

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

COUNCIL MINUTES

MEETING NO. EIGHT HELD: Monday, June 23, 2008 - Township Administration Building, 318 Canborough Street, Smithville, Ontario - 7:00 p.m.

PRESENT:

Council: Mayor Katie Trombetta
Alderman Mary Dinga
Alderman John Glazier
Alderman Norm Johnson
Alderman Douglas Joyner
Alderman Sue-Ellen Merritt
Alderman Mike Rehner

Staff: Carolyn Langley, Clerk
Bill Young, CAO
Joanne Scime, Deputy Clerk*

Others: Allard Colyn*
Peter Schaller*
Mark Hirte, Xerox*

Media: Marcel VanderWier, Grimsby-Lincoln News*
Terry McNamee, West Lincoln Review*
William Kelly, Cogeco*

1. **INVOCATION:** Alderman Douglas Joyner

2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**

There were no conflicts of interest/disclosures of pecuniary interest declared by any Member of Council.

3. **COMMENTS FROM THE PUBLIC:**

(a) Mr. Peter Schaller
Re: Destruction of Trees on his Property

Mr. Schaller reiterated his concerns regarding his trees dying along the roadway due to road salt being applied by the Region of Niagara.

In response to the pictures that Alderman Johnson had distributed at the last Council meeting and his comments with respect to Mr. Schaller's property and the fact that there were many other trees along the same roadway that were not dying, Mr. Schaller noted that he had counted 72 trees that were dead between Regional Road 20 and Mountain Road. Mr. Schaller noted that Alderman Johnson's comments were misleading and incorrect.

Mayor Trombetta thanked Mr. Schaller for his comments and reiterated that this matter had been previously addressed on many occasions and had been raised

at the Region of Niagara and dealt with. Mayor Trombetta advised Mr. Schaller that he was welcome to attend future Council meetings and address any other issues with the exception of the destruction of his trees and that there was nothing further that neither the Township nor the Region could do with respect to this matter.

4. CONFIRMATION OF MINUTES:

- (a) Council Minutes – Regular
Re: May 26, 2008

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

1. That, the minutes of the May 26, 2008 regular Council meeting be accepted without errors or omissions.
 2. That the minutes of the closed session portion of the May 26, 2008 Council 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.

- (b) Public Meetings under the Planning Act
Re: June 9, 2008 Minutes

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

That, the minutes of a public meeting held on June 9, 2008, under Section 34 and 51 of the Planning Act, with respect to:

- (a) Zoning By-law Amendment – Smithville on the Twenty
 - (b) Proposed Plan of Condominium – Grimsby Classic Homes Ltd.
- be accepted.
- Carried.

- (c) Public Meeting – Water Rates and Fees for 2008
Re: June 16, 2008 Minutes

The Clerk referred to the memo from the Treasurer which explained that the rate for the water filling station was incorrectly reflected on the agenda and minutes for the Public Meeting held on June 16, 2008 relating to Water Rates and Fees and that the proposed 2008 rate listed under “Water Filling Station Rates (Bulk Water Revenue)” in Section 5 of the agenda and minutes should have read \$6.06 per thousand gallons rather than \$5.66 per thousand gallons. The Clerk advised that the notice of the Public Meeting which was published in the newspaper had indicated the correct amount of \$6.06 per thousand gallons. The Clerk advised that an amendment would need to be made in order to correct the agenda and minutes to insert the proper water filling station rate.

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

That, the minutes of the June 16, 2008 Public Meeting relating to water rates and fees for 2008, held in accordance with the requirements of the Municipal Act, S.O. 2001, be accepted.

- Carried **AS AMENDED (see below)**.

Moved by Alderman Norm Johnson and seconded by Alderman Sue-Ellen Merritt:

That, the minutes of the June 16, 2008 Public Meeting relating to water rates and fees for 2008, be amended by replacing the amount \$5.66 with \$6.06 as indicated under the heading "Water Filling Station Rates (Bulk Water Revenue)" in Section 5 on Page 2 of the agenda and minutes.

- Carried.

5. COMMUNICATIONS:

There were no communications.

6. APPOINTMENTS/PRESENTATIONS:

- (a) Mr. Stephen Kaiser, Phelps Homes Ltd.
Re: Technical Report No. PD-056-08 – Proposed Zoning By-law Amendment – Smithville on the Twenty (Phelps Homes Ltd.)
WITHDRAWN

Mayor Trombetta advised that Mr. Stephen Kaiser, Phelps Homes Ltd., had withdrawn his request to address Council with respect to the Zoning By-law Amendment application for Smithville on the Twenty (Phelps Homes Ltd.).

7. REPORT OF COMMITTEE:

- (a) Planning/Building/Environmental Committee
Re: June 9, 2008 Minutes

SUMMARY OF RECOMMENDATIONS:

(a) ITEM P81-08

That, the West Lincoln Heritage Committee minutes of a meeting held on May 15, 2008 be received and approved.

(b) ITEM P82-08

- (1) That, Report No. PD-060-08, dated June 9, 2008, be received; and
(2) That, Report No. PD-060-08 be the Township of West Lincoln comments on the Certificate of Approval for G. McFeeters Enterprises; and

- (3) That, the Township of West Lincoln comments be forwarded to the Ministry of Environment prior to ratification by Council.

(c) ITEM P85-08

- (1) That Report No. PD-053-08, dated June 9, 2008 regarding a Site Plan Authorizing By-law for Riverview Poultry Limited BE RECEIVED; and
- (2) That the attached Site Plan Authorizing By-law be adopted for the purpose of authorizing the Mayor and Clerk to enter into an Amending Site Plan Agreement between the Township of West Lincoln and Riverview Poultry Limited, BE APPROVED.

(d) ITEM P86-08

- (1) That, Report No. PD-058-08, dated June 9, 2008, regarding a new Site Plan Authorizing By-law with AT Realty Inc. for the AgraTurf site plan, BE APPROVED; and
- (2) That, a By-law for the purpose of authorizing the Mayor and Clerk to enter into a Site Plan Agreement between the Township of West Lincoln, AT Realty Inc. and the Royal Bank of Canada, BE APPROVED; and
- (3) That, By-law 2008-59, which authorized a Site Plan Agreement with AgraTurf Equipment Services Inc. and the Royal Bank of Canada, BE REPEALED.

(e) ITEM P84-08

- (1) That Draft Plan of Phased Condominium, File 2000-071-08 CDM, College Street, Township of West Lincoln, BE APPROVED as per Attachment No. 2 to this report, in accordance with the provisions of the *Planning Act*, subject to the conditions contained in Attachment No. 3 to PD-054-08;
- (2) That all parties be advised of Council's decision on this application in accordance with Provincial regulations;
- (3) That the Director of Planning, or Clerk, be authorized to endorse the draft plan and that it shall be deemed as approved only if no appeals against the decision are lodged within 20 days of its circulation; and
- (4) That the applicant be advised that the Township's draft approval of this Plan of Phased Condominium will lapse three years from the date of draft approval unless Township Council grants an extension of the approval period. If an extension is requested, an updated review will occur and revisions to the conditions of approval may be necessary at that time.

(f) ITEM P87-08

- (1) That Report PD-061-08, dated June 9, 2008, regarding Terms of Reference for Regional Agricultural Value-Added Study, be received for information purposes.

(g) ITEM P89-08

That, the Building Permits Report for May 2008, with an estimated cost (value of construction) of \$2,002,000.00 be received.

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

That, the minutes of the Planning/Building/Environmental Committee meeting held on June 9, 2008, be received and that the recommendations contained therein, be approved, with the exception of Item no. P83-08.

- Carried.

ITEM P83-08 - Technical Report No. PD-056-08 – Proposed Zoning By-law Amendment – Smithville on the Twenty (Phelps Homes Ltd.)

Mayor Trombetta referred to the memo from the Director of Planning and advised that, due to the fact that there were no questions or discussion from the Members of the Planning/Building/Environmental Committee during the June 9, 2008 Public Meeting with respect to the above noted matter, staff were recommending that this item be pulled and that the technical report either be approved or referred back to staff and that another public meeting be scheduled regarding this application. Mayor Trombetta advised Members of Council of the importance to discuss any concerns during the Public Meeting as the Planning Act specifically states that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body will not be entitled to appeal the decision of Council to the Ontario Municipal Board.

Alderman Johnson reiterated his comments from the June 9th, 2008 Planning/Building/Environmental Committee meeting regarding the fact that he would not support the applicant's request to modify the new RM3 zoning requirements.

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

That, Item P83-08 from the June 9, 2008 Planning/Building/Environmental Committee minutes be approved.

(Item P83-08

- (1) That report number PD-056-08 BE RECEIVED; and
- (2) That a further report be prepared once all outstanding issues have been resolved. LOST)

- LOST.

Council voted down the action taken at the Planning/Building/Environmental Committee which was that the motion was lost and therefore, the motion was put forward for further consideration by Council (see below).

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

- (1) That report number PD-056-08 BE RECEIVED; and
 - (2) That a further report be prepared once all outstanding issues have been resolved.
- **REFERRED (see below).**

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

That, Report PD-056-08 be referred back to staff and that another public meeting be scheduled regarding this application.

- Carried

- (b) Administration/Finance/Fire Committee
Re: June 16, 2008 Minutes

SUMMARY OF RECOMMENDATIONS:

(a) ITEM A68-08

RECOMMENDATION #1:

That, the correspondence from Miss Ashley Gluchowski received on June 12, 2008 requesting sponsorship in the amount of \$1,250.00, for competing in the 2008 Miss Canada Competition be received and supported.

RECOMMENDATION #2 (Referral):

That, Item A68-08 of the June 16, 2008 Administration/Finance/Fire Committee meeting regarding Request for Sponsorship be referred to the June 23, 2008 Council Meeting in order for staff to review the policy.

(b) ITEM A69-08

That, the West Lincoln Cemetery Board minutes of a meeting held on May 5, 2008 be accepted.

(c) ITEM A70-08

That, the Joint Accessibility Advisory Committee minutes of a meeting held on April 22, 2008 be accepted.

(d) ITEM A71-08

- (1) That, Report RFD-F-05-08 regarding Corporate Sponsorship – Smithville Farmer’s Market – 2008, dated June 16, 2008, be received; and,
- (2) That, the Township deny the request for corporate sponsorship funding to the Smithville Farmer’s Market.

(e) ITEM A73-08

That, the issue of trespassing and vandalism and increasing the noise by-law fine be referred to the Chief Building Official for review and recommendation.

(f) **ITEM A74-08**

RECOMMENDATION #1:

- (1) That Alderman Mary Dinga be and the same is hereby appointed Acting Mayor from April 1, 2008 to and including July 31, 2008 or until her successor is appointed; and,
- (2) That, all Acts taken by Mary Dinga as Acting Mayor between April 1, 2008 to and including June 23, 2008 be and are hereby authorized, ratified and confirmed.

RECOMMENDATION #2:

That, Alderman Douglas Joyner be and the same is hereby appointed Acting Mayor from August 1, 2008 to February 28, 2009 or until his/her successor is appointed.

(g) **ITEM A77-08**

That, the CAO be authorized to proceed as directed in closed session.

(h) **ITEM A78-08**

RECOMMENDATION #1:

1. That, report WLFD -08-03 dated June 16, 2008, Fulltime Deputy Chief/Fire Prevention Officer be received, and
2. That Staff prepare a new job description and post it to fill the position of full time Deputy Chief/Fire Prevention Officer.

RECOMMENDATION #2 (Amendment):

That, the recommendation contained in Report WLFD-08-03 "Personnel Issue – Fire Department Staffing", dated June 16, 2008, be amended by adding the following new Section #3:

3. That, the position be advertised internally and externally and the start date for the position be not earlier than September 1, 2008.

(i) **ITEM A79-08**

That, Report RFD-Mayor-01-08 regarding a personnel matter, dated June 16, 2008, be received and that the recommendations contained therein be approved.

(j) **ITEM A80-08**

That, eligibility for Retiree Benefits for Non-Union Employees, as approved under Report RFD-F-21-03, on June 9, 2003, be amended to provide that non-union employees are only eligible for retiree medical benefits if they have achieved a minimum service under OMERS of 20 years as well as a minimum of 15 years service with the Township of West Lincoln, to be EFFECTIVE for employees retiring after December 31, 2008.

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

1. That, the minutes of the Administration/Finance/Fire Committee meeting held on June 16, 2008, be received and that the recommendations contained therein, be approved, with the exception of Items A77-08 and A79-08.
 2. That the minutes of the closed session portion of the June 16, 2008 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 with the exception of Items A77-08 and A79-08.
- Carried.

ITEM A77-08 – Personnel Issue – Building Department Staffing:

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

That, Item A77-08 from the June 16, 2008 Administration/Finance/Fire Committee Open and Closed session minutes be approved.
- **REFERRED (see below)**

Moved by Alderman Douglas Joyner and seconded by Alderman Mike Rehner:

That, Item A77-08 from the June 16, 2008 Administration/Finance/Fire Committee (Open and Closed session issues) be referred to Closed Session for further discussion.
- Carried

ITEM A79-08 – Report No. RFD-Mayor-01-08 – Personnel Issue:

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

That, Item A79-08 from the June 16, 2008 Administration/Finance/Fire Committee Open and Closed session minutes be approved.
- **REFERRED (see below)**

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Mary Dinga:

That, Item A79-08 (Open and Closed session issues) be referred to Closed Session for further discussion.
- Carried

- (c) Public Works/Recreation/Arena Committee
Re: June 16, 2008 Minutes

SUMMARY OF RECOMMENDATIONS:

(a) ITEM PW74-08

- (1) That, the correspondence from the Heart and Stroke Foundation of Ontario, dated June 9, 2008, requesting permission to use Township roads for their annual Pedal 100 for Heart and Stroke on Sunday, August 17th, 2008 be supported; and,
- (2) That, confirmation be provided to the Township showing that the organization has adequate liability insurance for the event in the amount of not less than \$2,000,000.00 and that the Township be co-insured for the event; and,
- (3) That, any approval and/or required permits be obtained from the Region of Niagara.

(b) ITEM PW76-08

That, the West Lincoln Public Library Board Minutes of a meeting held on May 8, 2008 be accepted and the recommendation contained therein be adopted.

(c) ITEM PW75-06

RECOMMENDATION #1 (PW75-08(1)): (Original Recommendation)

That, the West Lincoln Public Library Board Minutes of a meeting held on December 6, 2007 be accepted and that the recommendation contained therein be adopted WITH THE EXCEPTION OF RECOMMENDATION #1.

RECOMMENDATION #2 (PW75-08(2)):

That, Recommendation # 1 from the December 6, 2007 West Lincoln Public Library Board minutes be approved.

RECOMMENDATION # 1:

The Township has requested action on the Library by-laws and suggested that original by-laws be blended with new changes to expedite the process. The document be accepted as presented.

- Carried AS AMENDED (see below)

AMENDMENT TO RECOMMENDATION # 2:

That, Recommendation # 1 from the December 6, 2007 West Lincoln Public Library Board minutes be amended by adding the following wording at the end of the recommendation:

“with the exception of Clause 1.1.4, which is to be amended by adding the following words immediately following the word “modification in Clause 1.1.4”

“subject to Council approval”

(d) ITEM PW77-08

AMENDMENT TO BUDGET

1. THAT, report RFD PW-29/2008, re: Canborough Street Watermain – Tender Results, dated June 16, 2008, be accepted; and,

2. THAT, Council accept the tender submitted by O'Hara Trucking & Excavating Inc. for the replacement of the Canborough Street watermain, in the amount of \$85,383.00; and,
3. THAT, a by-law be passed to authorize the Mayor and Clerk to execute an agreement for contract with O'Hara Trucking & Excavating Inc.; and,
4. THAT, \$12,554.00, for the Canborough Street watermain be financed by the Water Reserve Fund; and,
5. THAT, \$22,829.00, for the valve replacements at the old water works building, be financed by the Water Reserve Fund.

(e) **ITEM PW78-08**

RECOMMENDATION #1:

1. THAT, report RFD PW-30/2008, re: Leisureplex Vendor Permit Request, dated June 16, 2008, be accepted; and,
2. THAT, Council deny the request by West Lincoln Ladies Soccer Club for a food vendor permit at Leisureplex June 28th and 29th; and,
3. THAT, By-law 2002-115 be amended to include a vendor's permit fee for (a) food or drink, (b) goods, wares or merchandise, and (c) art, skill or services, in the amount of \$100.00 per day within Township parks; and,
4. THAT, vendors proposing to sell food be required to apply for and receive a "Refreshment Cart" license from the Clerk's Department.

RECOMMENDATION #2 (Amendment #1):

THAT, Section 3 in the recommendation contained in report RFD PW-30/2008, re: Leisureplex Vendor Permit Request, dated June 16, 2008, be amended by adding the following words after the words "Township Parks":

"Excluding Leisureplex Park with respect to a vendor permit for the category 'Food and Drink'."

RECOMMENDATION #3 (Amendment #2):

THAT, Section 4 in the recommendation contained in report RFD PW-30/2008, re: Leisureplex Vendor Permit Request, dated June 16, 2008, be amended by adding a new Section 4 as follows and renumbering the current Section 4 as Section 5:

New Section 4:

"That, exemptions to the \$100.00 vendor's permit fee in Township parks may be granted to local organizations subject to Council approval."

(f) **ITEM PW79-08**

THAT, Report RFI PW-31/2008, re: Fairground Lighting dated June 16, 2008, be received for information.

(g) **ITEM PW80-08**

RECOMMENDATION #1:

1. THAT, Report RFD PW-32/2008, re: Residential Water Meter Installation Policy – Revision #1, dated June 16, 2008 be accepted; and,
2. THAT, POL PW-01-08, re: Residential Water Meter Installation Policy, be adopted.

RECOMMENDATION #2 (Amendment):

That, Section 8 under the “Procedure” section of the policy be amended by deleting Section 8 and replacing it with the following reworded Section 8:

“8. There must be clear access to the meter and no construction material or debris near the meter connection.”

(h) **ITEM PW81-08**

1. THAT, Report RFD PW-33/2008, re: Authorization for Request for Proposals for Engineering Services for Bridge Inspections - 2008, dated June 16, 2008 be accepted; and,
2. THAT, Staff be authorized to advertise for Request for Proposals for Engineering Services for Bridge Inspections.

(i) **ITEM PW82-08**

AMENDMENT TO BUDGET

1. THAT, Report RFD PW-34/2008, re: Port Davidson Road Realignment, dated June 16, 2008 be accepted; and,
2. THAT, “hydro stone” from Caistor Landfill site be relocated to the lands purchased from Canadian Pacific Railway at Port Davidson Road and Vaughan Road at an upset cost of \$20,000.00; and,
3. THAT, this project be funded by the Contingency Reserve.

(j) **ITEM PW83-08**

1. THAT, report RFD PW–35/2008, re: Two 2009 Pickup Trucks - Tender Results, dated June 16, 2008, be accepted; and,
2. THAT, Council accept the tender submitted by Forbes Ford Sales Ltd. for the supply of two 2009 Pickup Trucks, in the amount of \$31,484.00, plus tax; and,
3. THAT, this purchase be financed by the Equipment Reserve Fund in accordance with the 2008 approved budget.

(k) **ITEM PW84-08**

THAT, report RFI PW–36/2008, re: Drinking Water Quality Management Standard, dated June 16, 2008, be received for information.

- (l) **ITEM PW85-08**
THAT, report RFI PW-37/2008, re: Lead Testing Program, dated June 16, 2008, be received for information.
- (m) **ITEM PW86-08**
1. THAT, report RFD PW-38/2008, re: 2008 Bituminous Surface Treatment Program Tender for Supply and Application of Materials, dated June 16, 2008 be accepted; and,
 2. THAT, the tender from Norjohn Contracting & Paving to complete the 2008 Bituminous Surface Treatment Program be accepted subject also to acceptance by the Township's municipal partners, the Township of Wainfleet and the Town of Pelham; and,
 3. THAT, the Mayor and clerk be authorized to enter into an agreement with Norjohn Contracting & Paving.
- (n) **ITEM PW87-08**
- 1) THAT, Report RFD PW-39/2008, re: Certificate of Completion & Assumption of Works Station Meadows North - Phase II – Registered Plan 30M-342, dated June 16, 2008 be accepted; and,
 - 2) THAT, a Final Certificate of Completion be issued for Station Meadows North - Phase II, Registered Plan 30M-342; and,
 - 3) THAT, the Township accept the Station Meadows North - Phase II, Registered Plan 30M-342; and,
 - 4) THAT, the necessary assumption by-laws be forwarded to the June 23, 2008 Council meeting, and;
 - 5) THAT, the assumption by-laws be forwarded to the Township Solicitor for registration once adopted by Council, and;
 - 6) THAT, the developer be so advised.
- (o) **ITEM PW88-08**
THAT, the Public Works June 2008 Update Memo dated June 16, 2008, be accepted.

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

That, the Public Works/Recreation/Arena Committee minutes of a meeting held on June 16, 2008, be received and that the recommendations contained therein, be approved.

- Carried

8. **RECONSIDERATION:**

There were no items for reconsideration.

9. **NOTICE OF MOTION:**

There were no notices of motion.

10. OTHER BUSINESS:

- (a) Chief Building Official
Re: Temporary Residence during Construction
(1) Yaroslaw & Irena Kobernyk (2) David Foran (3) Andrew & Deana Vellenga
RECEIVED FOR INFORMATION
- (b) Public Works Manager
Re: Memo - Shurie Road By-law – Revision Required
RECEIVED FOR INFORMATION
- (c) Deputy Clerk
Re: RFD-C-14-08 – Lease of Administration Office Photocopiers

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

- (1) That, RFD-C-14-08, dated June 16, 2008, regarding “Lease of Administration Office Photocopiers” be received; and,
 - (2) That, the Corporation of the Township of West Lincoln enter into a lease agreement with Xerox Financial Services for lease of two photocopiers through Advance Office Solutions (Xerox), as per Schedule “A” at a lease cost of \$395.00 per month over a 66 month lease term (plus monthly service costs which are invoiced separately); and,
 - (3) That, the Chief Administrative Officer be authorized to sign the lease agreement with Xerox Financial Services through Advance Office Solutions (Xerox) for lease of two photocopiers at a cost of \$395.00 per month over a 66 month lease term.
- Carried

- (d) ITEM A68-08
Miss Ashley Gluchowski
Re: Request for Sponsorship for Competing in 2008 Miss Canada Competition
(Referred from June 16, 2008 Administration/Finance/Fire Committee Meeting)

Alderman Douglas Joyner read a copy of an email that he had received from Miss Ashley Gluchowski which provided further detail to her request from sponsorship for competing in the 2008 Miss Canada Competition.

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

That, the correspondence from Miss Ashley Gluchowski received on June 12, 2008 requesting sponsorship in the amount of \$1,250.00, for competing in the 2008 Miss Canada Competition be received and supported.

- LOST

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

That, the recommendation relating to the request from Ashley Gluchowski, be amended to add the following additional clause to the recommendation:

“And that the amount be expensed to the “Awards, Plaques and Communication” account.”

- LOST.

(e) Members of Council
Re: Other Business Items

(i) Alderman Norm Johnson
Re: Hiring of 2nd Building Inspector/By-law Enforcement Officer

Alderman Johnson noted that, in his opinion, the issue of hiring of a second Building Inspector/By-law Enforcement Person was not a dead issue; however due to a decrease in revenues and number of building permits for the Building Department, he could not support hiring a second Building Inspector/By-law Enforcement Person, at this time, until the volume of building permits increased, at which time this issue could be reassessed by Township Council.

(ii) Alderman Norm Johnson
Re: New Item of Business - Mr. Schaller's Presentation Regarding Trees

Alderman Johnson noted that many of the trees that Mr. Schaller had referred to earlier in the meeting that were dead along Regional Road 69 between Regional Road 20 and Mountain Road were elm trees which probably died due to other causes (i.e. disease and not salt). Alderman Johnson advised that there were many other properties along Regional Road 69 that had healthy trees that were not dying and that, in his opinion, the salt being applied by the Region during the winter was not the only cause for Mr. Schaller's trees to die. Alderman Johnson noted that Mr. Schaller has attended at least eight Council meetings to advise of his concerns regarding his trees and to request the Mayor to address this issue at the Regional level. Alderman Johnson stated that the Region needed to use some salt on roads as their main concern was public safety and that they would not cut salt out completely because of the safety issue. Alderman Johnson noted that Mr. Schaller was not satisfied with the explanation provided and that, in his opinion, Mr. Schaller should be advised, in writing, that he can no longer address this issue at future Council or Committee meetings.

Alderman Sue-Ellen Merritt noted that this should apply to any person from the public that speaks repeatedly regarding the same issue.

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

That, leave be granted to introduce a new item of business, being a matter relating to Mr. Schaller's presentation regarding his trees.

- Carried

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

WHEREAS Mr. Peter Schaller has appeared before Council on many occasions to complain regarding the destruction of his trees due to road salt; and,

WHEREAS the matter has been investigated on a number of occasions and information provided to Mr. Schaller in that regard; and,

WHEREAS Mr. Schaller is not satisfied with the answers received regarding the action taken to resolve the amount of salt used on regional roads; and,

WHEREAS Mr. Schaller continues to exhibit rude and disruptive behavior;

NOW THEREFORE, that the CAO be directed to advise Mr. Peter Schaller that he will not be permitted to address the issue of destruction of his trees at future Council or Committee meetings.

- Carried

- (iii) Alderman Mary Dinga
Re: Newspaper Article Relating to Smithville Farmer's Market Request for Financial Assistance

Alderman Dinga noted that a recent newspaper article regarding the Smithville Farmer's Market had contained a statement that was not factual and that the Treasurer/Director of Finance did not provide any indication to the Farmers Market that they would be given financial assistance if they provided further requested information.

- (iv) Alderman Mary Dinga
Re: Site Alteration By-law

Alderman Dinga noted that she has received a number of calls from residents regarding problems with people altering swales in the urban and rural areas of the municipality (i.e. fill replacement, site alterations, constructing sheds, gardens and fences). Alderman Dinga requested that the issue of a site alteration by-law be placed on the July Public Works/Recreation/Arena Committee agenda for further discussion.

- (v) Mayor Katie Trombetta
Re: New Item of Business – Rescheduling of the July Council Meeting

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

That, leave be granted to introduce a new item of business, being rescheduling of the July Council meeting.

- Carried

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

That, the July 21, 2008 Council meeting be rescheduled to Tuesday July 22, 2008.

- Carried

- (vi) Mayor Katie Trombetta
Re: New Item of Business – Request for Letter of Support In Application for the Kraft Canada “Refresh Your Park” Competition

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

That, leave be granted to introduce a new item of business, being a letter of support for submission of an application for the Kraft Canada Competition.

- Carried

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

That, the Mayor be authorized to provide written permission to Pat Nelson in support of her application to Kraft Canada for the “Refresh you Park” competition.

- Carried

11. **BY-LAWS:**

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

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

- (a) By-law 2008-66 To confirm proceedings of May 26, 2008 regular Council meeting.
- (b) By-law 2008-67 To authorize an Agreement with Yaroslaw & Irena Kobernyk for Temporary Residency during Construction of a Replacement Dwelling.

- (c) By-law 2008-68 To authorize an Agreement with David Foran for Temporary Residency during Construction of a Replacement Dwelling.
- (d) By-law 2008-69 To authorize an Agreement with Andrew & Deana Vellenga for Temporary Residency during Construction of a Replacement Dwelling.
- (e) By-law 2008-70 To authorize an amending Site Plan Agreement with Riverview Poultry Limited on lands described as Part Lot 6, Concession 8, South Grimsby, being Part 1 on 30R867 and Part 1 on 30R8956, except Parts 1, 2 and 3 on 30R8813, lying North of Part 2 on 30R8813 and East of Part 3 on 30R8813; West Lincoln
- (f) By-law 2008-71 To authorize a Site Plan Agreement - AT Realty Inc. and Royal Bank of Canada on lands described as Part of Lot 2, Con. 9 South Grimsby, PT RDAL BTN Lots 25 & 26. Con. 9 South Grimsby as in R0719084 except PT 1 & 2 30R8902 S/T Beneficiaries interest in R0719084; S/T interest of the Municipality; S/T SG6503; West Lincoln (for AgraTurf -and repeal 2008-59)

- Carried

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

That, By-laws 2008-66, 2008-67, 2008-68, 2008-69, 2008-70 and 2008-71 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 Mike Rehner 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 2008-72 To authorize an agreement between the Corporation of the Township of West Lincoln and O'Hara Trucking and Excavating Inc. for replacement of the Canborough Street Watermain
- (b) By-law 2008-73 To authorize a Joint Agreement between the Corporations of the Town of Pelham, the Township of Wainfleet, the Township of West Lincoln and Norjohn Contracting & Paving for bituminous surface treatment.
- (c) By-law 2008-74 To establish as a public highway a certain portion of Shurie Road, in the former Township of Gainsborough, now Township of West Lincoln, Regional Municipality of Niagara (& repeal 2007-121)

- (d) By-law 2008-75 To amend By-law 2002-115 which confirms fees and charges for the Corporation of the Township of West Lincoln (to include a vendor's permit fee for (a) food or drink, (b) goods, wares or merchandise, and (c) art, skill or services, in the amount of \$100.00 per day within Township parks – except food & drink at Leisureplex Park).
- (e) By-law 2008-76 To amend By-law 96-24 which regulates the use of the public sewer system and municipal sewage works and imposes service rates upon the owners or occupants of land who use the sewage works. (updates binder of Fees established under By-law 2002-115)
- (f) By-law 2008-77 To amend By-law 2004-42, as amended, which regulates the supply of water and provides for the imposition and collection of water rates.

- Carried.

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

That, By-laws 2008-72, 2008-73, 2008-74, 2008-75, 2008-76 and 2008-77 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 2008-78 To appoint a Deputy Fire Chief for the West Lincoln Fire Department (Gary Ricker) (Repeal 2006-42)
- (b) By-law 2008-79 To appoint a Library Board and delegate the authority for the Members of the Corporation of the Township of West Lincoln Public Library Board to adopt policies, procedures and conditions for the operation of the West Lincoln Public Libraries

- Carried

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

That, By-laws 2008-78 and 2008-79 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 John Glazier and seconded by Alderman Sue-Ellen Merritt:

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 labour relations and/or employee negotiations (including municipal or local board employees);
 2. labour relations or employee negotiations;
- Carried (8:05 p.m.)

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

That, this Council meeting does now resume in open session at 10:55 p.m.
- Carried

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

That, this council meeting does now deliberate beyond the hour of 11:00 p.m.
- Carried

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

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 labour relations and/or employee negotiations (including municipal or local board employees);
 2. labour relations or employee negotiations;
- Carried

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

That, this Council meeting does now resume in open session at 11:15 p.m.
- Carried

- (a) CAO
Re: Personnel Issue – Identifiable Individual – CAO Position
REFERRED FROM ADMINISTRATION/FINANCE/FIRE COMMITTEE

ITEM A79-08 - Report RFD-Mayor-01-08

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

1. That the direction provided in the Closed session minutes from the June 16, 2008 Administration/Finance/Fire Committee Closed session meeting, under Item A79-08, be approved, (as amended in closed session).

2. That Item A79-08 from the open session portion of the June 16, 2008 Administration/Finance/Fire Committee meeting be approved (as amended – revised in closed session).

“That, Report RFD-Mayor-01-08 regarding a personnel matter, dated June 16, 2008, be received and that the recommendations contained therein be approved” (as amended - revised direction in closed session.).

- Carried

- (b) Clerk
Re: New Item of Business – Extension of Appointment – Andrew Greenaway

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

That, leave be granted to introduce a new item of business, being a By-law to extend the appointment of Andrew Greenaway as Chief Building Official and By-law Enforcement Officer.

- Carried

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

That, the By-law appointing Andrew Greenaway as Chief Building Official and By-law Enforcement Officer be amended to extend the term.

- Carried

11. BY-LAWS: (cont'd)

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

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

- (a) By-law 2008-82 To amend By-law 2008-65 which appointed Andrew Greenaway as Chief Building Official and By-law Enforcement Officer for the Corporation of the Township of West Lincoln (to extend the term).

- Carried

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

That, By-law 2008-82 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: (cont'd)

- (c) CAO
Re: Personnel Issue – Identifiable Individual – Building Department

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

That, the CAO and Mayor be authorized to proceed as directed in closed session.

- Carried

- (d) CAO
Re: Personnel Issue – Identifiable Individual – Fire Department

Specific direction was given to the CAO in closed session regarding this matter.

- (e) Mayor Katie Trombetta
Re: Personnel Matter - Joint Services Committee

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

That, the Mayor and Alderman Merritt be authorized to proceed as directed in closed session.

- Carried

- (f) CAO
Re: Personnel Matter – Organizational Chart

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

That, the CAO be authorized to proceed as directed in closed session.

- Carried

- (g) CAO & Mayor Trombetta
Re: Labour Relations - Non-Union Salary Scale

Refer to Item (h) noted below for resolution.

- (h) CAO & Mayor Trombetta
Re: Labour Relations - Pay for Performance Program

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

That, the CAO be authorized to proceed as directed in closed session with respect to two labour relations issues.

- Carried

- (i) CAO
Re: Personnel Issue – Identifiable Individual – Building Dept. Staffing
REFERRED FROM ADMINISTRATION/FINANCE/FIRE COMMITTEE

ITEM A77-08 – Building Dept. Staffing

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

1. That the direction provided in the Closed session minutes from the June 16, 2008 Administration/Finance/Fire Committee Closed session meeting, under Item A77-08, be approved, (as amended in closed session).
2. That Item A77-08 from the open session portion of the June 16, 2008 Administration/Finance/Fire Committee meeting be approved (as amended – revised in closed session).
That, the CAO be authorized to proceed as directed in closed session (as amended).

- Carried

11. BY-LAWS: (cont'd)

- | | | |
|-----|----------------|-----------|
| (o) | By-law 2008-80 | WITHDRAWN |
| (p) | By-law 2008-81 | WITHDRAWN |

13. ADJOURNMENT:

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

That, this Council meeting does now adjourn at the hour of 11.35 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