



TOWNSHIP OF MELANCTHON
COMMITTEE OF THE WHOLE - AGENDA
THURSDAY, NOVEMBER 21, 2019 - 6:30 P.M.

- 1. Call to Order**
 - 2. Additions/Deletions/Approval of Agenda**
 - 3. Adoption of Draft Minutes - October 3, 2019**
 - 4. Business Arising from the Minutes**
 - 5. Correspondence**
 - 6. General Business**
 - 1. Heritage Committee - Discussion**
 - 2. Unfinished Business**
 - 1. Review Horning's Mills Community Hall By-law 16-2013/Review, Discussion and Direction regarding the Agreement between the Township of Melancthon and the Women's Institute of Horning's Mills**
 - 2. Horning's Mills Community Hall - Resignations**
 - 3. Discussion on Administrative Penalties in new Township By-laws**
 - 3. Other**
 - 7. Delegations**
 - 1. Horning's Mills Community Hall Board - regarding Agenda Item 6.2.1**
 - 8. Adjournment and Date of Next Meeting**
-



MINISTRY OF HERITAGE, SPORT, TOURISM AND CULTURE INDUSTRIES

What a municipal heritage committee does

Citizen participation is essential to heritage conservation. Anyone with an interest in heritage conservation, an ability to work with the community within a municipal framework, and the time to accomplish the objectives of the committee, can participate in the decision-making processes of their municipality by joining or contributing to their community's municipal heritage committee.

Definition of a municipal heritage committee

A municipal heritage committee is an advisory committee. Like every advisory committee, a municipal heritage committee can help a community participate more directly in a municipality's decision-making process by broadening the scope of information that goes into a municipality's decision-making process when it is addressing issues that impact a community.

In summary, the role of an advisory committee is to:

- advise and recommend
- provide knowledge and expertise
- facilitate the work of the organizing body by ensuring open and honest representation, creating a climate of consensus and maintaining the integrity of the committee
- be sensitive to the community which it represents
- promote good will and trust within the community of interest and the community at large
- act as a liaison between politicians, organizational staff, members of the public, and other stakeholders.

The members of the committee come from the community and represent a cross-section of interests and perspectives. Their role is to advise and make recommendations — but there are limitations. These limitations are defined by terms of reference developed by the organizing body.

Representative of community interests, the advisory committee is recognized as a legitimate vehicle for coordinating and conveying community concerns. An advisory committee, therefore, plays a very important role by enabling a community to participate more directly in the decision-making process.

A municipal heritage committee is a standing committee of council and therefore an integral part of the municipal structure. It functions under the council and normally reports directly to council or through another standing committee.

Who it serves

A municipal heritage committee is appointed by and is responsible and accountable to municipal council. It helps its council make decisions on any matter relating to the legal designation and conservation of property of cultural heritage value or interest, including individual properties and heritage conservation districts. It is therefore responsible:

- **To the municipality** — to advise council on heritage issues (under the *Ontario Heritage Act*) and to carry out assigned duties according to the municipal by-law or resolution and procedures established by the municipality
- **To the municipality's citizens** — to help ensure that plans for change and progress are developed in way that recognizes the historical continuity of their community.

Statutory roles and responsibilities

The *Ontario Heritage Act* (s. 28) defines a committee's statutory roles as follows:

- To advise and assist the council on all matters relating to Part IV (Conservation of Properties of Cultural Heritage Value or Interest) and on the identification of a potential Heritage Conservation District under Part V
- To advise and assist the council on other heritage matters as the council may specify by by-law.

Under Part IV of the Act, once a municipal heritage committee is established, council is required to consult with it:

- during the designation process for individual properties and for districts;
- on applications to alter designated properties;
- on applications to demolish or remove;
- on applications to repeal designation by-law;

Specifically under Part IV of the Act, where a municipal heritage committee is established, council is required to consult with the committee:

- **Before giving its intention to designate a property(s. 29 (2));**
- **On applications to alter designated properties** where the alteration is likely to affect the property's heritage attributes as set out in the by-law designating the property (s. 33 (1))
- **On applications to demolish or remove** any building or structure on designated property (s. 34 (1)).
- **On applications to repeal designation by-law:** before considering an application from an owner of designated property, to repeal the by-law or part thereof designating the property (s. 31 (2));
- **On easements or covenants:** before passing by-laws providing for the entering into of easements or covenants with owners of real property, or interests therein, for the conservation of buildings of cultural heritage value or interest (s. 37 (1));

Under Part V of the Act, once a municipal heritage committee is established, council is required to consult with it:

- **before passing a by-law to define one or more areas as an area to be examined for future designation as a heritage conservation district (s. 40(2)).**

Additional roles and responsibilities

A municipal heritage committee's activities flow from its statutory authority and are part of its advisory functions. Council can and should assign additional responsibilities, through council resolutions, that all municipal heritage committees should fulfill, regardless of their size or location:

- **Survey, inventory and research.** Many committees and their councils have begun active heritage conservation programs by conducting surveys or inventories that examine, research and evaluate all the properties and areas worthy of protection — now or in the future. These findings can make individual designation decisions easier and more reliable. They can also show a community the value and importance of its cultural heritage.
- **Community involvement and liaison with the community.** Municipal authorities cannot provide all the opportunities for heritage conservation in a community. A heritage committee provides its community with a recognized forum to express its interests in heritage conservation and to learn about heritage issues. In addition, cooperation and consultation with

other heritage and community organizations supports existing networks and promotes community involvement.

- **Information and education.** Committees promote heritage conservation within communities, advise property owners on appropriate conservation and maintenance practices and help people determine the value of heritage resources for protection through designation. They also produce newsletters, descriptive guides, exhibits, and other educational material about notable buildings, streets, and districts. These materials raise community and visitor interest in the distinctive and attractive qualities of a community's environment.
- **Municipal planning.** Many pieces of legislation, including the *Ontario Heritage Act*, *Environmental Assessment Act*, *Planning Act*, *Niagara Escarpment Planning and Development Act*, *Municipal Act*, *Occupational Health and Safety Act*, *Fire Marshals Act*, *Conservation Authorities Act*, *Green Energy Act*, Ontario Building Code have implications for heritage conservation. Committees can provide data, review heritage studies, provide advice on mitigation measures, offer advice and guidance and administer designated property grant programs. They can also play an important role in developing heritage conservation policies for the Official Plan and in reviewing zoning bylaws to ensure they have regard for and implement heritage conservation.
- **Municipal council.** Committees should be responsible for keeping council informed of their plans and activities — often through committee minutes, reports and an annual report. Appointed council members can sit on the committee to enhance communication.
- **Financial accountability.** A committee is accountable to council for its financial transactions. In some municipalities, the municipal treasurer meets this responsibility by establishing separate records on behalf of the committee, and centralizing all bookkeeping and accounting in the municipal clerk's office according to established municipal procedures. The committee prepares an annual budget and submits it to council at a time specified by council.



MINISTRY OF HERITAGE, SPORT, TOURISM AND CULTURE INDUSTRIES

How municipalities set up and work with Municipal Heritage Committees

The best possible way for municipal councils to begin the establishment of a heritage conservation program in their community is to establish a Municipal Heritage Committee.

The role of municipalities

Under the *Ontario Heritage Act*, a municipality is "a city, town, village, township or improvement district and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 68 of that Act."

It is the inherent responsibility of municipalities to formulate heritage policies and principles, and, whenever possible, to initiate a heritage conservation program. The Act says that municipal councils have the power to:

- Establish a municipal heritage committee (s. 28)
- Designate individual property (Part IV of the Act) and designate districts or areas (Part V of the Act, s.29, s.41)
- Issue or refuse permits to alter or demolish a designated property (Parts IV and V, s.33, 34, s.42, 43, 44)
- Repeal designation by-laws (s. 31, 32)
- Purchase or lease individually designated property (s.36(1))
- Expropriate designated property (s.36(2))
- Provide grants and loans to designated property owners (s. 39)
- Enter into easements and covenants with property owners (s.37(1))

As a result, a municipal council is responsible for:

- Setting the municipal budget to be used for heritage conservation
- Carrying out heritage conservation policies in its Official Plan and the Official Plan amendments
- Receiving recommendations and consulting with the municipal heritage committee if there is one, and having due regard for the committee's advice on designation, alterations to designated property, demolition, repeal of designation by-laws, and other matters relating to heritage conservation in the municipality.

The *Ontario Heritage Act* provides that the council of a municipality that forms part of a county, a metropolitan, regional, or district municipality may delegate its power to establish a municipal heritage committee to the council of such county, metropolitan, regional, or district municipality of which it forms a part (s. 36(3)). This means that a lower-tier municipal council can choose to delegate its authority to establish a heritage committee to an upper-tier municipality of which it is a part.

Terms of reference and other procedures

Most municipalities establish a municipal heritage committee through a municipal procedural by-law. Once council passes a by-law that establishes a municipal heritage committee, it would

typically assign responsibilities that meet the requirements of the Act. Municipal heritage committees can and should get a copy of the by-law that created them from the clerk.

The by-law establishing the municipal heritage committee should set out specific terms of reference that set out clear roles and relationships between the municipal heritage committee and the municipality. Clear, well-defined terms of reference will go a long way toward maintaining a harmonious and productive relationship.

This chart shows the main components of clear, well-defined terms of reference.

What's in a "Terms of reference"

Purpose or need

Mandate

Time frame

Resources required

Powers

Accountability

Potential membership

Communications process

Evaluation format

Purpose

Avoid duplication by other committees

Set out goals

Set out when the committee will start, how long it will exist, how frequently it will meet, how much time committee work will take

Set out staff, expenses, equipment

Set out authority and limitations

Set out reporting lines: to whom and in what form (eg. reports, studies, minutes)

Set out who selects members and selection criteria

Set out who should hear about the committee and how information should be communicated, take into consideration sensitivity and confidentiality

Measure achievement of goals

In addition to terms of reference, many municipalities have policies and by-laws for their standing committees that govern appointments to the committee, procedures, rules, codes of conduct, duties and other responsibilities.

Who serves on a municipal heritage committee?

Each municipal council must determine the qualifications and the number of members for its municipal heritage committee. Council will consider factors such as the size of the municipality, its organizational structure and the extent of its heritage program. Although the *Ontario Heritage Act* requires a minimum of five members, most communities find that seven to 11 members better represent their communities.

Ideally, a heritage committee should include people representative of the community that represent a balanced cross-section of local interests and perspectives. Its members' diverse skills and disciplines could include architectural conservation techniques, management, historical research, and knowledge of the community's heritage. Strong advocacy, communications, and organizational skills are also essential. Their background should give them the technical and professional expertise to make decisions and policies informed by their understanding of complex heritage conservation issues, reliable technical and professional advice, and knowledge of their local community.

If a broad-based membership that combines the prerequisite skills is not possible, sharing human resources with a neighbouring municipality can be an effective, mutually beneficial compromise. Another option is for municipalities to provide ongoing training and educational programs that encourage local citizens to acquire new skills and increase community participation in the conservation of local heritage resources.

How councils choose committee members

Council appoints municipal heritage committee members. It will often advertise for members or recruit them in other ways. Some municipalities organize orientation sessions for people interested in serving on various committees prior to accepting applications, so that the volunteers will know exactly what will be expected of them if they are selected to serve. In other cases, a heritage homeowner, a community group or organization can approach council to start the process of setting up a municipal heritage committee.

The municipal by-law set up by council to establish the committee should comply with the municipal policy governing conflict of interest (council can get this information from the municipal clerk) and state membership criteria, including:

- How long a person serves on the committee (a fixed term is recommended). While appointments to the committee generally range from one-to four-year terms, or concurrent to the term of council, terms of service for committee members can vary.
- For how many terms members can be reappointed. A regular infusion of keen, new, active members — some experienced, some inexperienced — will constantly renew every committee. And committees can set up a category of non-voting associate member who would be consulted on issues or who undertake special projects, in order not to lose the experience and expertise of former committee members once their term is up.
- The clerk, municipal solicitor, building inspector, or planner (by virtue of their positions) could be named non-voting members of the committee or resource staff.

The committee should look at the pattern of terms of appointment in its municipality to determine what is appropriate for it.

The role of municipal staff

Staff roles often depend on municipal resources. Their involvement with a heritage advisory committee varies from municipality to municipality.

Ideally, one staff person should be identified as the contact between the public, City Hall and the municipal heritage committee. This individual could answer routine inquiries, forward literature on behalf of the committee, and help out on administrative work, such as procedural duties specified by the Act, including service and publication of notices and registration of documents.

Municipal heritage committees interact or relate to a number of different municipal departments or staff, including the clerk's office, planning, building, legal, recreation and parks, by-law enforcement, property standards, etc.

In larger municipalities, the municipal heritage committee may be assigned to a particular department such as planning or the clerk's office. This department should specify which of its resources the committee should reasonably expect. These resources could include a staff liaison, photocopying, a meeting space, coffee, letterhead, filing space, typing, etc.

How committees and councils can work together

Volunteers who serve on a heritage committee are directly involved in making decisions that affect their community. Committees are not, however, autonomous. They are established by a municipal by-law and can only exercise the authority granted to them by council. All final decisions rest with council.

Municipal councillors and municipal staff can provide the liaison and support to enable a municipal heritage committee effectively implement a successful heritage conservation program in a community. This is why the municipal heritage committee's reporting relationship to council is so important.

Committees should keep council informed, at all times, of their operations and recommendations — through minutes, reports to council, annual reports, and updates on activities. Some committees report through planning advisory or community development committees or other standing committees, or even through the municipal chief administrative officer. The more direct the access or reporting relationship, the better.

Appointing one or two municipal council members to a heritage committee can keep lines of communication open and maintain working relationships with each municipal department. A council member can, for instance, bring the committee's work to the attention of the council, introduce by-laws at the appropriate time, and inform the committee of the council's expectations and requirements.

Funding of a municipal heritage committee

The municipal council provides its municipal heritage committee with a budget. Budgets vary across the province. They reflect the availability of municipal resources and are a good indicator of the extent of heritage conservation programs undertaken by the municipality.

The heritage committee should submit an operating budget once a year to the finance committee or directly to municipal council. The budget process itself is a strategic planning exercise that helps the committee set its program objectives and goals for the year. It should outline the committee's activities, expenses, and revenues, if any.

While council should provide the resources required for the effective functioning of the committee, most local municipal guidelines allow municipal heritage committees to seek support from the private or service sectors in their community for special projects. This support could include donations of services, supplies, funding, etc. Committees should follow local municipal guidelines when seeking financial or service support from the community.

For more information

Please consult the [Ontario Heritage Tool Kit - A Guide to Establishing and Sustaining an Effective Municipal Heritage Committee](#) or contact the Libraries, Arts and Heritage Services Unit at 416-314-7620 or heritage@ontario.ca

Denise Holmes

From: Fred Simpson <fred.simpson@townofmono.com>
Sent: Thursday, October 24, 2019 12:20 PM
To: Denise Holmes
Subject: Re[2]: Heritage Committee

Authority for a Heritage Committee is Section 28 of the Ontario Heritage Act.

We additionally have the following as the mandate for the committee in our Policy on Standing Committees of Council:

APPENDIX A COMMITTEE MANDATES

HERITAGE ADVISORY COMMITTEE

1. The Committee will be comprised of a minimum of 5 members. The members should have experience and/or general knowledge of local architectural style and history.
2. To establish criteria for the evaluation of buildings and properties of architectural and/or historical value of interest and advise Council of recommended designations in accordance with the Ontario Heritage Act.
3. Review alterations plans/building permits for designated heritage properties, and demolition requests for listed properties, and provide advice to Council.
4. Review and maintain a list of properties worthy of conservation
5. Provide a public education and outreach program for landowners considering designation or being considered for the Town's heritage listing.

Fred Simpson
Deputy Clerk
Town of Mono
519.941.3599, 234



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----- Original Message -----

From: "Denise Holmes" <dholmes@melancthontownship.ca>
To: "Fred Simpson" <fred.simpson@townofmono.com>
Sent: 2019-10-24 12:02:29 PM
Subject: RE: Heritage Committee

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you. Do you have any By-laws or Terms of Reference for this Committee? Melancthon is looking at it, so now I'm gathering information!

Thanks.

Denise B. Holmes, AMCT
CAO/Clerk, Township of Melancthon
519-925-5525 Ext. 101

From: Fred Simpson <fred.simpson@townofmono.com>
Sent: Thursday, October 24, 2019 12:00 PM
To: Denise Holmes <dholmes@melancthontownship.ca>
Subject: Re: Heritage Committee

Yes we do. <https://mono.civicweb.net/Portal/MeetingInformation.aspx?Id=779>

Fred Simpson
Deputy Clerk
Town of Mono
519.941.3599, 234



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----- Original Message -----

From: "Denise Holmes" <dholmes@melancthontownship.ca>
To: "Fred Simpson" <fred.simpson@townofmono.com>
Sent: 2019-10-24 11:57:04 AM
Subject: Heritage Committee

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Fred,

Does Mono have a Heritage Committee?

Thanks.

Regards,
Denise Holmes



Denise B. Holmes, AMCT | Chief Administrative Officer/Clerk | Township of Melancthon |
dholmes@melancthontownship.ca | PH: 519-925-5525 ext 101 | FX: 519-925-1110 | www.melancthontownship.ca

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Town of Mono Heritage Advisory Committee Meeting
Revised Agenda for Monday September 23, 2019 @ 7.00p.m.

Town of Mono Office – Committee Room

Acting Chair: Kirsten Ball. Secretary: Robin Clayton

1. GENERAL

- 1.a Call to Order
- 1. b Regrets
- 1.c Approval of minutes for August 26, 2019
- 1. d Review and Adopt Agenda September 23, 2019
- 1.e Disclosure of pecuniary interest
- 1. f Treasurer Report

2. DELEGATIONS

3. BUSINESS ARISING FROM PREVIOUS MINUTES

- 2.a Questions related to the Ontario Heritage Act and expectations of the Town of Mono - Heritage Advisory Committee
- 2.b Municipal Register Report - Review of properties considered as "Properties of Interest" and candidates to be entered into the Municipal Register- deferred to Fall 2019
- 2.c Globe Restaurant, Rosemont request for Registered Heritage Designation – status of Advice to Council
- 2.d Participation in Town functions
- 2.e Tutorial on how to designate properties, review designation binders and designation criteria – deferred to Fall 2019

- 2.f Review committee mandate and mission statement – what are the committee priorities: Registration, Designation and awareness of properties in the Town
- 2.g Alert system from Town Building Department/Dufferin Building Department in the event that a request is made to demolish a property that is either on the Municipal Registry or is a Registered Heritage Property - update
- 2.h Date for Bob Shirley and his sister as a delegation to discuss the Shirley Manor and the Nicholston Quarry
- 2.i Jafelice – impact of Bill 108 on the Heritage Committee

3. NEW BUSINESS

- 3.a Areas of focus and task assignments for new members
- ~~3~~A 3.b Agricultural properties that are not listed on the Municipal register that may be demolished or altered.
- ~~3~~A 3.c Owners of Registered properties seeking building permits for alterations (where an alteration is such that it requires a permit)

4. NEXT MEETING

- 4. a Monday October 28, 2019 at 7.00pm in Town of Mono Office – Committee Room.

5. ADJORNMENT

Town of Mono Heritage Advisory Committee

Minutes for September 23, 2019 @ 7.00 p.m.

Town of Mono Office – Committee Room

PRESENT: Sharon Martin, Kirsten Ball, Corrine Pollard, Robin Clayton (Secretary),
Barbara Jafelice, Gloria Campbell, Cosette Pathak

REGRETS: None

ABSENT: Manoj Singh

ITEM:

1.0 GENERAL

1.1 The meeting was called to order at 7.00pm

1.2 There were no disclosures of pecuniary interest

1.3 Agenda

Resolution 1-9-2019

Moved by Clayton – Seconded by Jafelice

That the committee approves the Agenda for September 23, 2019

Carried

1.4 Minutes

Resolution 2-9-2019

Moved by Jafelice – seconded by Pathak

That the committee approves the Meeting Minutes for August 26, 2019

Carried

1.5 Delegations – None

1.6 Correspondence – None

2.0 BUSINESS ARISING FROM PREVIOUS MINUTES

2.1 Identified "Properties of Interest" for consideration to be added to the Municipal Register are under review, expected to be submitted to council in Fall 2019. An updated list of candidate properties will be given to Judy Kohne who will rearrange list by fire numbers. Judy will update the letter to be sent to property owners advising them that their property has been added to the register

Action: ongoing - Ball/Clayton/Campbell

2.2 Participation in Town Functions. Pollard will take the lead in identifying the events the Heritage Committee will participate in and will work with Councilor Martin and Recreation Director Kim Perryman for guidance on how the Committee will promote Cultural Heritage at those events.

Action: ongoing - Pollard to present draft ideas for events and activities for the October 28, 2019 Heritage meeting

2.3 Request from the owners of the Globe Restaurant in Rosemont to obtain Registered Heritage Designation. The committee had previously submitted an Advice to Council to create a bylaw giving the property Registered Heritage Designation.

Action: Following determination of new information related to the Globe history, the Designation Report and Advice to Council will be updated and presented to Council at the October 22, 2019 council meeting - Ball

2.4 Deferred item: Tutorial on how to designate properties, review designation binders and designation criteria

Action: To be given at the November 25 Heritage meeting - Ball

2.5 Deferred item: Review committee mandate and mission statement, committee priorities, property registration and property designation. An updated mission statement was distributed in the meeting

Action: closed

2.6 Continued item: Alert system regarding demolition permit applications. Judy Kohne (Town of Mono Planning) has confirmed to the committee that whenever a demolition permit application (whether partial or whole) related to a designated or registered property is received by the Town, she will alert the committee.

The Heritage committee responds to these applications immediately (they are time sensitive) and usually provides an Advice to Council by the next council meeting as to how they should proceed.

Action: closed

2.7 Deferred item: History of the Shirley Manor and Nicholston Mill – discussion with Bob Shirley.

Action: Clayton to contact Bob Shirley and arrange for October 28, 2019 Heritage meeting at 7.30 p.m.

2.8 Ongoing item: New Provincial Bill 108. As flagged by Bert Duclos at his presentation June 17, 2019 there are items in this Bill which potentially impact Heritage Committees and how municipalities approach heritage matters.

Jafelice/Clayton have reviewed Bill 108 schedule 11, Ontario Heritage Act section 27 and various opinion documents clarifying the impact on Heritage Committee in general.

Specifically, in discussing the register kept by the Clerk, Bill 108 states:

Designated properties on the register shall show legal name of the property, name and address of owner and a statement explaining the cultural heritage value or interest of the property

Properties listed on the register that are not designated but that the council/heritage committee believe to be of cultural heritage value or interest shall contain with respect to such property, a description of the property that is sufficient to readily ascertain the property.

Owners of properties that have not been designated but are added to the register shall be notified by council within 30 days after the property is added to the register. The notification shall include:

- A statement explaining why the council believes the property to be of cultural heritage value or interest
- A description of the property that is sufficient to readily ascertain the property
- A statement that if the owner objects to the property being included in the register, the owner may object to the property's inclusion by serving on the clerk of the municipality a notice of objection setting out the reasons for the objection and all the relevant facts

- An explanation of the restriction concerning the demolition or removal or the permitting of the demolition or removal or structure on the property.

There are subsections (too detailed to repeat here) that cover Objections, Decisions of Council and Restriction on Demolition.

3.0 NEW BUSINESS

31. Committee discussed areas of focus and task assignments. The immediate needs to be addressed are;

- Globe restaurant designation - Ball
- New properties considered to be of Heritage value or interest – Ball, Clayton, Campbell
- Support to Town activities and publicity - Pollard

3.2 Committee discussed adding barns to the Municipal Register as properties of Heritage value or interest and concluded that this would be of limited value in that they are agricultural buildings (and therefore not subject to demolition permits) and once the foundations start to fail, they are usually prohibitively expensive to repair and they fall down anyway.

Action: info

3.3 The committee budget for 2020 is due to be submitted by October 19, 2019

Resolution #3-9-2019

That the committee recommends the following budget:

- Property designation costs - \$7000.00
- Heritage workshops - \$1200.00
- Materials & promotion - \$1500
- Register investigation costs - \$300

Moved by Jafelice – Seconded by Campbell

Carried

Action: Ball/Clayton to notify Simpson

4.0 NEXT MEETING

4.1 Monday October 28, 2019 @ 7.00pm Town of Mono Committee Room

5.0 ADJOURNMENT

5.1 Resolution #4-9-2019

Moved by Pathak – Seconded by Campbell

That we adjourn this meeting at 8.40 pm

Carried