

# them too

BY DAVE BURKET  
The VOICE

**AGE 64** Just reading this article brought so many emotions and heartfelt agony to so many women. I was a patient from 1974 until December 2000. There were so many times I felt uncomfortable with the sexual innuendo and subtle sexual advances that it was hard to pinpoint at times. Like so many others, the same tactics were used to prime us. Everything from unnecessary pap smears to pressing his body against mine, to hugs, undressing, and the list goes on and on. Sometimes I left his office very disturbed and even questioning whether I was interpreting his advances wrongly. He did it with his off-beat humour to cover up. As his "grooming" progressed, I knew it was time to leave quickly when he fondled my breast while giving me a shot. It was the final straw for me, and I was advised by another doctor to call the College of Physicians and Surgeons and report all that had been done to me. I called the number given to me, and was accountable to a dear friend who made me follow up. I remember speaking to a woman by the name of Susan at CPSO, who encouraged me to seek counselling, and told me that if he did it to me, he has probably done it to other women. If there were two or more complaints lodged with CPSO they would investigate it and call me back. They encouraged me not to press charges as I would most likely not be successful and it would be very stressful. I waited many years to get a call, especially after reading all the other women who made complaints to CPSO on RateYourMD. How sad and disappointing that even this would not bring attention to the man. He took advantage of his position and title and now walks away. The only consolation we see is an article in the local news shaming the man. Shame to all who support this evil man, and my heartfelt concern to all he has impacted with his selfish actions. The incidents occurred all through my 30s until I left his practice at the age of 45.

**AGE 31** When I read the paper my mouth dropped. I was a patient of Duncan's around ten years ago, when I was a young woman. He also made unprofessional comments and odd requests to do multiple physical examinations. On one occasion, I sat in the waiting room and we had to take a number. When they call your number, you go in to see the doctor. My number was 11. Dr. Duncan saw my number and said, in a provoc-

ative manner, "You are an 11!" He also made comments about my looks on other occasions. Every time I went to see him, for whatever reason, he would insist I needed a pap smear. I would do so, as it's doctor's orders, but I thought it was a little excessive. Later he told me that my tests were abnormal and I'd need more testing...all of these paps did not included a nurse in the room. I started feeling a little uneasy about going to see him, so the next time I brought my boyfriend (now husband) to come with me. Dr. Duncan seemed a little angry that I brought him, and made comments like, "You probably have HPV and watch out for genital warts." I was horrified, and wanted to see a gynecologist for further examination. He referred me to a doctor in Welland and I was given a biopsy. The biopsy was completely clear. It makes me wonder if I had any abnormalities at all? Was he just being completely unprofessional? I changed doctors shortly after that. I'm going to contact the CPSO. I imagine more women will come forward.

**AGE 52** Dr. Duncan opened his family practice in Fonthill when I was six years old. Our family immediately started attending his practice as patients. During my childhood years, he seemed to be a good physician, but once I hit my early teens his behaviour towards me changed. My mother felt I was old enough to see the doctor by myself and as such, any time I attended his office, it started with tickling me each time I visited. As time went on, if I went in for a sore throat, he would tell me to lay down on the examining table and would inevitably touch my breasts and finish by tickling my stomach. I recall going in because of stomach pains and he undid my pants and would want to examine my genitals because it "may be something related" to my "reproductive system." As time proceeded, Dr. Duncan wanted to perform internal exams but, although I said nothing to anyone, it didn't feel "right." At this point, I asked my mother if she could arrange for me to see a gynecologist for things related to the reproductive system. Although I had a gynecologist, Dr. Duncan continued to try to undo my pants every time I went in for anything from an earache to a sore throat to a rash, etc. Finally, I told my mother in my 20s that I was looking for a new doctor because Dr. Duncan made me feel very uncomfortable. She was surprised that I felt that way but didn't question my choice.

**I**N LAST WEEK'S EDITION, the Voice published the account of a woman formerly employed by Dr. Charles Duncan, a family practitioner in Fonthill. The woman asserted that she was twice sexually assaulted by Duncan in 2009, and filed a report with the Niagara Regional Police Service at the time. This past March, a decade later, she was contacted by the College of Physicians and Surgeons of Ontario in connection with an internal CPSO investigation of Duncan. Neither she nor the Voice know what prompted the CPSO to act, but the result was that Duncan agreed to quit practicing medicine as of October 31, and never to apply again to practice anywhere in Canada.

*The Voice informed Duncan's office staff—by telephone, in writing, and in person at his practice—that the newspaper had received these accounts from his former patients, and requested Duncan's comment. He had not responded by press time. The Voice has not verified whether these recollections are true. To the newspaper's knowledge, Duncan has never been charged with a sexual crime, nor is he currently under police investigation.*

After leaving his practice, it became clear to me that what he had been doing to me for so many years was completely wrong on every level. I chose to remain quiet for the same reasons many people do...we are taught to believe that our physicians are good people, to be trusted and not questioned. In retrospect, had I reported his unethical practices, perhaps others could have avoided experiencing the same shameful feelings that I did. He truly isn't having to pay for anything he did to any of us.

**AGE 56** It was 42 years ago. I was 14 when I first met Dr. Duncan. My family had recently moved to a farm in Fenwick. I developed a rash on my feet and hands and thought it may be an allergic reaction to the grasses in the fields. I went to see Dr. Duncan. He told me he would need to perform a physical,

I told him I did not have a rash anywhere else, just on my feet and hands. I did not feel I needed a physical. He kept insisting. I told him I would go somewhere else. Dr. Duncan said he would just look at my feet. He came around his desk and looked at my feet and determined it was an allergic reaction to my new "Buffalo" sandals. He gave me a prescription for cream and that was that. He became my family's doctor. When I started taking birth control I was told I would need to have regular physicals. During exams, no assistant would be present. He would ask me questions about my relationship with my boyfriend. Uncomfortable questions. Long breast exams. Always made me feel dirty and gross. Another time I blacked out at the top of our stairs and fell, injuring my back. Went to Dr. Duncan for my back and the resulting headaches. He asked me to bend over as far as I could. He told me he was going to have to do a physical, I said

no. This has definitely gone on for too long.

**AGE 34** I stopped seeing him just after I left high school and went to college. He used to make a lot of jokes when I was much younger, asking if I had a boyfriend yet when I was in elementary school. There was a lot of sexual innuendoes throughout the entire time I went to him. When I was high school I got a nose ring, and when he would do a breast exam he would say I had nice breasts and ask if I planned on getting them pierced. Also when using a stethoscope, when he put his hand down my shirt, he would place his fingers on my breast and make sure a part of his hand always at some point touched them. When I left town for school, I asked for a referral to a gyno for paps and he refused, saying he preferred doing them himself.

After a few times of asking and having to go to him for a pap, I refused to go back because he would also make comments during the exams that made me feel very uncomfortable.

**AGE 50** I had negative experiences with him as well and fortunately was able to find another doctor about 15 years ago because of this. I always wanted to pursue his inappropriate comments and touches but they were just on the edge of being legit and hard to prove. I am so glad this finally came to light.

**AGE 38** My experience was very similar to a lot of women in the comments. The refusal to refer, "helping" to remove my bra to check for lumps every time I was there, not using

gloves, etc. He was my doctor from birth until I was 23 years old. My first pap test he grabbed both my butt cheeks and pulled me down to the bottom of the exam table because I wasn't moving fast enough. He always refused to send me to a gyno because I was "healthy." After one too many exams that didn't feel right I left him for a new doctor. I'm angry and sickened that I never spoke up. Now it is too late.

**AGE 55** I would sit in the waiting room wondering, each time a woman came out of there, are things happening to them too? And none of them ever looked upset or anything. So I thought maybe it was me. You know what I mean? I was over-reacting. This is my husband's family doctor. So I didn't want to make waves. The last time I saw him was in April.

**AGE 40** He started as my doctor when I was in elementary school. It seemed like every single time I needed to go in there, no matter what the reason was, he felt I needed to have a pap done. He would say that I had nice breasts. I made the choice to stop seeing him when I kind of put two and two together, between 16 and 19. I just did walk-in clinics probably for four or five years after that, until I found a new doctor about 15 years ago.

**AGE 65** I had made a police report on him years before that young lady did. How come if the police had this information, they didn't deal with it? There's quite a few of us that I know of who left Duncan's office because of abuse with him as patients. I came home and said something to my daughter, who was in her 20s. I was in my 40s, and she said, "Mom, he's been doing that to me," and it was like, "Oh my god." After this story came out, now she's like, "Yeah, I would talk to the newspaper, but I don't want my name public," and everybody feels that way. For five years after my divorce, every time he walked into the room, he would say to me, "So are you with anybody yet?" It didn't even dawn on me that that was his question as to whether or not he should continue mauling and doing stuff that was not really appropriate at the time. It was his, "Yeah, if she's not with anybody, I can be touching her and she's not really going to say anything." I'd go in for a sore throat and he'd have to check my boobs. It was like, "Excuse me? I'm not sure why

my throat and breasts have to be connected here," but it took me, honestly, years to actually clue into what he was doing. It's funny because I talked to a friend this morning who had issues with him and she said, "Do you know what? He checked my breasts every time I walked into the office, but he hasn't for the past couple of years." I said, "Let me tell you why. You hit menopause and they're no

*The judgment put on a female who has been sexually abused puts a cloud on her character eternally*

longer hard and perky." After I left his office, I've been pretty verbal about what happened with me. I was interviewed by [a doctor not practicing in Pelham] as a new patient, he asked me why I was leaving Duncan and as soon as I told him why, he said, "I won't take you as a patient." It's the old boys club. I even talked to my pharmacist. I said, "You need to know so if another female comes in, you need to tell her to go and make a police report because I've done it. If we start, the cops are going to figure out that there's a pattern here." I didn't want to press charges because I knew what would happen. If they had come back to me and said, "We do have a pattern of behavior, ma'am. Can we talk again?" I would have totally been all over it. My daughter, even now she won't go public with it, because no matter how you look at it, the judgment on a female who has been sexually abused puts a cloud on her character eternally. The last time I saw him I needed a prescription. He looked up how long it had been since I'd had a mammogram, which was three years, so I said, "Then I need a referral for a mammogram." He said, "Get up on the table," and I said, "No, we're not doing that anymore." He grabbed the prescription out of my hand and tore it in half. I never returned and I didn't even ask for my records. He was disrespectful, had been constantly mauling me, and he was the abuse partner. In order to get my records, I would have to buy them off of him. You couldn't get your records without paying them \$25 to move them to a new doctor, and I was going to pay the man so that I could move away from his abuse? Not happening. ♦

# 23 years and counting: the story behind that billboard

A portable sign parked off Canboro Road in Fenwick may turn out to be this election's most memorable message

BY SAMUEL PICCOLO and DAVE BURKET  
The VOICE

**C**ONFLICTS OVER REAL ESTATE development in rural communities and the consequences of urban sprawl—intended and unintended—are nothing new. But one dispute may hold the record for the longest modern legal battle between residents of Pelham and their Town Hall. The story involves destroyed farmland, death and illness, a bizarre incident of alleged faked assault on a Town employee, a very visible road sign lambasting the town's mayor, and a potential million-dollar-plus liability for the municipality—a liability for which its taxpayers are ultimately on the hook.

After over two decades of legal wrangling, the resolution of an ongoing lawsuit between the Town of Pelham and two Fenwick residents that was supposed to end last spring has been pushed back by another year.

The two residents, neighbours Doug Hargreaves and Donna McIntyre, each own land on Canboro Road. Their complaint stems back to the 1990s and the construction of the Cherry Ridge subdivision.

Hargreaves lived at his property at the time, while McIntyre's property was owned by an uncle of her husband, Ted Bowman. Bowman's uncle, Rod, died a number of years ago. Bowman, 61, suffered a stroke last year and is now partially paralyzed.

The basis of the residents'

complaint is that the Town deliberately diverted water from a storm water pond into a natural stream that runs through their property, and did so because the volume was too great for the municipal drain.

According to McIntyre and Hargreaves, the massive increase in water flow resulted in erosion and a lowering of the water table, decimating parts of their properties, leading directly to the loss of seven acres of peach trees and causing other damage.

### Early days

"We first started complaining about it in '94 or '95," said Hargreaves. "Back then it was basically a matter of, 'Don't put [the

See **LAWSUIT** next page



Donna McIntyre with her husband, Ted Bowman, at home last week.

VOICE PHOTO



The couple's billboard along Canboro Road in Fenwick.

VOICE PHOTO

ELECT  
**LISA HAUN**  
FOR COUNCILLOR - WARD 3



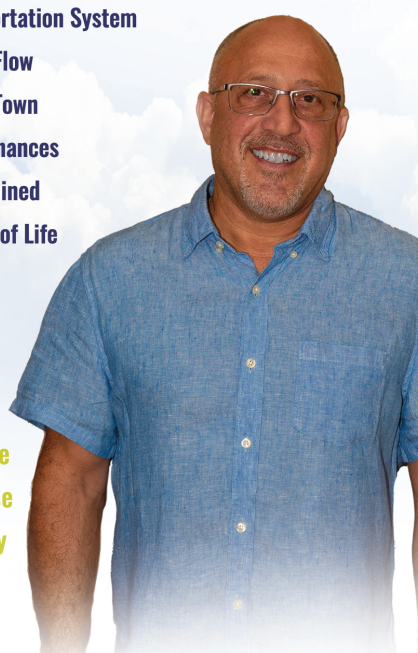
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**On October 22**  
**Vote DELLA MARCA for WARD 3**

PAID FOR BY THE DELLA MARCA FOR COUNCIL CAMPAIGN

**Vote for POSITIVE CHANGE**

Wishing the Residents of the Town of Pelham a most Resplendent and Bountiful Thanksgiving Day Weekend!



At this time:  
Let's remember our beloved Seniors and dedicated Care Workers and Care Givers at our Long Term Care Facilities!  
Let's remember the needs at Pelham Cares! Give generously!

*Barb is a life long resident of Pelham and a home owner in Ward 2*

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**Barb RYBIAK** Councillor - Ward 2

BARB WILL MEET WITH RESIDENTS ON SATURDAY, OCTOBER 6, 2018 AT GELATO IN DOWNTOWN FONTHILL FROM 1:00 TO 2:00 P.M.

ADVANCE VOTE: WEDNESDAY, OCTOBER 3, 2018 AT THE PELHAM FIRE STATION #2, 766 WELLAND ROAD, FENWICK

Paid by the Campaign to Elect Barb Rybiak Ward 2 Pelham

**LAWSUIT**

continued from previous page

water] into the stream.”

According to Hargreaves, the Ministry of Environment also requested that the matter be addressed, and the Town promised to take action on the issue.

Prior to its construction, the land on which the Cherry Ridge subdivision was built had directly absorbed the rainwater that fell on it.

Once houses were built and roads were paved, the soil no longer absorbed the water, and the runoff was redirected into a storm water pond built for the purpose. Its capacity was inadequate, said Hargreaves.

“[The Town] just ignored everything for probably two years. Letters, requests,” he said. “Eventually we got a drainage lawyer involved. I’m guessing that was around 2000. It was so long ago.”

Part of the delay, Hargreaves said, was down to the number of lawyers involved.

“The first one, he [left to work for] the drainage board, so it was a conflict,” he said. “We got a new lawyer. He got started on the case, and then he said, ‘The way things are going with the Town, I’m retiring in a few years. There’s no way I can pursue this. It’s going to take years.’ So we have [another] new lawyer.”

The intervening years have been full of hearings, discovery interviews, and proposals.

“There was one hearing about three years ago with three or four proposals—things that had to be clarified. The Town fought them all, and they lost every one,” said Hargreaves.

“One was for increasing the damages. The Town wanted to let some of the developers off the hook. The judge told them, ‘Well, that’s nice of you, but what if the Town can’t afford to fix the damages? We can’t let these other people off the hook yet.’”

“We had fifty percent of the population of cucumber magnolia trees in Canada, and they’re mostly dead,” said McIntyre, referring to the endangered tree species that grows only in Carolinian Forest.

“Our peaches are gone—not only the trees, but the income

from the trees.”

Essentially, McIntyre and Hargreaves argue, the periodic influxes of water from the storm water pond have greatly eroded

He sat at my table, drank my tea, and ate my cookies, and said he was going to do everything he could to fix this

the natural stream, deepening it significantly. Third-party monitoring equipment set up between September 2016 and October 2017 to measure water flow detected 100 times more force than what would be normal for the site, according to McIntyre, who adds that the force was so great that it broke the measuring devices.

“The company said they’d never had that happen before, equipment damaged like that.”

The force of the flow has cut what’s effectively a shallow canyon across the landscape, the bottom of which sits below the natural water table, leaving moisture beyond the reach of tree roots, causing orchards and other vegetation to starve for water until dying.

A 2011 study by Anne Yagi, of the Ministry of Natural Resources, found that the stream bed had been eroded. In her report, Yagi wrote that the wetland plants were stressed and “attempting to adapt to these lower water levels.”

Though Yagi did not directly assess the storm water, she said, “If additional storm water has been added, it should be suitably mitigated from an ecological standpoint.”

**The new mayor: David Augustyn**

After years of stagnation with the lawsuit, McIntyre initially welcomed the election of David Augustyn as mayor of Pelham in

2006.

McIntyre, who is 55, and retained her maiden name after marrying Ted Bowman, is Clinical Manager at Douglas Memorial Hospital in Ft. Erie. She recalled a visit to her home by the future mayor 12 years ago.

“The Mayor sat in my kitchen when he first campaigned in 2006. He knew what was going on because he and [Ted Bowman’s cousin] had worked together at some point. He sat at my table, drank my tea, and ate my cookies, and said he was going to do everything he could to fix this. He said that this was wrong, that it had to be corrected.”

McIntyre shook her head.

“We voted for him. Absolutely. We thought, ‘Okay, this is a good guy, he’s going to do what he promised.’”

After the election, McIntyre said, Augustyn failed to follow through on his pledge to help.

“There was just nothing, nothing, nothing. Ted and I met with him about five years ago, just to say, ‘You know, Dave, you said you supported us and you were going to fix this.’ He was sitting at his desk in his office, and [CAO] Darren Ottaway was standing at his left shoulder. Every time we would ask him a question, Ottaway would say, ‘You can’t answer that.’ I got up and left. I said, ‘This is just a waste of my time. I can’t believe what’s going on here.’ Ted stayed for a few more minutes, but nothing. We couldn’t discuss anything with him because Ottaway wouldn’t let him answer questions.”

“The best part is that we were at one of those Regional Council meetings. Ted was in his wheelchair, and I took him over to say hi to Dave. Dave said, ‘Oh, hi, Ms. McIntyre,’ and then he looked at Ted and said, ‘And who might you be now?’ He pretended in front of his group that he didn’t know Ted. Ted’s lost a lot of weight, but he’s still Ted. And he was with me, and Dave knew who I was. He’s known Ted for years. He knew Ted had a stroke. It’s a small town—he lives ten doors down from us. I thought, ‘Okay, buddy.’”

Augustyn recalls the meeting this past February differently, asserting that it was McIntyre who invited him to say hello to Bowman.



Mayor David Augustyn. SUPPLIED PHOTO

“I finished my conversation, turned, went to him and said ‘Hello Ted. I heard you had a stroke. How are you doing?’”

McIntyre, according to Augustyn, then stated that he, Augustyn, was responsible for Bowman’s stroke.

McIntyre forcefully disputes the Mayor’s account.

“That is ridiculous. Augustyn asked me who Ted was. He said nothing about Ted’s stroke. It simply did not happen that way.”

In 2015, Augustyn told the Voice that the Town had spent some \$200,000 to update the storm water pond, and that the possibility of constructing a municipal drain in the area to meet provincial requirements was also being considered.

This work, McIntyre and Hargreaves say, has not been effective. Their only hope now is to reach a resolution in front of a judge.

“They chose to take us on for some reason, and I don’t know what that reason is,” said McIntyre. I really don’t. So you’re waiting, and hoping that no one else dies, or has a heart attack, or has a stroke.”

**The police are called**

Although the drainage issue—the initial reason for the lawsuit—still concerns Hargreaves and McIntyre, intervening struggles with the Town have made the situation even more troubling for them.

The two say that the most upsetting incident in the decades-long saga occurred on September 9, 2015, when a Town employee filed a police report against Hargreaves and Bowman alleging assault.

Yet within 24 hours, the em-

ployee had recanted his statement.

Earlier that morning, the Town convened a meeting on Maple Street to inform local residents that engineers would be evaluating water drainage on or near their properties.

Among the engineers was John Spriet, of Spriet Associates Ltd. in London. Also present was a representative from the Ministry of Natural Resources, and Pelham’s Drainage Superintendent, Mike Zimmer.

Instead of limiting their survey to the drains, after the meeting Hargreaves said that Zimmer and Spriet began following the natural stream that runs through the area.

“As they were surveying that, Ted called the lawyer in Toronto,” recalled Hargreaves. “The lawyer told Ted that they could only come on his property to survey the drain, not the stream.”

Next, Hargreaves says that he and Bowman went out to Bowman’s property line and waited for Spriet and Zimmer to arrive.

“Ted told them, ‘I’ve talked to my lawyer, and we will take you over to the drain. You can survey that. But you’re not to come on to my property for this stream,’” said Hargreaves.

Hargreaves says that at this, Spriet, the engineer, began packing up his things and withdrew.

“[But] Zimmer was Mr. Mouthpiece, saying that he was the superintendent and he could go wherever he wanted,” said Hargreaves.

“Some time along the way Zimmer disappeared,” said Hargreaves. “We walked back to Ted’s truck and were driving back when we saw Zimmer coming out of the bush on Ted’s property from where the stream was.”

Hargreaves says that he and Bowman confronted Zimmer.

“We knew that his name was Mike, but we didn’t know his last name. We told him he was trespassing, and that he had to leave. He was swearing at us, saying, ‘I don’t give a shit what you say, I can go wherever the fuck I want,’” Then, Hargreaves says, Zimmer pulled out his cellphone.

“He said, ‘I’m recording this.’ Ted and I were standing side-by-side, and Zimmer was maybe eight or ten feet in front of us. I

See LAWSUIT Page 23

It’s Time For  
**CHANGE!**

**VOTE** Responsible Government

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WARD 1

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Elect **MARIANNE STEWART**

CANDIDATE, WARD 1, PELHAM TOWN COUNCIL

I believe it’s time for a wholesale change at Pelham Town Hall. I ask for your vote on Oct 22.

**“The Pie Lady”**

Elect **Mike Ciolfi**  
COUNCILLOR, WARD 1, TOWN OF PELHAM

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**Meet & Greet**  
Come Out to Meet Mike Sunday Oct. 14.  
At Iftody’s Hollo Maple Farms, 627 Church St. Fenwick (south of Foss & Sumbler Roads), 1:00pm – 3:00pm.  
Plenty of parking

This event sponsored by the Campaign to elect Mike Ciolfi as Ward 1 Councillor for Pelham.

For more information or to request a lawn sign, please call: 905-892-0077 or email [mikeciolfi4pelham@gmail.com](mailto:mikeciolfi4pelham@gmail.com)

PAID FOR BY THE CAMPAIGN TO ELECT MIKE CIOLFI

## LAW SUIT

continued from Page 17

knew from the way things were he wasn't going to do anything physically," recalled Hargreaves.

After turning his phone to face himself, Hargreaves says that Zimmer charged at the two of them.

"He stopped about two feet in front of me. Then he looked at me, and boom—he threw himself in the air backwards, landed on the ground, and went, 'Ahhhhh. You pushed me, don't push me.' Ted and I are looking at each other like, 'I can't believe this.'"

What Zimmer evidently did not know at the time was that Hargreaves, then retired, had been a police officer for 35 years.

"I've been to strike scenes and different things where people do this, and it's just so unbelievable. A car will drive by and they'll throw themselves. It was just theatrics on his part," Hargreaves said.

After Zimmer got up, Hargreaves and Bowman again told him to leave.

"We talked to the lawyers, and we called the police right away, just them know what happened. Zimmer went back to the Town and he must have called the police too," said Hargreaves.

That night, police arrived to speak to Bowman and Hargreaves.

"He cautioned us, he said we weren't obliged to speak, this is the complaint and the whole bit," said Hargreaves. "I said, 'I don't care about any of that stuff. This is what happened, and you tell the investigator what happened.'"

When the two went to the station the next day, they learned that Zimmer had changed his story.

Zimmer's statement, a copy of which has been obtained by the Voice, detailed his original allegations.

Zimmer initially alleged that he was pushed to the ground twice, once each by Hargreaves and Bowman.

"When interviewed," reads the NRP report, "Zimmer recanted and admitted that they put their arms up causing some contact, and that he lost his footing and fell." The report concluded that Zimmer's allegations were unfounded.

Hargreaves says that even this statement is false.

"There was no contact," he said, adding that lying to police and causing them to enter into an investigation is public mischief.

"Probably the reason he wasn't charged with public mischief, they probably had him almost backed into a corner, but they wanted to leave him an escape route—that's the way these things work. 'If you come clean and tell us what actually happened, then we won't charge you after with public mischief making a false statement.' When you make a false report and it causes police to enter into an investigation, that's public mischief. That's what he did. He committed a crime, but they obviously gave him the out for the rat to crawl out of the corner."

Zimmer, who is still employed by the Town, did not respond to repeated requests for comment.

Asked whether Zimmer was reprimanded or was subject to any disciplinary measures for making a false statement to police, Public Relations and Marketing Specialist Mark MacDonald initially said that the Town "would be pleased to respond," but only on condition that the Voice provide the Town with a copy of the police report.

The Voice did so.

A day later, MacDonald replied, "The Town is satisfied with the statements that Mr. Zimmer provided in his report as he recalls the events and has no further comment."

McIntyre said that the ordeal

NIAGARA REGIONAL POLICE GENERAL OCCURRENCE HARDCOPY		
GO# 2015-77614		ASSAULT
<p>A short time later Bowman and Hargreaves observed Zimmer walking on Bowman's property along the stream where he was told not to go. They approached Zimmer which led to a confrontation and ultimately the allegation of assault as reported by Zimmer.</p> <p><u>Allegations of assault:</u></p> <p>Zimmer initially reported to police that confrontation was over what area he was allowed to access to inspect the drains. During the confrontation and after explaining he was allowed to walk anywhere on the property, Zimmer states that one person identified himself as a police officer and that he was pushed to the ground twice, once by each person there (Bowman and Hargreaves).</p> <p>When interviewed Zimmer recanted and admitted that they put their arms up causing some contact, and that he lost his footing and fell. Based on his own account of the events, it was clear that he was not assaulted. Zimmer believed that one of the males identified himself as a police officer and the other male later admitted he was a retired officer. Zimmer complained that someone should be charged with identifying themselves as an officer when they were not. It was also clear based on his descriptions, that Zimmer mixed up Bowman and Hargreaves as he believed Bowman identified himself as an officer.</p> <p>Hargreaves and Bowman both gave different accounts. According to them, Zimmer was approached and told he was trespassing. He threatened to call the police and Bowman stated, to just ask Doug (Hargreaves) and he was an officer. Zimmer demanded to know Hargreaves supervisor and Hargreaves replied that he was retired. Zimmer showed his Town of Pelham badge and stated he could walk where he wanted to. He was again told that Bowman was the property owner and Hargreaves was acting as his agent and that he was trespassing. Zimmer continued to walk toward them, Hargreaves put his arm up to stop him. Both Bowman and Hargreaves state that Zimmer had his cellular telephone, said he was recording them, then he jumped backward throwing himself on the ground yelled "stop pushing me". He then got up and walked away. Bowman told Zimmer which way to walk so he wouldn't harm his crops, but Zimmer showed his badge and said he work for the town and could walk wherever he wanted. Hargreaves though it would be best to let Zimmer walk away.</p> <p>Regarding the criminality of this investigation, it does not appear that an assault occurred. Although Zimmer believed he could enter and walk wherever he wanted, Bowman acting on advice of his lawyer believed Zimmer was trespassing.</p> <p>Regarding one party identifying themselves as an officer. Doug Hargreaves is a retired member of the Niagara Regional Police Service. Based on the account of all parties, Zimmer included, this writer believes that Hargreaves was identified as a retired officer.</p> <p>This writer then sought the advise of the Crown's Office. A reference was made to Section 35 of the Criminal</p>		

Excerpt from an NRPS report about the alleged assault, and recanting of same, in 2015.

VOICE GRAPHIC

took an immense toll on her husband, Bowman, who subsequently had a stroke.

"I can't even tell you how much it affected him," said McIntyre. "He wouldn't go to the back of the farm for six months, he was so afraid he was going to meet somebody from the Town, especially with our grandson. He was really, really upset about this whole situation with [Zimmer]."

Both McIntyre and Hargreaves were dismayed by the Town's lack of response to one of their employees making false allegations to the police.

"With the outcome of this [police] report, he can have no credibility in this town," said Hargreaves.

"He still works, and he's still on the Sunshine List at the Town," said McIntyre, who says that she approached CAO Darren Ottaway about Zimmer late last year.

"I said, 'What did you do?' and he said, 'That's all been done.' I said, 'What did you do about it?' and he slammed his door in my face."

Ottaway did not acknowledge repeated requests for comment.

After requesting the date, time and "proof" of the slammed-door incident, Public Relations and Marketing Specialist Marc MacDonald stated that McIntyre's version of the encounter "does not coincide with the events as recalled by the CAO. In fact, it was the Town's counsel who closed the door to the CAO/Mayor's office area."

McIntyre remains unmoved. "Darren Ottaway shut that door in my face. The counsel was hiding in the back office. This is what we face. This has all become really personal, and I'm tired of losing family over it, tired of the time, tired of everything. Especially the bullying and the non-disclosure that goes on."

McIntyre and Hargreaves say they attempted to recover the video made by Zimmer on his Town cellphone through a freedom of information request in 2016, only to be denied. Their appeal to the Information and Privacy Commissioner of Ontario was also denied.

"Ted travelled internationally for work," said McIntyre. "[Had Zimmer's allegations resulted in a conviction] his passport would have been gone. Ted's whole life—he wouldn't have been able to work—would have been gone. All for this, all for somebody who lies."

### Judge's recommendation rebuffed

On September 1, 2017, Hargreaves and McIntyre attended a mediation conference at the Welland courthouse with their lawyers, representatives of the Town, and a judge, a meeting they hoped would finally mark the beginning of the end of the lawsuit.

"The judge recommended a solution to us and the Town," said Hargreaves. "Ottaway was the one there for the Town. They told him to go to the Town Council with the solution. Apparently he didn't."

McIntyre concurred with Hargreaves.

"The judge was very clear that [a trial] was going to be very costly and very time-consuming, and that it was probably better that we came up with a conclusion before then."

The two sides' lawyers negotiated a tentative dollar-range that would be acceptable to all parties, said McIntyre.

The settlement proposal was to have been presented to Town Council behind closed doors a little over two weeks later, on September 18, 2017.

It was not. According to minutes of the meeting, no Town legal coun-

sel was present, leaving only CAO Darren Ottaway to speak to the matter.

Despite being instructed by the judge to recommend a settlement, as asserted by the plaintiffs, Ottaway failed to do so.



CAO Darren Ottaway. VOICE PHOTO

According to a source with direct knowledge of the closed-door meeting, council was never presented with an offer. "The lawyer wasn't at the meeting. It was Ottaway who said that there was no deal because there were no worthwhile negotiations, and that he fully expected it would have to go to trial. He didn't mention anything about the judge's comments, or any recommendation for a settlement. Nobody questioned him on this. They mistakenly assumed that Darren was telling the truth. He just said they had the pre-trial meeting, that they weren't close to making a deal, and he fully expected it would go to trial. One councillor asked Darren if he didn't think he was exposing the Town to a bigger loss in going to trial—wasn't that kind of a risky thing to do, winner-take-all, as opposed to negotiating? He said that [McIntyre and Hargreaves] didn't want to negotiate, so we had to go to trial."

No Town Councillor, nor the Mayor, nor the CAO responded to

requests for comment about the closed-door meeting.

Public Relations and Marketing Specialist Marc MacDonald stated, "In the absence of confirmed documentation that the judge directed the CAO to carry out any such orders we cannot comment on the recollection of the plaintiffs. Additionally, any information that may have been presented to Council during an in camera meeting is strictly confidential."

Failing the pre-trial solution, the case was supposed to go to court this past March.

"Our lawyer was hit by a car," said Hargreaves. "So we asked for an extension until the fall."

In response, Hargreaves and



Former Councillor Marvin Junkin.

SUPPLIED PHOTO

McIntyre said that the Town asserted that it would be too busy in the fall, and asked for the case to be pushed back until the spring of 2019.

"They said they would be busy," said Hargreaves. "They wanted to wait until after the election."

Former councillor Marvin Junkin, now running for mayor, recalls the lawsuit coming before council.

"This is yet another instance of the Town treating residents as if they don't matter," said Junkin.

"Endless delays, misdirection, false statements to police—all unacceptable. Solving problems like this isn't difficult. Tell the truth, admit mistakes, and agree on a repair to the damage. It's time that Pelham be returned to being run as the small town that it is, not like it's some Bay Street corporation with teams of lawyers and hidden strategy."

Asked whether the Town was intent on pushing forward to a trial, Public Relations and Marketing Specialist Marc MacDonald replied, "To comment on the Town's intent regarding any claims made by McIntyre, Bowman, Hargreaves, et al. as it pertains to ongoing litigation would be irresponsible as it pertains to ongoing litigation. It could result in an increased cost to the taxpayer in terms of additional, unnecessary legal fees."

### A message to voters

Last week, McIntyre and Bowman leased a portable sign, erecting it in their front yard at the edge of Canboro Road, careful to follow applicable bylaws on election sign size and placement.

"It's exactly 3.3 feet from the property line," said McIntyre, who added that at 8:30 last Monday morning a bylaw officer and representative from the fire department arrived at the house to tell them that the sign was illegal.

"Ted's caregiver spoke with them," said McIntyre. "She said they seemed embarrassed."

In fact, McIntyre is a registered third-party election advertiser in Pelham, a new provincial requirement related to political messaging that came into effect this year.

Under these rules, which require the sponsor's name and contact information be included in messages, the sign is within the law—and getting noticed.

"People honk and wave as they drive past," said McIntyre.

"It's been nice to get the support." ♦

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## SWEEP SEES PELHAM TOWN HALL UPENDED

### Mayor-elect Marvin Junkin to lead all-new Council

### Diana Huson new Regional Councillor, Nancy Beamer is DSBN Trustee



Pelham Mayor-elect Marvin Junkin celebrates his win Monday evening at his campaign headquarters with his wife, Candace, and daughter, Emily.

VOICE PHOTO



SEE TOWN COUNCIL RESULTS ON BACK PAGE

Regional Councillor-elect Diana Huson at home in Fenwick. She described being "dumbfounded" at her win over two experienced incumbents.

VOICE PHOTO

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**LIBRARY**

*continued from Page 2*

that came before me were diligent in setting the table for many of things we were able to accomplish in the last few years. It is my hope that my brief time here has contributed in a positive way to laying the foundation for whatever lies ahead for this great library system in Pelham.

As I move on to another chapter in my professional life, I want to leave behind a few observations that I hope will be helpful.

First, the two Pelham Public Library locations are absolute gems in this community. Both facilities are located in village centers, which make them easily accessible. Both are located close to schools, homes, and businesses making them excellent gathering places for all aspects of community.

As the communi-

ty grows, these important locations can serve as key anchors. I would argue that any investment of money, time, or talents to this important Pelham institution would earn a solid return in terms of a strong community.

Second, equally, if not more important, is that the staff of the Pelham Public Library are the best.

While the facilities provide a physical anchor, our staff bring the space to life. The staff in the library are often among the few who either know about or know where to get information about past and current events and issues in the Town.

This type of knowledge is useful for helping community members grow, learn, and become engaged in activities of interest.

You will regularly find our staff at community events, in schools, in senior centers, and in community centers delivering

programs and generally going to places where people need some support. Staff do all of this with the primary purpose of being helpful.

We are not selling a product — we just want to help individuals succeed and, as a result, build a stronger community.

As the community continues to grow and change the Library is an excellent place to help newcomers and long-time residents to learn, grow and understand each other. As this community growth and change happens the Library will also need to adapt in order to remain relevant.

Library service in Pelham has not survived for 160 years by remaining the same. It is my hope that this community will continue to actively support and encourage the innovative and creative ideas developed in the Library.

**PELHAM TOWN COUNCIL WINNERS**

**WARD 1**



Councillor-elect Mike Ciolfi



Councillor-elect Marianne Stewart

**WARD 2**



Councillor-elect Ron Kore

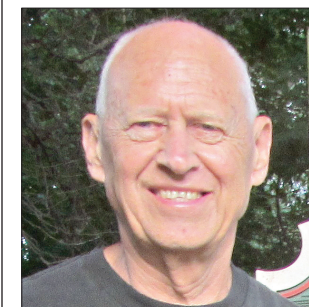


Councillor-elect John Wink

**WARD 3**



Councillor-elect Lisa Haun



Councillor-elect Bob Hildebrandt

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