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Provincial, local investigations into conduct of Mayor, council

Taxpayer tab for recommended reprimand—\$18,430

BY VOICE STAFF

The results of two reviews into Pelham Town Council's conduct concerning fundraising for renovations of the Bandshell in Fonthill's Peace Park have been made public.

The investigations were undertaken on the basis of two complaints filed early this year by Town Councillor Ron Kore—the first with the Ontario Ombudsman, the second with the Town's Integrity Commissioner, the firm ADR Chambers, which is on retainer among Niagara municipalities to review alleged violations of municipal codes of conduct.

Kore's complaints related to Mayor Marvin Junkin's participation in fundraising for the Fonthill Bandshell Committee.

Background

Last September, Pelham Town Council voted to assist the resident-run, volunteer Bandshell Committee with its planned upgrades to the Peace Park facility by loaning the group \$75,000 dollars to finish construction before the start of the 2020 season. This "Jazz up the Park" initiative was aimed in large part at making the bandshell more accessible to older audience members with mobility issues, improving lighting, and regrading the slope leading down to the Bandshell to increase seating safety.

The Bandshell Committee was expected to fundraise the money and pay back the Town's loan.

To help the Committee fundraise, Mayor Marvin Junkin sent letters to local businesses inviting their contributions to the project. At a meeting at Town Hall in late October on a separate matter, a representative of CannTrust, the cannabis producer operating in Fenwick, told Junkin the firm was considering making a large donation—on the order of \$25,000, specifically for new lighting—to the effort.

Junkin advised Committee member Gayle Baltjes that a large amount might be coming in from a local corporation, but advised her to keep the news confidential until the donation was confirmed. Junkin told the Ombudsman and the Integrity Commissioners that given CannTrust's history and financial difficulties, he was doubtful that the offer would be fulfilled.

Public announcement

In advance of Town Council's January 13 meeting, a Bandshell Committee member told Junkin they were planning on including mention of the donation in their presentation to council on fundraising progress. Four



See INTEGRITY Page 16

Pelham Mayor Marvin Junkin, at the Fonthill Bandshell on Monday afternoon.

VOICE



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INTEGRITY

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other local companies had committed cash or in-kind contributions of between \$10,000 and \$25,000 dollars each.

Twenty-five additional companies or individuals, the Town itself, plus the Fonthill Legion and Fonthill Rotary, had also pledged cash or in-kind support. The Voice had committed \$1000 to the project. Kore's himself, through his franchised Fonthill Sobey's store, pledged between \$1000 and \$4999.

Unsure as to whether council would ultimately want to accept the CannTrust donation, given the company's controversiality, Junkin said he wanted to get council's opinion before the Bandshell Committee mentioned the donation publicly.

On January 9, four days before council was to meet, Junkin ran into three councillors at the opening of a minor hockey tournament at the community centre. He briefly told them about CannTrust's potential contribution and asked them to think about whether they thought it was acceptable.

Later that evening, Junkin emailed the three other councillors, who were not present earlier at the community centre, with the same question, and invited them to email him their opinions.

All six councillors said that the donation should not be accepted. With what Junkin called his "informal poll" complete, he replied to the councillors to say that he would inform the Bandshell Committee that the potential donation would not be acceptable after all. During their January 13 presentation, the Bandshell Committee accordingly did not mention CannTrust.

Kore's objections, leaked emails

Responding to Junkin's email inviting council opinion about CannTrust, Councillor Ron Kore objected to Junkin's efforts at the informal poll, terming it a "back room deal." Junkin replied to Kore, saying that his comment was "the height of silliness."

On January 11, in response to what he termed Kore's borderline attempt to blackmail him by publicizing Junkin's discussion with council, the Mayor preemptively reached out to the Voice and to Pelham Cannabis Control Committee chair Tim Nohara to inform them of the CannTrust donation that was no longer a donation.

At midday on January 13, Kore leaked seven internal emails to the Voice containing council's debate over the issue. Six of the emails he additionally copied to Nohara.

Kore did not add any explanatory comments or requests of the newspaper or Nohara.

Shortly later, Nohara replied to Kore, copying the Voice, stating that he did not want to be "drawn into this discussion at all."

In mid-afternoon, Voice publisher Dave Burket emailed Kore, asking, "Did you wish to pursue this as a story? If so, I'll have a writer

be in touch directly."

A half-hour later, Kore replied, "Yes."

The following morning, Burket answered, "Great. Expect someone to be in touch. Thanks," and asked Voice contributor John Chick to contact Kore.

Chick did so that afternoon, writing to Kore, "Hi Ron, I was told by Dave Burket that you have some concerns regarding CannTrust's donation to the Bandshell. Let me know when you are free to talk, it may have to be over the phone or via email."

By 9:45 that evening, Chick reported that Kore had not responded to his request for an interview.

The next morning Burket again emailed Kore, writing, "Hey Ron, John Chick says he hasn't heard back from you. You still up for story? Thanks."

A half-hour later, Kore replied, "Call me sometime this week."

Burket repeatedly did so, never reaching Kore.

"So I stopped by the store," said Burket over the weekend, "where I figured we'd be able to have a discreet conversation."

They did, said Burket, but Kore would not agree to publicly bring the matter to the media.

"He thought that there was a smoking gun in the emails that spoke for itself, but I didn't see it. I saw a group of people trying to avoid embarrassing themselves, and the Bandshell committee, by avoiding a potentially risky donation from a company that not a whole lot of residents liked."

At the same time, Burket said, any CannTrust-related story is "journalistic gold," rating highly among Voice readers, and he encouraged Kore to go on the record.

Kore eventually told Burket that he would instead file complaints with both the Ombudsman of Ontario, and the municipal Integrity Commissioner.

Complaints filed

In his complaint to the Integrity Commissioner, Kore alleged that Junkin convened an improper meeting of council—at both the community center and through email—to conceal council's debate over CannTrust's potential donation. Kore further alleged that in Junkin's role as Mayor, it was improper for him to solicit donations on behalf of the Bandshell Committee. Finally, Kore alleged that Junkin "disparaged" his character by calling Kore's allegation of a back room deal the "height of silliness."

Each complaint cited alleged violations of the Town's Code of Conduct, which was the focus of the Integrity Commissioner's subsequent investigation.

A complaint was also filed with the Ontario Ombudsman—presumably by Kore, based on his asserted intentions to the Voice—about an alleged improper Town Council meeting at the community centre and over email. The Ombudsman does not disclose who makes complaints. Complaints to the Ombudsman pertain to alleged violations of the Ontario Municipal Act.



Dear

The Fonthill Bandshell volunteers need your help! It is time to Jazz Up the Park! After 14 years of bringing free summer concerts to thousands in Fonthill's Peace Park, we need to improve the park. Our once gently sloped natural amphitheater is now pitted with holes, and erosion has created some hazardous elevation challenges. We have reached out to local business leaders, specifically Jack DeKorte of DeKorte Landscaping and Barb Christopher of Young Sod Farms, for advice on how to best remedy our concerns economically, effectively and in time for our 2020 15th season of the Fonthill Bandshell Concert Series.

With the Town of Pelham's cooperation, we have put together a plan: to move a catch basin, remove the existing topsoil, re-grade the park, supply and install an irrigation system, add lighting, trees and new high quality Rhizomatous Tall Fescue sod that is self-repairing, to finish the park. We also plan to install an accessible concrete walkway across the top of the park with park benches for those who forget or are unable to carry chairs to the park.

The repairs to the park are long overdue. Given the necessity of addressing our concerns before serious accidents happen, our group has agreed to coordinate and fund raise this endeavour so that it gets done this fall. The Town of Pelham council and staff have been fully supportive of our efforts and have been very helpful accommodating our plans. Though the Town's budget simply cannot accommodate the total schematic of our needs, they are doing the locates, moving the catch basin, supplying the hydro and water for the upgrades, and wonderfully have agreed to support our fundraising by offering charitable receipts for all donations over \$10.

Please make cheques payable to
Town of Pelham Jazz Up the Park
and mail to
Fonthill Bandshell Concerts
P.O. Box 21, Fonthill, ON L0S 1E0

The total cost of the project we anticipate being \$75,000. We hope that we will be able to reduce that through donations (or partial donations) from the various suppliers and professional tradespeople in our fabulous community but we know they have costs to cover and genuine expenses so we need to reach out to you for your help to make this happen.

It's time to Jazz Up The Park! Please help us improve your Peace Park for our community's enjoyment and safety. You can mail in your cheque, or simply give your kind donation to one of our Fonthill Bandshell volunteers. Donations over \$500 will be permanently commemorated in a granite installation in the park; all donations will be recognized on our website and during our 2020 season.



We thank you for your thoughtful consideration and sincerely hope that you will be able to help us with our plans. Lastly, please mark your calendar and join us on Saturday November 9th to help us Jazz Up the Park with a community sod rolling party!

Sincerely,
Your Fonthill Bandshell Concert Volunteers

Bryan Baltjes, Gayle Baltjes, Ray Barlow, Jill Cappa, Jim Casson, Annie Holtby, Wayne Hosick, Gail Levay, Carolyn Mullin, David Swan, Marlene Taylor, Liz Triano, Sandra Warden

Detail from the Fonthill Bandshell Committee's website, soliciting funds for the group's "Jazz Up The Park" renovation initiative.

VOICE GRAPHIC

Findings of the investigations

In a comparatively short, eight-page decision, the Ombudsman determined that Junkin and council did not contravene the Municipal Act at the community centre, nor through email, and that no improper meeting of council occurred.

The Ombudsman also determined that the Town of Pelham itself acted without legal authority when it decided to inform the Bandshell Committee that it was not in favour of accepting a potential donation from a cannabis company.

Taking 27 pages to lay out his case, the Town's Integrity Commissioner determined that Junkin's letters seeking donations for the Bandshell violated the Town's Code of Conduct.

However, contrary to Kore's allegation, the Commissioner concluded that because council had already voted in favour of helping the Bandshell Committee, Junkin was not involved in decisions about how the donations should be allocated.

The Commissioner also concluded that Junkin's soliciting of council opinion violated the Town's code, determining that the matter should have been discussed during a regular council meeting, and that Junkin's description of his contact with councillors as an "informal poll" was misleading.

Finally, the Commissioner concluded that when Junkin dismissed Kore's allegation of a back room deal as "the height of silliness," he did not disparage Kore's character.

"The language...did not attack the Complainant's character or directly insult him as a person," the Com-

missioner wrote. "While it is certainly not the most productive language the Mayor could have employed to voice his disagreement...it can hardly be described as a 'disparaging comment about another member.'"

Despite finding that Junkin had violated different sections of the Code, the Commissioner effectively concluded that the Mayor's intentions were not dishonourable.

"It is not our view that the Mayor did so for nefarious purposes," the report says. "We accept that the Mayor likely intended to avoid the potential for public discourse over a potential donation which may never materialize. In other words, he did not want to cause a problem for Council, or for the Bandshell Committee, or for the residents of Pelham without there at least being a benefit for all at the end of the road."

The Commissioner recommended that Junkin receive the least-severe penalty possible, a reprimand from Town Council. The matter was to be discussed during Monday's regular council meeting, as the Voice went to press.

Cost

While the Ontario Ombudsman's investigation was not charged to the Town, Pelham taxpayers are on the hook for the Integrity Commissioner's report, to the tune of \$18,430. The Voice has learned that a presumably less costly option to mediate—rather than investigate—the complaints was offered to both parties, and rejected by Kore.

Reaction to findings

The Voice reached out to each Town councillor, the Mayor, the CAO, the Band-

shell Committee, and Brock Political Science professor emeritus David Siegel for their takes on Kore's allegations and the investigations' conclusions.

No Town councillor responded to the comment request.

Mayor Junkin elected to submit a detailed statement, which runs separately in its entirety on the back page.

Pelham CAO David Cribbs, asked whether he could recall similar investigations launched in other municipalities where he worked, based on what looked like slim grounds for complaint, replied that both the Ombudsman and the Integrity Commissioner have the power to dismiss complaints if they feel them to be frivolous.

"In this case, neither did so," said Cribbs, "implying that there appeared to be merit in the allegations. The conclusions of each investigation find only modest, technical violations, so with hindsight the complaints can be accurately characterized as 'slim.'"

On the \$18,340 cost, Cribbs said, "The bill reflects the volume of work required for a multi-month investigation and the drafting of a report."

Bandshell Committee chair Gayle Baltjes expressed shock that investigations were warranted.

"We had no idea the Municipal Act forbids good-hearted and right-minded actions in elected officials," said Baltjes, after reviewing both reports.

Baltjes said that the Bandshell Committee hadn't had a donation offered by a cannabis producer that they were aware of, but that they had no objection in principle to accepting one in the future.

"As a non-profit group

OBITUARY



DAMUDE, Harold Charles

Harold passed away peacefully after a courageous battle with heart and kidney disease on the evening of Tuesday, June 9, 2020 with his loving wife Marion "June" of 65 years by his side. Loving father of Nancy Bruzzese (Rory) and Gwen Stickney (Derrick). Cherished grandfather of Kyle (Jimi), Conor (Shelby), Matthew, Noah, Deanna and great-grandfather of Evan. Dear brother of Carl (Janet). Predeceased by his parents Fred and Martha (Haist) and his sister Jean Orviss (Charles). Dad was a very supportive father, a fun loving grandfather and above all a devoted and loyal husband. We will miss his quick wit, strength, humility and compassion. As a boy, Harold began his 75 year farming career after the death of his father. He and June ran the Apple Bin on Hwy 20 for over 40 years until his retirement at the age 88. Dad had a love of music which he shared with his family and community as a vocal soloist and through his participation in the 'Fonthill Baptist Church Choir', 'Singing Saints Barbershop Chorus' and most recently the 'Silver Sounds Choir' at Lookout Ridge Retirement Home. The family would like to extend their heart felt thanks to the staff at Lookout Ridge for their outstanding care and compassion.

forever seeking donations to bring free family-friendly entertainment to our community," said Baltjes, "we welcome contributions from one and all to offset the costs of our community endeavours."

Baltjes did not share Councillor Kore's characterization of the Mayor's fundraising efforts as a "back room deal."

"No, not at all. Our feelings are the Mayor was simply being supportive in handing out our fundraising pamphlets when he came across potential donors. We are saddened to learn that as a part of this community that the Mayor and councillors cannot openly support us or any other group in our fundraising, which is the end result of this report."

Brock University Political Science professor emeritus David Siegel, who has spent decades observing Canadian politics, reviewed the results of both investigations and found little of substance.

"It is something of a mountain out of a molehill,"

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said Siegel, who added that prohibitions against elected officials soliciting funds are aimed at preventing personal gain, not at stopping a community fundraising effort.

Siegel cited former Toronto Mayor Rob Ford as an example, who solicited donations for his high school football team.

"He called on people who were suppliers, who had dealings with the city of Toronto, using his position as mayor to leverage these people. I think everybody agrees that this would be inappropriate."

Reminded of former Pelham Mayor David Augustyn's annual "Mayor's Gala" fundraiser, Siegel noted that several cities partner with private industry on different projects—a prime example in Pelham being the Meridian Community Centre.

"As far as I can see [in the Kore complaint], there were some technical things that weren't done the way they should have been done. But in the final analysis, [council] simply decided not to do something, and you don't really need a motion of council not to do something."

Siegel said at some point the province will need to "fine-tune"

the Integrity Commissioner's mandate, in part to address complaints being filed more on the basis of personal animosity rather than for substantive wrongdoing.

"There's personal animus between a couple of people and the next thing you know there's a formal complaint to the Integrity Commissioner, which then of course costs the municipality a pretty significant amount of money. That's not really what the Integrity Commissioner was about, but that seems to be the way the Integrity Commissioner is used—not just in Pelham but in a variety of places."

Advised that the Town was billed \$18,430 for the Commissioner's investigation, Siegel said that Pelham got off "fairly cheap."

"You know lawyers, right? These things get to \$50,000, \$60,000 very easily. But [this case] was something that was quite easy to investigate. The facts were hardly in question. Everything hinged on interpretation."

Peter Piper's exchange

On the issue of personality differences and potential animosity, it is no secret inside Town Hall, or to those who follow Pelham politics, that factions have developed on Town Council. Generally speaking, the Mayor and Councillor John Wink

are in one camp, while Councillors Kore and Lisa Haun are in the other. The remaining members float back and forth, depending on the issue, as did Councillor Mike Ciolfi.

The relationship between Councillor Kore and the Mayor, however, has seemed fraught with a particularly personal hostility—but it's only one-way, according to Junkin.

"I do my best to get along with everybody," said the Mayor. "I think everyone always knows where they stand with me. I have no personal issues with Mr. Kore at all. Indeed I have gone out of my way, I believe, to work with him."

Kore, however, seemed to take an early dislike to Junkin. An incident that occurred late in 2018, after the municipal election but before the new council was sworn in, may have been the catalyst.

The occasion was a meeting, held in Peter's Piper's downstairs dining room, among the newly elected council and Mayor. The group gathered one evening to discuss what they hoped to prioritize and accomplish during their first months in office. The talk turned to Town finances, specifically the creation of a resident-led audit committee to assess the Town's financial difficulties.

According to multiple sources who were in the room, Kore stated

that his skill with financial statements equaled a Chartered Accountant's, owing to his work at Sobeys. The Mayor suggested that municipal accounting was different from commercial accounting, which in Kore's case was likely handled more by Sobeys corporate accountants than at the store level, an assertion that Kore took offense to.

Asked about it over the weekend, Junkin recalled the exchange.

"At the time, we were discussing the formation of an audit committee, and how it would have at least two Chartered Accountants on it. Mr. Kore made the comment that he was just as capable with numbers as any C.A., because of having to deal with his business on a daily basis. I made the comment that he was probably looking at numbers that were compiled by the chain's C.A.s. He was very offended by this remark, and demanded that I take it back. When I refused to do so, he gathered up his items and stormed out of the room."

Junkin said that this was the first or second in a series of meetings before the new council was inaugurated. Kore did not attend any of the rest.

Kore did not acknowledge a request for comment over the weekend, asking if he recalled the conversation. ♦

Bandshell fundraising summary, as of mid-January

- \$10,000 - \$25,000**
 - Lookout Ridge Retirement Home
 - Taylor Foundation
 - Rankin Construction (in kind)
 - Dekorte's Landscaping (in kind)
- \$5,000 - \$9999:**
 - Rotary Club of Fonthill
 - Lafarge (in kind)
 - Town of Pelham (in kind)
 - Fonthill Bandshell Concerts
 - Special mention: Young's Sod (in kind & donation)
- \$1000 - \$4999**
 - Royal Canadian Legion
 - Sobeys Fonthill
 - Anonymous
 - Maxine McPhail
 - Rick & Lori Gretsinger
 - Shane & Denyse Davis
 - Voice of Pelham
 - The Warden family
 - Country Corner Market
 - Pelham Hills Dentistry
 - BZ Electric (in kind)
 - Willowbrook Nursery (in kind)
 - The Swan family
 - Forest Green Creations (in kind)
- \$500 - \$999**
 - Welland Toyota
 - Pelham Art Festival
 - Marando Family Dentistry
 - Noreen Casson
 - The Macfarlane family
 - Pharma Choice
 - Nick's Cleaners
 - Pen Financial
 - Peace Park Dental
 - Len Doyle

HANDLEBARS

continued from previous page

you, hanging on your every word, what sort of person would be able to lie to that face?

My bicycle, on the other hand, expects me to lie to it. It's part of male cycling culture. You lie about how long or short your last ride was, how fast you went, how much you've trained, that you had a long ride yesterday and won't have your legs tonight. If a cyclist can tell a lie and get an advantage or aggrandize himself in the process, he'll do it. (No—that's not possible—Donald was never a cyclist, was he?)

Why would your bicycle expect any different from you? You can just tell your bike a bald-faced, out-of-the-park lie, and it will come back for more.

Both pups and bikes help you meet people, but dogs win this one hands down. A study conducted in the United Kingdom surveyed 700 people. Sixty percent said that owning a dog can make a person seem more attractive, and 85 percent said that people seem more approachable when they're with a dog. Bingo — is this why more and more people throughout Pelham are walking their dogs? Perhaps we should revisit the earlier point about dogs building moral character.

Every medical and mental health self-help book and TV show except Fox News says dogs and dog-walk-

ing make you feel better, so it must be true. The list of health benefits cycling provides is endless too. Both claim increased cardiovascular fitness, decreased stress levels, and reduced anxiety and depression.

Cycling's better at improving strength, balance and coordination, and you don't have to pick up after your bike and carry a warm bag around until you find a garbage can. On the other hand, I've never fallen off Mylo because I hit a pothole at 30 kph while walking him.

Dogs are better at specialized health services. They can be trained to detect prostate cancer, according to a recent study. Dogs win this one. After four hours on a bike, I'd be hard pressed to detect anything between my navel and knees.

Dogs can help you avoid foods you're allergic to, like sniffing out peanuts; and be trained to alert diabetics to a low blood sugar level. My bicycle sniffs out Tim Hortons coffee and donuts, perhaps less helpful alternatives.

And although service dogs are allowed on airplanes, I've yet to be successful boarding an airplane riding my service bike.

Dogs may win the health category, but bicycles don't drool all over the floor every time they smell food. You don't have to come up with a cute and trendy name for your bike. Bikes won't get bored while you're at work and chew on a table leg or sofa cushion, and I've nev-

er heard my bike ring its bell uncontrollably while jumping up and down at the window when another bike rides down the street.

Perhaps they should be judged on what they give us back. There is no more sympathetic ear than a Golden's. It will listen

to your every woeful tale and life's disappointment while you walk together, and share your joy without question, as long as there isn't a tree trunk or signpost that needs sniffing. Scratch its ears while you're bemoaning your last bad date or horrid boss, and

it will warmly snuggle your knee or armpit until you feel assuaged.

Your bicycle can give you the world, or deliver the quiet solitude necessary to sort out life's tragedies and mysteries. Having a terrible day? Hop on your bike, concentrate on your cy-

cling form and pedal until it hurts. Push everything else from your mind, and savour the immediate release.

Was the study decisive? I was sad to return Mylo to my daughter, and I knew I'd miss him, so I consoled myself with a bike ride. There's a place for both. ♦



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Mayor Marvin Junkin responds to twin investigation results

Editor's note: Over the weekend, the Voice reached out to Pelham Town Council, Pelham CAO David Cribbs, and Pelham Mayor Marvin Junkin for comment regarding the findings of two recently concluded investigations into fundraising efforts by the Mayor and council related to the Fonthill Bandshell Committee's project to renovate the Bandshell in Peace Park. Cribbs' comments are included in the article that starts on the front page. No Town Councillor responded. The remarks that follow are the Mayor's.

"Good morning Mr. Mayor. The next installment on my property tax bill is at the end of June and I will not be able to pay it at this time as I am still not back to full time work. As you noted, I will call the Town Clerk to discuss my situation"

The above is a portion of an email I received from a Pelham resident last Monday. I can't begin to imagine what his reaction will be when he reads this week's paper and discovers how this council has misspent \$18,430 of the taxpayers' money.

I am embarrassed to be connected to a council, much less head of a council, which has paid this amount of money to the Integrity Commissioner pass judgment on what can only be described, by any stretch of the imagination, as frivolous complaints.

It is beyond belief that in this time of such a devastating pandemic, when unemployment has skyrocketed, and many taxpayers are facing the loss of their businesses and/or their homes, that this council has been forced to deal with such

trivial accusations.

For my part in this, which occurred either because of my poor communication skills, or my lack of complete knowledge of the Municipal Act, I apologize to the residents of the town.

One of the complaints which I was found guilty of was actively soliciting funds for a community project. Never in my wildest dreams did I envision anyone—much less a councillor—to take offence to my handing out a donation page, drawn up by the Bandshell committee, to area businesses, to make them aware of this project, and the opportunity to contribute to it, either by a monetary donation, or perhaps through providing labour.

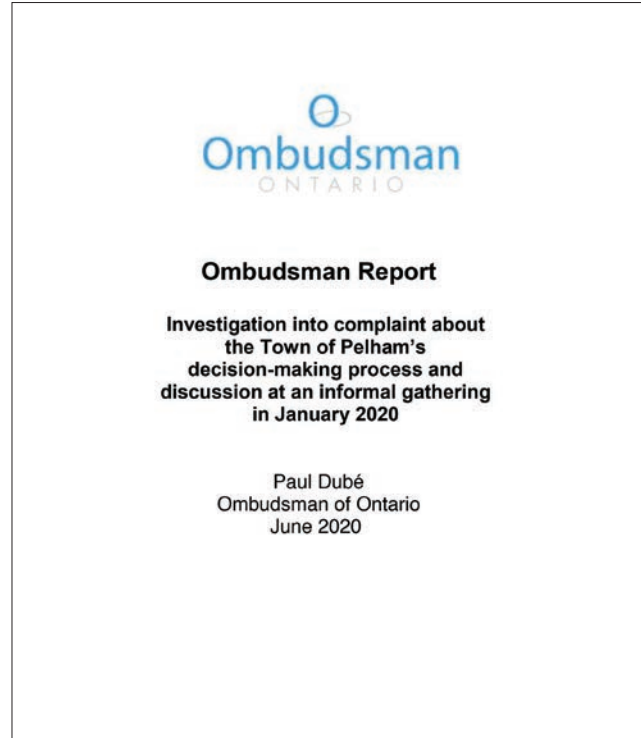
By the Bandshell's own estimate, my efforts brought in somewhere between \$15,000 to \$20,000 dollars. This is money that did not have to come from the Town treasury.

I refuse to apologize for this effort, and believe that this helped to build community spirit within the town. Obviously, next time I will adapt to the rules.

Another complaint was my calling Councillor Kore's allegation of me trying to orchestrate a "back room deal" for a vague offer of a donation from CannTrust the "height of silliness." Mr. Kore thought that this phrase amounted to disparagement against his character, so asked the Commissioner to rule on this.

Not surprisingly, the Commissioner found no fault with this phrase. Whew, society can now rest easy!

The final complaint—and this is the most disheartening for me—was the allegation that I was trying to hide a donation that was



fied council business. I was wrong.

When I arrived home later that evening, I emailed councillors Kore, Stewart and Haun asking them this same question. If offered, would you be in favour of accepting a donation of up to \$25,000 from CannTrust.

Council's decision was unanimous—no one thought we should accept the money, even if it was offered. I then proceeded to tell the Bandshell chairperson not to mention this possible donation in her report because council did not want to accept any money from CannTrust at that time. It must be remembered that if councillors had been in favour of accepting any money offered by CannTrust, it would have been made public the night of the Bandshell's report.

In hindsight, I should never have conducted the poll of councillors. I did so because I thought they should be kept informed of any/all sizeable donations by a cannabis company. I also should have gone to the Town Clerk for advice as to my conducting this poll, as she knew this council, and the rules, perhaps a little bit better than our CAO.

Either way, I made the final call, it was a mistake, and I apologize to you, the citizens, for my carelessness.

Two final remarks: The Ombudsman's report cleared me of any wrongdoing.

The Integrity Commissioner, while finding that I had breached codes of conduct, found that it was evident that my actions were not nefarious, and no personal gain was sought.

I will leave it to you, the residents, to draw your conclusions as to whether you got your \$18,430-worth.

vaguely offered by a cannabis company from the public view. Here is the way the event unfolded.

In November, during a meeting between CannTrust officials, senior Town staff, and myself, the CEO of CannTrust mentioned the donation page that he had received from me, a month or two earlier. He wondered how the project was progressing and suggested that CannTrust might be interested in making a contribution to this project, sometime in the future.

Right then and there, I should have handed him the contact information for the Bandshell fundraising team, but I did not.

I informed the Bandshell Committee that an anonymous donor might step forward and make a donation on the last big item, the new lights.

On January 13, the Bandshell Committee was making a final report to council, in open session. Ten

days prior to this meeting, the chairperson asked me how she should handle this anonymous donation. I had told her it was just mentioned once, and I had not heard any more from the possible donor. I told her I had to check with council and I would get back to her.

Shortly thereafter, I was at the community centre, opening the Silver Stick tournament. Also in attendance were Councillors Wink, Cioffi, and Hildebrandt. I told them that CannTrust might be willing to donate \$25,000, the cost of lights, to the Bandshell project, and did they think we should accept it or not, considering how many residents in the Town did not feel that CannTrust was being a good corporate citizen at the time.

Because this donation had never been on any council agenda, and because it was such a vague offer to begin with, I did not think that this would be classi-

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TOWN COUNCIL NEWS

Council exceeds recommended punishment for Junkin

Meeting features false statements, apparent violation of Municipal Conflict of Interest Act, grant money rejected, an angry Wink, and pop-up patios

BY VOICE STAFF

During its June 15 meeting, Pelham Town Council voted to suspend the Mayor's salary for 45 days while additionally reprimanding him over an Integrity Commissioner investigation into complaints brought forward by Councillor Ron Kore earlier this year.

In late 2019, embattled cannabis producer CannTrust indicated to Junkin that it might be willing to donate \$25,000 toward revitalization of the Fonthill Bandshell. Instead of bringing the offer to council in open session—which, in fact, he was not required to do—Junkin informally polled council members in person and by email to gauge their interest in accepting a donation from a company that had become a local pariah. All councillors told Junkin that accepting the offer was a bad idea—despite the fact that the offer was not being made to the Town, but to a private organization, the Bandshell Committee, over which council has no authority.

Kore subsequently accused Junkin of attempting to broker a “back-room deal,” initially taking his complaint to the Voice,

but without being willing to proceed with it. He then opted to file formal complaints with both the Town's independent Integrity Commissioner, and with the Ontario Ombudsman's office.

As reported at length in last week's issue, in an investigation costing Pelham taxpayers just over \$18,000, the Integrity Commissioner found that Junkin had made a number of technical violations of the Town's Code of Conduct. However, the commissioner concluded that, “it is not our view that the Mayor did so for nefarious purposes; rather, we accept that the Mayor likely intended to avoid the potential for public discourse over a potential donation which may never materialize.”

The commissioner recommended that Junkin receive a reprimand as punishment.

Yet in what has become an ongoing pattern of rejecting the advice of specialists, Councillors Bob Hildebrandt, Lisa Haun, John Wink, and Marianne Stewart voted to dock Junkin's pay for 45 days on top of the reprimand.

Before discussion over punishment began, Kore announced that



Councillors Lisa Haun, left, and Marianne Stewart. **SUPPLIED**

due to an unstated conflict of interest, he would not participate in debate over the consequences of investigations that he himself had caused to occur, and disconnected from the video conference.

Yet a moment later, Councillor Bob Hildebrandt read aloud a statement written by Kore, on Kore's behalf.

This appeared to directly violate the Municipal Conflict of Interest Act, which forbids a council member from taking part in discussing a topic about which they have declared a conflict.

Such a council member “shall not attempt in any way whether before, during or after the meeting to influence the voting” on the issue being debated.

Either no councillor noticed that Kore and Hildebrandt were apparently violating the Act, or didn't care.

When asked later in the week whether Hildebrandt's reading of Kore's statement was permissible, CAO David Cribbs told the Voice that his answering the question, “would constitute provision

of legal advice, which I can only provide to the Corporation of the Town of Pelham.”

Kore did not reply to a Voice request to describe what his conflict of interest was. Hildebrandt did not reply when asked why he agreed to read Kore's statement in his absence.

The Mayor also exited the video conference before debate over his fate got underway, but not before letting council know how he felt.

“I'm embarrassed to be connected to a council, much less head of a council, which has paid this amount of money to have the Integrity Commissioner and the Ombudsman pass judgment on what can only be described by any stretch of the imagination as frivolous complaints....Quite frankly, I've had enough. I'm not going to participate in any more discussions. I'm now going to bid council, and the senior staff that is left, goodnight.”

The added 45-day salary suspension was Haun's idea, and she defended her decision to lay the extra punishment on Junkin by admonishing the Mayor for leaving the meeting early.

“He's opted to leave the meeting and doesn't seem to have any apologies to make whatsoever,” she said. “Had I had the opportunity with him to discuss this, it may have had a different outcome. But clearly, he has no remorse and no apologies to make.”

Hildebrandt concurred.

“I was hoping there would be a more apologetic and conciliatory position taken by the Mayor,” he said.

Junkin did apologize—to the public—in last week's Voice for any oversights, saying he should not have conducted an informal poll of councillors regarding Cann Trust's offer.

During the debate, Haun seemed to suggest that the \$18,430 investigation bill was due in part to Junkin not being qualified or willing to participate in mediation. In fact, mediation was offered to both sides and accepted by Junkin.

“The Mayor whole-heartedly supports the concept of mediation and looks forward to a time and date for this to occur,” read an email sent by a Town administrative assistant to the Integrity Commissioner on March 9.

Kore rejected mediation. He has not responded to Voice requests to explain why.

Haun also falsely asserted that parties to mediation must first “admit” wrongdoing.

“As far as mediation, in order to have mediation, you have to have two parties, that, one of them has to admit, or both really have to have a compromise, they have to admit there's some wrongdoing,” said Haun.

Mixing the present with the past, Haun continued, “In this case, the Mayor very clearly doesn't believe he's done anything wrong, so mediation really didn't seem like it would in [sic] anything that would have ever been feasible. So, naturally then, instead of mediation, it goes to an investigation.”

Haun did not respond when

See COUNCIL Page 15

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COUNCIL

continued from Page 3

asked over the weekend on what basis she made her assertion that a prerequisite for mediation was an admission of wrongdoing.

False assertion about council action

In another stumble, Councillor Marianne Stewart falsely claimed that the Mayor had violated an earlier decision of council, which she implied in part led her to agree with Haun's proposed 45-day pay cut for Junkin.

"Last year, council had made a decision that we would not accept any funding from cannabis companies, at least until such time as they proved themselves to be good corporate citizens," asserted Stewart during the debate.

In fact, council has made no such decision, as acknowledged later last week by Town Clerk Nancy Bozzato.

"We have checked various meetings and can confirm that we are not able to find any formal decision or agreement (staff direction) or resolution to this effect," Bozzato told the Voice.

Asked over the weekend to explain her error, Stewart told the paper that she "may have slightly misspoken," but then went on to double-down, repeating essentially the same statement and adding the town's residents and implied bribery to the mix.

"The sentiment of both the

constituents and council has been clear," said Stewart. "Until such time as the cannabis facilities are no longer a detriment to our community, we as council cannot allow them to buy their way into our good graces..."

Stewart did not respond when asked how this materially differed from her original assertion, and whether she was speaking for all of council or just herself.

As of press time, the results of a Voice opinion poll, posted last Saturday on the newspaper's website and on Facebook, showed some 84% respondents disagreeing with Stewart's assessment of public opinion, as they answered "Yes" to the statement, "If offered, should the Fonthill Bandshell Committee accept donations from local cannabis producers to help cover the costs of the Committee's improvements to the Bandshell?" (See Publisher's Corner, p. 2.)

In any event, the Bandshell Committee, being an independent, volunteer-run community group, is not a Town entity. It is not subject to council oversight regarding who it accepts donations from, a point that the Ombudsman made in his report when chiding council as a whole for improperly seeking to instruct the Bandshell Committee on the CannTrust donation that never materialized. In comments to the Voice last week, Committee Chair Gayle Baltjes said that the group was open to accepting donations from all comers.

Why do we establish committees in this town if we don't listen to their recommendations?

Council tosses grant, no paving for Bauer trail

In another shoot-down of expert opinion, council voted to punt away a \$75,000 provincial grant that would have covered most of the cost to pave a kilometre of the Steve Bauer Trail south of Port Robinson Road. Hildebrandt, Kore and Stewart voted against taking the free cash, going against the recommendation of their own Pelham Active Transportation Committee (PATC).

Junkin, Wink and Haun voted in favour of the trail paving, but because the motion was tied, under procedural rules with one council seat vacant, it was defeated.

Wink was visibly angered.

"Why do we establish committees in this town if we don't listen to their recommendations?" he asked. "[The] Pelham Active Transportation Committee is...all about cycling, they're all about walking, they're all about healthy living. They've made a recom-

mendation to this council, and we're ignoring what they're presenting to us. If we keep on ignoring committees and what they're trying to do for our town, why the heck do we have committees in the first place? I'm sorry, I find this very, very demoralizing."

While the PATC report stated that if council didn't proceed with the Bauer Trail grant then the \$75,000 would be lost, the CAO said he would explore options. He then lambasted the three no-voting councillors for shutting down an accessibility upgrade for the disabled, while damaging Pelham's reputation in terms of grant applications from higher levels of government.

"We applied for this grant way before I was employed here," Cribbs said. "The Town has a fairly extensive and quite attractive trail system, and none of it is accessible. None. The [Accessibility for Ontarians with Disabilities Act] legislation requires us to be making some efforts in that regard, and I don't know how I would answer how we are in respect to recreation right now. It is extremely damaging to the Town of Pelham's brand ... it damages enormously our capacity to get future grants. It just does. We shouldn't be applying. I would echo a number of Councillor Wink's comments, where we choose to create advisory committees, and where those advisory committees devote a lot of time to a specific item and become experts in it, and then make a strong recommendation, the

anticipation is, that [council will agree with the recommendation].

The portion of the trail under discussion, named after Pelham native and former Tour de France cyclist Steve Bauer, will remain dirt and gravel for the foreseeable future.

Pop-up patios

Council approved the temporary waiving of certain parking space requirements for restaurants to allow "pop-up" parking lot patios— up to six parking spaces may be used for this purpose during the pandemic.

Currently, the Town has a Sidewalk Encroachment policy allowing restaurants to apply to the Town for permission to encroach on municipal sidewalks for outdoor patio use subject to meeting the policy requirements related to proof of insurance, provincial licensing requirements, pedestrian accessibility requirements, urban design zoning, and sign and building code requirements. Street parking will not be considered for these patios as the recommendation to waive parking spaces is for private parking lots only.

Approval of sidewalk patios under the Sidewalk Encroachment policy is managed through the Clerk's office. Pop-up parking lot patios on private property are subject to meeting Public Health and provincial licensing requirements related to food service and serving of alcohol.

Taking a break, council next meets again on July 13.



PUBLISHER'S CORNER
by Dave Burket

The answer is yes, we should be wearing masks

Among the many things that Donald Trump has poisoned in his three-and-a-half-year assault on western democracy is public trust in expertise. Not that a certain segment of Americans, in particular, needed much pushing. There's a long-standing and well known anti-intellectual tendency in the US, seen most prominently among what the satirist and newspaper columnist H. L. Mencken called the "booboisie." (In 1931, the Arkansas legislature passed a motion to pray for Mencken's soul after he had called the state the "apex of moronia." This tidbit brought to you by the internet, which Mencken surely would have reviled.) Boobs and idiots arguing over flag burning and whether women should stay barefoot and pregnant—a phrase coined by a doctor in Kansas, slightly northwest of Arkansas—is bad enough. Introduce a highly infectious, deadly disease into the American maelstrom of nitwittedness and now we're talking real problems. How does anyone with any sense dispute the efficacy of masks to reduce the spread of a respiratory illness? By politicizing it. This "debate" has been turned into yet another Trump-fueled blaze in the culture wars, and we should all be concerned that embers from it are floating north. Many Asian cultures have no problem with masks, and their COVID-19 stats are telling. Take Taiwan and Japan. With a population of 24 million, Taiwan has reported 449 cases with just seven deaths. In Taiwan, one in every 53,452 citizens has tested positive. In Japan, with a population of 126 million, there have been 19,841 confirmed cases. In Japan, one of every 6350 citizens has tested positive. Now come Canada and the US. With a population of 37 million, Canada has had 106,000 confirmed cases. One in every 354 Canadians has tested positive. In the US, with a population of 328 million, there have been 2.93 million confirmed cases. One of every 111 Americans has tested positive for COVID-19. Yes, there are other factors at play—Japan, in particular, has always been a hygienic society, and one with little handshaking. But Japan never went into lockdown. Like New York City, Tokyo is home to millions. Yet Tokyo never saw infection rates anywhere near those in New York. The CDC recommends wearing masks. The WHO recommends wearing masks. A roundup of new data, submitted on Monday by 239 scientists from 32 countries to the journal *Clinical Infectious Diseases*, strongly argues that micro-droplets of exhaled breath containing the virus linger in the air for far longer than originally thought. Niagara Regional Council will hold a special meeting on Wednesday to decide whether to make wearing masks mandatory in enclosed public spaces. The answer is yes—"enforceable" or not—because it's the choice most likely to provide the widest public health benefit as the province continues to reopen, and as Niagarans increasingly find themselves in more crowded public spaces. Will council make the right choice? Don't hold your breath. ♦

Fundraiser in support of Junkin

GoFundMe set up in protest of council's action against Mayor

BY DON RICKERS
Special to the VOICE

Almost two weeks ago, John Harding and his wife pulled out of their driveway and headed down Roland Road for a cruise in the country. As they passed Mayor Marvin Junkin's house a couple kilometres further on, Harding's mind flashed back to the political shenanigans of late in the Town of Pelham, and decided at that moment that it was time to act—to try to right a wrong, even if in a small way.

The two men were not close friends...more like acquaintances. Their paths had crossed many years ago when they were both coaching their kids' hockey teams, but they had not conversed in over a decade.

Still, Harding felt compelled to do something for Junkin—and to send a message to the community.

"Like most other folks in Pelham, my wife and I felt we elected these people thinking they were going to be a big change from the last council," said Harding. "Then we find out about investigations costing 18 grand of our money, which should have resulted in no



John Harding. FACEBOOK

more than a slap on the wrist for the Mayor."

Harding's comments were in reference to accusations brought against the Mayor by Councillor Ron Kore, related to Junkin's fundraising for the volunteer-run Fonthill Bandshell Committee—which prompted two formal investigations. Pelham taxpayers are on the hook for the \$18,000 cost of one of the inquiries. At council's June 15 meeting, debate took place over potential punishment for Junkin pursuant to the municipal Integrity Commissioner determination that Junkin had made technical violations of the Town's Code of Conduct. Given that Junkin did so without "nefarious intent," the Integrity Commissioner recommended that council issue a letter of reprimand.

However, after Councillors Bob Hildebrandt and Ron Kore started the debate by apparently violating the Municipal Conflict of Interest Act, Councillor Lisa Haun chimed in to argue that Junkin should also be docked 45 days' salary,

plucking some \$4000 from his pocket.

The final straw for Harding was when he learned that during the same meeting, council had turned down \$75,000 in provincial grant money to help pay to pave part of the Steve Bauer Trail, which would have allowed better access to disabled citizens, along with bicyclists and hikers. The Pelham Active Transportation Committee (PATC) had endorsed acceptance of the grant.

"My attitude was, come on guys...why are we here?" said Harding.

A perennial volunteer for Pelham Cares, where he drives seniors to appointments, Harding expects that Junkin will donate the GoFundMe proceeds to a local charity. The fundraising target is \$4000, matching the salary loss.

Contacted by the Voice for comment, Junkin said he was humbled.

"I'm very flattered that Mr. Harding would do this for me. I won't be able to accept the money—municipal rules don't allow it—but I would indeed love to see whatever funds are collected be donated to a worthy cause, and there are certainly many to choose from," he said.

Small-town politics, it seems, don't have to be difficult or messy, ugly or vindictive. Those interested in contributing to Harding's effort may find his GoFundMe appeal here: <https://gf.me/u/ydsd5r>

NRPS impaired driving charges

In an effort to bring further attention and deterrence to driving while impaired by alcohol or drugs, the Niagara Regional Police Service reports the names of those people who are charged with an alleged criminal impaired driving offence in the Region. None of the following charges have been proved in court.

In addition to being charged, these individuals are also bound by a Ministry of Transportation 90-Day Administrative Driver's License Suspension and are prohibited from operating a motor vehicle on a roadway. The public is encouraged to contact the Niagara Regional Police Service Traffic Safety Hotline or Crime Stoppers to report those who are driving in contravention of the suspension.

The following individuals have been charged criminally with impaired driving by alcohol or drugs, driving with a blood alcohol concentration above 80 mgs of alcohol in 100 ml of blood, or refusing to provide a breath / blood sample.

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- Tyler J. KYLE, 39, Welland
- Lonnie J. DAVIS, 28, Welland
- Alexander M. KOLISNYK, 22, Wainfleet
- Norwood B. FARR, 53, Lowbanks
- Emily E. BRUHIER, 43, St. Catharines
- Douglas J. W. ESTEY, 44, St. Catharines
- Hilton P. WHYTE, 52, St. Catharines
- Douglas M. DOBROCKY, 28, Pelham
- Bosco I. EDWARDS, 30, Scarborough
- Amanda L. VRIEND, 27, Wainfleet
- Michael J. GILL, 30, Port Colborne
- Douglas R. MCPHERSON, 70, North York
- Christopher S. WEAGANT, 29, Fort Erie

The Niagara Regional Police Service is committed to reducing impaired driving offences through education and the apprehension of offenders through enforcement programs like RIDE. Impaired driving is still the leading cause of criminal deaths in Canada and destroys thousands of lives every year.

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- Grill on Canboro
- Shell on Hwy 20 Circle-K

I'm just as curious as you are! It's all explained on p. 10!