



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN



COUNCIL MINUTES

MEETING NO. EIGHTEEN HELD: Monday, December 14, 2009 - 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 * Alderman Sue-Ellen Merritt Alderman Mike Rehner
	Staff:	Derrick Thomson, CAO Carolyn Langley, Clerk Dennis Fisher, Fire Chief * Kevin McIntyre, Deputy Fire Chief *
	Others:	Janet Zantingh, Community Care * Liz Palmieri, Niagara Community Foundation * Cathy Sterling * Bonnie McMillan * Garry Warden * Eric Weaver * Chris Nokes * Vince Stewart * Ralph Severino * Chris Kroes * Gary Schoeneberg * Glenn Herod * 3 Other Member of the Public *
	Media:	Dave Chappel, West Niagara News * Joanne McDonald, Grimsby Lincoln News* William Kelly, Cogeco *

* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman Douglas Joyner

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

- (a) Alderman Douglas Joyner declared a conflict of interest with respect to Confidential Matters Item (c) as the matter related to a family member. Alderman Joyner did not take part in discussion nor voting with respect to this matter and left the meeting during closed session portion of the meeting.

- (b) Alderman Mary Dinga declared a conflict of interest and/or disclosure of pecuniary interest with respect to Item P141-09(Legal Matter – OMB Appeal to the Region’s Policy Amendment to Implement the Growth Plan), due to the fact that her husband owned property in the area for possible urban boundary expansion (Smithville). Alderman Dinga advised she would not take part in any discussion nor voting with respect to this issue and that she would be leaving the Council Chambers during discussion of this confidential issue.

3. COMMENTS FROM THE PUBLIC:

There were no comments from the public.

4. CONFIRMATION OF MINUTES:

- (a) Council Minutes – Regular
November 23, 2009

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

That, the minutes of the November 23, 2009 regular Council meeting be accepted without errors or omissions.

- Carried

- (b) Public Meeting under the Planning Act
November 30, 2009 Minutes

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

That, the minutes of a public meeting held on November 30, 2009, under Section 34 of the Planning Act, with respect to:

- (a) ZONING BY-LAW AMENDMENT - Premier Express Lines (File No. 1601-018-09)

be accepted.

- Carried

5. COMMUNICATIONS:

There are no communications.

6. APPOINTMENTS/PRESENTATIONS:

- (a) Ms. Liz Palmieri, Niagara Community Foundation
Re: Presentation – Proceeds from Mayor’s Golf Tournament

Ms. Liz Palmieri provided a brief update on the activities of the Niagara Community Foundation, noting that it was the tenth anniversary of the Foundation and the fifth anniversary of the Mayor’s Golf Tournament. Ms. Palmieri noted that over \$160,000 had been raised to date as a result of the Mayor’s Golf Tournament.

Ms. Palmieri provided the cheques for the recipients to Mayor Trombetta who in turn presented a \$3,000.00 cheque to Community Care and a \$4,925.00 cheque to West Lincoln Fire Station 2

Mayor Trombetta thanked Ms. Palmieri and all the volunteers for their efforts and assistance with the tournament and the Foundation.

7. REPORT OF COMMITTEE:

- (a) Planning/Building/Environmental Committee
Re: November 30, 2009 Minutes
NOTE: CONFIDENTIAL MINUTES (**SET 1 & 2**) UNDER SEPARATE COVER

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM P132-09
RECOMMENDATION #1:
The Planning/Building/Environmental Committee hereby approve the following Consent Agenda Items:
1. Items 1 to 6 are hereby received for information,
 2. Items 7 to 10 be hereby approved and the recommendations contained therein are adopted.
- with the exception of Items #(s) 3 and 7.
(ITEM P132-09
- (1) Information Report PD-202-09 – Canadian Institute of Planners and Ontario Professional Planners Institute “Building a Better World” Conference
 - (2) Information Report PD-201-09 – Draft Parks Policies for the Township Official Plan Five Year Review
 - (3) Information Report PD-192-09 – Proposed Regional Agricultural Value Added Policies
 - (4) Information Report PD-193-09 – Greenbelt Plan Performance Monitoring Workshop
 - (5) Information Report PD-198-09 – Purchase of Part of Margaret Street from Niagara Catholic District School Board
 - (6) Information Report PD-189-09 – Regional Bicycle Policies
 - (7) Recommendation Report PD-195-09 – Site Plan Authorizing By-law – 2090652 Ontario Inc. (Premier Express Lines)
 - (8) Recommendation Report PD-190-09 – Amending Site Plan Authorizing By-law - Riverview Poultry Limited
 - (9) Recommendation Report PD-196-09 – G. McFeeters Holdings Inc. - Amending Site Plan Agreement
 - (10) Recommendation Report PD-200-09 – Site Plan Authorizing By-law – 1655319 Ontario Inc. (Avertex Utility Solutions Inc.) (Former Rebound Resources Property))

RECOMMENDATION #2 (Item 3):

That, Report No. PD-192-09, dated November 30, 2009, relating to Proposed Regional Agriculture Value Added Policies, BE RECEIVED for information.

RECOMMENDATION #3 (Item 7):

- (1) That Report No. PD-0195-09, dated November 30, 2009 regarding a Site Plan Authorizing By-law for 2090652 Ontario Inc. (Premier Express Lines) BE RECEIVED; and
 - (2) That the attached Site Plan Authorizing By-law for the purpose of authorizing the Mayor and Clerk to enter into an Amending Site Plan Agreement between the Township of West Lincoln, 2090652 Ontario Inc. (Premier Express Lines) and the Royal Bank of Canada, BE APPROVED.
- (b) ITEM P133-09
That, the correspondence from the Township of Wainfleet, dated October 15, 2009, regarding their resolution which strongly objects to the wetland mapping proposal for the Township of Wainfleet by the Ministry of Natural Resources; be received and supported.
- (c) ITEM P134-09
- (1) That, Report No. PD-194-09, dated November 30, 2009, relating to a Zoning By-law Amendment in the name of Premier Express Lines, BE RECEIVED; and
 - (2) That, Zoning By-law Amendment 1601-018-09 submitted by Premier Express Lines, 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.
- (d) ITEM P135-09
- (1) That, Report No. PD-191-09, dated November 30, 2009, relating to the Spring Creek Heights Secondary Plan - Draft Secondary Plan Policies and Draft Restrictive Industrial Zone Provisions, BE RECEIVED; and,
 - (2) That, the draft Secondary Plan Policies included as Attachment 1 to Report PD-191-09, BE APPROVED FOR CIRCULATION; and,
 - (3) That, the draft Restrictive Industrial zone provisions, included as Attachment 2 to Report PD-191-09, BE APPROVED FOR CIRCULATION; and,
 - (4) That, the draft Secondary Plan policies and draft Zoning By-law provisions be circulated to agencies and affected property owners for review and input prior to the holding of a public meeting; and,
 - (5) 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 the *Planning Act*.; and,
 - (6) That, Planning staff be authorized to take the above noted action prior to ratification by Council so that the public meeting can be held at the January 2010 Planning/Building/Environmental Committee meeting.

- (e) ITEM P136-09
RECOMMENDATION #1:
- (1) That Report PD-109-09, dated November 30, 2009, regarding Public Consultation Requirements for the Compliance Process and 5 Year Review Process, BE RECEIVED; and,
 - (2) That, Staff be directed to hold an Open House and Special Meeting of Council on March 8, 2009 in accordance with Section 17 & 26 of the *Planning Act R.S.O. 1990, c. P. 13*; and,
 - (3) That, Staff be directed to provide notice of all Open Houses, Special Meetings of Council, and Public Meetings in accordance with Attachment No. 1.
- RECOMMENDATION #2 (Amendment):
- (1) That, Recommendation #2 of Item P136-09 of the November 30, 2009 Planning/Building/Environmental Committee agenda (Report PD-109-09 - Public Consultation Requirements for the Compliance Process and 5 Year Review Process) be amended to replace the year "2009" with the year "2010"; and,
 - (2) That, the date noted at the bottom of page 2 and the three dates at the top portion of page 3 of Report PD-109-09 - Public Consultation Requirements for the Compliance Process and 5 Year Review Process be amended to replace the year "2009" with the year "2010".
- (f) ITEM P137-09
- (1) That, CAO Report RFD-CAO-23-2009, dated November 30, 2009 regarding "Insurance Claim – Final Release/Discharge Authorization" be received; and,
 - (2) That, the CAO be authorized to sign the Final Release (Discharge Form) with respect to the Green Road Spill settlement and any other documents necessary relating to the discharge of this claim.
- (g) ITEM P139-09
That, the report from Pierre Chauvin regarding the Township of West Lincoln's Parks and Recreation Master Plan Status be received for information.
- (h) ITEM P143-09
- (1) That, Report PD-187-09 dated November 30, 2009 regarding a Legal Matter – Option to Repurchase Property, BE RECEIVED; and,
 - (2) That, Staff be and are hereby authorized to proceed as directed in closed session.
- (i) ITEM P144-09
- (1) That, Report PD-197-09 dated November 30, 2009 regarding a legal matter, BE RECEIVED; and,
 - (2) That, the recommendations contained therein be approved; and,
 - (3) That, Staff be and hereby are authorized to proceed with the circulation of Notice of Public meeting prior to ratification of the report by Township Council.

Open Session Minutes & Confidential Set 2

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

That, the minutes relating to the open session portion of the Planning/Building/Environmental Committee meeting held on November 30, 2009, be received and that the recommendations contained therein, be approved, with the exception of Item no(s) P141-09.

That the confidential minutes of the closed session portion – SET 2 - of the November 30, 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

Confidential Minutes-Set 1 (Contain Alderman Dinga's Conflict Item)

Alderman Mary Dinga declared a conflict of interest and/or disclosure of pecuniary interest with respect to Item P141-09(Legal Matter – OMB Appeal to the Region's Policy Amendment to Implement the Growth Plan), due to the fact that her husband owned property in the area for possible urban boundary expansion (Smithville). Alderman Dinga advised she would not take part in any discussion nor voting with respect to this issue and that she would be leaving the Council Chambers during discussion of this confidential issue.

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

That the confidential minutes of the closed session portion – SET 1 - of the November 30, 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 P141-09 - Legal Matter – OMB Appeal to the Region's Policy Amendment to Implement Growth Plan

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

That, Item P141-09 from the November 30, 2009 Planning/Building/Environmental Committee meeting be approved:

(ITEM P141-09 - The Committee rose without reporting.)

- Carried

(b) Administration/Finance/Fire Committee

Re: December 7, 2009 Minutes

NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

SUMMARY OF RECOMMENDATIONS:

(a) ITEM A100-09

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.
2. Item 3 be hereby accepted, with the exception of Item # 1.

(Item A100-09

- (1) Recommendation Report – RFD-C-16-09 – Draft By-law to Provide for Licensing of Non-residents to Hunt Ring-Necked Pheasants, Cottontails and European Hares
- (2) West Lincoln Cemetery Board Minutes – October 14, 2009

RECOMMENDATION # 2: (Item PW100-09(1) :

That, recommendation report WLFD-09-07 Computer-Aided Fire Dispatch Agreement with the City of St. Catharines and the recommendations contained therein be adopted.

(b) ITEM A101-99

1. That, Report RFD-C-15-09, dated December 7, 2009, regarding “TTY and FM Hearing Monitor System”, be received; and,
2. That staff be authorized to purchase a TTY Device and FM Hearing Monitor System at a cost of \$1,927.00, to be expensed in the current Telephone/IT budget.

(c) ITEM A103-09

That, the memorandum from the Fire Chief relating to a personnel matter – Fire Department be received for information and that a recommendation report be presented at the December 14, 2009 Council Meeting.

Alderman Rehner noted his concern regarding the information provided by Mr. Andrew Pollock (Director of Waste Management, Region of Niagara) specifically with respect to the proposed reduction of garbage collection services, anticipated costs savings to the Region and increased tipping fees. Alderman Rehner reiterated his concern that a reduced level of service would result in more garbage being dropped along the road side which will result in increased costs to the local municipality to collect the garbage from ditches.

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 December 7, 2009, be received and that the recommendations contained therein, be approved.

That the confidential minutes of the closed session portion of the December 7, 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.

- Carried

- (c) Public Works/Recreation/Arena Committee
Re: December 7, 2009 Minutes

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM PW86-09

The Public Works/Recreation/Arena Committee approve the following consent agenda items:

1. Items 1 & 2 be hereby approved and the recommendations contained therein are adopted.

(ITEM PW86-09

1. Recommendation Report – RFD PW-51/2009 - Score Clock Proposal re West Lincoln Minor Football Association
2. Recommendation Report – RFD PW-52/2009 -Tree of Life – 60 Day Notice re Leisureplex Canteen Contract)

- (b) ITEM PW87-09

That, the Region of Niagara be requested to review and report back on recommended action to solve the traffic & parking issue on Station Street from the railroad tracks to West Street.

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

That, the minutes of the Public Works/Recreation/Arena Committee meeting held on December 7, 2009, 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) Fire Chief
Re: Report WLFD-010-09 – Construction of New Fire Station Headquarters

In response to Alderman Merritt's inquiry regarding the potential cost impact of the proposed HST, the Fire Chief advised that he was in the process of negotiating this issue however, did not yet know if there would be an impact.

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

1. THAT, WLFD – 010-09 re: Construction of New Fire Station Headquarters dated December 14,2009 be accepted; and,
 2. THAT, the tender be awarded to Manorcore Group Inc in the amount of \$1,566,400.00; and,
 3. THAT, a by-law be adopted to authorize the Mayor and Clerk, to sign an agreement with Manorcore Group Inc for the construction of the New Fire Station Headquarters in the amount of \$ 1,566,400.00 + GST.
- Carried

(b) CAO

Re: Niagara-on-the-Lake - Request for Support – Request to Region of Niagara to enter into a Benefit Sharing Agreement with Lower Tier Municipalities to share Gross Benefits derived from Uploaded Social Services Costs

Alderman Merritt advised that she had requested that this item be included on the agenda and hoped Members of Council would support it. Alderman Merritt stated that although social service costs were uploaded to the Province, she did not think that the Region had transferred the savings back to the lower tier municipalities. Alderman Merritt further noted her concern that the OMPF funding allocations to the lower tiers would be reduced as a result of the uploading which would result in a significant impact to taxpayers.

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

That, the correspondence from the Town of Niagara-on-the-Lake, relating to their resolution that was approved on November 23, 2009, which requests support of:

- 1) their recommendation to the Region of Niagara to enter into a benefit sharing agreement with the lower tier municipalities; and,
- 2) their proposed motion which is in support of the proposed benefit sharing agreement and their request that the Region of Niagara share the gross benefits derived from uploaded social services by passing through those savings to the lower tier Towns/Cities by way of a tax levy restatement in 2010 in order to distribute those 2010 savings to each municipality proportionately based on assessment,
be received and supported.

- Carried

(c) Director of Planning & Building

Re: Memorandum – By-Law to Adopt Downtown Smithville Community Improvement Plan
Received for Information

(d) Clerk

Re: Memorandum – Correction to Traffic & Parking By-law 89-2000, as amended
Received for Information

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

1. Mayor Trombetta wished all the residents a happy holiday and prosperous new-year on behalf of herself and Members of Council and reminded Members of Council of the staff appreciation dinner scheduled for Friday, December 18th at 5:00 p.m. at the Legion.

11. BY-LAWS:

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 2009-121 To confirm proceedings of November 23, 2009 regular Council meeting
- (b) By-law 2009-122 To authorize an Amending Site Plan Agreement – Riverview Poultry Limited & Royal Bank of Canada
- (c) By-law 2009-123 To authorize an Amending Site Plan Agreement – G. McFeeters Holdings Inc. & Royal Bank of Canada
- (d) By-law 2009-124 To authorize a Amending Site Plan Agreement - 1655319 Ontario Inc. (Avertex Utility Solutions Inc.) (Former Rebound Resources Property) & Royal Bank of Canada
- (e) By-law 2009-125 Zoning By-law Amendment – Premier Express Lines
- Carried

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

That, By-laws 2009-121, 2009-122, 2009-123, 2009-124 and 2009-125 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 Mike Rehner:

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

- (a) By-law 2009-126 To amend By-law 89-2000 which regulates Traffic and Parking on Township Roads (Repeal By-law 2009-105 to effect corrections to Schedules A, C, M & S)
- (b) By-law 2009-127 To adopt a sustainable Downtown Smithville Community Improvement Plan (and repeal By-law 2009-114)

- (c) By-law 2009-128 To authorize an agreement – with Manorcore Group Inc. for construction of the new Fire Station Headquarters
- (d) By-law 2009-129 To authorize an Agreement (Addendum) between the Corporation of the City of St. Catharines and the Corporation of the Township of West Lincoln to extend the term of and amend the rate for the agreement for Computer-aided Fire Dispatch Services (to Dec. 31, 2010)

- Carried

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

That, By-laws 2009-126, 2009-127, 2009-128 and 2009-129 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:

- (a) Director of Planning & Building
Re: Legal Matter – Legal Non-Conforming Use
WITHDRAWN

Moved by Alderman John Glazier 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;
2. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

- Carried (7:40 p.m.)

The CAO and the Clerk were in attendance during closed session deliberations.

The Fire Chief and the Deputy Fire Chief were in attendance during discussion relating to Confidential Matter (b).

Vince Stewart and Gary Schoeneberg were in attendance during part of the discussion relating to confidential Matter (b).

Mayor Trombetta declared a brief five minute recess at approximately 9:00 p.m.

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

That, this Council meeting does now resume in open session at 9:07 p.m.

- Carried

- (b) Fire Chief
Re: Report WLFD-08-09 – Personnel Matter – Fire Department

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

That, Report # WLFD-09-08, dated December 14, 2009, regarding “Personnel Matter – Fire Department”, be received and the recommendations contained therein, be and are hereby approved and adopted.

A Recorded Vote was requested by Alderman Sue-Ellen Merritt:

	<u>Yes</u>	<u>No</u>
Alderman Mary Dinga	x	
Alderman John Glazier	x	
Alderman Norm Johnson	x	
Alderman Douglas Joyner	x	
Alderman Sue-Ellen Merritt	x	
Alderman Mike Rehner	x	
Mayor Katie Trombetta	x	
Total	<u>7</u>	<u>0</u>

- Carried

Moved by Alderman John Glazier 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;
2. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

- Carried (9:11 p.m.)

Alderman Joyner left the meeting at approximately 9:11 p.m. prior to discussion relating to Confidential Matters – Item C, and did not return.

Moved by Alderman John Glazier and seconded by Alderman Mary Dinga:

That, this Council meeting does now resume in open session at 9:43 p.m.

- Carried

- (c) Mayor Katie Trombetta
Re: Drainage Issue – Legal Matter

Alderman Douglas Joyner declared a conflict of interest with respect to Confidential Matters Item (c) as the matter related to a family member. Alderman Joyner did not take part in discussion nor voting with respect to this

matter and left the meeting during closed session portion of the meeting and did not return.

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

That, staff be authorized to proceed as directed in closed session with respect to a legal matter.

- 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 9:45 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