Region is in the process of undertaking an urban land needs assessment which will inform the new Niagara Region Official Plan. At that time, it will be determined whether additional lands will be brought into an urban designation and where such lands are located.

The lands which are subject to the current applications are within the urban area boundary at the present time and are not impacted by the urban land needs assessment.

At the public meeting, Councilor Haun requested that the developer consider including a playground as part of the private amenity space within the development. The design of the private amenity space will be determined through a later process. This request has been communicated by the planning consultant to the developer for consideration. It also noted that a large community park is proposed within the Saffron Meadows Phase 3 subdivision to the north east of these lands.

Staff Comments:

In summary, it is Planning staff's opinion that the proposed draft plan of condominium, official plan and zoning by-law amendment are consistent with Provincial policy and plans, conform to the Regional Official Plan and represent good planning and therefore, should be approved subject to the recommended conditions of draft plan approval contained in Appendix A.

Alternatives:

Council could choose not to approve the applications for draft plan of condominium and amendment to the Official Plan and Zoning By-law.

Council could choose to approve the applications subject to modifications.

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

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

Reviewed and Submitted by:

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

APPENDIX A

Conditions of Draft Plan of Vacant Land Condominium Approval for Saffron Valley Phase 2 (File No. 26CD19-02-20)

DRAFT PLAN

1. Approval applies to the Draft Plan of Vacant Land Condominium, Part of Lot 171, Geographic Township of Thorold, Town of Pelham, Regional Municipality of Niagara prepared by J.D. Barnes Ltd., dated May 28, 2020, which includes the following:
 - Thirty-five block townhouse dwellings
 - Common element areas for a private road, visitor parking areas, common amenity area.
2. The headings inserted in these draft plan conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions.

AGREEMENTS AND FINANCIAL REQUIREMENTS

3. The Owner shall provide three (3) paper copies and an electronic copy of the pre-registration plan, prepared by an Ontario Land Surveyor, and a letter to the Department of Community Planning and Development stating how all the conditions imposed have been or are to be fulfilled.
4. The Owner shall agree to pay to the Town all required processing and administration fees.
5. The Owner shall submit a Solicitor's Certificate of Ownership for the Vacant Land Condominium land to the Town prior to the preparation of the Condominium Agreement.
6. The Owner shall enter into a Condominium Agreement with the Town, to be registered on title, to satisfy all requirements, financial or otherwise, related to the development of the land, and assuming the requirements of the Site Plan Agreement prior to final approval of the plan of condominium.
7. The Owner shall pay the applicable Town and Niagara Region development charges in place at the time of the Building Permit issuance.
8. The Owner shall enter into a Site Plan Agreement with the Town, to be registered on title, to satisfy all requirements, financial or otherwise, related to the development of the land.

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9. The Owner shall dedicate or pay or a combination thereof 5% of the value land for parkland dedication purposes.
10. Prior to any site alteration, or final approval, the Owner shall submit all supporting materials, prepared by a qualified professional, as required by the Town or any applicable authority, and shall agree to implement the recommendations of the reports, studies and plans to the satisfaction of the Town and any other applicable authority.
11. This approval is for a period of three (3) years. Approval may be extended pursuant to Section 51 (33) of the *Planning Act R.S.O. 1990, c. P.13* but no extension can be granted once the approval has lapsed. If the Owner wishes to request an extension to the approval, a written explanation must be submitted for Town Council's consideration.
12. If final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the *Planning Act R.S.O. 1990, c. P.13*.
13. It is the Owner's responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Town, quoting file number **26CD19-02-20**.

LAND TRANSFERS AND EASEMENTS

14. The Owner shall agree in the Condominium Agreement that such land transfers/conveyances and easements as may be required shall be designated to the satisfaction of, and granted to the appropriate agencies and authorities, free and clear of all encumbrances, save and except such encumbrances as may be permitted by the Town, in its sole discretion, to the satisfaction of the Town.
15. The Owner shall obtain easements for services and road access that are necessary to service the Condominium but located on other lands owned by the applicant.

ZONING / OFFICIAL PLAN / SITE LAYOUT

16. The Owner shall obtain approval of the official plan amendment redesignating the lands to EF - Medium Density Residential.
17. The Owner shall obtain approval of the zoning by-law amendment to permit the proposed block townhouse dwellings.

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18. The Owner shall submit to the Department of Community Planning and Development three (3) paper copies and an electronic copy of the proposed site plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.
19. The Owner shall transfer Block 36 (Provincially Significant Wetland) and Blocks 37 and 38 (6.0 metre wide trail block) to the Town of Pelham.
20. The Condominium Agreement will include a clause ensuring that two north-south internal road connections are provided in perpetuity with development to the north on Block 38, Plan 59M-476 (Saffron Valley Phase 1).

WATER SERVICING

21. The Owner shall grant, in the Condominium Agreement, the Town, its servants, agents and assigns permission to enter upon the lands for the purpose of the inspection and maintenance of all water meter chambers and ensure that the area in and around the water meter chamber is made free and clear of all encumbrances, at all times, which may interfere with such tasks.
22. The Owner shall obtain an easement for any portion of land where the proposed water servicing must cross adjacent properties in order to service the condominium.
23. The Owner shall complete and fully commission all internal and external water works, as specified by the Site Plan Agreement, prior to the construction of any structures within the condominium.

SANITARY SERVICING

24. The Owner shall, in the Condominium Agreement, ensure that no storm, surface or roof water or weeping tiles be discharged into the sanitary sewer system.
25. The Owner shall obtain an easement for any portion of land where the proposed sanitary system must cross adjacent properties in order to service the condominium.
26. The Owner shall complete all sanitary system works, as specified in the Site Plan Agreement and required to service the condominium prior to the construction of any structures within the condominium.

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STORMWATER MANAGEMENT

27. The Owner shall agree in the Condominium Agreement to carry out the recommendations of the approved Stormwater Management Report and to maintain the Stormwater Management System during development.
28. The Owner shall obtain an easement for any portion of land where the proposed storm system, as indicated in the Site Plan Agreement, must cross adjacent properties in order to properly service the condominium.
29. The Owner shall complete all storm system works, as specified in the Site Plan Agreement, prior to the construction of any structures within the development.

WARNING CLAUSES

30. The Owner shall agree in the Condominium Agreement to include a clause within all Offers of Purchase and Sale Agreements advising prospective purchasers that private roadways are subject to a Condominium Corporation and agreements for maintenance, snow removal and garbage pick-up. Owners are advised that all laneways are to be kept free and clear of vehicles to ensure that emergency service, snow removal and waste collection vehicles have continued access and that failure to comply with this clause will result in ticketing and potentially towing. In addition, all snow stockpiling must take place within the condominium property.

BELL CANADA

31. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada. The Owner agrees that should any conflict arise with existing Bell Canada facilities or easements within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development. It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the

APPENDIX A

event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

NIAGARA REGION PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

32. That a streetscape/landscape plan for the Regional Road (Rice Road) frontage be submitted to Niagara Region for review and approval. The plan should include details of the walkway/trail block, municipal sidewalks, street trees, additional low-growing screening of the window street facing the Regional Road, any proposed entry features, and conceptual location of utility meters and air conditioning units with screening.
33. That elevation plans for the units facing or adjacent to the Regional Road (Rice Road) (Units 1, 30-35 inclusive) be submitted to Niagara Region for review and approval. The plans should demonstrate an active front entrance and architectural elements such as wrap-around porch and additional glazing.
34. That the condominium agreement contain wording wherein the owner agrees to implement the following mitigation measures as described in the Environmental Impact Study (EIS), prepared by Myler Ecological Consulting (dated June 2020), including but not limited to:
 - a. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
 - b. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.
 - c. Demolition of the existing house shall occur outside of the spring and summer bat roosting period or an acoustic survey should be completed by a qualified biologist to confirm bat presence/absence if works are planned to occur during this window.
 - d. That no construction activity be allowed to occur during the month of June (bat maternity roosting season) in any year within 30 m of the forest edge in order to reduce disturbance to rare bat species.
 - e. That permanent rear-lot fencing be provided adjacent to the natural heritage features, to the satisfaction of the Niagara Region. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.

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- f. That any security lighting to be installed on buildings should be directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
35. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers and a minimum of 10 metres from the dripline of any trees to be retained.
36. That a stormwater management brief is submitted to Niagara Region, which confirms that post development flows to the wetland feature are sustained to pre-development levels.
37. That a Tree Saving Plan (TSP) be provided to the satisfaction of the Niagara Region as required under Policy 7.B.1.19 of the Regional Official Plan. The TSP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association, in accordance with Section 1.36 of the Region of Niagara Tree and Forest Conservation By-law (By-law 30-2008). This is to be done in conjunction with the Site Plan and Grading Plan.
38. That a Landscape Plan be provided to the satisfaction of the Niagara Region that addresses the Vegetation Protection Zone recommended in the Environmental Impact Study, prepared by Myler Ecological Consulting (dated June 2020). The VPZ should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities, including thorny species to discourage human intrusion into sensitive areas. The removal of invasive species should also be incorporated, as appropriate. The Landscape Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA).
39. That a Photometric Plan be provided to the satisfaction of the Niagara Region that illustrates all proposed outdoor lighting be downward facing and shielded to prevent light spillage into the surrounding natural area.
40. That the owner prepares an information package for new homeowners outlining the importance of the adjacent natural heritage features and steps they can take to protect the natural environment. This information package is to be reviewed and approved by the Niagara Region. The package should be provided as an appendix to all offers of purchase

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and sale for properties within the development, and a clause shall be included in the condominium agreement to this effect.

41. That a detailed Ecological Monitoring Plan be submitted to Niagara Region for review and approval.
42. That the owner receives an acknowledgement letter from the Ministry of Heritage, Sport, Tourism and Culture Industries confirming that all archaeological resource concerns have satisfied licensing and resource conservation requirements. A copy of the archaeological assessment(s) and acknowledgement letter(s) shall be submitted to the Niagara Region. No demolition, grading or other soil disturbances shall take place on the property prior to the issuance of the Provincial acknowledgement letter.
43. That a plan showing the location of Rice 1 (AgGt-262) and its protective buffer (20m beyond the limit of the site, as documented during the Stage 2 assessment) relative to the proposed development be submitted to the satisfaction of Niagara Region.
44. That the condominium agreement include a clause requiring the owner to implement the recommendations for Rice 1 (AgGt-262) contained in the Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. (dated February 15, 2019), including installation of temporary fencing around Rice 1 (AgGt-262) and its protective buffers (20m) during construction and that any construction activities, including the erection of the protective fencing, be monitored by a licensed archaeological consultant in order to prevent any impacts to the site.
45. That the following clause be included in the condominium agreement:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI

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should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

46. That the condominium agreement includes a clause requiring the owner to implement the recommendations of the Noise Feasibility Study, prepared by HGC Engineering (dated May 28, 2020), including provision for future installation of air conditioning by the occupants (location, installation and sound ratings of the outdoor air conditioning devices shall comply with criteria of NPC-300).

47. That the owner agrees to include the following warning clauses in all Agreements of Purchase and Sale or Lease or Occupancy for Units 1 and 30-35 inclusive, and that they also be included in the condominium agreement:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound level exceed the Municipality’s and the Ministry of Environment Conservation and Park’s (MECP) noise criteria.”

“This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the criteria of the Municipality’s and the Ministry of Environment Conservation and Parks. (Note: The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MECP publication NPC-300 as required).”

48. That the following clause be included in the condominium agreement:

“These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants.”

49. That the owner dedicates a 3.05 metre road widening to the Regional Municipality of Niagara along the frontage of 1304 Rice Road (Regional Road 54).

50. That the owner dedicates a 6.0 x 6.0 metre daylighting triangle at the intersection of Regional Road 54 (Rice Road) and “Street A”.

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51. That the owner agrees in the condominium agreement with the Town or a legal agreement with Niagara Region, to pay for the required road upgrades for Rice Road such as curbing, drainage and lighting to the satisfaction of the Niagara Region.
52. Prior to any construction taking place within the Regional road allowance the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division). Road cuts required as part of the development into a recently reconstructed Regional Road 54 (Rice Road) must be “as good as” or “better than” condition, at the completion of the works and all costs associated with curb cuts and road replacement will be at the owner’s expense.
53. That the owner submits a written undertaking to the Niagara Region that draft approval of this condominium does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.
54. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Compliance Approval under the Transfer of Review Program.
55. That the Town obtain, on behalf of the owner, approval from the Regional Municipality of Niagara to connect to the Region’s sanitary sewer on Regional Road 54 (Rice Road).
56. That the owner submits a written undertaking to the Niagara Region that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that a servicing allocation for this condominium will not be assigned until the plan is registered, and a similar clause be inserted in the condominium agreement between the owner and the Town.
57. That owner to provide documentation confirming that the all private septic systems currently on the subject lands have been decommissioned to the satisfaction of Niagara Region.
58. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans

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designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region Planning and Development Services Department for review and approval:

- i. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
- ii. Detailed erosion and sedimentation control plans.

- 59. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan required in accordance with Condition above.
- 60. That the applicant ensure that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara Corporate Policy for Waste Collection, and by-laws relating to the curbside collection of waste.
- 61. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the developer for Units 13, 14, 16, and 17. The waste collection pads are required to meet the Region's standards and shall be shown on a plan in order to clear this condition.

NIAGARA PENINSULA CONSERVATION AUTHORITY

- 62. That the provincially significant wetland (PSW) and its associated 15 metre buffer (Block 36) be zoned Environmental Protection, or other similar zone category that achieves the same level of protection, to the satisfaction of the Niagara Peninsula Conservation Authority to ensure that all development within that zone requires review and approval from our office.
- 63. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction erosion and sediment control plans.
- 64. That a detailed Buffer Planting Plan/Restoration Plan to enhance the function of the 15 m buffer be submitted for review and approval by the NPCA.
- 65. That a Construction Phasing Plan be submitted. It is the preference of the NPCA that restoration works within the buffer occur prior to the commencement of large-scale earthworks to allow the buffer to establish and begin functioning in its intended capacity.

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66. That the Developer provide 1.5 metre high chain link fencing along the boundary of Block 36 to the satisfaction of the Niagara Peninsula Conservation Authority.

67. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for all works within the lands regulated by the Niagara Peninsula Conservation Authority prior to beginning any site works.

FINAL APPROVAL

68. Subject to the conditions set forth herein, this Draft Plan is approved under Section 51 (31) of the *Planning Act R.S.O. 1990, c. P.13*. Final approval shall be granted by the Town.

CLEARANCE OF CONDITIONS

Prior to granting approval to the final plan, the Department of Community Planning and Development requires written notice from applicable Town Departments and the following agencies indicating that their respective conditions have been satisfied and fees have been paid:

Department of Community Planning & Development for Conditions 16-20 (Inclusive)

Department of Public Works for Conditions 21 – 30 (Inclusive)

Bell Canada for Condition 31 (Inclusive)

Niagara Region Planning and Development Services Department for Conditions 32 - 61 (Inclusive)

Niagara Peninsula Conservation Authority for Conditions 62-67 (Inclusive)

COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT

Monday, January 11, 2021

Subject: Site Plan Approval Recommendation Report – 1768 – 1770 Balfour Street (SP-09-2020)

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2021-0010 for information pertaining to Site Plan Control application file No. SP-09-2020; and

THAT Council consider approval of the By-law to authorize the Mayor and Clerk to enter into a Site Plan Agreement between the Town and Wierenga Greenhouses Limited.

Background:

The purpose of this report is to provide Council with information regarding an application for site plan control under Section 41 of the *Planning Act* for 1768 – 1770 Balfour Street. The proposed site plan will provide for a 9,050 m² greenhouse addition off the west wall of the existing greenhouse. The lands are located on the east side of Balfour Street north of Tice Road and south of the North Pelham hamlet.

Figure 1: Subject Lands – 1768 – 1770 Balfour Street



The property is owned by Wierenga Greenhouses Limited, which mainly produce ferns for retail and bulk sale under the brand, *Fern Fascination*.

The proposal is to enter into a site plan agreement to allow for the proposed greenhouse expansion. The 5.4 ha property also supports outdoor crop farming, and two (2) single detached dwellings. No works are proposed within the road allowance for roadside ditches, culverts or driveway accesses. The existing driveway will continue to serve the agricultural greenhouse operation and existing dwelling. The existing septic system is situated between the house and existing greenhouse / warehouse and is not proposed to be altered.

Analysis:

Planning Act

Section 41 (2) of the Act authorizes the council of a local municipality to designate areas within their jurisdiction under a 'site plan control area'. Policy E1.4 of the Pelham Official Plan and By-law No. 1118 (1987) designates the entire Town as a site plan control area with certain exemptions. All greenhouse facilities in Pelham are subject to site plan control under By-law No. 4117 (2019) passed by Town Council on May 21, 2019.

Provincial Policy Statement (PPS) (2014)

The PPS designates the subject land within a 'Prime Agricultural Area'. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

Greenbelt Plan (2017)

The subject land is designated 'Tender Fruit & Grape Lands' (*Specialty Crop Area*) within the Greenbelt Plan's *Protected Countryside*. In addition, the northeast section of the lands is also designated as a *Natural Heritage System*.

Section 3.1.2 (Specialty Crop Area Policies) states that for lands falling within *specialty crop areas* of the *Protected Countryside* all types, sizes and intensities of agricultural uses and *normal farm practices* shall be promoted and protected.

The proposed greenhouse expansion will serve the Wierenga Greenhouses agricultural operation by increasing its product yield while ensuring adequate setbacks are maintained from adjacent land uses and avoiding any impacts to the Greenbelt natural heritage system.

Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject parcel as 'Unique Agricultural Area' as part of the *Protected Countryside* lands in the Greenbelt Plan.

Policy 5.B.6 states that in the *Unique Agricultural Area*, the predominant use of land will be for agriculture of all types, which includes greenhouse operations.

Pelham Official Plan (2014)

The local Official Plan designates the subject land as 'Specialty Agricultural' while the northeast quadrant contains a '*Greenbelt Natural Heritage Overlay*'. The principle use of Specialty Agricultural lands shall be for the production of specialty crops identified in the Greenbelt Plan.

Policy B3.5 (*Greenbelt Natural Heritage Overlay*) states that the purpose of this designation is to implement the 'Natural Heritage System' provisions of the *Greenbelt Plan*. Development and site alteration may occur within this overlay provided that an EIS is prepared in accordance with Section C7. The proposed development takes place outside of the *Greenbelt Natural Heritage Overlay*, therefore no additional studies are required.

Town of Pelham Zoning By-law Number 1136 (1987)

The subject land is zoned Agricultural (A) which permits agricultural uses and greenhouses among other uses. The subject lands comply with Section 7.3 of the Zoning By-law.

Financial Considerations:

The applicant (owner) is responsible for all costs associated with the proposed development.

Alternatives Reviewed:

Council may choose to not approve the By-law to enter into a Site Plan Agreement with the owner.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The proposed greenhouse expansion will help support the agricultural industry and economy whilst preserving significant cultural heritage resources and natural heritage systems.

Consultation:

Agency Comments:

On November 17th 2020, a 'Request for Comments' was circulated to the various agencies, the Niagara Region and internal Town departments (i.e. Public Works, Building, etc.).

To date, the following comments have been received and summarized below:

- Public Works Department (December 16, 2020)
 - No comments.

- Niagara Peninsula Conservation Authority (December 17, 2020)
 - No objections.
- Niagara Region Planning & Development Services (December 14, 2020)
 - The subject lands have high archaeological potential based on Ministry of Tourism, Culture and Sport's (MTCS) criteria and the Town's Heritage Master Plan. Based on the Anchor Post Layout Plan, prepared by JGS Limited (dated 8/10/2020), Region staff are of the opinion that the type of construction proposed will not result in deep excavation or disturbance of potential archaeological resources. Therefore, provided the greenhouse is constructed using a slab-on-grade style foundation, which does not deeply excavate the Earth beyond the anchor posts, the requirement for an archaeological assessment can be waived in lieu of a standard *archaeological warning clause* in the Site Plan Agreement.
 - No objections re: private sewage servicing as long as no additional plumbing fixtures are installed in the addition. Condition to be included in Site Plan Agreement.
 - No objections to Site Plan approval.
- Hydro One (November 21, 2020)
 - No objections.

Public Comments:

For Council's information, site plan control is not a public process under the *Planning Act* as it is an agreement between the land owner and the Town; therefore, there are no public notice requirements.

Staff Comments:

The proposal for the business currently known as Wierenga Greenhouses Limited (Fern Fascination) at 1768 Balfour Street is to enter into a Site Plan Agreement allowing for the construction of a 9,050 m² greenhouse addition west of the existing greenhouse. Planning staff have included a clause in the draft Site Plan Agreement stipulating that should a future conversion of the aforementioned greenhouse to a *cannabis production facility* be contemplated, then a Site Plan Agreement Amendment will be required.

The existing driveways along Balfour Street will be maintained and continue to serve the farm and residential dwellings. The Region of Niagara is responsible for private sewage systems approvals for systems capable of sewage flows less than 10,000 L / day. According to the Site Plan and Regional comments, one septic system exists on the subject lands that supports the existing greenhouse and warehouse while another septic system serves the northernmost dwelling (#1770). No records were found for a septic system servicing the existing dwelling to the south (#1768). Regional staff are satisfied with the setback between the proposed greenhouse and septic system. Any future changes to the number of employees or plumbing fixtures would require further upgrade. Otherwise, Regional Private Sewage System staff do not object to the Site Plan Control application.

Planning staff note that the proposed development complies with the Zoning By-law regulations and are of the opinion that no adverse impacts regarding land use

compatibility, agricultural viability and drainage issues among other things will arise as a result of this proposal.

Regarding the high archaeological potential in the area, Regional and Town staff were satisfied with the waiving of a standard archaeological assessment in lieu of a warning clause inclusion in the Site Plan Agreement stipulating the need for slab-on-grade style foundation construction, which does not deeply excavate the Earth beyond the limited amount of anchor posts detailed on the Foundation Plan.

Planning staff are of the opinion that the executed site plan agreement will result in the continued support of the agricultural operation known as Wierenga Greenhouses Limited. The applicant has satisfied Town and Regional staff's comments.

Planning staff recommend that Council approve the By-law and enter into a Site Plan Agreement with the land owner as the application is consistent with Provincial, Regional and Town policies, and represents good land use planning.

Other Pertinent Reports/Attachments:

- Appendix A:
 - Agency Comments Consolidated
- Appendix B:
 - Draft Site Plan Agreement Authorization By-law
- Appendix C:
 - Draft Site Plan Agreement

Prepared and Recommended by:

Curtis Thompson,
Planner

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

Prepared and Submitted by:

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

Memo

To: Curtis Thompson, Planner

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

From: Tolga Aydin, Engineering Technologist

Date: 16th December 2020

RE: Site Plan Approval – 1768 Balfour Street – 1st Submission

The Public Works Department has reviewed the submitted documentation regarding the proposed development to be known as Lavender Fields. Please note the following notes and conditions provided.

The following submitted drawings have been considered for the purpose of this application:

- Site Plan, prepared by Chambers and Associates, dated November 6, 2020

The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

Submitted Drawings

Site Plan

No comment or objections.

December 17, 2020

BY E-MAIL ONLY

Our File No: PLPIMC202000839

Town of Pelham
Planning Department
20 Pelham Town Square,
P.O. Box 400,
Fonthill ON
L0S 1C0

Attention: Curtis Thompson

**SUBJECT: APPLICATION FOR SITE PLAN SP-09-2020
1768 BALFOUR STREET
ARN 273201000818101**

This letter is to advise you that the property noted above is not subject to any Niagara Peninsula Conservation Authority (NPCA) regulated features or areas pursuant to the Conservation Authorities Act, R.S.O 1990. As such, the NPCA has no objections to the proposed work and therefore, a permit will not be required.

Following an NPCA site visit on August 28th, 2020 to verify the condition of the watercourse located at 1768 Balfour Street, it was determined that the potential watercourse feature on site was not an identifiable depression in the ground and was only an agricultural drain for the surrounding field. The feature does not meet the definition of a watercourse under NPCA policy and therefore has been removed from our regulation mapping.

Yours truly,



Nicholas Godfrey,
Watershed Planner
(905) 788-3135, ext. 278

VIA E-MAIL ONLY

December 14, 2020

Curtis Thompson
Planner
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0

Submission for Site Plan Application

Proposal: The applicant is proposing a greenhouse expansion.

Location: 1768 Balfour Street
In the Town of Pelham

Our File: SP-20-0087

Regional Planning and Development Services staff have completed a review of the following materials which were provided as part of an application for a development at 1768 Balfour Street in the Town of Pelham

- Site Plan, prepared by Chambers and Associates Surveying Ltd., dated November 06, 2020;
- Greenhouse Wall Sections, Post Details and Vent Details Plan prepared by JGS Limited August 10, 2020.

The above-noted documents were received by Regional staff on November 17, 2020. The submitted Site Plan application is proposing to construct a greenhouse expansion in the Town of Pelham. This proposed development was the subject of a pre-consultation meeting attended by the applicant, Town and Regional Staff on August 20, 2020. The following comments are provided from a Regional and Provincial perspective based on the information submitted in order to assist the Town in reviewing the application.

Archeological Resources

The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological

resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on Provincial screening criteria, the subject lands exhibit high potential for discovery of archaeological resources given their proximity to a watercourse (Fifteen Mile Creek) that runs through the easterly portion of the property. However, in the opinion of Regional staff, the type of construction shown on the submitted Greenhouse Wall Sections, Post Details and Vent Details Plan prepared by JGS Limited (dated 08/10/2020), will not result in deep excavation or the disturbance of archaeological resources on site. Therefore, provided the greenhouses are constructed in accordance with these plans, the requirement for an archaeological assessment can be waived in lieu of a standard archaeological clause in the site plan agreement relating to deeply buried archaeological materials that may be encountered during grading and construction activities. A condition for the archaeological warning clause is included in the Appendix.

Private Sewage System

Our Department has inspected the above-mentioned property and reviewed the proposal to build additional greenhouses west of an existing greenhouse operation.

The property contains two residential dwellings and a greenhouse operation. A septic permit was found for the greenhouse operation which was approved by the Regional Niagara Health Services Department in 1998. The greenhouse septic was installed to accommodate 9 workers. A second septic permit was found for the dwelling to the North which was installed in 1988 and approved by the Regional Niagara Health Services Department. No permit was found for the second dwelling located closest to the greenhouse. There were no visible defects found with the sewage system servicing the greenhouse at the time of our inspection. It is our understanding that the additional greenhouses will not increase employees, washrooms or loading bays to the greenhouse operation, therefore sewage flows are not increasing. The property contains enough usable area for sewage system replacements in the future for the greenhouse and the dwellings to the north when required.

Therefore, our department will have no objection to the site plan application provided there is no increase in employees, washrooms or loading bays due to the addition.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- No limit blue/grey containers;
- No limit green containers; and,
- 8 garbage containers max (Bi-weekly)
- **Curbside Collection Only**

If the above noted limits cannot be met then garbage collection for the development will be the responsibility of the owner through a private contractor and not the Niagara Region. Notwithstanding the above comments, the site would remain eligible for Regional recycling and organics collection subject to the above conditions. A clause has been included in the Appendix for waste collection.

Conclusion

Based on the analysis and comments above, Regional staff offers no objection to the Site Plan application, subject to the Conditions outlined in the Appendix. Please provide a copy of the final Site Plan and a copy of the Site Plan Agreement for our files.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3345, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,



Matteo Ramundo
Development Approvals Technician
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

Cc. Susan Dunsmore, Manager, Development Engineer, Niagara Region
Amy Shanks, Development Planner, Niagara Region
Caitlin Goodale, Private Sewage System Inspector, Niagara Region

Appendix I
Regional Conditions of Site Plan Approval
1768 Balfour Street, Pelham

1. That the following clauses be included in the Site Plan Agreement:

- Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI) (416-212-8886) must be notified, and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.
In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.
- The Owner is advised that if the development does not comply with Niagara Region's Corporate Policy for Waste Collection that garbage collection will be provided through a private contractor and not Niagara Region.

Curtis Thompson

From: Dolly.Shetty@HydroOne.com on behalf of LandUsePlanning@HydroOne.com
Sent: November 21, 2020 2:57 PM
To: Curtis Thompson
Subject: Niagara - 1768 Balfour St - SP-09-2020

Hello,

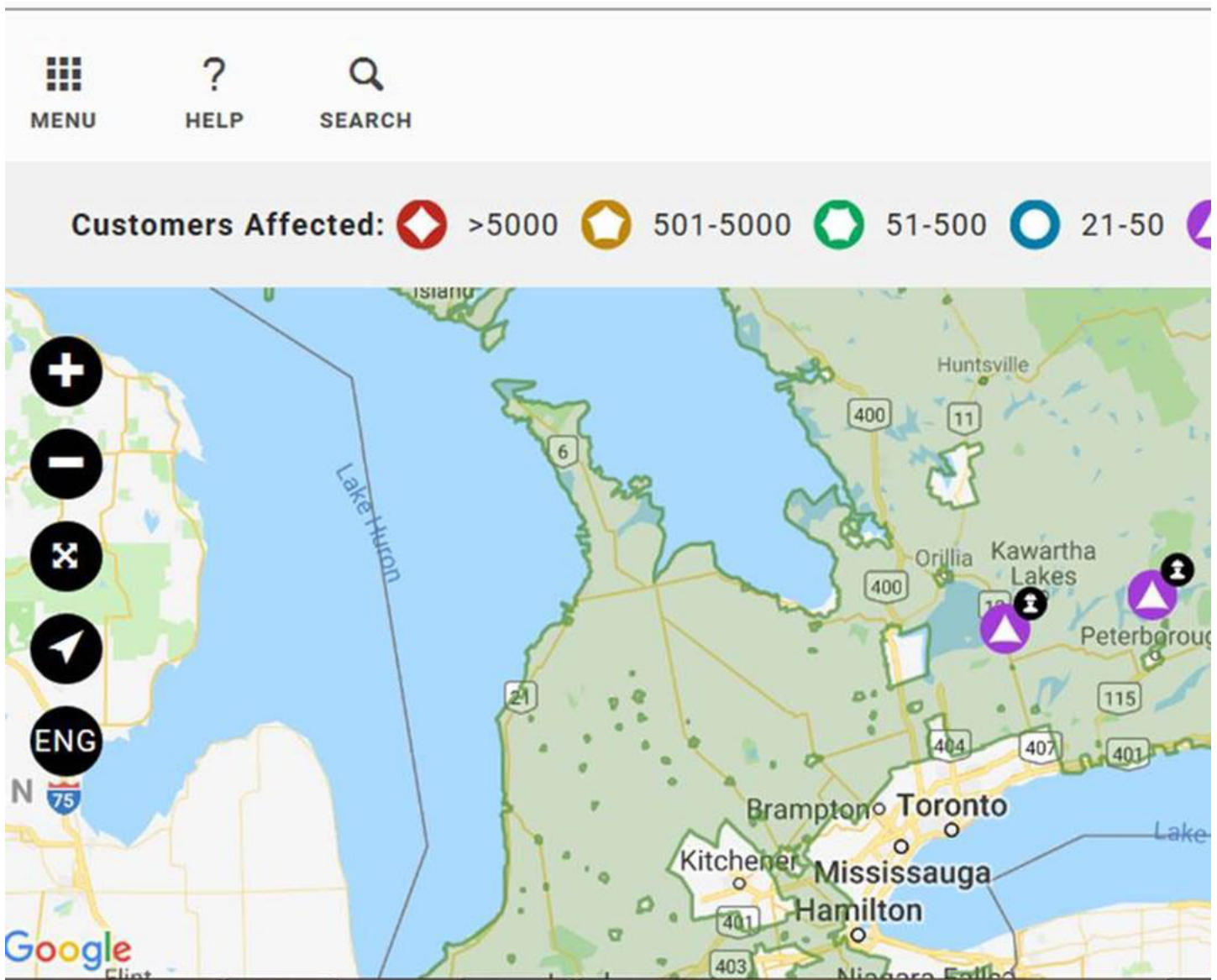
We are in receipt of Application SP-09-2020 dated November 17, 2020. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

<http://www.hydroone.com/StormCenter3/>

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Thank you,

Best Wishes,

Dolly Shetty

Real Estate Assistant | Land Use Planning

Hydro One Networks Inc.

185 Clegg Road (R32)

Markham, ON | L6G 1B7

Email: Dolly.Shetty@HydroOne.com



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From: Curtis Thompson <CThompson@pelham.ca>

Sent: Tuesday, November 17, 2020 10:16 AM

To: Jason Marr <JMarr@pelham.ca>; Tolga Aydin <TAydin@pelham.ca>; Derek Young <DYoung@pelham.ca>; Bob Lymburner <BLymburner@pelham.ca>; David Christensen <DChristensen@pelham.ca>; Mike Zimmer <MZimmer@pelham.ca>; Shanks, Amy <Amy.Shanks@niagararegion.ca>; Dev Planning Applications - Region (devtplanningapplications@niagararegion.ca) <devtplanningapplications@niagararegion.ca>; Enbridge- Municipal Planning (MunicipalPlanning@enbridge.com) <MunicipalPlanning@enbridge.com>; info@npei.ca; jim.sorley@npei.ca; Bell Canada <circulations@mmm.ca>; LANDUSEPLANNING <LandUsePlanning@HydroOne.com>; Nicholas Godfrey <ngodfrey@npca.ca>

Cc: Shannon Larocque <SLarocque@pelham.ca>; Barbara Wiens <BWiens@pelham.ca>

Subject: Request for Comments - Site Plan Control (1768 Balfour St)

***** Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. *****

Hello,

We are in receipt of a **Site Plan Control** application (file: SP-09-2020) for the property at 1768 Balfour Street.

The submitted material is attached and includes:

- Application
- Site Grading & Drainage Plan
- Elevation Plans
- Construction details

Hardcopies are not being circulated. The Niagara Region & NPCA cheques will be delivered to your office.

Comments would be appreciated by **Tuesday, December 15th 2020**. If you have any questions, or require additional information, please let me know.

Thank you,



Curtis Thompson, B.URPI

Planner

Town of Pelham

T: 905-892-2607 x324 | E: cthompson@pelham.ca

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

Town of Pelham Confidentiality Notice:

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send it to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

Subject: Establish a Reserve for Human Resources Capacity Building**Recommendation:**

BE IT RESOLVED THAT Council receive Report # 2021-0011-Corporate Services;

AND THAT Council approve the establishment of a Reserve for Human Resources Capacity Building with the purpose, funding sources, and drawdowns as outlined in this report;

AND FURTHER THAT this Reserve be effective for the year ended December 31, 2020.

Background:

Like other municipal employers, the Town of Pelham experiences unbudgeted human resources related expenses such as pay equity compliance, backfilling staff on extended sick leaves, termination expenses, work place investigations, union negotiations, Council-approved changes or additions to staff complements subsequent to budget approval, training for new staff when vacancies are filled, or health and wellness initiatives. Currently these costs commonly result in a negative budget variance in the year.

Analysis:

In the past, unanticipated and unforeseeable human resources related expenditures put pressure on the operating budget in-year, and resulted in unfavourable budget variances. At the time of budget preparations, budgets are developed with best estimates, but there are many unpredictable changes in staffing that occur during the year; therefore having funds set aside in a reserve would help to mitigate these variances.

It would be highly beneficial to establish a Reserve for Human Resources Capacity Building to be used to accumulate corporate savings from staffing vacancies which can then be used to support employee-based initiatives. This would mitigate the

risk of having unfunded human resources expenditures throughout the year, for expenditures which are unforeseeable.

As per Policy No. S400-08 Reserve and Reserve Fund Policy, section 4(iii): Reserves shall be established by Council resolution, which governs the purpose, funding sources, and drawdowns of the reserve.

Staff recommend that Council establish a Reserve for Human Resources Capacity Building, as outlined below.

Purpose of Fund: The Human Resources Capacity Building Reserve will be used to accumulate corporate savings from vacancies to support employee-based and employment-related initiatives.

Funding Source:

Vacancy savings for all regular positions, including all Management positions and all regular positions governed by CUPE where such savings are not otherwise designated by Council to offset unanticipated expenditures or revenue shortfalls.

Vacancy savings related to the Pelham Volunteer Firefighters positions will be directed to the Fire Equipment Reserve.

Positions that are part Building department, Water and Wastewater are exempt from this policy, as these savings are already allocated to the respective Reserve or Reserve Fund.

Drawdowns:

The proposed Reserve will fund future initiatives such as: pay equity compliance, backfilling staff on unanticipated extended sick leaves, termination expenses that exceed vacancy savings from the position, reorganization/restructuring implementation, union negotiations, employee accommodations, the Town portion of grant funded positions for grants awarded after budget approval, employee wellness initiatives, Council approved changes or additions to staff complements subsequent to budget approval, workplace investigations, student co-op placements for special projects, unplanned or irregular training opportunities or disciplinary costs, training for new staff when vacancies are filled, staff costs during training overlap for unanticipated leaves, staff recognition, work place investigations, leadership development, space planning and succession planning.

Any unbudgeted expenses requested to be funded from this Reserve are subject to the following approval process:

CAO can approve unbudgeted expenses from this Reserve pursuant to By-Law #4307(2021), a by-law to define the duties of the office of the Chief Administrative Officer, and any successor by-laws, provide there is sufficient funds in the Reserve in consultation with the Treasurer. A threshold of \$75,000 per year can be approved by the CAO, and anything above that would require Council approval. Also, any expenditures from this reserve that impacts the tax levy in the following year by \$75,000 or more would need Council's approval.

Council Approved Target Level:

The Reserve balance will be kept at a minimum of \$50,000.

Financial Considerations:

The establishment of a Reserve to build capacity and fund unanticipated and unforeseeable expenditures will mitigate budget pressures in future years.

Alternatives Reviewed:

The alternative is to continue to pay for unbudgeted and unpredictable human resources expenditure in-year, which could result in a negative budget variance.

Strategic Plan Relationship: Strong Organization

It is important to set up a Reserve to address unbudgeted human resource expenditures in order to avoid negative budget variances and provide capacity building for future years.

Consultation:

Human Resources & Health and Safety Coordinator

Other Pertinent Reports/Attachments:

None

Prepared and Recommended by:

Teresa Quinlin, MBA, CPA, CA
Director of Corporate Services/Treasurer

Prepared and Submitted by:

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

Subject: Town Benefits Policy Amendment**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-0003, Town Benefits Policy Amendment;

AND THAT COUNCIL approve the Benefit Plans Policy S600-01 as amended.

Background:

Pursuant to law, the Town provides enrollment in the OMERS pension plan and the group benefit plan for all active full-time staff, commencing on their first day of employment and terminated on their last day of employment. The Town currently has two staff members who have been approved for long-term disability coverage. Both claims are ongoing.

The Town has received confirmation from the disability insurance carrier that one staff member has been deemed totally disabled from any occupation. This means that at this current time, neither the Town nor any other employer are able to accommodate this individual in any position, making a return to work now or in the future highly unlikely. This decision is typically made roughly 24 months following the initial claim approval. The disability insurance carrier should be providing the Town with a decision on the claim of the second staff member in the very near future.

To the administration's knowledge, Pelham has not ever had a staff member be deemed totally disabled from any occupation, and there currently is no policy in place on how to proceed with benefit continuation under these circumstances.

Analysis:

Since a return to work is unlikely the Town must now decide how to proceed with respect to enrollment in the group benefit plan, both in the case(s) at hand and for future occurrences, should there be any. The Town's Benefit Plans Policy S600-10 has been amended to read that those individuals deemed totally disabled from any occupation will be removed from the benefit plan 30 months following the initial

LTD claim approval date. Since a decision on the likelihood of returning to work is roughly made at the 24 month mark, the Town feels that a 30 month cut off is appropriate. This allows the Town to provide sufficient notice of the significant change to medical coverage and gives the staff member enough time to consider all options.

Financial Considerations:

Annual benefit premiums for a staff member enrolled in the family extended health and dental plan is approximately \$5,400. This figure was kept in mind while deciding on the best way forward.

Alternatives Reviewed:

Alternatively, these staff members can remain on the benefit plan indefinitely. This is in fact the policy at the City of St. Catharines and the Regional Municipality of Niagara. However, if an individual is deemed totally disabled from any occupation it is highly unlikely that they will ever return to the Town. Thus, removing an individual from the group benefit plan while offering the opportunity to pay their own premiums is the best way forward for both parties, as the ill employee can continue with their current coverage if they wish to do so and the Town is released from the financial responsibility of paying premiums until normal age of retirement.

Strategic Plan Relationship: Risk Management

This policy amendment will mitigate financial risk to the Town should such circumstances occur in the future. Further, it reduces the likelihood of litigation if the Town has a clear policy on this matter.

Consultation:

Human Resources consulted with neighbouring municipalities on their policies related to staff approved for an ongoing long-term disability claim.

Other Pertinent Reports/Attachments:

"Appendix A" – Benefit Plans Policy S600-01 is attached and amendments are highlighted in yellow.

Prepared and Submitted by:

Brianna Langohr
Human Resources/Health and Safety Coordinator



Policy Name: Benefit Plans	Policy No: S600-01
Committee approval date:	-
Council approval date:	September 3, 2013
Revision date(s):	-
Department/Division:	Human Resources

1. Purpose

This policy outlines the provisions surrounding group benefit plans offered to active full-time employees.

2. Policy Statement

The Town of Pelham will offer participation in the OMERS Retirement Plan and the Town's Group Benefit Plan to all active full-time employees. Employees will be eligible for these benefits from their first day of employment.

3. Definitions

None.

4. General Provisions

Mandatory Deductions:

The municipality will deduct, from an employees pay, all statutory deductions as required.

Retirement Plan:

Full time employees must join the Ontario Municipal Employees Retirement System Plan (OMERS). Those employees who meet OMERS' eligibility requirements under the 'Other than Continuous Full-time (OTCFT)' status will be offered enrollment.

Extended Health and Dental Plan:

Enrollment into the Town's Extended Health and Dental Plan will be offered to all staff who work a minimum of 30 hours per week. 100% of the cost of the extended health (including vision) and dental benefits will be paid by the Municipality.

Life Insurance and Accidental Death and Dismemberment Plan:

Enrollment into the Town's Life Insurance and Accidental Death and Dismemberment policy will be offered to all staff who work a minimum of 30



hours per week. 100% of the cost of the group life and accident insurance will be paid by the Municipality. Both life and accident insurance are taxable benefits.

Long Term Disability Plan:

Enrollment in the Town's Long Term Disability Plan will be offered to all staff who work a minimum of 30 hours per week. 100% of the cost of the long term disability plan is paid by the Municipality.

Termination of Benefits:

Membership in all of the above stated benefit plans will be terminated on the last day of employment.

Staff who are approved for an ongoing long term disability (LTD) claim and who are deemed totally disabled from any occupation, as per WSIB legislation or confirmed by the insurance provider, will be terminated from the Town's group benefit plan 30 months from the approval date of the LTD claim. These individuals will be offered the opportunity to remain on the group benefit plan if they incur 100% of the associated costs.

5. Attachments

None.

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4306(2020)

**Being a by-law to provide for an interim tax levy for the year
2021.**

WHEREAS Section 317 of the *Municipal Act*, Chapter 25, S.O. 2001, provides that a local municipality, before the adoption of the estimates for the year under section 290, may pass a by-law levying amounts on the assessment of property in the local municipality rateable for local municipality purposes ;

AND WHEREAS the council of this municipality deems it appropriate to provide such interim levy on the assessment of property in this municipality;

AND WHEREAS BY-LAW 4186(2020) is no longer deemed to be in force and effect and can thereby be repealed;

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

In this by-law, the following words shall be defined as:

“COLLECTOR” shall mean the Municipal Tax Collector.

“MINISTER” shall mean the Minister of Finance.

“MPAC” shall mean the Municipal Property Assessment Corporation.

1. The amounts shall be levied as follows:

1.1 For the residential, Pipeline, Farmland and Managed Forest property classes, there shall be imposed and collected an interim levy of:

(A) the percentage prescribed by the Minister under Section 317 (3) of the *Municipal Act*; or,

(B) 50%, if no percentage is prescribed.

of the total taxes for municipal and school purposes levied in the year 2020.

1.2 For the Multi-Residential, Commercial and Industrial property classes, there shall be imposed and collected an interim levy of:

(A) the percentage prescribed by the Minister under Section 317 (3) of the *Municipal Act*; or,

(B) 50%, if no percentage is prescribed.

of the total taxes for municipal and school purposes levied in the year 2020.

The amounts shall be levied on the assessment according to the Assessment Roll, as returned by MPAC.

2. For the purpose of calculating the total amount of taxes for the year 2020 under paragraph 1, if any taxes for municipal and school purposes were levied on a property for only part of 2020 because assessment was added to the collector's roll during 2020, an amount shall be added equal to the additional taxes that would have been levied on the property if taxes for municipal and school purposes had been levied for the entire year.

3. The provisions of this by-law apply in the event that assessment is added for the year 2021 to the Collector's Roll after the date this by-law is passed and an interim levy shall be imposed and collected.

4. All taxes levied and collected under this by-law shall be payable into the Office of the Treasurer or Collector, or any financial institution within the Town of Pelham. Payment must be received at Town Hall on or before the due dates in accordance with the provisions of this by-law.

5. The interim tax levy imposed by this by-law shall be paid in two instalments due on the following dates:
 - 5.1 One-Half ($\frac{1}{2}$) thereof on the **26th Day of February, 2021**
 - 5.2 One-Half ($\frac{1}{2}$) thereof on the **30th Day of April, 2021**Non-payment of the amount on the dates stated above shall constitute default and any subsequent instalments shall forthwith become payable.
6. The Collector may mail or cause to be mailed to the address of the residence of place of business of each person taxes under this by-law, a notice specifying the amount of taxes payable.
7. The notice to be mailed under this by-law shall contain the particulars provided for in this by-law and the information required to be entered in the Collector's Roll under Section 340 of the *Municipal Act*.
8. The final levy for the year 2021 to be made under the *Municipal Act* shall be reduced by the amount to be raised by the levy imposed by this by-law.
9. The provisions of Section 317 of the *Municipal Act* apply to the by-law with necessary modifications.
10. The Treasurer and the Collector shall be authorized to accept part payment from time to time on account of any taxes due, and to give a receipt of such part payment, provided that acceptance of any such part payment shall not affect the collection of any percentage charge imposed and collectable in respect of non-payment or late payment of any taxes or any instalment of taxes.
11. Nothing in this by-law shall prevent the Collector from proceeding at any time with the collection of any tax, or any part thereof, in accordance with the provisions of the statutes and by-laws governing the collection of taxes.
12. In the event of any conflict between the provisions of this by-law and any other by-law, the provisions of this by-law shall prevail.
13. BY-LAW 4186(2021) be and is hereby repealed.
14. This by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
11th DAY OF JANUARY, 2021.

MAYOR MARVIN JUNKIN

NANCY J. BOZZATO, TOWN CLERK

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW #4307(2021)

Administrative Authority By-law:

Being a by-law to delegate certain powers and duties under the *Municipal Act, 2001, S.O. 2001, c. 25*, and other Acts as contained in the Schedules hereto.

WHEREAS section 23.1 of the *Municipal Act, 2001, S.O. 2001, c.25* (the Act) authorizes a municipality to delegate its powers and duties to a person or body, subject to certain restrictions;

AND WHEREAS section 224(d) of the Act states it is the role of Council to ensure that administrative practices and procedures are in place to implement the decisions of Council;

AND WHEREAS section 227 of the Act states it is the role of officers and employees of the municipality to; (a) implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions; and (c) carry out other duties under this or any other Act and other duties assigned by the municipality;

AND WHEREAS the Council of the Corporation of the Town of Pelham has identified certain routine administrative functions to be delegated to staff to improve daily business efficiencies while continuing to adhere to the principles of accountability and transparency;

NOW THEREFORE BE IT RESOLVED that the Council for the Town of Pelham hereby enacts as follows:

Part I – Short Title

1. THAT this By-law may be referred to as the "Administration of Authority By-law".

Part II – Delegation Provisions

- 2.1 Council delegates the powers, duties, and restrictions thereto as set out in the Schedules appended hereto, to those officers, employees or committees therein listed;
- 2.2 Notwithstanding the foregoing, Council retains the authority to make or reconsider, at any time and without notice, revoke any delegated power that has been delegated pursuant to this By-law;
- 2.3 Except as otherwise required by law, should any position identified in

this By-law with delegated powers or duty be vacant, or no longer exist within the Corporation, the powers and duties of that position may be exercised by a person deemed to have authority of the position until such time as the position is either no longer vacant, or a new delegation for the corresponding delegated power or duty is approved;

2.4 Where the exercise of a delegated authority requires an expenditure of money, funding for the expenditure shall be included in an approved budget and all relevant requirements of the Town of Pelham purchasing and procurement by-law in effect at the time of the expenditure shall be followed;

2.5 Where delegated authority includes execution of an agreement, the agreement shall be approved by the Chief Administrative Officer, the Department Head, and/or legal counsel prior to its execution;

2.6 All relevant By-laws and Resolutions of The Corporation of the Town of Pelham shall apply to the exercise of delegated authority, as authorized by this By-law, or any associated standalone delegation of authority By-law;

2.7 Council hereby confirms that it is of the opinion that all legislative powers under any Act delegated to an officer or an employee of the Corporation are minor in nature, within the meaning of Subsection 23.2(4) of the *Municipal Act*, S.O. 2001, c.25.

Part III – Definitions

3. For the purposes of this By-law:

“Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

“Approval” includes authority to sign for approval and execute an agreement, contract, release, waiver, application or document intended to bind the Corporation and includes any renewal, amendment or termination thereof, and “Approve” has a corresponding meaning;

“By-law” means this by-law and includes its Schedules;

“CAO” means the Chief Administrative Officer for the Town of Pelham;

“Chief Building Official” or “CBO” means the Chief Building Official, as duly appointed by by-law;

“Chief Fire Official” means the Fire Chief for the Town of Pelham, as duly appointed by by-law;

“Clerk” means the Town Clerk as duly appointed by by-law;

“Corporation” means The Corporation of the Town of Pelham;

“Council” means the elected Council of The Corporation of the Town of Pelham;

“Department” means a Department with a Director/Department Head;

“Delegation of Powers Policy” means a policy that has been approved by Council in accordance with section 270(1)6 of The Act;

“Legal Proceeding” means any court or administrative tribunal proceeding commenced by, or against, the Town;

“Treasurer” means the Treasurer of the Town of Pelham, as duly appointed by by-law.

Part IV – Nature and Scope of Delegation of Powers and Duties

4.1 The authority to approve a matter as contained in any Schedule hereto appended is hereby delegated to the person or persons set out in Column 2 therein and shall be subject to any conditions or restrictions as contained in Column 5;

4.2 Where authority to approve a matter is delegated to any person under this by-law, the Chief Administrative Officer may also exercise that authority;

4.3 Despite any provision of this by-law, a delegate shall not approve any matter or execute any document unless the transaction or activity to which the matter or document relates has been approved by Council, and shall be deemed to be approved where such transaction or activity:

- a. is included in the annual budget as adopted by Council; or
- b. is included in a program, project or activity which has been approved by Council; or
- c. is reasonably incidental to the authority given to the Chief Administrative Officer or Directors, as the case may be, to carry out their duties and responsibilities on behalf of the Town;

4.4 No provision of this By-law shall be construed as waiving any provision of the Purchasing By-law, as may be amended from time to time, and the Purchasing By-law shall continue to apply to the procurement of goods and services on behalf of the Town;

4.5 Notwithstanding the foregoing, Council retains the authority to make or reconsider, at any time and without notice, revoke any delegated power that has been delegated pursuant to this By-law.

Part V – Appointment of Signing Officers

5.1 The Mayor and the Town Clerk or their designates are hereby appointed signing officers of the Town and may jointly execute any document on behalf of the Town, unless specifically provided for in the Schedules appended.

Part VI – General

- 6.1 Any reference to legislation, regulations or By-laws in this By-law shall be interpreted to include all amendments and any successor legislation thereof;
- 6.2 In the event that any provision or part of this By-law is found to be invalid for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-law and all other provisions or parts thereof shall remain in full force and shall be valid;
- 6.3 In the event of any inconsistency between this By-law and any other Town by-law the more restrictive provision shall prevail to the extent of the inconsistency;
- 6.4 Throughout this By-law (i) the term “including” or the phrases “e.g.,” or “for example” shall be interpreted to mean “including, without limitation”; (ii) the singular includes the plural and vice-versa; and (iii) any gender includes any other gender, unless the context requires otherwise;
- 6.5 This By-law shall come into force and take effect on the date of passing.

ENACTED, SIGNED & SEALED THIS
11th DAY OF JANUARY, 2021

M. JUNKIN, MAYOR

NANCY J. BOZZATO, TOWN CLERK

Schedule A – Delegation of Powers and Duties
Chief Administrative Officer

#	Delegation	Delegate(s)	Legislative Authority	Conditions/ Restrictions
1.	Approve execution of agreements for acquisition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions provided value of consideration does not exceed \$100,000	Chief Administrative Officer	<i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s 23.1 and 270(1)	Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor.
2.	Approve execution of agreements for disposition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$100,000	Chief Administrative Officer	<i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s 23.1 and 270(1)	Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor.
3.	Develop, approve and implement administrative policies, procedures and practices in the exercise of authority under section 229 of the Act.	Chief Administrative Officer	<i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s 23.1	Consultation and/or Delegation to Appropriate Department Director
4.	Pay Equity Adjustments, Grid Movement Approvals	Chief Administrative Officer; HR Specialist; Director	<i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s 23.1	Consultation with Human Resources Specialist and Appropriate Department Director
5.	Negotiate and settle claims against the municipality within insurance deductible limit	Chief Administrative Officer; Town Solicitor	<i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s 23.1	Consultation with Appropriate Department Director
6.	Responsible for legislative requirements under the Ontario Health and Safety Act legislation.	Chief Administrative Officer; Director responsible for Health and Safety Committee; Human Resources; CEMC and/or Emergency Operations Committee	<i>Occupational Health and Safety Act</i> , R.S.O. 1990, c. O.1	

7.	Carry out annual performance evaluation of each Director and advise Council on performance and recommend to Council any appointment, promotion, demotion, suspension or dismissal of Directors reporting to him/her.	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	
8.	Appoint, employ, promote, demote, suspend, discipline and dismiss all employees below the rank of Director of the Corporation.	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1</i>	
9.	Authority to approve temporary staff positions (2 year duration or less) or to adapt existing part-time positions to full-time positions, or the reverse, provided that: a) Funds are available within current budgetary allocations; b) All expenditures deemed essential for purpose of achieving objectives of the Town; c) Alternate methods of achieving objectives have been evaluated and proven more costly or less effective than staffing a position;	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	
10.	Authority to delegate authority when positions identified in the By-law are changed no longer exist.	Chief Administrative Officer	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	
11.	Declaration of Internal Conflicts relating to Human Resources, Staff Code of Conduct, and Legal Issues	Chief Administrative Officer		
12.	Approval of all emergency expenditures deemed essential to mitigate the emergency incident.	Chief Administrative Officer; Consultation with Community Emergency Management Co-Ordinator and Treasurer.		

Schedule B – Delegation of Powers and Duties

Town Clerk

#	Delegation	Delegate(s)	Legislative Authority	Conditions/ Restrictions
1.	Signing Authority for Agreements Under By-law and/or Pursuant to Tender Awards	Mayor Town Clerk		All Agreements Authorized by Municipal By-law; Affix Corporate Seal; Two Signatures Required Note: Deputy Mayor in Absence of Mayor; Deputy Clerk or Chief Administrative Officer in Absence of Clerk.
2.	Returning Officer, Responsible for Administration of all Municipal General Elections and All By-Elections for the Town of Pelham	Town Clerk	<i>Municipal Elections Act, 1996, S.O. 1996, c. 32</i>	Prepare and update forms and written procedures for all components of conducting an election.
3.	Designate an event as event of municipal significance for purpose of prescribing it as a special event occasion where an application has been made.	Town Clerk	<i>Liquor Licence Act R.S.O. 1990, c. L. 19</i>	Compliance with all applicable AGCO Regulations; Consultation with applicable Town and/or Regional approvals for licensing.
4.	Issuance of "Letters of No Objection" for temporary liquor licence extensions.	Town Clerk	<i>Liquor Licence Act R.S.O. 1990, c. L. 19</i>	Consultation with applicable Town Departments.
5.	Liquor Licence Municipal Clearance (Wet/Dry Status)	Town Clerk	<i>Liquor Licence Act R.S.O. 1990, c. L. 19</i>	Issue subject to municipal clearance by all Agencies/ Departments as per AGCO Regulations
6.	Issuance of "Tag Day" approvals for non-profit organizations.	Town Clerk		Repeals Policy S203-17
7.	Issuance of Lottery Licenses	Town Clerk	<i>Criminal Code (Canada)</i> <i>Order-in-Council 1413/08</i> <i>Gaming Control Act, 1992</i>	Compliance with all applicable AGCO Regulations. Associated Policy Defines Criteria, S203-05.
8.	Records Management Oversight	Town Clerk	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s. 254</i>	By-law #3900(2017) or successor and associated Retention Schedule
9.	Freedom of Information and MFIPPA Co-ordinator; All powers and duties under said Act	Town Clerk	<i>Municipal Freedom of Information and Protection of Privacy Act,</i>	Associated Policy.

			R.S.O. 1990 as amended.	
10.	By Virtue of Office: Division Registrar Commissioner of Oaths Marriage Officiant* Licensing of Marriage**	Town Clerk	<i>Commissioner for Taking Affidavits Act</i> , R.S.O. 1990, c. C. 17 <i>Marriage Act</i> , R.S.O. 1990, c. M. 3 <i>Vital Statistics Act</i> , R.S.O. 1990, c. V.4	*Marriage Officiant as Authorized by By-law 3712(2016) **Licensing of Marriage Authorized by By-law 3577(2015)
11.	Municipal Licensing	Town Clerk	Municipal By-laws Authorizing Licensing	Subject to all applicable By-laws and policies; consultation with applicable departmental authorities.
12.	Approval of Proclamations	Town Clerk*	Policy S201-17	*Initial Proclamation or Flag Raising Subject to Council Approval; Subsequent in accordance with Policy S201-17 Proclamations S203-14 – Flag Raising
13.	Approval of Flag Raisings	Town Clerk*	Policy S203-14	*Initial Proclamation or Flag Raising Subject to Council Approval; Subsequent in accordance with Policy S203-14 – Flag Raising
14.	Maintenance of Policy Manual	Town Clerk	<i>Municipal Act, 2001</i> , S.O. 2001, C. 25, as amended, s. 270	Update and maintain Policy Manual upon Council adoption; maintain supporting Procedural Manual

Schedule C – Delegation of Powers and Duties
Director, Corporate Services (Treasurer)

#	Delegation	Delegate(s)	Legislative Authority	Conditions/ Restrictions
General Finance				
1.	Disposition of Land Proceeds Where Not Council Specified for Use of Funds	Treasurer		
2.	Mediate and settle proceedings at the Assessment Review Board and Execute Minutes of Settlement of Assessment Review Board	Treasurer; Consultation with Tax Clerk		MoS must be in best interest of the Town, in opinion of signing officer
3.	Approval of Tax and/or Water Write-Offs and Increases relating to gross manifest errors	Treasurer		
4.	Authority to enter into agreements with the Municipal Property Assessment Corporation (MPAC) for electronic download of property assessment information.	Treasurer Consultation with Town Solicitor for Agreement		
5.	Authority to approve agreements entered into pursuant to the Town of Pelham Development Charge By-law	Treasurer; Consultation with Director of Planning and/or Public Works		
Purchasing/Procurement				
1.	Oversight of Procurement of Goods and Services	Treasurer; Purchasing Co-Ordinator	By-law #3250(2012)	
Information Technology				
1.	Authority to enter into recurring annual agreements with respect to continuance of technical software support services, and or data licence agreements, subject to annual review and budget approval.	Information Technology Manager		Review with Treasurer for budget compliance
2.	Authority to enter into OEMC Client/Supplier agreements for IT professional services or technical support, as required, subject to project requirements, budget availability and review by and in a form satisfactory to Town Solicitor; and authority to review, approve and release future	Information Technology Manager		Review with Treasurer for budget compliance

	software source code developed and owned by the Town to the Open Source community under appropriate licensing terms, where there is likely to be benefit to the corporation, partners and/or the community.			
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Schedule D – Delegation of Powers and Duties
Director, Community Planning and Development

#	Delegation	Delegate(s)	Legislative Authority	Conditions/ Restrictions
Planning Division				
1.	Condominium Approval and Part Lot Control –	Director of Community Planning & Development	By-law 4274(2020) Or successor thereto	By-law enacted August 24, 2020
2.	Approve Site Plan Control Agreements*	Director of Community Planning & Development	<i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 5(1)	*Approval pertains only to Agreements where application is in full compliance with Zoning By-law. Council still has authority over site plan where zoning amendment is required.
3.	Amendments to Site Plan Agreements*	Director of Community Planning & Development	<i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 5(1)	*Amendment must be in compliance with Zoning By-law.
4.	Approve minor amendments to Subdivision Agreements (non-financial; conditions)	Director of Community Planning & Development	<i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 5(1)	
5.	Authority for Development Agreements for Temporary Second Dwelling Units	Director of Community Planning & Development	By-law 3614(2015)	Agreements acceptable to Town Solicitor
6.	Removal or Lifting of Holding Zone when conditions have been fulfilled	Director of Community Planning & Development	<i>Planning Act, R.S.O.</i> 1990, c. P. 13, s. 5(1)	Subsequent By-law to Council for Adoption to Repeal Holding Provision
7.	Authority to approve Heritage Permits for alternations, additions or changes to Designated heritage structure	Director of community Planning & Development	<i>Ontario Heritage Act,</i> R.S.O. 1990, c. O.18	
8.	Approve minor alternations to Designated properties without a Heritage Permit	Director of Community Planning & Development	<i>Ontario Heritage Act,</i> R.S.O. 1990, c. O.18	
Building Division				
1.	Authority to enter into Limiting Distance Agreements	Chief Building Official	<i>Building Code Act, 1992,</i> S.O 1992, c. 23	Agreements acceptable to Town Solicitor
2.	Authority to enter into Conditional Building Permit Agreements	Chief Building Official	<i>Building Code Act, 1992,</i> S.O 1992, c. 23	Agreements acceptable to Town Solicitor

Schedule E – Delegation of Powers and Duties
Fire Chief/Director of Fire and By-law Services/
Community Emergency Management Co-Ordinator

#	Delegation	Delegate	Legislative Authority	Conditions/ Restrictions
Fire and Emergency Services Division				
1.	Enter into Fire Service Agreements for provision of fire protection services to lands located outside Pelham or receive services from a fire department located outside of Pelham	Fire Chief/Director of Fire and By-law Services		Agreement acceptable to Town Solicitor. Report to Council.
2.	Activate an emergency plan and implement municipal emergency control group notification	CEMC	Emergency Management Plan By-law #4179(2019) or Successor Thereto	Decision to be made in accordance with Town Emergency Plan. Mayor and CAO advised as soon as possible.
3.	Enter into agreements for mutual or automatic aid management operations or emergency response outside scope of Emergency response such as but not limited to CBRNE, Hazmat, confined space, high angle rescue.	Fire Chief/Director of Fire and By-law Services	Emergency Management Plan By-law #4179(2019) or Successor Thereto	Agreement acceptable to Town Solicitor. Report to Council.
4.	Execute agreements for emergency management and emergency response for services such as Red Cross, Transit, Niagara Region Police, Ontario Provincial Police, etc.	Fire Chief/Director of Fire and By-law Services	Emergency Management Plan By-law #4179(2019) or Successor Thereto	Agreement acceptable to Town Solicitor. Report to Council.
5.	Process and issue permits pertaining to fireworks displays.	Fire Chief/Director of Fire and By-law Services	By-law 2951(2008) or Successor Thereto	Refer to By-law #2951(2008)or Successor Thereto re Sale and Setting Off Fireworks
6.	Designate Fire Routes once satisfied requirements have been complied with and submit By-law for approval.	Fire Chief/Director of Fire and By-law Services	By-law #97-2030, as Amended or Successor Thereto	Council to approve designation by-law. Council pre-approval not required.
7.	Authority to take all proper measures for prevention, control and extinguishment of fires and protection of life and property and shall exercise all powers mandated by legislation.	Fire Chief/Director of Fire and By-law Services	<i>Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4</i>	
8.	Approval and signing authority to execute	Fire Chief/Director of Fire		

	agreements and documents to provide fire and public safety training, facility and equipment rentals, and other related fees for services to external clients.	and By-law Services		
By-law Enforcement Division				
1.	Approve minor variances to the sign by-law including, but not limited to extensions and minor technical non-compliance.	Fire Chief/Director of Fire and By-law Services; and Manager of By-law Enforcement		Report to Council

Schedule F – Delegation of Powers and Duties
Director of Public Works

#	Delegation	Delegate	Legislative Authority	Conditions/ Restrictions
Beautification				
1.	Authorization to close municipal parks due to seasonal restrictions, inclement weather, and emergencies which could affect the health and well-being of the community	Director of Public Works		
2.	Authorization to manage and perform maintenance, removals, and planting of trees within the Town’s right-of-way and property	Manager of Public Works	Policy No. S802-01	
Cemeteries				
1.	Authorization to control and manage each cemetery under the jurisdiction of the Town of Pelham subject to the requirements and regulations set out in the Town’s cemetery by-law and the <i>Cemeteries Act</i> .	Director of Public Works /Manager of Public Works	By-law 3091 (2010) Cemeteries Act	
2.	Authorization to enter into agreements for the sale of interment rights	Director of Public Works/Manager of Public Works	By-law 3091 (2010) Cemeteries Act	
Engineering Services				
1.	Authority to execute applications for new entrance permits and culvert installations; provide written confirmation to applicant of diameter of culvert required	Manager of Engineering or Manager of Public Works	Municipal Act, By-law and Fee Schedule	
2.	Enter into Front-Ending Agreements	Director of Public Works; Consultation with Director of Community Planning and Development		
3.	Authority to enter into water and waste-water service connection agreements	Manager of Engineering or Manager of Public Works	Municipal Act, By-law and Fee Schedule	
4.	Issuance of Road Occupancy Permits and Municipal Consent for utility maintenance and	Director of Public Works	Utility Franchise Agreements	

	works within road right-of-way, and/or for Special Event Road Closures			
Roads/Transportation Services				
1.	May temporarily close any highway or portion of a highway: a) For construction, repair or improvement of the highway or portion of the highway, or construction or repair of any works, under, over, along, across, or upon the highway or portion of highway; b) Social, recreational, community, athletic or cinematographic purpose, or combination thereof; c) For any request under emergency services; d) For construction purposes when public safety may be impacted	Director of Public Works; Consultation with Applicable Directors and/or External Agencies.	By-law #1827(1996) or Successor Thereto	
2.	Designate construction zones where municipal permit involves construction or repair of a highway or works near a highway, including authority to designate a lower rate of speed for vehicles traveling in construction zones.	Director of Public Works	<i>Highway Traffic Act</i> , R.S.O 1990, c. H.8	
3.	Agreements, including cost sharing agreements between the Town of Pelham and Local Area Municipalities in Niagara Region, regarding road construction and/or road maintenance.	Director of Public Works		
4.	Temporary Reduction or Lifting of Load Limits on Highways, including designation of alternate routes where applicable.	Director of Public Works; Consultation with Fire Chief/Director of Fire and By-law Services	By-law 1272(1989)	
5.	Authority to declare a significant weather event in order to extend the response time to achieve Minimum Maintenance Standards	Director of Public Works	Ontario Regulation 239/02 minimum Maintenance Standards for Municipal Highways	

6.	Enter into Encroachment Agreements on road allowances and over easements	Director of Public Works; Consultation with By-law and Planning		Agreements acceptable to Town Solicitor; Conditional on conditions such as survey, covenants to protect the Town; once satisfied submit By-law for Council approval.
7.	Authority to sign agreements with Railway Authorities for cost sharing of warning systems and maintenance at level railway crossings	Director of Public Works		
8.	Authority to negotiate with the Region of Niagara for the installation and maintenance for traffic control signal and safety systems.	Director of Public Works		
9.	Authority to amend the schedules that regulate stopping prohibition, stop controlled intersections, parking prohibition, limited parking restrictions, parking meter zones, commercial vehicle load permits, loading prohibitions, yield signs, prohibited turns, one-way highways and speed limits on highways under the jurisdiction of the Town of Pelham.	Director of Public Works	By-law 89-2000	
10.	Authority to approve encroachment over easements with private property owners.	Director of Public Works		In consultation with Town Solicitor
11.	Authority to provide reciprocal assistance to Public Works Departments in other Local Area Municipalities	Director of Public Works	Mutual Aid Agreement between Local Area Municipalities in Niagara Region	
Water and Wastewater				
1.	Authority to sign applications to the Ministry of Environment and Climate Change under the Ontario Water Resources Act on behalf of the Town of Pelham	Director of Public Works	Ontario Water Resources Act	
2.	Delegation of authority to provide reciprocal assistance to Public Works Departments in other Local Area Municipalities	Director of Public Works	Memorandum of Understanding between the Region of Niagara and the Town of Pelham	

			for Water and Wastewater servicing.	
3.	Authority to designate the Overall Responsible Operator (ORO) and the Drinking Water Quality Management System Representative for the Town's Water Distribution System	Director of Public Works in consultation with the Manager of Public Works	Town of Pelham DWQMS Operational Plan <i>Safe Drinking Water Act</i> , O.Reg. 170-03	

Schedule G – Delegation of Powers and Duties
Director of Recreation, Culture and Wellness

#	Delegation	Delegate	Legislative Authority	Conditions/ Restrictions
1.	Negotiate agreements relating to performing arts and events	Director, Recreation, Culture and Wellness		Agreements acceptable to Town Solicitor
2.	Authority for discretionary fee adjustments due to service interruptions	Director, Recreation, Culture and Wellness		
3.	Authority to approve the holding of special events in Town-owned parks	Director, Recreation, Culture and Wellness		Applicant responsible for damage to municipal property; maintain public liability/property damage insurance; costs associated with set-up and removal of equipment; conditions as required by Director.
4.	Execution of day-to-day Agreements and documents related to usual operations of the Department	Director, Recreation, Culture and Wellness		Consultation with Town Solicitor for new Agreements

Schedule H – Delegation of Powers and Duties

Town Solicitor

#	Delegation	Delegate(s)	Legislative Authority	Conditions/ Restrictions
1.	Commence any action or other legal proceeding on behalf of the Town where monetary value of claim is below \$100,000 excluding interest and costs.	Town Solicitor	<i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1	Report to Council from time to time on all actions or other legal proceedings, including description of settlement
2.	Where monetary value of a claim is \$100,000 or more, excluding interest and costs, commence any action or other legal proceeding on behalf of the Town to ensure no limitation period or other time restriction expires before Council instructions can be obtained.	Town Solicitor	<i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1	Obtain instructions of Council as soon as practicable thereafter.
3.	Take all steps necessary to defend any action or legal proceeding commenced against the Town.	Town Solicitor	<i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1	Report to Council from time to time on all actions or other legal proceedings, including description of settlement.
4.	Commence any counterclaim, cross-claim or third party claim as part of the Town's defense to any action or other legal proceeding	Town Solicitor	<i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1	Report to Council from time to time on all actions or other legal proceedings including description of settlement.
5.	Retain external counsel, any expert or other person to assist in an actual or potential action or other legal proceeding or to obtain legal advice on behalf of the Town.	Town Solicitor	<i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1	Cost or retainer shall fall within approved Town budget.
6.	Accept service of any legal document on behalf of the Town.	Town Solicitor or Town Clerk or CAO	<i>Rules of Civil Procedure</i> ; or <i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1	
7.	Obtain standing or participate in any administrative proceeding on behalf of the Town.	Town Solicitor	<i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1	Obtain instructions of Council as soon as practicable thereafter.
8.	Take all steps necessary to protect or pursue the rights of the Town in its capacity as an owner, occupier, landlord or tenant of property.	Town Solicitor	<i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section s 9, 11 and 23.1	Report to Council from time to time on all actions or other legal proceedings, including description of settlement.

9.	Take all steps necessary to collect debts and outstanding accounts, enforce orders, decisions, awards and judgements made in favour of the Town, including commencement of claims or other legal proceedings.	Town Solicitor	Various Acts and Regulations, including <i>Courts of Justice Act, Rules of Civil Procedure</i> and <i>Small Claims Court Rules</i> .	Report to Council from time to time on all actions or other legal proceedings, including description of settlement.
10.	Enter into settlement with any person or entity on behalf of the Town where the monetary amount of the settlement is below \$100,000 inclusive of interest or costs or below Town deductible pursuant to current Insurance policy.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section s 9, 11 and 23.1</i>	Sufficient funds available within approved budget. Report to Council from time to time on all actions or other legal proceedings, including description of settlement.
11.	Execute any agreement or other legal document on behalf of the Town that is necessary to carry out the Town Solicitor's authority as set out herein, including releases, receipts, waivers, indemnities and minutes of settlement.	Town Solicitor or Town Clerk	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
12.	Support Committee of Adjustment approvals before Local Planning Appeal Tribunal where Town staff have no objections or are in support of the application.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
13.	Support Committee of Adjustment refusals before the Local Planning Appeal Tribunal where Town staff support refusal of application.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
14.	Where Committee of Adjustment decisions are contrary to Town staff position, that staff attend before the Local Planning Appeal Tribunal to request conditions, if any, only.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
15.	Where a Committee of Adjustment decision does not have significant impacts or broader implications, or where the parties are represented by lawyers and/or planners, that staff only attend before the Local Planning Appeal Tribunal to request conditions, if any.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
16.	Where an appeal of a Committee of Adjustment matter results in a revised proposal or a settlement proposal that is supported by the	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	

	parties and staff or there are no objections, that the Local Planning Appeal Tribunal be advised that the Town supports the revised or settlement proposal.			
17.	Decision not to attend appeal hearing from a decision of the Committee of Adjustment where an appeal has been filed with the Local Planning Appeal Tribunal	Town Solicitor		In consultation with Director, Community Planning and Development; where there is significant inconsistency between C of A decision and staff recommendation, staff will report to Council for direction.
18.	Take all steps necessary to respond to appeals filed with the Local Planning Appeal Tribunal in accordance with Council Decisions, including retention of external lawyers and experts, as required, and filing or responding to procedural matters as deemed necessary.	Town Solicitor and Director of Community Planning and Development	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
19.	Where time does not allow for obtaining Council authority, all steps necessary to respond to appeals before the Local Planning Appeal Tribunal prior to expiry of any time restrictions or limitations periods be taken, in accordance with recommendations of CAO and Director of community Planning and Development.	Town Solicitor, CAO and Director of Community Planning and Development	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
20.	Participate in and/or give notice of intention to use mediation, conciliation or other dispute resolution techniques to all appellants and to invite participants to dispute resolution process as deemed necessary.	Town Solicitor and Director of Community Planning and Development.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1</i>	
21.	Approve execution of agreements for the acquisition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$50,000	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1 and 270(1)</i>	Terms and conditions of agreements and related documents must be acceptable to Town Solicitor.

22.	Approve execution of agreements for the disposition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$50,000.	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1 and 270(1)</i>	Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor.
23.	Approve execution of agreements for the amendment, extension, renewal, and/or revival of leases and licenses on substantially the same terms and conditions of the original agreements	Town Solicitor	<i>Municipal Act, 2001, S.O. 2001, C. 25, as amended, s 23.1 and 270(1)</i>	Terms and conditions of such agreements and related documents must be acceptable to Town Solicitor.
24.	Commence any legal proceeding or step in a legal proceeding in Small Claims Court, on behalf of the Town	Town Solicitor		
25.	Commence any legal proceeding on behalf of the Town to ensure that no limitation period or other time restriction expires before instructions of Council can be obtained	Town Solicitor		Council instruction to be sought as soon as practicable thereafter

The Corporation of the
Town of Pelham

By-Law No. 4308(2021)

**Being a by-law to authorize the execution of a Site Plan Agreement
for the lands located at 1768 – 1770 Balfour Street.**

**Wierenga Greenhouses Limited
File No. SP-09-2020**

WHEREAS By-law No. 1118 (1987) designates the Town of Pelham as a site plan control area, and

WHEREAS it is deemed desirable to enter into a Site Plan Agreement in order to control the lands as described in Schedule 'A' of the Document General which is attached hereto and forms part of this by-law;

NOW THEREFORE the Municipal Council of the Town of Pelham hereby enacts as follows:

1. **THAT** the Mayor and Clerk be and they are hereby authorized and directed to execute the Agreement to this by-law hereto attached as Schedule 'A' in order to effect the Site Plan Agreement with Slappendel Greenhouses Inc. for the lands described in Schedule 'A' of the Document General.
2. **THAT** in the event minor modifications to the Site Plan Agreement are necessary to effect the intent herein, the Clerk of the Town of Pelham is hereby authorized to complete same in consultation with the Town Solicitor.

Enacted, signed & sealed this
11th Day of January 2021.

Mayor: Marvin Junkin

Clerk: Nancy J. Bozzato

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4309(2021)

**Being a by-law to adopt, ratify and confirm the actions of
the Council at its regular meeting held on the 11th day of
January 2021.**

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 11th day of January, 2021, 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 11th DAY OF JANUARY 2021 A.D.

MAYOR MARVIN JUNKIN

TOWN CLERK, NANCY J. BOZZATO