



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN



COUNCIL MINUTES

MEETING NO. FIFTEEN HELD: Monday, September 28, 2009 - Township Administration Building, 318 Canborough Street, Smithville, Ontario - 7:00 p.m.

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|------------------------|-----------------|---|
| <u>PRESENT:</u> | Council: | Mayor Katie Trombetta Alderman Mary Dinga Alderman John Glazier Alderman Norm Johnson Alderman Douglas Joyner Alderman Sue-Ellen Merritt * (see top of page 2) Alderman Mike Rehner |
| | Staff: | Derrick Thomson, CAO Carolyn Langley, Clerk Brian Treble, Director of Planning & Building * |
| | Others: | Steve Ecker * June Beamer * Cathy Sterling * One other Member of the Public * |
| | Media: | Dave Chappelle, West Niagara News* William Kelly, Cogeco * |

* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman Mike Rehner
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**

Alderman Dinga declared a conflict of interest with respect to By-law 2009-100 as it pertained to the Contribution Agreement for the Townline Road Project, due to the fact that her husband owned land on Townline Road, which was the reason for all the other conflicts so listed on the agenda. Alderman Dinga did not take part in discussion nor voting with respect to this matter.

Mayor Trombetta read the list of items below that outlined previously declared conflicts by Members of Council.

NOTE: Items for which conflicts were recently declared at Committee or past Council:

(a) Council – August 24, 2009

Alderman Mary Dinga – (1) Item P98-09 - Report No. PD-127-09 – Information Report – Status of Regional Growth Management Policy Plan Amendment (RPPA 2-2009) and Appeals to the Ontario Municipal Board) and (2) Item P99-09 (Amendment to Budget - Report No. PD-128-09 – Recommendation Report

– Work Plan for Places to Grow (P2G) and Compliance Exercise for Township of West Lincoln Growth Strategy),

(b) Administration/Finance/Fire Committee – September 21, 2009

Alderman Mary Dinga – Item 4 under Consent Agenda Section - Report RFD-T-17-09 2009 Building Canada Fund – Communities Component (BCF-CC) Contribution Agreement for Infrastructure Projects – Intake 2

(c) Public Works/Recreation/Arena Committee – September 21, 2009

Alderman Mary Dinga – Item 2 under Consent Agenda Section - Report RFI PW-43/2009 - Townline Road Reconstruction – Status Report # 1

* **Alderman Merritt** arrived at approx. 7:02 p.m. after disclosures of pecuniary interest and/or conflicts of interest were declared. Mayor Trombetta asked Alderman Merritt if she had any pecuniary interests or conflicts of interest to declare to which Alderman Merritt advised that she did not have any to declare.

3. COMMENTS FROM THE PUBLIC:

There were no comments from the public.

4. CONFIRMATION OF MINUTES:

(a) Council Minutes – Regular
August 24, 2009

NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

Moved by Alderman John Glazier and seconded by Alderman Douglas Joyner:

That, the minutes relating to the open session portion of the August 24, 2009 regular Council meeting be accepted without errors or omissions.

That the confidential minutes of the closed session portion of the August 24, 2009 Council meeting be accepted without errors or omissions; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

(b) Council Minutes – Special
September 21, 2009

Moved by Alderman Mary Dinga and seconded by Alderman Norm Johnson:

That, the minutes of the September 21, 2009 Special Council meeting be accepted without errors or omissions.

- Carried

(c) Public Meetings under the Planning Act
September 14, 2009 Minutes

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman John Glazier:

That, the minutes of a public meeting held on September 14, 2009, under Sections 17 and 34 of the Planning Act, with respect to:

- (a) Zoning By-law Amendment - Joseph & Mary Magdic/Ivan & Ana Nedelko
- (b) Zoning By-law Amendment– William Hardt & William Dunsdon
- (c) Official Plan Amendment-Township of West Lincoln (Downtown Smithville community Improvement Project-Official Plan Amendment #22)

be accepted.

- Carried

5. COMMUNICATIONS:

There were no communications.

6. APPOINTMENTS/PRESENTATIONS:

There were no appointments.

7. REPORT OF COMMITTEE:

- (a) Planning/Building/Environmental Committee

Re: September 14, 2009 Minutes

NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM P104-09

RECOMMENDATION #1:

The Planning/Building/Environmental Committee hereby approve the following Consent Agenda Items:

- 1. Items 1 and 2 are hereby received for information,
- 2. Items 3, 4, 5 and 6 be approved and the recommendations contained therein are adopted.

with the exception of Items #(s) 2 and 4.

(ITEM P104-09

- (1) Information Report PD-147-09 – Niagara Regional Housing – Draft Affordable Housing Municipal Profile
- (3) Recommendation Report PD-152-09 – Fred Bosscher Amending Site Plan Authorizing By-law (File No. 2100-006-08)
- (5) Recommendation Report PD-137-09 – Exemption from Part Lot Control – Winspear Homes – Lot 12, Plan 30M-372, Anastasio Estates–Phase 4 Subdivision
- (6) Recommendation Report PD-151-09 – Avertex Utility Solutions Inc. - Site Plan Authorizing By-law (Former Rebound Resources Property) (File No. 2100-088-99-001 (2009))

RECOMMENDATION #2:

That, Report No. PD-153-09, dated September 14, 2009, relating to Proposed Heritage and Housing policies as part of the Official Plan Five Year Review, BE RECEIVED for information.

RECOMMENDATION #3:

- (1) That, Report No. PD-141-09, dated September 14, 2009, relating to a request for a one (1) year extension of Draft Plan Approval for Wes-Li Gardens Extension Plan of Condominium, BE RECEIVED; and
 - (2) That the Draft Plan Approval for Wes-Li Gardens Extension Plan of Condominium be extended for a period of one (1) year to expire on October 25, 2010.
- (b) ITEM P105-09
- (1) That, Report No. PD-150-09, dated September 14, 2009, relating to the Spring Creek Heights Secondary Plan Air Quality and Environmental Impact Assessment Study – Submission of Final Study, BE RECEIVED; and
 - (2) That, Planning staff be authorized to prepare a draft Official Plan Amendment to incorporate new Spring Creek Heights Secondary Plan policies to implement the recommendations of the Spring Creek Heights Secondary Plan Air Quality and Environmental Impact Assessment Study for consideration by the Planning/Building/Environmental Committee in advance of a public meeting; and
 - (3) That, Planning staff be authorized to present a report following the consideration of a preliminary policy amendment of the Spring Creek Heights Secondary Plan for review by the Planning/Building/Environmental Committee to repeal By-law 2008-47, being an Interim Control By-law.
- (c) ITEM P106-09
- (1) That, Report No. PD-138-09, dated September 14, 2009, relating to an application for rezoning by Joseph & Mary Magdic and Ivan & Ana Nedelko, BE RECEIVED; and
 - (2) That, Zoning By-law Amendment 1601-011-09 submitted by Joseph and Mary Magdic and Ivan and Ana Nedelko, BE APPROVED.
- (d) ITEM P107-09
- (1) That, Report No. PD-142-09, dated September 14, 2009, relating to a Zoning By-law Amendment in the names of William Hardt & William Dunsdon, BE RECEIVED; and,

- (2) That, Zoning By-law Amendment Application 1601-014-09 submitted by the Township of West Lincoln, BE APPROVED; and
 - (3) That, no further public meeting is required pursuant to Section 34(17) of the *Planning Act* as the proposed modifications to the original application are minor in nature.
- (e) ITEM P108-09
- (1) That, Report No. PD-148-09, dated September 14, 2009, relating to the Adoption of Sustainable Downtown Smithville Community Improvement Plan (June 2009) and Downtown CIP Boundary, BE RECEIVED; and
 - (2) That, Staff be authorized to present a recommendation report at a future meeting of the Planning/Building/Environmental Committee meeting once key agency comments have been received and addressed.
- (f) ITEM P109-09
AMENDMENT TO BUDGET
- (1) THAT report, RFD FD-09-07, re: New Fire Station, dated September 14, 2009, be accepted; and,
 - (2) THAT, the New Fire Station design draft plan attached as Option B be approved;and,
 - (3) THAT, the Fire Chief be authorized to direct Raimondo & Associates to proceed with the Engineered drawings based on the approved plan; and,
 - (4) THAT, the allocation for the new Fire Station as contained in the 2009 Fire Department budget, be increased by \$385,000.00 and that the amount be funded by the reserves as outlined under "Financial Implications section of this report (Schedule B Funding Allocation); and,
 - (5) THAT, approval of this report be dealt with at a Special Council meeting to be held on Monday, September 21, 2009 immediately following the Public Works/Recreation/Arena Committee meeting.
- (g) ITEM P110-09
- (1) That, Report No. PD-144-09, dated September 14, 2009, relating to a Zoning By-law Amendment for the Township Administration Property, BE RECEIVED; and
 - (2) That, the zoning by-law amendment (Administration Property) as revised and contained in Attachment No. 2, BE APPROVED; and,

- (3) That, the zoning by-law amendment (Parking Provisions) contained in Attachment No. 3, BE APPROVED; and
 - (4) That, no further public meeting is required pursuant to Section 34(17) of the *Planning Act* as the proposed modifications to the original applications are minor in nature.
- (h) ITEM P111-09
- (1) That, Report No. PD-154-09, dated September 14, 2009, relating to an Easement Agreement between the Township of West Lincoln and Ms. June Beamer, BE RECEIVED for information; and,
 - (2) That, a By-law authorizing the Mayor and Clerk to enter into an Easement Agreement between the Township of West Lincoln and June Beamer as Estate Trustee for the Estate of Harold Lyle Beamer BE APPROVED.
- (i) ITEM P112-09
- That, Report No. PD-143-09, dated September 14, 2009, relating to the proposed Regional Bicycle Policies and Mapping, BE RECEIVED for information.
- (j) ITEM P113-09
- (1) That, Report No. PD-139-09, dated September 14, 2009, relating to recreation trailer parking provisions and accessory building provisions and Planning Staff's request to hold a public meeting under the *Planning Act* , BE RECEIVED; and
 - (2) That Planning staff be authorized to hold a Public Meeting at a future Planning/Building/Environmental Committee meeting with respect to the proposed changes, as required under Section 34 of the *Planning Act*.
- (k) ITEM P115-09
- (1) That Report PD-149-09 dated September 14, 2009, regarding a Legal Matter be received; and,
 - (2) That Staff be and are hereby authorized to proceed as directed in closed session.

Moved by Alderman John Glazier and seconded by Alderman Douglas Joyner:

That, the minutes relating to the open session portion of the Planning/Building/Environmental Committee meeting held on September 14, 2009, be received and that the recommendations contained therein, be approved, with the exception of Item no(s) P107-09.

That the confidential minutes of the closed session portion of the September 14, 2009 Planning/Building/Environmental Committee meeting be received and

approved; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

ITEM P107-09–Report PD-142-09–Zoning Amendment Hardt & Dunsdon

Alderman Rehner provided clarification on a couple of issues relating to the Hardt/Dunsdon zoning amendment and reviewed his concerns regarding severe flooding in the spring as the property is in the flood plain and the potential for water pollution exists if there is an unlimited number of livestock permitted on this lot. However, Alderman Rehner noted his support for practicing agriculture on small lots in the country and hoped the applicants would take advantage of this opportunity.

Alderman Merritt responded to Alderman Rehner's comments and explained that the Hardt/Dunsdon application was not similar to Mr. Rehner's severance issue as the Hardt/Dunsdon application corrected something that was not done correctly in the past.

The Director of Planning & Building provided background on the Hardt/Dunsdon application and explained why the zoning was agricultural and not Rural Residential.

Moved by Alderman Mike Rehner and seconded by Alderman Norm Johnson:

That, Item P107-09 from the September 14, 2009 Planning/Building/Environmental Committee minutes be approved.

(ITEM P107-09

- (4) That, Report No. PD-142-09, dated September 14, 2009, relating to a Zoning By-law Amendment in the names of William Hardt & William Dunsdon, BE RECEIVED; and,
- (5) That, Zoning By-law Amendment Application 1601-014-09 submitted by the Township of West Lincoln, BE APPROVED; and
- (6) That, no further public meeting is required pursuant to Section 34(17) of the *Planning Act* as the proposed modifications to the original application are minor in nature.)

- Carried

- (b) Administration/Finance/Fire Committee
Re: September 21, 2009 Minutes
NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

SUMMARY OF RECOMMENDATIONS:

- a) ITEM A68-09
That, the "Communication of Audit Results" (for the Year Ending December 31, 2008) and the "Financial Report 2008" (2008 Audited Financial Statements)", be approved as presented.

- b) ITEM A71-09
That, the correspondence received on June 25, 2009 from Mr. Tony Jackson, Ontario Federation of Anglers and Hunters, Zone J, requesting that Sunday Gun hunting be permitted in the Township of West Lincoln, be received.
- c) ITEM A72-09
RECOMMENDATION# 1:
That, the June 3, 2009 correspondence from the Ontario Federation of Anglers & Hunters recommending:
- 1) That Township of West Lincoln Council repeal/rescind the by-law that requires pheasant and rabbit/hare hunters to purchase a municipal small game hunting license; and,
 - 2) That the Township of West Lincoln inform the Ministry of Natural Resources of its decision;
- be received and supported.
- REFERRED (see below)

RECOMMENDATION # 2 (Referral):

That, the municipal small game hunting licensing issue be referred to staff for review and report to the October 19, 2009 Administration/Finance/Fire Committee.

- d) ITEM A78-09
RECOMMENDATION# 1:
The Administration/Finance/Fire Committee approve the following Consent Agenda
Items:
1. Items 1 & 2 be hereby received for information,
 2. Items 3, 4, 5 & 6 be approved and the recommendations contained therein are adopted
- with the exception of Item #(s) 3 and 4.
(ITEM A78-09
1. West Lincoln Cemetery Board Minutes – June 10, 2009
 2. Information Report –RFI-T-06-09 - Tax Collection Procedures
 3. Recommendation Report – RFD-CA0-09-21 – Christmas Hours
 4. Recommendation Report – RFD-T-17-09 - Building Canada Fund – Communities Component (BCF-CC) Contribution Agreement for Infrastructure Projects – Intake 2
 5. Recommendation Report - RFD-T-18-09 – Infrastructure Stimulus Fund – Contribution Agreement
 6. Recommendation Report –RFD-T-19-09 – Miscellaneous Financial Housekeeping)

RECOMMENDATION #2 (Item A78-09(3))

- (1) That, Report RFD-CA0-09-21 dated September 21, 2009 regarding “Christmas Hours”, be received; and,

- (2) That, the Main Office and Public Works Building be closed for business from December 24, 2009 to January 3, 2010 inclusive.

RECOMMENDATION #3 (Item A78-09(4)):

- (1) That, the Treasurer Report RFD-T-17-09, regarding the “Building Canada Fund – Communities Component (BCF-CC) – Contribution Agreement for Infrastructure Projects – Intake 2” be received; and,
- (2) That, a by-law be presented to Council authorizing the Mayor and the CAO to sign and execute the Contribution Agreement Between: Her Majesty the Queen in Right of Ontario, as represented by the Minister of Energy and Infrastructure and the Minister of Agriculture, Food and Rural Affairs, AND: The Corporation of the Township of West Lincoln.

e) ITEM A75-09

That, staff prepare a resolution in opposition to the implementation of the Harmonized Sales Tax in Ontario.

Open session minutes-Administration/Finance/Fire Committee-Sept. 21/09

Moved by Alderman Douglas Joyner and seconded by Alderman John Glazier:

That, the minutes of the open session portion of the Administration/Finance/Fire Committee meeting held on September 21, 2009, be received and that the recommendations contained therein, be approved, with the exception of Item no(s). A78-09(4).

- Carried

ITEM A78-09(4) – Report RFD-T-17-09 “Building Canada Fund - Communities Component (BCF-CC) – Contribution Agreement for Infrastructure Projects – Intake 2 (Townline Road Reconstruction Project)”

Alderman Mary Dinga declared a conflict of interest/disclosure of pecuniary interest with respect to Item 4 under the Consent Agenda Section as contained in report (RFD-T-17-09 2009 Building Canada Fund – Communities Component (BCF-CC) Contribution Agreement for Infrastructure Projects – Intake 2) due to the fact that her husband owns property on Townline Road (Regional Road #20 to Regional Road #14). Alderman Dinga did not partake in discussion nor voting with respect to this matter.

Moved by Alderman Douglas Joyner and seconded by Alderman John Glazier:

That, Item A78-09(4) from the September 21, 2009 Administration/Finance/Fire Committee minutes be approved.

(ITEM A78-09(4))

1. That, the Treasurer Report RFD-T-17-09, regarding the “Building Canada Fund – Communities Component (BCF-CC) –

- Contribution Agreement for Infrastructure Projects – Intake 2” be received; and,
2. That, a by-law be presented to Council authorizing the Mayor and the CAO to sign and execute the Contribution Agreement Between: Her Majesty the Queen in Right of Ontario, as represented by the Minister of Energy and Infrastructure and the Minister of Agriculture, Food and Rural Affairs, AND: The Corporation of the Township of West Lincoln.)

- Carried

Closed session minutes-Administration/Finance/Fire Committee-Sept. 21/09

Moved by Alderman Douglas Joyner and seconded by Alderman John Glazier:

That the confidential minutes of the closed session portion of the September 21, 2009 Administration/Finance/Fire Committee meeting be received and approved; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- **REFERRED** (see below)

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That the confidential minutes of the closed session portion of the September 21, 2009 Administration/Finance/Fire Committee meeting be referred to closed session.

- Carried

- (c) Public Works/Recreation/Arena Committee
Re: September 21, 2009 Minutes
NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM PW72-09
RECOMMENDATION #1:
The Public Works/Recreation/Arena Committee approve the following consent agenda Items:
1. Item 1, 2, 3 & 4 be hereby accepted; and,
 2. Item 5 & 6 be hereby approved and the recommendations contained therein are adopted,
with the exception of Item #(s) 1, 2 & 4.
- (ITEM PW72-09
- (3) Information Report – RFI PW-44/2009 – Port Davidson Road Realignment – Status Report # 1
 - (5) Recommendation Report – RFD PW-42/2009 – South Grimsby Road #18 Bridge Rehabilitation – Tender Results

- (6) Recommendation Report RFD-D-02-09 Wortel Drain Tender Results – Township of West Lincoln)

RECOMMENDATION#2 (Item PW72-09(1):

That the West Lincoln Public Library Board Minutes dated June 4, 2009 be received for information.

RECOMMENDATION #3 (Item PW72-09(2):

That, RFI PW-43/2009 – Townline Road Reconstruction – Status Report # 1 be received for information.

RECOMMENDATION# 4 (Item PW72-09(4):

That, RFI PW-45.2009 – Ontario Tire Stewardship Used Tire Program be received for information.

(b) ITEM PW73-09

That the correspondence received on September 4, 2009 from Ms. Heather Ridge requesting that the following unopened road concessions (Shaw, Patterson, Minor and Vaughan) be closed to motorized vehicles, excluding farmer's tractors, be received and referred to staff for report.

(c) ITEM PW74-09

- (1) That, Report No. PD-158-09 dated September 21, 2009, relating to the Proposed Parking Changes on Dufferin Street, Smithville, BE RECEIVED; and,
- (2) That, the appropriate Schedules to the Parking By-law be amended to prohibit parking on Dufferin Street, northerly from St. Catharines Street, 56 metres on the west side and 81 meters on the east side; and,
- (3) That, a by-law be passed to officially designate Dufferin Street as a 'No Truck' route with signage installed on Dufferin Street and St. Catharines Street at the intersection with Dufferin Street to announce this restriction; and,
- (4) That, a by-law be passed to designate a loading zone beside Tim Hortons, on the east side of Dufferin Street; and,
- (5) That, Public Works Staff investigate the possibility and cost of widening the intersection of Dufferin Street to create a left turn lane for possible inclusion in 2010 Budget.
- (6) That, the appropriate by-law be presented to Council.

(d) ITEM PW75-09

- (1) That, Report RFD-D-01-09 regarding "Petition to extend the Haws Drain" be received; and

- (2) That, the petition submitted by the Region of Niagara for the Extension of the Haws Municipal Drain be accepted; and,
 - (3) That, staff be directed to send out a request for proposal to local engineering firms.
- (e) ITEM PW76-09
- (1) That, Report No. PD-156-09 dated September 21, 2009, relating to Proposed Parking Changes on College Street, Smithville, BE RECEIVED; and,
 - (2) That, the appropriate Schedules to the Parking By-law be amended to change the 'No Stopping' restriction on the east side of College Street southerly 115 metres from Morgan Street from 'No Stopping' to 'No Parking Between 8:00 a.m. and 5:00 p.m., Monday to Friday'; and,
 - (3) That, the appropriate by-law be presented to Council.
- (f) ITEM PW77-09
- RECOMMENDATION #1:
AMENDMENT TO BUDGET:
- (1) THAT, report RFD PW-47/2009, re: CIBC Parking Lot Repaving, dated September 21, 2009, be accepted; and,
 - (2) THAT, the quotation from Norjohn Contracting in the amount of \$34,063.00 be accepted for the removal of existing pavement, base compaction and repaving of two lifts of asphalt; and,
 - (3) THAT, additional funding in the amount of \$21,000.00 be transferred from Silver Street in the amount of \$10,000.00 and hardtop resurfacing in the amount of \$11,000.00, to fund the overture.
- RECOMMENDATION #2 - AMENDMENT:
That, the recommendation contained in Report RFD-PW-47/2009 be amended by deleting Recommendation (3) and replacing it with the following new Recommendation (3):
New Recommendation (3):
- (3) That, additional funding in the amount of \$21,063.00 be transferred from the Road Maintenance budget, to fund the overture.
- (g) ITEM PW79-09
- (1) That, Report No. PD-155-09 dated September 21, 2009, relating to the Purchase of Part of Margaret Street that is subject to the Niagara Catholic District School Board's Expropriation Proceedings, BE RECEIVED; and,

- (2) That, Staff be authorized to submit an offer to purchase to Niagara Catholic School Board representatives (Attachment No. 4); and,
- (3) That, the Mayor and Clerk be authorized to sign an agreement for the purchase of that part of the expropriated lands being within the curbing on Margaret Street (Attachment No. 5); and,
- (4) That, the costs of this process be paid from the Public Works legal account; and,
- (5) That, once the lands are in the ownership of the Township of West Lincoln, that a by-law be passed by Council to establish the lands as a public highway.

Moved by Alderman Mike Rehner and seconded by Alderman Norm Johnson:

That, the minutes of the open session Public Works/Recreation/Arena Committee meeting held on September 21, 2009, be received and that the recommendations contained therein, be approved, with the exception of Item no(s). PW72-09(2).

That the confidential minutes of the closed session portion of the September 21, 2009 Public Works/Recreation/Arena Committee meeting be received and approved; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

ITEM PW72-09(2) - RFI PW-43/2009 – Townline Road Reconstruction – Status Report # 1

Alderman Mary Dinga declared a conflict of interest/disclosure of pecuniary interest with respect to Item 2 as contained in report RFI PW-43/2009 (Townline Road Reconstruction – Status Report # 1 due to the fact that her husband owns property on Townline Road (Regional Road #20 to Regional Road #14). Alderman Dinga did not partake in discussion nor voting with respect to this matter.

Moved by Alderman Douglas Joyner and seconded by Alderman John Glazier:

That, Item PW72-09(2) from the September 21, 2009 Public Works/Recreation/Arena Committee minutes be approved.

(ITEM PW72-09(2)

That, RFI PW-43/2009 – Townline Road Reconstruction – Status Report # 1 be received for information.)

- Carried

8. RECONSIDERATION:

There were no items for reconsideration.

9. NOTICE OF MOTION:

There were no notices of motion.

10. OTHER BUSINESS:

- (a) Mayor Katie Trombetta
Re: Appointment of Acting Mayor (Alderman Sue-Ellen Merritt)

Moved by Alderman Norm Johnson and seconded by Alderman Mary Dinga:

That, Alderman Sue-Ellen Merritt be and the same is hereby appointed Acting Mayor from October 1, 2009 to April 30, 2010 or until her successor is appointed.

- Carried

- (b) Director of Planning & Building
Re: Re-Appointment of Nichole Howard – By-law Enforcement Officer
Received for Information

- (c) Alderman Sue-Ellen Merritt
Re: Harmonized Sales Tax

Moved by Alderman Mary Dinga and seconded by Alderman Norm Johnson:

That, the issue relating to the Harmonized Sales Tax be referred to the October 19, 2009 Administration/Finance/Fire Committee meeting.

- Carried

- (d) Director of Public Works & Engineering
Re: Report RFD-PW-48/2009 - H1N1 Virus – Business Continuity Plan

Moved by Alderman Douglas Joyner and seconded by Alderman John Glazier:

1. That, Report RFD PW–48/2009, regarding: H1N1 Virus - Business Continuity Plan, dated 24 September 2009, be received; and,
2. That, By-law 2003-48 be amended by adding the following new Section 2.11:

New Section 2.11

A meeting of Council can be held using the following procedure in the event that a quorum is not achievable as a result of an unusual circumstance and / or emergency so designated by the Mayor and/or Acting Mayor:

- (a) That, a teleconference meeting whereby certain Members of Council may participate in the meeting via telephone in order to establish a quorum, be and is hereby approved as a valid procedure for the holding of a meeting governed under By-law 2003-48, as amended; and,
- (b) That, the Mayor and/or Acting Mayor be and are hereby authorized to direct that such teleconference meeting(s) shall be held; and,
- (c) That, only urgent or time sensitive matters as determined by the Mayor and/or Acting Mayor and the CAO and/or Clerk, shall be dealt with at a meeting(s) held under these procedures; and,
- (d) That, the meeting shall be held in at 318 Canborough Street, unless otherwise directed by the Mayor and/or Acting; and,
- (e) That, any definitions, terms or rules of procedure contained in By-law 2003-48, as amended, shall be observed and shall be the rules and regulations for the order and dispatch of business in Council, with necessary modification, hereby so authorized, to accommodate the holding of the required teleconference meeting(s).

- Carried

- (e) Members of Council
Re: Other Business Items

- 1. Alderman Sue-Ellen Merritt
Re: New School Crossing Location at Colver & Wade

In response to Alderman Merritt's concern that the new sign warning of a school crossing location at Colver & Wade Roads blocks the stop sign, the CAO confirmed that he would investigate this matter.

- 2. Alderman John Glazier
Re: Fire Hall –Option C

Alderman Glazier noted serious concern regarding the integrity of the process followed in adopting Option C for the new fire hall.

Mayor Trombetta explained the process she had followed in introducing Option C noting that all Members of Council had been contacted and had consented to her proposing an alternative to Options A and B, which approval was then re-confirmed by all Members of Council.

11. **BY-LAWS:**

Moved by Alderman Norm Johnson and seconded by Alderman Mike Rehner:

That, leave be granted to introduce the following by-laws and the same be now read a first time:

- (a) By-law 2009-92 To confirm proceedings of August 24, 2009 regular and September 21 Special Council meetings.
- (b) By-law 2009-93 Zoning By-law Amendment (Crossings on the Twenty - southern portion - West Niagara Enterprises)
- (c) By-law 2009-94 To authorize an Amending Site Plan Agreement – Frederick Ralph Bosscher and Joyce Ann Bosscher and the Bank of Nova Scotia
- (d) By-law 2009-95 To exempt certain lands from Part Lot Control (Winspear Homes – Lot 12, Plan 30M-372, Anastasio Estates–Phase 4 Subdivision)
- (e) By-law 2009-96 To authorize an amending Site Plan Agreement – Avertex Utility Solutions Inc. and the Royal Bank of Canada (Former Rebound Resources Property)
- (f) By-law 2009-97 Zoning By-law Amendment - Joseph and Mary Magdic and Ivan and Ana Nedelko
- (g) By-law 2009-98 Zoning By-law Amendment - William Hardt & William Dunsdon (File #1601-014-09)
- (h) By-law 2009-99 To authorize an Easement Agreement between the Corporation of the Township of West Lincoln and June Beamer as Estate Trustee for the Estate of Harold Lyle Beamer

- Carried

Moved by Alderman Norm Johnson and seconded by Alderman Mike Rehner:

That, By-laws 2009-92, 2009-93, 2009-94, 2009-95, 2009-96, 2009-97, 2009-98 and 2009-99 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That, leave be granted to introduce the following by-law and the same be now read a first time:

- (a) By-law 2009-100 To authorize the Mayor and the CAO to sign and execute the Contribution Agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Energy and Infrastructure and the Minister of Agriculture,

Food and Rural Affairs, and the Corporation of the Township of West Lincoln (Component (BCF-CC) Contribution Agreement for Infrastructure Projects–Intake 2)

- Carried

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That, By-law 2009-100 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

Moved by Alderman Mary Dinga and seconded by Alderman Norm Johnson:

That, leave be granted to introduce the following by-laws and the same be now read a first time:

- (a) By-law 2009-101 To authorize the Mayor and the CAO to sign and execute the Contribution Agreement between Her Majesty the Queen in Right of Ontario, as represented by the Minister of Energy and Infrastructure and the Minister of Agriculture, Food and Rural Affairs, and the Corporation of the Township of West Lincoln (Infrastructure Stimulus Fund – Contribution Agreement)
- (b) By-law 2009-102 To authorize an agreement between the Corporation of the Township of West Lincoln and Brennan Paving Ltd. for rehabilitation of the South Grimsby Road # 18 Bridge # 3
- (c) By-law 2009-103 To authorize an agreement between the Corporation of the Township of West Lincoln and George Barnes & Sons Ltd. for the construction of the Wortel Drain Extension
- (d) By-law 2009-104 To authorize the Mayor and Clerk to sign an agreement for the purchase from Niagara Catholic District School Board of Part of Lot 41, Registered Plan M-92 (being part of the expropriated lands within the curbing on Margaret Street), and more specifically being described as Parts 1 and 2 on the draft reference plan as prepared by Matthews Cameron Heywood-Kerry T. Howe Surveying Ltd. dated April 8, 2009
- (e) By-law 2009-105 To amend By-law 89-2000 which regulates Traffic and Parking on Township Roads (amend Schedules A, C, M and S - College & Dufferin Streets)
- (f) By-law 2009-106 To authorize a Joint Agreement between the Corporations of the Town of Pelham, the Township of Wainfleet and Norjohn Contracting & Paving Limited for Bituminous Surface Treatment

- (g) By-law 2009-107 To appoint Nichole L. Howard as Municipal Law Enforcement Officer for the Corporation of the Township of West Lincoln
- (h) By-law 2009-108 To amend 2003-48 as amended, which adopted rules for procedures of Council and committees thereof (provide for emergency teleconference meeting procedures)

- Carried

Moved by Alderman Mary Dinga and seconded by Alderman Norm Johnson:

That, By-laws 2009-101, 2009-102, 2009-103, 2009-104, 2009-105, 2009-106, 2009-107 and 2009-108 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

12. CONFIDENTIAL MATTERS:

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That, the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001:

1. personal matters about an identifiable individual, including municipal or local board employees;

- Carried (8:00 p.m.)

Moved by Alderman Mary Dinga and seconded by Alderman Mike Rehner:

That, this Council meeting does now resume in open session at 8:07 p.m.

- Carried

7. REPORT OF COMMITTEE: (cont'd)

- (b) Administration/Finance/Fire Committee

Re: September 21, 2009 Minutes

NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

Closed session minutes-Administration/Finance/Fire Committee-Sept. 21/09

Moved by Alderman Mary Dings and seconded by Alderman Mike Rehner:

That the confidential minutes of the closed session portion of the September 21, 2009 Administration/Finance/Fire Committee meeting be received and approved; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act, **AS AMENDED IN CLOSED SESSION by direction to staff.**

- Carried

13. ADJOURNMENT:

Moved by Alderman Mike Rehner and seconded by Alderman Norm Johnson:

That, this Council meeting does now adjourn at the hour of 8:09 p.m. and if a special meeting is required it will be at the call of the Mayor.

- Carried

CAROLYN LANGLEY, CLERK

MAYOR KATIE TROMBETTA