



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN



COUNCIL MINUTES

MEETING NO. FIVE HELD: Monday, April 26, 2010 - Township Administration Building, 318 Canborough Street, Smithville, Ontario - 7:00 p.m.

<u>PRESENT:</u>	Council:	Mayor Katie Trombetta Alderman Mary Dinga Alderman John Glazier Alderman Norm Johnson Alderman Douglas Joyner * (refer to page19) Alderman Sue-Ellen Merritt Alderman Mike Rehner
	Staff:	Derrick Thomson, CAO Carolyn Langley, Clerk Trevor Hall, Director of Public Works & Engineering *
	Others:	Brenda Pickvance * Tullio Pianegonda * Cathy Sterling *
	Media:	Stephanie Sisler, West Niagara News* Joanne McDonald, Grimsby Lincoln News* William Kelly, Cogeco *

* IN ATTENDANCE PART TIME

1. **INVOCATION:** **Alderman John Glazier**
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**

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

- (a) Administration/Finance/Fire Committee (2010 Budget) – April 19, 2010
Alderman Mary Dinga - Item A41-10 – Recommendation #2 - Reconstruction of Townline Road and Sidewalk projects - as included in the 2010 Five Year Road Capital Plan and 2010 Five Year Sidewalk Capital Plan - husband owns property on Townline Road (between Regional Road #20 to Regional Road #14).
- (b) Administration/Finance/Fire Committee (2010 Budget) – April 19, 2010
Alderman Mike Rehner - Item A41-10 – Recommendation #3 - Reconstruction of Caistor Centre Road project (between Concession 2 Road & South Chippawa Road) **AND** Concession 2 Road project (between Regional Road 14 and Caistor Centre Road) - as contained in the 2010 Five Year Road Capital Plan - he and his

wife own property on Caistor Centre Road (between Concession 2 and South Chippawa Roads) and along Concession 2 Road (between Regional Road 14 and Caistor Centre Road).

- (c) Administration/Finance/Fire Committee (2010 Budget) – April 19, 2010
Alderman Douglas Joyner - Item A41-10 – Recommendation #4 - Storm Sewer Construction and Weeping Tile Disconnection from Sanitary project for Colver Street (between Canborough Street and Wade Road) - as contained in the 2010 Five Year Wastewater Capital Plan - parents own property on Colver Street (between Canborough Street and Wade Road).
- (d) Administration/Finance/Fire Committee (2010 Budget) – April 19, 2010
Alderman Douglas Joyner – Item A44-10 - Legal Matter/Drainage Issue - matter relates to a family member.
- (e) Confidential Council Minutes – Set 1 - March 22, 2010
Alderman Douglas - Confidential Council Minutes–Set 1 - March 22, 2010
- (f) Alderman Douglas Joyner – New Item of Business – Legal Matter Drainage Issue
Alderman Joyner was unable to declare his conflict regarding a legal matter – drainage issue under this section of the agenda as the matter was not on the agenda but was introduced as a new item of business under the “Other Business” section of the agenda. Alderman Joyner’s conflict was noted at that time and Alderman Joyner left the meeting prior to confidential matters and therefore did not take part in discussion nor voting with respect to this matter as it related to his parent’s drainage issue.

3. COMMENTS FROM THE PUBLIC:

There were no comments from the public.

4. CONFIRMATION OF MINUTES:

- (a) Council Minutes – Regular
March 22, 2010

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

That, the minutes relating to the open session portion of the March 22, 2010 regular Council meeting be accepted without errors or omissions.

That the confidential minutes (Set 2) of the closed session portion of the March 22, 2010 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

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

That the confidential minutes (Set 1) of the closed session portion of the March 22, 2010 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) Public Meeting under the Planning Act
April 12, 2010 Minutes

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

That, the minutes of a public meeting held on April 12, 2010 under Section 34 of the Planning Act, with respect to:

- (a) ZONING BY-LAW AMENDMENT – Township of West Lincoln – Prestige Employment Zone & Restrictive Employment Zone
be accepted.

- Carried

5. COMMUNICATIONS:

There were no communications.

6. APPOINTMENTS/PRESENTATIONS:

- (a) Brenda Pickvance
Re: Condition of Concession 3 Road

Ms. Brenda Pickvance noted her concern that she and the residents of Concession 3 would not know where they stood with respect to when their road would be done until the matrix was developed (as proposed at the April 19, 2010 Administration/Finance/Fire Committee meeting). Ms. Pickvance reiterated her concerns regarding the state of Concession 3 Road and the unopened portion of road allowance and requested that consideration be given to completing the unopened portion of road allowance so that there would be better traffic flow and more even wear and tear on the road. Ms. Pickvance further stated that once the road allowance was opened, the status of that section of road allowance would not hinder the chances of Concession 3 Road being considered under the proposed matrix.

Ms. Pickvance further advised of her concern regarding the increased population of ticks in her area (that carry lime disease) and noted that she would be contacting the health department to notify them as they should take action on this matter in case the ticks test positive for lime disease.

Mayor Trombetta thanked Ms. Pickvance for her presentation.

7. REPORT OF COMMITTEE:

- (a) Planning/Building/Environmental Committee
Re: April 12, 2010 Minutes
NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM P42-10
RECOMMENDATION# 1:
The Planning/Building/Environmental Committee hereby approve the following Consent Agenda Items:
1. Items 1 and 2 are hereby received for information, and;
 2. Items 3 to 5 are hereby received and that the recommendations contained therein be adopted,
- with the exception of Items #2.
- (ITEM P42-10)
- (1) Information Report PD-053-10 – Source Water Protection – Summary of Assessment Report
 - (2) Information Report PD-045-10–Green Energy Act Release of Draft Technical Bulletins
 - (3) Recommendation Report PD-057-10 – Intensification and Redevelopment Workshop required to obtain the Affordability and Choice Today (ACT) funding of CMHC
 - (4) Recommendation Report PD-055-10 – Part of Margaret Street (Part 1 & 2 on 30R-13458) now declared as a Public Highway
 - (5) Recommendation Report PD-047-10 – Proposed Parking Restrictions on Smits Cove, Smithville)

RECOMMENDATION #2: (Item 2):

That, Report No. PD-045-10, dated April 12, 2010, relating to Green Energy Act Release of Draft Technical Bulletins, BE RECEIVED for information.

- (b) ITEM P43-10
- (1) That, Report No. PD-056-10, dated April 12, 2010, relating to Draft Prestige Employment Zone Provisions, BE RECEIVED; and
 - (2) That, a recommendation report be prepared and presented to the Planning/Building/Environmental Committee once all public and agency comments have been considered.
- (c) ITEM P44-10
- (1) That, Report No. PD-054-10, dated April 12, 2010, relating to Draft Restrictive Employment Zone Provisions, BE RECEIVED; and

- (2) That, a recommendation report be prepared and presented to the Planning/Building/Environmental Committee once all public and agency comments have been considered and the Spring Creek Heights Secondary Plan is in effect.

- (d) ITEM P45-10
 - (1) That, Report No. PD-051-10, dated April 12, 2010, relating to Timeline for moving forward the 5 Year Review and the Local Compliance policies of the Township of West Lincoln Official Plan BE RECEIVED; and,

 - (2) That, the timeline outlined at Attachment 1 to this report be adopted as the draft timeline for completion of most of the Township of West Lincoln 5 Year Review and local compliance work.

- (e) ITEM P46-10
 - (1) That, Report No. PD-049-10, dated April 12, 2010, relating to Official Plan 5 Year Review (OPA #15) – Draft New Land Use Schedules to Implement Proposed Policy, BE RECEIVED; and,

 - (2) That, the new land use schedules be circulated to the agencies for their review and comment prior to holding a formal public meeting in accordance with the Planning Act; and,

 - (3) That, Staff be authorized to circulate the new schedules prior to ratification of this report by Township Council.

- (f) ITEM P47-10
 - (1) That, Report No. PD-048-10, dated April 12, 2010, relating to Land Use Schedules (Draft) for local compliance policy process for Urban Settlement Area of Smithville (OPA #21), BE RECEIVED; and,

 - (2) That, the draft mapping be circulated to the agencies for comment prior to the holding of a formal public meeting in accordance with the Planning Act and prior to ratification of this report by Township Council; and,

 - (3) That, the draft mapping be made available to the public at the Open House Public Information Meeting that is being held on Thursday, April 15, 2010.

- (g) ITEM P48-10
 - (1) That, Report No. PD-052-10, dated April 12, 2010, relating to the Proposed Revisions to Draft 5 Year Review Amendment based on comments received at the March 10, 2010 Open House, Public Information Meeting as well as Agency comments received to date, BE RECEIVED; and,

- (2) That, Staff be authorized to incorporate the Agency changes as agreed to in this report into the Draft 5 Year Review amendment; and,
 - (3) That, Staff be authorized to advise the parties who were in attendance at the Open House of the outcome/actions as noted in this report; and,
 - (4) That, a consolidated copy of the proposed 5 Year Review Amendment document be provided to Committee no later than the May 10, 2010 Committee meeting; and,
 - (5) That, Staff be authorized to provide notice of a proposed Public Meeting on May 10, 2010 to consider the proposed 5 Year Review Official Plan Amendment in accordance with the Planning Act; and,
 - (6) That, in order to provide proper notice Staff be authorized to take the above actions prior to Council ratification on April 26, 2010.
- (h) ITEM P49-10
- (1) That, Report No. PD-050-10, dated April 12, 2010, relating to Exemption of Region from Township Planning Fees, BE RECEIVED; and,
 - (2) That, By-law 2002-113 (Tariff of fees for Planning Matters as amended by By-law 2007-17, 2008-11, 2008-39, 2008-13 and 2009-38 and 2010-07) be amended by replacing Appendix "A", "Tariff of Fees", and Appendix "B", "Schedule of Deposits" with the attached new Appendix "A" and Appendix "B"; and,
 - (3) That, By-law 2002-112 (Committee of Adjustment Fees – as amended by By-law 2007-18, 2008-46 and 2009-37) be amended by replacing Schedule "D", Tariff of Fees, with the new Schedule "D"; and,
 - (4) That, the attached by-law which exempts the Region from Township planning fees for development applications within the Township of West Lincoln, be presented to Township Council for approval once the Region of Niagara has passed a similar by-law to exempt the Township of West Lincoln from Regional planning fees.
- (i) ITEM P50-10
- (1) That, Report No. PD-046-10, dated April 12, 2010, relating to the Ontario Municipal Board Decision (PL090881) relating to Bill & Elizabeth Fischer appeal of rezoning for Crossings on the Twenty (West Niagara Enterprises Inc.), BE RECEIVED; and,

- (2) That, in accordance with the Ontario Municipal Board (OMB) decision issued on March 9, 2010 the Township of West Lincoln hereby repeals By-law 2009-86 and replaces it with a new by-law (Attachment 3) as presented to the OMB; and,
 - (3) That, Staff be authorized to forward the revised by-law to the applicant, the appellant and the OMB once approved by Township Council in accordance with the order of the OMB.
- (j) ITEM P51-10
- (1) That CAO Report RFD-CAO-05-2010, dated April 12th, 2010, regarding the "2010 Service Plan" be received; and,
 - (2) That, the 2010 Service Plan attached as Schedule "A" to this report, be approved.
- (k) ITEM P57-10
- That, staff be and are hereby authorized to proceed as directed in closed session with respect to a land transaction issue.

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

That, the minutes relating to the open session portion of the Planning/Building/Environmental Committee meeting held on April 12, 2010, be received and that the recommendations contained therein, be approved.

That the confidential minutes of the closed session portion of the April 12, 2010 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 AS AMENDED (see below)

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

That the paragraph contained under Sub-section (ii) of Other Business Item P55-10 of the April 12, 2010 Planning/Building/Environmental Committee minutes be amended by deleting the words "**that can harm livestock or septic systems**" and replacing them with the words "**as livestock or septic systems can harm the water supply if seepage occurs into abandoned wells**".

- Carried

- (b) Administration/Finance/Fire Committee
Re: April 19, 2010 Minutes (includes 2010 Budget)

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM A34-10
RECOMMENDATION #1:
The Administration/Finance/Fire Committee approve the following Consent Agenda Items:
1. Items 1 & 2 be hereby approved and the recommendations contained therein are adopted; and,
with the exception of Item # 2.
(Item A34-10
1. Recommendation Report – RFD-C-08-2010 – Alternative Voting Methods
2. Recommendation Report–RFD-C-09-2010–New–Revised Election Sign By-law)
- RECOMMENDATION #2 (Item #2):
1. That Clerk Report RFD-C-09-2010, dated April 19, 2010, regarding “New - Revised Election Sign By-law”, be received; and,
2. That, the attached new Election Sign By-law be approved and forwarded to Council for adoption.
- (b) ITEM A35-10
That the request by Mrs. Brenda Pickvance that Concession 3 Road be hard-topped, be considered during the 2010 budget deliberations, under the Five Year Road Capital Plan; be received and referred to staff.
- (c) ITEM A36-10
That, the resubmission by Andy & Pat Wirth of correspondence from Andy & Pat Wirth on behalf of the residents of Tober Road (being Louise Zantingh, Ed Heczko, Steve & Claudia DeHaan and Cor De Boer), resubmitted on April 9, 2010, which requests that Tober Road be included in the budget for tar and chipping; be received and referred to staff.
- (d) ITEM A37-10
That, the submissions from the following residents on Concession 5 Road:
- | | |
|---------------------------|------------------------------|
| Doug Marshall | Karen Marshall |
| Robert & Lynn Atkinson | Jason & Gida Alleblas |
| Shelley Herbert | Kevin Herbert |
| Mohammed Alawi | Samantha & Matthew McCaffrey |
| Bert & Linda Alleblas | Bob & Irene Paulo |
| Brenda Rice/Rick Alkerton | Ron Vandenberg |
- requesting that Concession 5 Road, between Westbrook & Caistor Centre Road, be repaired in a more permanent manner; be received and referred to staff.

- (e) ITEM A38-10
RECOMMENDATION #1:
That, the correspondence from Mr. Carl Ensor, received April 13, 2010, requesting that Concession 5 Road, between Smithville Road (Regional Road 14) & Caistor/Gainsborough Townline Road (1.4 kms), be seriously considered for tar and chipping; be received and referred to staff.
- RECOMMENDATION #2:
That, the Director of Public Works & Engineering be directed to develop a matrix to evaluate all Township roads for presentation at a future meeting.
- (f) ITEM A39-10
1. That the correspondence received March 18, 2010 from Autism Ontario (Niagara Region) requesting approval of their second annual fundraiser Bike Ride Event (Evan's Rider for Autism), be received; and,
 2. That, the request for financial support be referred for consideration under the Corporate Sponsorship Program; and,
 3. That, Autism Ontario (Niagara Region) be permitted to hold an Autism Bike Ride Fundraiser on Sunday, May 16, 2010, subject to meeting all Township requirements/conditions of the Township of West Lincoln's Special Events Policy.
- (g) ITEM A41-10
RECOMMENDATION #1:
- 1) That, Report RFD-T-04-2010 , regarding the "2010 Budget", dated April 19, 2010 be received; and,
 - 2) That, the tax levy increase for general purposes be approved at 0.94% and the tax increase in the urban service area be approved at 2.4%; and,
 - 3) That, the Deputy Treasurer be authorized to submit the approved 2010 Capital Roads Projects to AMO as required under Schedule C of the Federal Gas Tax Revenue Program; and,
 - 4) That the 2010 Capital Programs, attached to this report as follows, be approved:
 - (a) Schedule A - 2010 Five-Year Capital Bridge Program
 - (b) Schedule B - 2010 Five-Year Capital Sidewalk Program *
 - (c) Schedule C - 2010 Five-Year Capital Facilities Program
 - (d) Schedule D - 2010 Five Year Sanitary Sewer Program **
 - (e) Schedule E - 2010 Five Year Equipment Replacement Schedule
 - (f) Schedule F - 2010 Five Year Capital Road Program ***
- RECOMMENDATION #2 (Amendment):
That, the Townline Road Reconstruction and Sidewalk projects (between Canborough Street & Regional Road 20) as contained in the 2010 Five Year Road Capital Plan and the 2010 Five Year Sidewalk Capital Plan, be approved.

RECOMMENDATION #3 (Amendment):

That, the Caistor Centre Road project (between Concession 2 Road & South Chippawa Road) and the Concession 2 Road project (between Regional Road 14 and Caistor Centre Road) as contained in the 2010 Five Year Road Capital Plan, be approved.

RECOMMENDATION #4 (Amendment):

That, the Storm Sewer Construction and Weeping Tile Disconnection from Sanitary project for Colver Street (between Canborough Street and Wade Road) as contained in the 2010 Five Year Wastewater Capital Plan, be approved.

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 April 19, 2010, be received and that the recommendations contained therein, be approved, with the exception of Items no. A41-10(2), A41-10(3), A41-10(4), A44-10, A34-10(2).

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

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 April 19, 2010, be amended by adding the following exceptions after the recommendation to adopt the minutes:

* with the exception of the Townline Road sidewalk project

** with the exception of the Storm Sewer Construction and Weeping Tile Disconnection from Sanitary project for Colver Street (between Canborough Street and Wade Road) project

*** with the exception of (1) the Townline Road project, (2) the reconstruction of Caistor Centre Road project (between Concession 2 Road & South Chippawa Road) and, (3) the Concession 2 Road (between Regional Road 14 and Caistor Centre Road) project

- Carried

ITEM A41-10 - RECOMMENDATION # 2 (Townline Road Construction & Sidewalk Project) (Alderman Dinga – Conflict Items):

NOTE: Alderman Mary Dinga declared a conflict of interest/disclosure of pecuniary interest with respect to Item A41-10, more specifically the reconstruction of Townline Road and sidewalk projects as included in the 2010 Five Year Road Capital Plan and 2010 Five Year Sidewalk Capital Plan, due to the fact that her husband owns property on Townline Road (between Regional Road #20 to Regional Road #14). Alderman Dinga advised that she would not take part in any discussion nor voting with respect to this matter.

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

That, Item A41-10 (2) from the April 19, 2010 Administration/Finance/Fire Committee meeting be approved:

(ITEM A41-10(2))

That, the Townline Road Reconstruction and Sidewalk projects (between Canborough Street & Regional Road 20) as contained in the 2010 Five Year Road Capital Plan and the 2010 Five Year Sidewalk Capital Plan, be approved.)

- Carried.

ITEM A41-10 - RECOMMENDATION # 3 (Caistor Centre Road & Concession 2 Road Projects) (Alderman Rehner – Conflict Items):

NOTE: Alderman Mike Rehner declared a conflict of interest/disclosure of pecuniary interest with respect to Item A41-10, more specifically the reconstruction of Caistor Centre Road project (between Concession 2 Road & South Chippawa Road) and the Concession 2 Road project (between Regional Road 14 and Caistor Centre Road) as contained in the 2010 Five Year Road Capital Plan, due to the fact that he and his wife own property on Caistor Centre Road (between Concession 2 and South Chippawa Roads) and along Concession 2 Road (between Regional Road 14 and Caistor Centre Road). Alderman Rehner advised that he would not take part in any discussion nor voting with respect to this matter.

Alderman Merritt reiterated her concern that staff continue to monitor the issue of the Region taking over the section of Caistor Centre Road, from Concession Two to South Chippawa Road, so that funds are not expended on this section of road until it is determined if the region is going to take it over.

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

That, Item A41-10 (3) from the April 19, 2010 Administration/Finance/Fire Committee meeting be approved:

(ITEM A41-10(3))

That, the Caistor Centre Road project (between Concession 2 Road & South Chippawa Road) **and** the Concession 2 Road project (between Regional Road 14 and Caistor Centre Road) as contained in the 2010 Five Year Road Capital Plan, be approved.)

- Carried.

ITEM A41-10 - RECOMMENDATION # 4 (Storm Sewer Construction & Weeping Tile Disconnection Project (Alderman Joyner – Conflict Item):

NOTE: Alderman Douglas Joyner declared a conflict of interest/disclosure of pecuniary interest with respect to Item A41-10, more specifically the Storm Sewer Construction and Weeping Tile Disconnection from Sanitary project for Colver Street (between Canborough Street and Wade Road) as contained in the 2010 Five Year Wastewater Capital Plan), due to the fact that his parents

owned property on Colver Street (between Canborough Street and Wade Road). Alderman Joyner advised that he would not take part in any discussion nor voting with respect to this matter and that he would be stepping down as Chair during discussion of this item.

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

That, Item A41-10 (4) from the April 19, 2010 Administration/Finance/Fire Committee meeting be approved:

(ITEM A41-10(4)

That, the Storm Sewer Construction and Weeping Tile Disconnection from Sanitary project for Colver Street (between Canborough Street and Wade Road) as contained in the 2010 Five Year Wastewater Capital Plan, be approved.)

- Carried.

A44-10 – Legal Matter – Drainage Issue - April 19, 2010 Administration/Finance/Fire Committee:

Alderman Douglas Joyner declared a conflict of interest with respect to item (a) under Confidential Matters (Item A44-10), (Legal Matter – Drainage Issue) as the matter related to a family member and therefore, he did not vote on the approval of Item A44-10 nor the confidential minutes. Alderman Joyner did not take part in discussion nor voting with respect to this matter.

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

That, Item A44-10 from the April 19, 2010 Administration/Finance/Fire Committee meeting be approved:

(ITEM A44-10

Township Solicitor

Re: Legal Matter – Drainage Issue - Update

The Committee rose without reporting.)

- Carried

ITEM A34-10(2) – Report–RFD-C-09-2010–New–Revised Election Sign By-law:

Alderman Johnson noted that he could agree to the amendment only if there was a provision that action was only taken if and when the landowner requests action regarding the removal of election signs.

There was much discussion regarding the concerns regarding election signs at a past election.

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

That, Item A34-10(2) from the April 19, 2010 Administration/Finance/Fire Committee meeting be approved:

(ITEM A34-10(2))

1. That Clerk Report RFD-C-09-2010, dated April 19, 2010, regarding "New - Revised Election Sign By-law", be received; and,
2. That, the attached new Election Sign By-law be approved and forwarded to Council for adoption.)

- LOST (later reconsidered and referred – see below)

Alderman Merritt noted her concern that the motion was lost and inquired if the matter could be reconsidered in another form as there were parts of the by-law that she wished would remain in place.

The Clerk explained that the motion could be brought back under reconsideration.

Confidential Minutes – April 12, 2010 Administration/Finance/Fire Committee

NOTE: Alderman Douglas Joyner declared a conflict of interest with respect to item (a) under Confidential Matters (Item A44-10), (Legal Matter – Drainage Issue) as the matter related to a family member and therefore, he did not vote on the approval of the confidential minutes. Alderman Joyner did not take part in discussion nor voting with respect to this matter.

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

That the confidential minutes of the closed session portion of the April 19, 2010 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.

- Carried

- (c) Public Works/Recreation/Arena Committee
Re: April 19, 2010 Minutes

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM PW30-10
That, the West Lincoln Public Library Board minutes of a meeting held on March 9, 2010 be received for information.
- (b) ITEM PW31-10
That, the correspondence from Carl Okimi, President, Okimi's at Work Office Furniture, dated March 18, 2010, requesting:
 - (1) That, the flooding problem be addressed no matter what the position of the Niagara Peninsula Conservation Authority; and,
 - (2) That, the water body flowing through 8268 and 8270 Regional Road 20 (Okimi Property) be declared a drainage ditch; and,
 - (3) That, the problem be rectified by clearing the obstructions in the water course; and,

- (4) That, it be acknowledged that the flooding problem affects all properties along this drainage ditch; and,
- (5) That, this action take place this summer 2010 at the latest; be received and referred to staff for report and recommendation.

(c) ITEM PW32-10

RECOMMENDATION # 1:

- (1) That, the correspondence from Mr. Mike Firmin, Chairman, Poultry Fest Niagara, dated March 18, 2010, be received; and,
 - (2) That, the Council of the Corporation of the Township of West Lincoln declare the Poultry Fest Festival as a "Community Festival" in accordance with the Liquor License Act of Ontario and the Alcohol and Gaming Commission of Ontario, which festival is to be held on Saturday, June 26th, 2010 at the West Lincoln Community Centre/Arena; and,
 - (3) That the Poultry Fest executive be informed that the Township of West Lincoln has no objection to the sale of alcoholic beverages in the West Lincoln Arena Floor on Saturday, June 26th, 2010, subject to meeting all Township requirements/conditions of the Township of West Lincoln's Special Events Policy.
- Carried AS AMENDED (see below)

RECOMMENDATION # 2 (Amendment):

That, recommendation # 3 under Item PW32-10(Recommendation 1) relating to the request from Poultry Fest Niagara, be amended by deleting the words "in the West Lincoln Arena Floor" and inserting in lieu thereof, the words "in the tent to be erected on the fairgrounds"

RECOMMENDATION # 3:

That, the correspondence from Mr. Mike Firmin, Chairman, Poultry Fest Niagara, dated March 18, 2010, be received; and,

- (1) That, Poultry Fest Niagara be given permission to use the Centennial Parkette at the corner of Station Street and West Street for promotion of the Poultry Fest prior to the event and for an exhibit area during Poultry Fest, subject to confirmation from the landowner; and,
- (2) That a temporary road closing by-law be passed for Brock Street, from Convenience Street Parking Lot to Regional Road 20, for the Poultry Fest Niagara event from Friday, June 25th, 2010 at 7:00 p.m. to Saturday, June 26th 2010 at 8:00 p.m.
- (3) That, the Convenience Street Parking Lot be closed from Friday, June 25th, 2010 at 7:00 p.m. to Saturday, June 26th, 2010 at 8:00 p.m.; and,
- (4) That, the Municipal Parking Lot (near the CIBC) located on the northwest corner of Brock Street and St. Catharines Street be closed from Friday, June 25th, 2010 at 7:00 p.m. to Saturday, June 26th, 2010 at 8:00 p.m.; and,

- (5) That, permission be granted to paint a "Busker's Circle" with the Poultry Fest rooster logo on the Municipal Parking Lot (near CIBC); and,
- (6) That, the concrete barricades at the north end of Brock Street be removed the day of the festival for shuttle services; and,
- (7) That, the Public Works Department erect and remove barricades and flashing lights to advise motorists of the temporary road closings

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

That, the minutes of the Public Works/Recreation/Arena Committee meeting held on April 19, 2010, be received and that the recommendations contained therein, be approved.

- Carried

8. RECONSIDERATION:

- (a) Alderman Sue-Ellen Merritt
Re: Item A34-10(2)

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

That, Item A34-10(2) be reconsidered (Report RFD-C-09-2010, dated April 19, 2010, regarding "New - Revised Election Sign By-law).

- Carried

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

That, Item A34-10(2) from the April 19, 2010 Administration/Finance/Fire Committee meeting be approved:

(ITEM A34-10(2)

1. That Clerk Report RFD-C-09-2010, dated April 19, 2010, regarding "New - Revised Election Sign By-law", be received; and,
2. That, the attached new Election Sign By-law be approved and forwarded to Council for adoption.)

- REFERRED (see below)

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

That, Item A34-10(2) from the April 19, 2010 Administration/Finance/Fire Committee meeting (Report RFD-C-09-2010, dated April 19, 2010, regarding "New - Revised Election Sign By-law) be referred back to staff for further review with respect to removing election signs from private property, upon request.

- Carried

9. NOTICE OF MOTION:

There were no notices of motion.

10. **OTHER BUSINESS:**

- (a) Director of Public Works & Engineering
Re: Report PW-21/2010 – Lettering on Smithville Water Storage Tank

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

THAT, Report RFD PW–21/2010, re: Lettering on Smithville Water Storage Tank, dated April 26th, 2010, be received; and,

That, the Smithville Water Storage Tanks lettering be painted as provided in Report RFD-PW-21/2010.

- Carried

- (b) Mayor Katie Trombetta
Re: Appointment of Acting Mayor (Alderman Norm Johnson)

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

That, Alderman Norm Johnson be and the same is hereby appointed Acting Mayor from May 1, 2010 to November 30, 2010 or until his successor is appointed.

- Carried

- (c) Town of Fort Erie
Re: Proposed Restructuring of Regional Council

Mayor Trombetta requested that this item be referred to the Administration/Finance/Fire Committee meeting in order to afford her additional time to gather information.

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

That, the correspondence from the Town of Fort Erie, requesting support of their proposal to restructure Regional Council, dated April 15, 2010, be received and referred to the Administration/Finance/Fire Committee.

- Carried

- (d) Chief Building Official
Re: Temporary Residence during Construction (Paul & Elaine Weylie)
Received for Information

- (e) Clerk
Re: Memo - By-law to Provide for Licensing of Non-residents to Hunt Ring-Necked Pheasants, Cottontails and European Hares
Received for Information

- (f) CAO
Re: Report RFD-CAO-06-2010 - Corporate Sponsorship – 2010 – Partial Disbursement for Autism Ontario – Niagara Region - Request for Financial Support for Fundraiser Bike Ride (Evan’s Ride for Autism)

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

- (1) That, Report RFD-CAO-06-2010, dated April 26, 2010, regarding 2010 Corporate Sponsorship – Partial Disbursement for Autism Ontario – Niagara Region - Request for Financial Support for Fundraiser Bike Ride (Evan’s Ride for Autism), be received; and,
- (2) That, the Corporate Sponsorship allocation for the Autism Ontario – Niagara Region – Fundraiser Bike Ride event (Evan’s Ride for Autism), be approved in the amount of \$250.00.

- Carried

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

1. Alderman Mike Rehner
Re: Update from Staff Sergeant Bleich

In response to Alderman Rehner’s inquiry regarding when Staff Sergeant Bleich would be providing an update, Mayor Trombetta confirmed that staff Sergeant Bleich would be invited to the May Administration/Finance/Fire Committee meeting.

2. Alderman Dinga
Re: Silverdale Annual BarBQ

Alderman Dinga reminded Members of Council of the annual BarBQ being held at the Silverdale Hall on May 7, 2010.

3. Alderman Merritt
Re: Motions and Transparency

Alderman Merritt stated that it was frustrating when a motion was moved but there was no seconder due to lack of support; however, noted that you did not have to support the motion to second it, as by seconding it, you were just allowing the motion to get on the table for discussion.

Alderman Merritt also noted her concern that a Private Members Bill that had been put forward by a female MP (approximately three years ago), regarding greater transparency, had not been adopted and she found it very frustrating that when elected officials misbehave, certain matters cannot be dealt with in an open session and therefore the public is unaware.

4. Alderman Merritt
Re: AMO circulation regarding Kawartha Lakes - Environmental Spill

Alderman Merritt stated that she hoped staff would be staying on top of Kawartha Lakes environmental spill issue, as the decision was being appealed.

The CAO stated that the spill was a little different than the spill that had occurred in West Lincoln as the Kawartha Lakes spill had occurred on private property and that once the insurance funds had been exhausted, they had charged Kawartha Lakes for the cleanup. The CAO stated that Kawartha Lakes was asking for support and donations and that he would discuss the matter with the CAO of Kawartha Lakes and then provide an update.

5. Mayor Katie Trombetta
Re: New Item of Business – Legal Matter – Drainage Issue

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

That, leave be granted to introduce a new item of business under “Confidential Matters”, being a Legal Matter – Drainage Issue.
- Carried

The Clerk noted that this item related to an issue for which Alderman Joyner had previously declared a conflict; however Alderman Joyner did not have an opportunity to declare his conflict at the start of the meeting as the matter had not appeared on the agenda.

6. Mayor Katie Trombetta
Re: Update on Regional Waste Management Issue

Mayor Trombetta advised that the awarding of the contract and revised waste collection options had been dealt with at Regional Council on Thursday, April 22nd and that the decision reached on the issue was for a new provider which would take effect in 2011 and approval of Option 1 which provided for a 55% diversion rate, which included weekly collection of one bag and weekly recyclable collection (blue and grey box and green bin) as well as fines for not recycling.

11. **BY-LAWS:**

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

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

- (a) By-law 2010-33 To confirm proceedings of March 22, 2010 regular Council meeting
- (b) By-law 2010-34 To authorize an Agreement with Paul Weylie & Elaine Weylie for Temporary Residency during Construction of a Replacement Dwelling
- (c) By-law 2010-35 To assume part of Margaret Street, Township of West Lincoln, as a public road, being Parts 1 & 2 on Plan 30R-13458 – Township of West Lincoln
- (d) By-law 2010-36 Zoning By-law Amendment – as Ordered by Ontario Municipal Board (and repeal By-law 2009-86) (West Niagara Enterprises – Crossings on the Twenty)
- (e) By-law 2010-37 To provide for the issuing of, and charging fees for licences for Non-residents to hunt ring-necked pheasants, cottontails and European hares within the Township of West Lincoln (and repeal By-law 2004-31)

- Carried

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

That, By-laws 2010-33, 2010-34, 2010-35, 2010-36 and 2010-37 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:

NOTE: Alderman Joyner's conflict was noted regarding a legal matter – drainage issue and Alderman Joyner left the meeting prior to confidential matters as the legal matter / drainage issue related to his parents and therefore he did not take part in discussion nor voting with respect to this matter.

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

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;
2. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

- Carried (8:10 p.m.)

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

That, this Council meeting does now resume in open session at 9:06 p.m.

- Carried

1. Mayor Katie Trombetta
Re: New Item of Business – Legal Matter – Drainage Issue

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

That, the CAO be authorized to proceed as directed in closed session with respect to a legal matter – drainage issue.

- Carried

13. ADJOURNMENT:

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

That, this Council meeting does now adjourn at the hour of 9:08 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