

SCHEDULE A TO BY-LAW NO. 3079(2010)

Corporation of the Town of Pelham Heritage Pelham Advisory Committee
(HPAC)

(Formerly the LOCAL ARCHITECTURAL CONSERVATION
ADVISORY COMMITTEE)

GOALS AND MANDATE

1. Mission Statement
 - 1.1 To advise and assist municipal council on all matters relating to Part IV (Conservation of Property of Cultural Heritage Value or Interest) and to Part V (Heritage Conservation District) of the Ontario Heritage Act.
 - 1.2 The mission of HPAC is to assist the Municipal Council to ensure that sound heritage conservation practices are followed throughout the Town of Pelham, in accordance with the Ontario Heritage Act, the Ontario Planning Act, other relevant legislation, and the Town's Official Plan and associated by-laws, and that ongoing plans for change and development recognize the heritage of the community so as to provide for the long-term benefit of individuals and the community at large. This mission shall be accomplished through the provision of advice and recommendations on cultural heritage-related matters to Municipal Council and to members of the community.
 - 1.3 HPAC recognizes that cultural heritage conservation practice goes beyond strict regulations and enforcement to include a co-operative approach when working with property owners. HPAC takes into consideration a property owner's perspective as part of its ongoing efforts to promote cultural heritage conservation. HPAC recognizes that adaptive reuse is a factor in allowing heritage properties to survive for future generations.

SCHEDULE B TO BY-LAW NO. 3079(2010)

Corporation of the Town of Pelham

Heritage Pelham Advisory Committee (HPAC)

(Formerly the LOCAL ARCHITECTURAL CONSERVATION
ADVISORY COMMITTEE)

1. Operation of the Heritage Pelham Advisory Committee (HPAC)
 - 1.1 The Heritage Pelham Advisory Committee (HPAC) is an Advisory Committee appointed by Council which operates under authority of By-law 3079(2010).
 - 1.2 The operation of HPAC shall comply with the Ontario Heritage Act.
 - 1.3 Proceedings of all meetings of HPAC shall be in accordance with the applicable provisions of their own Procedural By-law.
 - 1.4 All records of HPAC shall be maintained and preserved in accordance with the Town's Records Retention By-law.
 - 1.5 HPAC shall observe all applicable By-laws and Policies of the Town.
2. Membership
 - 2.1 Membership and terms of appointment are in accordance with Sections 3, 4, 5, 6, 7 and 8 of By-law No. 3079(2010).
 - 2.3 In the event that a member resigns or is removed from the committee before the expiration of his or her term, the Municipal Council may be asked by the Executive Committee to appoint another member, to bring the membership number up to its previous level.
 - 2.4 HPAC may, upon the approval of Council, retain the consultative services of recognized local professionals or others whose advice is deemed to further the cause of heritage preservation. Such services shall not have HPAC Committee Member privileges and shall not have voting privileges on HPAC.
 - 2.5 HPAC assigns its appointed members to its sub-committees.
3. Formation of an Executive Committee
 - 3.1 At the first meeting of each year, or as soon thereafter as practicable, HPAC forms an Executive Committee, appointed for a 1 year term, to oversee the operations of HPAC. The Executive Committee consists of a Chairperson, Vice-Chairperson, and Treasurer. Where the Past Chairperson is a Council-appointed member of HPAC, he/she may be included as a member of the Executive, upon a majority vote of the members of the Executive Committee. Where the Past Chairperson is not a Council-appointed member of HPAC, he/she may be included as a member of the Executive, upon a majority vote of the members of the Executive Committee, but shall not have voting privileges.

- 3.2 The services of a Recording Secretary will be contracted on an annual basis, within the limits of the approved HPAC Operating Budget.
4. Meetings
 - 4.1 HPAC will normally meet once a month on a regular date decided upon by the members at the first meeting of each year, by a majority vote of HPAC. Additional meetings may be at the call of the Chair. Meetings are limited to 3 hours in duration, unless a majority vote of 2/3 of the members in attendance agree to extend the meeting beyond the 3 hour limit.
5. Reports to Council
 - 5.1 As an Advisory Committee to Council, HPAC reports to Council regularly through the Council Member appointed to HPAC; by distribution to Council of the approved HPAC meeting minutes; by annual report to Council; and by other reports as required or requested by Council.
6. Role of HPAC
 - 6.1 The HPAC encourages sound conservation practices that identify and maintain the original context and intent of our heritage resources. This goal is pursued through the designation process and the provision of resources to owners of heritage properties to enable them to make informed decisions about the preservation and maintenance of their properties. Members of HPAC execute their responsibilities and carry out the specific activities outlined in the following key areas:
 - 6.1.1 Provide advice to Council, proactively or as requested by Council, on all matters pertaining to heritage conservation and the requirements of the Ontario Heritage Act.
 - 6.1.2 Receive, assess, research, review and recommend to Council, approval/disapproval of all applications by property owners to have their properties designated as Heritage Properties under Part IV of the Ontario Heritage Act.
 - 6.1.3 Provide advice to Council on the administration of the Heritage Conservation District(s) and assist Council with proposed changes to the geographical boundaries of same.
 - 6.1.4 Review and recommend approval/disapproval of all Heritage Permits, including Heritage Sign Permits, to alter (i.e. to add to, modify or demolish) Heritage Properties designated under Part IV and Part V of the Ontario Heritage Act. Where HPAC recommends disapproval of a Heritage Permit or Sign Permit application, the applicant may appeal the recommendation of HPAC to Council.
 - 6.1.5 Oversee and monitor the compliance of heritage property owners with the Ontario Heritage Act and with the terms of approved Heritage Permits and advise Council of any issues of non-compliance.

- 6.1.6 Provide advice to owners and tenants of designated Heritage Properties on restoration and conservation methods and practices, as appropriate, and with the approval of the HPAC Chair.
- 6.1.7 Provide advice to Council on matters that have the potential to impact the conservation of heritage streetscapes and landscapes.
- 6.1.8 Provide ongoing administration creating and maintain a detailed and continuing inventory of heritage properties (built and natural) that should be designated or listed as being of cultural heritage value or interest within the limits of the Council approved HPAC Budget.
- 6.1.9 Provide education to the community on sound conservation practices and promote community interest and involvement in heritage conservation through the periodic publication of newsletter/s, the sponsorship of heritage fairs and expositions, the provision of library books, and other such activities approved by HPAC, and within the Council approved HPAC Budget.
- 6.1.11 Support the work of community organizations pertaining to heritage, by appointing liaison people.
- 6.1.12 Maintain a sound awareness of heritage activities underway across the province and country by maintaining membership in other heritage organizations and by participating in conferences, seminars, workshops and the like, within the Council approved HPAC Budget.
- 6.1.13 Maintain an effective liaison with the Municipal Council through the Council Representative and with Municipal Staff through the Director of Planning and Development, and Administration and Finance Staff.
- 7. Duties of HPAC Members:
 - 7.1 Members' attendance and conduct at meetings shall be in accordance with the HPAC's Procedural By-law.
 - 7.2 HPAC members will operate within the provisions of the establishing By-law of the HPAC.
 - 7.3 HPAC members volunteer time as is necessary to ensure that HPAC goals are accomplished. This may require several hours per month over and above the monthly meeting.
 - 7.4 Provide prior notice, either to the Chair or to the Recording Secretary, when unable to attend a meeting.
 - 7.5 Serve on HPAC subcommittees.
 - 7.6 Review the Ontario Ministry of Culture publication Ontario Heritage Tool Kit and other Ministry of Culture resources.
 - 7.7 Participate in ongoing heritage conservation training and education through such avenues as: in-house training, conferences, workshops, seminars, independent research and readings.
 - 7.8 Follow Municipal policies and procedures and comply with applicable legislation.

- 7.9 HPAC members shall act in accordance with the Municipal Conflict of Interest Act.
- 7.10 HPAC members may respond to requests for information from property owners, business owners, and other residents in order to obtain information necessary for making recommendations and to offer them advice or make recommendations on heritage conservation issues. The HPAC Chairperson, or the Chair of the relevant sub-committee, shall be informed before a HPAC member initiates any contact with a property or business owner. HPAC will keep written records of interactions with property or business owners, compiled by the Secretary if he/she is present at the meeting, or by the Chairperson of the relevant sub-committee, when the Secretary is not present.
- 8. HPAC Executive Committee
 - 8.1 Duties of the Chairperson:
 - 8.1.1 Conduct all proceedings of HPAC in accordance with the HPAC Procedural By-law No.
 - 8.1.2 Call and chair HPAC meetings.
 - 8.1.3 Set the agenda for HPAC meetings.
 - 8.1.4 Serve ex-officio on all HPAC subcommittees.
 - 8.1.5 Delegate tasks to committee members.
 - 8.1.6 Act as the contact person between the public, the media, municipal staff and HPAC.
 - 8.1.7 Ensure that new committee members receive copies of all necessary reference materials, bylaws, and guidelines relevant to HPAC operations.
 - 8.1.8 Entertain motions including motions to take a meeting of HPAC in camera in accordance with in accordance with Subsection 239 of the Municipal Act.
 - 8.1.9 Ensure that appropriate liaisons are established with ACO, HBIA, Ministry of Culture, etc.
 - 8.2 Duties of the Vice-Chairperson
 - 8.2.1 Fulfill the duties of the Chair in the Chairperson's absence or at other times at the request of the Chairperson.
 - 8.3 Duties of the Recording Secretary:
 - 8.3.1 Record the minutes of Committee meetings, to include the presence of members and others, decisions reached, votes taken and tasks assigned. Maintain a file of Committee agendas, minutes, correspondence and documents at a Municipal location, and in accordance with the Town's Records Retention By-law.
 - 8.3.2 Arrange for filing space for Committee records with Administration Staff.

- 8.3.3 Distribute the previous month's minutes and all relevant materials to Committee members in advance of the next meeting.
- 8.3.4 Type all assigned Committee correspondence.
- 8.3.5 Forward a copy of approved Committee Minutes to Council.
- 8.3.6 Photocopy agendas, minutes, correspondence, at the Municipal Administration Office, on a convenient day and time prearranged with Administration Staff.
- 8.3.7 Monitor incoming correspondence and ensure that it is distributed to the Chair, or Committee member as authorized by the Chair.
- 8.3.8 Carryout research as requested by the Committee.
- 8.3.9 Book meeting rooms with Administration Staff.
- 8.4 Duties of the Treasurer:
 - 8.4.1 Prepare an annual operating budget to be approved by HPAC and submitted to Council through the Municipal Treasurer for approval.
 - 8.4.2 Attend meetings of the Municipal Budget Committee with the Chair or another member of HPAC to present the budget and answer any questions.
 - 8.4.3 Serve as the contact person between Municipal Staff and HPAC on matters of a financial nature.
 - 8.4.4 Ensure that expense accounts and coding of each expenditure per budget category are approved and forwarded to the Municipal Treasurer.
 - 8.4.5 Provide a financial report at each HPAC meeting.
 - 8.4.6 Ensure all purchases are in accordance with Purchasing Procedures of the Town of Pelham.
 - 8.4.7 Keep a record of all expenses for each budget category.
 - 8.4.8 Reconcile record of expenses with Municipal Treasurer.
 - 8.4.9 Ensure spending is within fiscal budget by regularly apprising HPAC of funds remaining to be spent in each budget category.
 - 8.4.10 Notify the Municipal Treasurer each year if there are any capital projects not completed during that year, or which used less than their budgeted amount, and for which funds are requested to be allocated into the next fiscal/calendar year.
- 8.5 Director of Planning and Development of the Town of Pelham
 - 8.5.1 Is an ex-officio member of HPAC.
 - 8.5.2 When authorized by By-law, the Director of Planning and Development or designate has authority to give consents in writing for the alteration of property pursuant to Section 33(1) of the Act and authority to issue permits for the alteration of property pursuant to Section 42 of the Act in those applications where the Heritage Pelham Advisory Committee has recommended in writing the consent or permit, as the case may be. If a consent to alteration under Part IV or a Heritage Permit for an

alteration under Part V is not recommended by HPAC, the Director of Planning and Development or designate will forward the application to Council together with a report from HPAC, for a decision from Council.

8.5.3 Acts as a resource where HPAC recommendations regarding structural elements and methods of construction affecting structure are required, within his/her jurisdiction.

8.5.4 Acts as a resource where building codes might affect a Heritage Permit or a Heritage Approval application.

8.5.5 Acts without members' input where decisions are required under the Ontario Building Code.

8.5.6 Visits sites where owners of designated properties have ongoing alterations recommended by HPAC.

8.5.7 Refers Heritage Permit Applications and Heritage Approval Applications to the appropriate sub-committee Chairperson for review and recommendation.

8.6 Representative from Council

8.6.1 Represents Council at HPAC meetings

9.1 There are four sub-committees of HPAC, each of which is accountable to HPAC for the execution of its specific assigned responsibilities. Each sub-committee makes regular reports at general meetings of HPAC. The Chair of each sub-committee shall be a duly appointed member of HPAC. Other members of sub-committees - who may or may not be members of HPAC appointed by Council - may be appointed from time to time by HPAC and shall comply with the relevant expectations described in Schedule B of this By-law. HPAC Committee motions shall only be voted on by members of HPAC who have been appointed by the Municipal Council.

9.2 New Designations Committee:

9.2.1 The New Designations Committee consists of a minimum of three members. At least two of the three members will be HPAC members appointed by Council, including the Chair. The other members, and any others that may be added or consulted from time to time, will be at the discretion of HPAC but only members of HPAC appointed by Council shall have voting privileges.

9.2.2 The New Designations Committee is accountable for recommending and assisting in the designation of properties under Part IV of the Ontario Heritage Act. This Committee will also undertake inventories of other significant heritage resources in the Town. When cultural heritage resources are threatened by major alteration or demolition, this committee will undertake documentation of the resource for the historical record before such work commences.

9.3 Part IV Committee:

9.3.1 The Part IV Committee consists of a minimum of three members. At least two of the three members will be HPAC members appointed by Council, including the Chair. The other members, and any others that may be added or consulted from time to time, will be at the discretion of HPAC, but only HPAC members appointed by Council shall have voting privileges on HPAC.

9.3.2 The Part IV Committee is accountable for matters pertaining to Heritage Properties designated under Part IV of the Ontario Heritage Act that are not located within the Heritage District(s). This Committee makes recommendations regarding Part IV Heritage and Sign Permit applications and will advise and consult with Part IV designated property owners and tenants. In order to make its Permit recommendations in a timely manner, this Committee has the authority to render a recommendation on all such applications subject to specific conditions being met without consultation with the full HPAC Committee.

9.4 Heritage District(s) Committee

9.4.1 The Heritage District(s) Committee consists of a minimum of five members. At least three of the five members will be HPAC members appointed by the Municipal Council, including the Chair. The other members, and any others that may be added or consulted from time to time, will be at the discretion of HPAC but only members appointed by Council shall have voting privileges.

9.4.2 The Heritage District(s) Committee is accountable for recommendations on matters pertaining to Heritage Properties designated under Part IV and Part V of the Ontario Heritage Act that are located within the Heritage District(s). This Committee makes recommendations on Heritage and Sign Permit applications for properties within the Heritage District(s), advises and consults with designated property owners and tenants, and recommends or advises on expansions to the existing Heritage District(s) or the creation of new ones. In order to make its Permit recommendations in a timely manner, this Committee shall have the authority to render a recommendation on all such applications for consent, refusal or consent subject to specific conditions being met, without consultation with the full HPAC Committee.

9.5 Public Relations and Education Committee

9.5.1 The Public Relations and Education Committee consists of a minimum of three members. At least two of the three members will be HPAC members appointed by the Municipal Council, including the Chair. The

other members, and any others that may be added or consulted from time to time, will be at the discretion of HPAC, but only members appointed by Council shall have voting privileges.

9.5.2 The Public Relations and Education Committee undertakes public relations and educational initiatives, including such matters as research and reference materials, brochures, newsletters, displays, and workshops.

9.5.3 The Public Relations and Education Committee develops an information kit for new owners or tenants of designated Heritage Properties and makes appropriate presentations to them.

9.5.4 The Public Relations and Education Committee develops an information package for new appointed members of HPAC.

9.6 Other Sub-Committees:

Other Ad Hoc Sub-Committees may be formed, as needed, by the HPAC Executive Committee, but only members appointed by Council shall have voting privileges.

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW #3588 (2015)

Being a by-law to rescind By-law #3079 (2010), being a By-law to establish the Heritage Pelham Advisory Committee, and further to rescind By-law #3217 (2011) Item 7, as amended by By-law #3493 (2014) appointing various individuals to the Heritage Pelham Advisory Committee.

WHEREAS the Council of the Corporation of the Town of Pelham supports and values the establishment of a municipal heritage committee to advise and assist the Council on matters relating to the Ontario Heritage Act;

AND WHEREAS Council has deemed it necessary to better articulate the mandate of the Heritage Pelham Advisory Committee through the development of a redefined Terms of Reference and Committee Mandate to be incorporated in a future by-law;

AND WHEREAS while Council fully appreciates the dedication and work of the Heritage Pelham Advisory Committee and wishes to have the work of a Heritage Committee continue at some point in the future under the new Terms of Reference and Committee Mandate;

AND WHEREAS Council has determined that it no longer wishes to have an established Heritage Pelham Advisory Committee at this time, until such mandate has been clearly defined and a new Terms of Reference approved for incorporation into a by-law under the Ontario Heritage Act;

AND WHEREAS By-law #3079 (2010) establishes the Heritage Pelham Advisory Committee and therein sets out the Committee's goals, mandate and operational components,

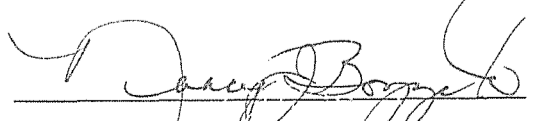
AND WHEREAS By-law #3217 (2011), Item 7, as amended by By-law #3493(2014) provides for the appointment of individuals to the Heritage Pelham Advisory Committee;

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

- (1) THAT ALL provisions as set out in By-laws #3079 (2010), #3217 (2011), Item 7, and #3493 (2014) be and are hereby rescinded;
- (2) THAT this by-law shall come into force and take effect upon its passage by Council.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
17th DAY OF FEBRUARY, 2015 A.D.


MAYOR DAVE AUGUSTYN


CLERK NANCY J. BOZZATO