



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN



COUNCIL MINUTES

MEETING NO. TWO HELD: Monday, January 25, 2010 - Township Administration Building, 318 Canborough Street, Smithville, Ontario - 7:00 p.m.

<u>PRESENT:</u>	Council:	Mayor Katie Trombetta Alderman Mary Dinga * (refer to page 17) Alderman John Glazier Alderman Norm Johnson Alderman Douglas Joyner * (refer to page 17) Alderman Sue-Ellen Merritt
	Staff:	Derrick Thomson, CAO Carolyn Langley, Clerk Sandra Cox, Deputy Treasurer * Brian Treble, Director of Planning & Building *
	Others:	Tom Richardson, Township Solicitor * Ms. Rosanne Morissette * Mr. Barry Martin, West Lincoln Heritage Committee*
	Media:	Dave Chappel, West Niagara News * Joanne McDonald, Grimsby Lincoln News* William Kelly, Cogeco *

ABSENT: Alderman Mike Rehner

* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman Sue-Ellen Merritt

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

- (a) Alderman Mary Dinga declared a conflict of interest and/or disclosure of pecuniary interest with respect to Item P08-10 from the January 11, 2010 Planning/building/Environmental Committee meeting (Report No. PD-009-10 - Recommendation Report – Township of West Lincoln Official Plan Amendment and Mapping of an Urban Boundary Expansion and Urban Reserve (Smithville) and Commencement of the required Public Consultation Process), due to the fact that her husband owned property in the area for possible urban boundary expansion (Smithville). Alderman Dinga advised that she would not take part in any discussion nor voting with respect to this issue.
- (b) Alderman Douglas Joyner declared a conflict of interest with respect to Confidential Council Minutes – December 14, 2009, Set 1 as the subject matter contained therein related to a family member. Alderman Joyner did not take part in discussion nor voting with respect to the December 14, 2009 Confidential Council Minutes – Set 1.

Although Alderman Joyner did not declare a conflict of interest on Item 12(b) under Confidential Matters, he left the meeting during discussion of this issue and did not take part in discussion nor voting with respect to this matter. The issue in question was the same issue for which he declared a conflict as noted above (December 14, 2009 Confidential Minutes – Set1).

- (c) Alderman Mary Dinga declared a conflict of interest and/or disclosure of pecuniary interest with respect to the confidential item under Section 12(a) (Legal Matter – OMB Appeal to Niagara Region Growth Strategy), 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:

- (a) Ms. Rosanne Morrisette
Re: Drainage Issue – 12 Golden Acres

Ms. Morrisette read from a prepared statement which is attached as Schedule “A” to these minutes.

Mayor Trombetta advised that the matter was a public works issue that would have to be dealt with at the Public Works committee and that it would be referred to the Director of Public Works & Engineering for review and report back to committee on the issues raised by Ms. Morrisette.

4. CONFIRMATION OF MINUTES:

- (a) Council Minutes – Regular
December 14, 2009
NOTE: CONFIDENTIAL MINUTES SET **1& 2** UNDER SEPARATE COVER

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

That, the minutes relating to the open session portion of the December 14, 2009 regular Council meeting be accepted without errors or omissions.

That the confidential minutes (Set 2) of the closed session portion of the December 14, 2009 Council meeting be accepted without errors or omissions; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act,
WITH THE EXCEPTION OF SET 2.
- Carried

Confidential Minutes – Set 2 – December 14, 2009 Council Meeting

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

That, Set 2 of the Confidential Council minutes (December 14, 2009) be referred to the confidential portion of the meeting.

- Carried

Confidential Minutes – Set 1 – December 14, 2009 Council Meeting

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

That the confidential minutes (Set 1) of the closed session portion of the December 14, 2009 Council meeting be accepted without errors or omissions; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

- (b) Public Meeting under the Planning Act
January 11, 2010 Minutes

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

That, the minutes of a public meeting held on January 11, 2010 under Sections 17 and 34 of the Planning Act, with respect to:

1. Official Plan & Zoning By-law Amendment – Spring Creek Heights Secondary Plan
2. Zoning By-law Amendment – Township of West Lincoln (Amendments to Accessory Buildings and Trailer Parking Provisions)
3. Zoning By-law Amendment – West Lincoln Historical Society & Township of West Lincoln (Smithville Train Station)

be accepted.

- Carried

- (c) Council Minutes – Special (VanBuuren Municipal Drain-Branch A)
January 18, 2010

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

That, the minutes of the January 18, 2010 Special Council meeting (VanBuuren Drain-Branch A – Municipal Drain - Engineer's Reports), be accepted without errors or omissions.

- Carried

5. COMMUNICATIONS:

There were no communications.

6. APPOINTMENTS/PRESENTATIONS:

There were no appointments or presentations.

7. REPORT OF COMMITTEE:

- (a) Planning/Building/Environmental Committee
Re: January 11, 2010 Minutes
NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER
NOTE 2: REFER TO ATTACHED MEMO-ITEM P13-10-PLANNING FEES

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM P01-10
RECOMMENDATION #1:
The Planning/Building/Environmental Committee hereby approve the following Consent Agenda Items:
1. Items 1, 2 and 3 are hereby received for information, and,
 2. Item 4 be hereby received and that the recommendations contained therein be adopted;
- with the exception of Item 2.
(ITEM P01-10
- (1) Correspondence - Ministry of the Environment - West Central Region – Re: Smithville Phase IV Bedrock Remediation Site Operations Summary Report – July 1, 2009 to September 30, 2009
 - (2) Information Report PD-010-10 – Proposed Waste Management Policies as part of the Official Plan 5 Year Review
 - (3) Information Report PD-007-10 – 2009 Planning Department Activity - Summary and Review of 2009 Projects
 - (4) Recommendation Report PD-011-10 – Sample Open House Public Notice and Revised Public Consultation Process Timeline for the Official Plan 5 Year Review

RECOMMENDATION#2 (Item 2):

That, Report No. PD-010-10, dated January 11, 2010, relating to Proposed Waste Management Policies as part of the Official Plan 5 Year Review Process, BE RECEIVED for information.

- (b) ITEM P03-10
RECOMMENDATION # 1:
- (1) That, Report No. PD-005-10, dated January 11, 2010, relating to the Spring Creek Heights Secondary Plan - Draft Secondary Plan Policies and Draft Restrictive Industrial Zone Provisions, BE RECEIVED; and,
 - (2) That, a recommendation report be prepared and presented to the Planning/Building/Environmental Committee once all public comments have been considered.
- Carried as AMENDED (see below)

RECOMMENDATION# 2 (Amendment):

(3) That, an additional public meeting be held regarding this application.

(c) ITEM P04-10

RECOMMENDATION# 1:

(1) That, Report No. PD-002-10, dated January 11, 2010, relating to a Zoning By-law Amendment initiated by the Township of West Lincoln, BE RECEIVED; and

(2) That, the draft Zoning By-law Amendment, included as Attachment 1 (Accessory Building Provisions) to report PD-002-10, BE APPROVED; and

(3) That, the draft Zoning By-law Amendment, included as Attachment 2 (Trailer Parking Provisions) to report PD-002-10, BE APPROVED; and

(4) That, no further public meeting is required pursuant to Subsection 34(17) of the *Planning Act* as the requested modifications to the original advertisement and notice of public meeting are minor in nature.

- Carried AS AMENDED (see below)

RECOMMENDATION # 2 (Amendment):

That, the reference to "1 m." as contained in Subsection 7.31(b) (vi) of Section 1 of the proposed by-law, as contained in Attachment 2 to report PD-002-10, be amended by deleting the reference to "1 m." and replacing it with "1.2 m".

(d) ITEM P05-10

(1) That, Report No. PD-001-10, dated January 11, 2010, relating to an application for rezoning by the Township of West Lincoln and the West Lincoln Historical Society, BE RECEIVED; and

(2) That, Zoning By-law Application 1601-019-09 submitted by the Township of West Lincoln and the West Lincoln Historical Society, BE APPROVED.

(e) ITEM P06-10

(1) That, Report PD-008-10 dated January 11, 2010 regarding January 1, 2010 Lease Agreement with the Ministry of the Environment, BE RECEIVED; and,

(2) That, a by-law be passed to authorize the Mayor and Clerk to enter into a new lease agreement, (draft version at Attachment 3 to this report), with the Ministry of the Environment for up to 8.1 hectares within the Township of West Lincoln Industrial Park.

(f) ITEM P07-10

- (1) That, Report No. PD-004-10, dated January 11, 2010, relating to the Ministry of the Environment, Proposed Regulation Changes Regarding Composting Guidelines, BE RECEIVED;
 - (2) That, Staff be authorized to submit the letter to the Ministry of the Environment, included as Attachment 1 to report PD-004-10 as the Township's official comments on the Environmental Bill of Rights posting; and
 - (3) That, Staff be authorized to take the above noted action prior to Council ratification.
- (g) ITEM P08-10
- (1) That, Report No. PD-009-10, dated January 11, 2010, relating to Township of West Lincoln Official Plan Amendment and mapping of an Urban Boundary Expansion and Urban Reserve (Smithville) and Commencement of the required Public Consultation Process, BE RECEIVED; and,
 - (2) That, Staff be and is hereby authorized to initiate a public consultation process including an Open House in order to consult with the public and agencies on the preferred lands to be included in a possible urban boundary expansion and to identify the lands for future consideration (reserve lands) for Smithville; and,
 - (3) That Staff be authorized to initiate the public consultation open house process and to provide formal notification of an Open House that will be held on February 3, 2010, prior to ratification of this recommendation by Council; and,
 - (4) That, Staff provide a report at a subsequent Planning/Building/Environmental Committee or Council meeting on the preferred urban boundary expansion mapping for Smithville so that a public meeting can be held in a timely fashion in order to amend the Township of West Lincoln Official Plan for the purposes of having an urban boundary expansion and an urban reserve area approved through an Official Plan Amendment prior to an anticipated OMB hearing.
- (h) ITEM P12-10
- (1) That, the Mayor (or Acting Mayor) and Clerk be and are hereby authorized to sign the Minutes of Settlement between Randy Desnoyers and the Corporation of the Township of West Lincoln with respect to a legal proceeding (Court File # C10-09-140) pursuant to Section 34(9) of the Planning Act; and,
 - (2) That, the Mayor (or Acting Mayor) and Clerk be and are hereby authorized to sign the Minutes of Settlement prior to ratification of this resolution by Council.

- (i) ITEM P13-10
 - (1) That, recommendation report PD-006-10, dated January 11, 2010, regarding –Personal and Potential Litigation Issues – Planning Matters, BE RECEIVED; and,
 - (2) That, Staff be authorized to proceed as directed in closed session with and respect to legal issues; and,
 - (3) That, a by-law to amend the Planning Fees by-law be presented at the January 25, 2010 Council meeting.

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 January 11, 2009, be received and that the recommendations contained therein, be approved, with the exception of Item no(s) P08-10, P13-10.

That the confidential minutes of the closed session portion of the January 11, 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

ITEM P-08-10 – PD-009-10 – Township of West Lincoln - Official Plan Amendment and Mapping of Urban Boundary Expansion and Urban Reserve (Smithville)

Alderman Mary Dinga declared a conflict of interest and/or disclosure of pecuniary interest with respect to Item P08-10 from the January 11, 2010 Planning/building/Environmental Committee meeting (Report No. PD-009-10 - Recommendation Report – Township of West Lincoln Official Plan Amendment and Mapping of an Urban Boundary Expansion and Urban Reserve (Smithville) and Commencement of the required Public Consultation Process), due to the fact that her husband owned property in the area for possible urban boundary expansion (Smithville). Alderman Dinga did not take part in any discussion nor voting with respect to this issue.

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

That, Item P08-10 from the January 11, 2010 Planning/Building/ Environmental Committee meeting be approved:

(ITEM P08-10

- (1) That, Report No. PD-009-10, dated January 11, 2010, relating to Township of West Lincoln Official Plan Amendment and mapping of an Urban Boundary Expansion and Urban Reserve (Smithville)

- and Commencement of the required Public Consultation Process, BE RECEIVED; and,
- (2) That, Staff be and is hereby authorized to initiate a public consultation process including an Open House in order to consult with the public and agencies on the preferred lands to be included in a possible urban boundary expansion and to identify the lands for future consideration (reserve lands) for Smithville; and,
 - (3) That Staff be authorized to initiate the public consultation open house process and to provide formal notification of an Open House that will be held on February 3, 2010, prior to ratification of this recommendation by Council; and,
 - (4) That, Staff provide a report at a subsequent Planning/Building/Environmental Committee or Council meeting on the preferred urban boundary expansion mapping for Smithville so that a public meeting can be held in a timely fashion in order to amend the Township of West Lincoln Official Plan for the purposes of having an urban boundary expansion and an urban reserve area approved through an Official Plan Amendment prior to an anticipated OMB hearing.)

- Carried

ITEM P-13-10 – PD-006-11 – Personal and Potential Litigation Issues – Planning Matters

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

That, Item P13-10 from the January 11, 2010 Planning/Building/ Environmental Committee meeting be approved:

(ITEM P13-10

- (1) That, recommendation report PD-006-10, dated January 11, 2010, regarding –Personal and Potential Litigation Issues – Planning Matters, BE RECEIVED; and,
- (2) That, Staff be authorized to proceed as directed in closed session with and respect to legal issues; and,
- (3) That, a by-law to amend the Planning Fees by-law be presented at the January 25, 2010 Council meeting.)

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

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

That, a new section (4) be added to the recommendation relating to Report PD-006-10:

- (4) That, the changes outlined in the memorandum from the Director of Planning & Building, dated January 25, 2010 (as contained in the draft by-law appended to the memorandum), be approved as presented.

- Carried

- (b) Administration/Finance/Fire Committee
Re: January 18, 2010 Minutes

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM A01-10
That, the request from Regional Councillor Brian Baty, to receive his presentation and request that staff prepare a report on possible plans for awareness, education and policy/procedures with respect to Bill 168 and the issues related to the impact of family violence in the workplace, be received and supported.

- (b) ITEM A03-10
 - (1) That, Report RFD-CAO-01-2010 dated January 18, 2010 regarding Monthly Expenditure Reports be received; and

 - (2) That, staff be directed to provide a copy of the Monthly Expenditures Report (with personal and/or confidential information omitted) to the Mayor and Members of Council prior to the monthly Administration Finance/Fire Committee meeting and that a copy be made available at the meeting; and,

 - (3) That, any questions arising from these reports be directed to staff during regular office hours or at the meeting; and, should a response not be readily available, that staff respond directly to the Member of Council who made the inquiry; and,

 - (4) That all previous policies relating to the approval of EAL's be repealed.

- (c) ITEM A04-10
 - (1) That, Clerk Report RFD-C-01-10, dated January 18, 2010, regarding "Consultant Agreement with 'The Herrington Group' to coordinate the Joint Accessibility Advisory Committee and Continued Participation in Joint Committee", be received; and,

 - (2) That, the proposal submitted by "The Herrington Group" to coordinate Ontarians with Disabilities Act compliance for the Joint Accessibility Advisory Committee, be accepted; and,

 - (3) That, a by-law be passed authorizing the Mayor and Clerk to enter into an agreement with "The Herrington Group" for consulting services for a one year period from February 1, 2010 to January 31, 2011, along with the other participating municipalities; and,

 - (4) That, the Township of West Lincoln continue to participate as a member of the Joint Accessibility Advisory Committee for 2010, at a cost of \$10,000.00.

- (d) ITEM A05-10
 - (1) That, the Deputy Clerk's Report RFD-C-02-10, regarding "Amendment to Christmas Parade Committee Membership, dated January 18, 2010 be received, and,

- (2) That, a by-law be presented at the next Council Meeting to amend Schedule "A" to By-law 2006-157, which provides for appointments to the West Lincoln Christmas Parade Committee.
- (e) ITEM A07-10
 - (1) That Report No PD-012-10, dated January 18, 2010, relating to an Authorizing By-law for a Condominium Assumption Agreement for the Wes-Li Gardens Extension, BE RECEIVED; and
 - (2) That a By-law authorizing the Mayor and Clerk to enter into a Condominium Assumption Agreement between the Corporation of the Township of West Lincoln and R.V.L. Contracting Inc. (Wes-Li Gardens Extension) and a Condominium Corporation (Niagara North Standard Condominium Corporation No. 209) and Jenny Smit, BE APPROVED.
- (f) ITEM A08-10
That, the CAO be directed to investigate and report back with ideas regarding a fundraising event(s) to raise funds to provide relief to the victims of the earthquake in Haiti.

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

That, the minutes of the Administration/Finance/Fire Committee meeting held on January 18, 2010, be received and that the recommendations contained therein, be approved.

- Carried

- (c) Public Works/Recreation/Arena Committee
Re: January 18, 2010 Minutes

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM PW01-10
 - 1. THAT, Report RFD PW-02/2010, re: Dutch Elm Tree Vaccination Trial, dated January 18th, 2010, be received, and;
 - 2. THAT, Council agree, in principle, to the trial vaccination of elm trees in community parks, and;
 - 3. THAT the Dutch elm tree vaccination trial program be referred to the 2010 budget deliberations.
- (b) ITEM PW02-10
 - 1. That, Report RFD PW-03/2010, re: Unopened Road Abuse, dated January 18th, 2010, be received; and,
 - 2. That, staff be directed to erect a "No Vehicles, Except for Agricultural Access" at either end of the following roads"

Shaw Road
Patterson Road
Minor Road
Vaughan Road
Scott Road

- (c) ITEM PW03-10
1. THAT, Report RFD PW-04/2010, re: Tender Results - Janitorial Services, dated January 18, 2010, be received; and,
 2. THAT, the janitorial services contract be awarded to 2150321 Ontario Inc. o/a Brazclean Complete Cleaning Services, St. Catharines, Ontario at a cost of \$17.00 per hour, a yearly cost of \$14,144; and,
 3. THAT, a By-law be adopted to authorize the Mayor and Clerk to enter into an agreement for the provision of janitorial services.
- (d) ITEM PW04-10
That, Report RFI PW-05/2010, Recreation Services Staff Uniforms, dated January 18th, 2010, be received for information.
- (e) ITEM PW05-10
1. That, Report No. RFD PW-06/2010, Re: Recreation & Culture Survey for Older Adults and Seniors, dated January 18th, 2010, be received; and,
 2. That, a Recreation, Arts & Culture for Older Adults and Seniors survey be carried out, to determine the emerging leisure trends of the group.
- (f) ITEM PW06-10
RECOMMENDATION #1:
1. THAT, Report RFD PW-07/2010, re: Zero Tolerance Policy for Violence in Recreation Properties & Facilities (POL-PW-01-2010), dated January 18th, 2010, be received; and,
 2. THAT, the Zero Tolerance Policy for Violence in Recreation Properties & Facilities (POL-PW-01-2010), be and is hereby approved.
- REFERRED (see below)

RECOMMENDATION #2 (Referral Motion):

That, Item No. PW-06-10 (Report No. RFD PW-07/2010 – Zero Tolerance Policy for Violence in Recreation Properties & Facilities (POL-PW-01-2010)) be referred back to staff for further review based on discussion and concerns raised.

- (g) ITEM PW08-10
WHEREAS illegally dumped and/or spilled material on public and private land is a growing problem for municipalities and affected landowners;

AND WHEREAS Municipalities and landowners have no alternative but to comply with a Ministry of the Environment order to clean-up material that has been illegally dumped or spilled on their property;

AND WHEREAS municipalities and landowners must bear the cost of clean-up of illegally dumped and/or spilled material which can be financially devastating;

AND WHEREAS one illegal dumping or spill event can bankrupt a municipality and/ or landowner;

NOW THEREFORE BE IT RESOLVED that the Township of West Lincoln hereby requests that the Province immediately amend the legislation and require that the Ministry of the Environment be responsible for the costs relating to clean-up of illegally dumped and/or spilled material; and,

AND THAT, this motion be forwarded to AMO for distribution to all municipalities for their support.

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

That, the minutes of the Public Works/Recreation/Arena Committee meeting held on January 18, 2010, 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) Director of Planning & Building
Re: Report PD-016-10 – Recommendation Report – Olde Town Gateway Estates Plan of Subdivision – Change in Conditions of Draft Approval

The Director of Planning responded to questions from Members of Council regarding the new condition that was added (to the Olde Town Gateway Estates Plan of Subdivision – Conditions of Draft Approval) to address the vibration

concern and provided a review of the planning process relating to a change in conditions of draft approval.

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

That, Report No. PD-016-10, dated January 25, 2010, relating to Olde Town Gateway Estates Plan of Subdivision Change of Conditions of Draft Approval, BE RECEIVED; and

That, the proposed change in conditions to the draft approved plan of subdivision (2T-05001, Township of West Lincoln), as per Attachment 1 to this report, as authorized by the *Planning Act* and the regulations thereunder, BE APPROVED; and

That the change in conditions be considered a major change, which shall require Notice of Change of Conditions be provided in accordance with the *Planning Act*.

- Carried

- (b) Clerk
Re: Appointment of Alternate for Court of Revision

Alderman Merritt explained that although she expected to be available to attend the Court of Revision on February 18th, there was a small possibility that she may not be available. Accordingly, Alderman Merritt requested that an alternate be appointed to attend if she is unavailable.

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

That, By-law 2006-154 be amended to provide for the appointment of Alderman John Glazier as an alternate member to sit on the Court of Revision in the event that one of the Members is unable to attend.

- Carried

- (c) CAO
Re: RFD-CAO-02-2010 – Water & Wastewater Rate Study – Watson & Associates Proposal

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

- (1) That, Report RFD-CAO-02-2010 regarding “Water & Wastewater Rate Study – Watson & Associates Proposal”, dated January 13, 2010 , be received; and,
- (2) That, the requirement for a public tender, as stipulated in the Tendering & Purchasing Policy, be and is hereby waived; and,
- (3) That, the CAO be authorized to enter into a consulting agreement with Watson & Associates in accordance with their proposal dated January 13, 2010.

- Carried

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

1. Mayor Katie Trombetta
Re: 60th Anniversary – Municipal Engineers Association

Mayor Trombetta advised that the Municipal Engineer's Association had presented her with a book entitled "Sharing with Pride" (in recognition of their 50th anniversary) which they requested be made available for viewing in the library.

11. BY-LAWS:

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

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

- (a) By-law 2010-02 To confirm proceedings of December 14, 2009 regular Council meeting
- (b) By-law 2010-03 Zoning Amendment – Township of West Lincoln - Accessory Building Provisions
- (c) By-law 2010-04 Zoning Amendment – Township of West Lincoln - Recreation Trailer Parking Provisions
- (d) By-law 2010-05 Zoning Amendment – Township of West Lincoln and West Lincoln Historical Society (Smithville Train Station)
- (e) By-law 2010-06 To authorize a new lease agreement between the Corporation of the Township of West Lincoln and (HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO as represented by the Minister of the Environment (Industrial Park Lands described therein)
- (f) By-law 2010-07 To amend By-law 2002-113, as amended, which prescribes a tariff of fees for the processing of applications made with respect to planning matters. (amends Section 16 & Schedule B)
- (g) By-law 2010-08 To authorize a Condominium Assumption Agreement with the Corporation of the Township of West Lincoln and R.V.L. Contracting Inc. and Niagara North Standard Condominium Corporation No. 209 and Jenny Smit on the lands described as Units 1 – 12 inclusive, Level 1, Niagara North Standard Condominium Plan No. 209, West Lincoln (PIN 46909(LT) to 46909-0012 (LT) inclusive).
- (h) By-law 2010-09 To authorize the Mayor and Clerk to sign the required transfer and related documents to effect the transfer of land to the Regional Municipality of Niagara with respect to a road widening on lands legally described as Part of Lot 58, Registered Plan M-86, being Part 1 on Reference Plan 30R-13445 (adjacent to Township Administration Office Lands)

- Carried

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

That, By-laws 2010-02, 2010-03, 2010-04, 2010-05, 2010-06, 2010-07, 2010-08 and 2010-09 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 2010-10 To authorize an agreement between the Corporation of the Township of West Lincoln, the Corporation of the Town of Grimsby, the Corporation of the Town of Lincoln, the Corporation of the Town of Niagara-on-the-Lake, the Corporation of the Town of Pelham and the Corporation of the City of Thorold and the Herrington Group Ltd. for the provision of consulting services relating to the administration of the Joint Accessibility Advisory Committee
- (b) By-law 2010-11 To amend Schedule "A" of By-law 2006-157 which confirms various appointments to boards, committees and municipal positions of the Township of West Lincoln (Schedule A – Appointments to the West Lincoln Christmas Parade Committee)
- (c) By-law 2010-12 To authorize an agreement between the Corporation of the Township of West Lincoln and 2150321 Ontario Inc. (operating as Brazclean Complete Cleaning Services) for the provision of janitorial services.
- (d) By-law 2010-13 To provide for an interim tax levy and to provide for the payment of taxes and to provide for penalty and interest of fifteen percent
- (e) By-law 2010-14 To amend By-law 2006-154 to provide for an alternate Member for the court of revision.

- Carried

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

That, By-laws 2010-10, 2010-11, 2010-12, 2010-13 and 2010-14 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

10. OTHER BUSINESS: (cont'd)

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

2. CAO
Re: Haiti Relief Fundraiser

The CAO advised that, as directed at the February 18, 2010 Administration Committee meeting, he wished to report overwhelming support from staff and others (firefighters, library staff, Halaloo the Clown, etc.) to hold a Haitian Relief – Public Skating event, on February 13, 2010 which would be sponsored by the firefighters. The CAO outlined the many donations that were coming in to help support this event.

Mayor Trombetta thanked staff and the volunteers for their efforts relating to this very worthy initiative.

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 municipal or local board employees;
2. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
3. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- Carried (7:40 p.m.)

The CAO and Clerk were in attendance for the closed session portion of the Council meeting. The Director of Planning was in attendance during discussion of Item 12(a). The Township solicitor, Mr. Tom Richardson, was in attendance during discussion of Items 12(a) and (b).

Alderman Dinga left the closed session portion of the meeting relating to her conflict item, being Item 12(a) and did not take part in discussion nor voting with respect to this matter.

Alderman Joyner left the closed session portion of the meeting during discussion of Item 12(b) and did not take part in discussion nor voting with respect to this matter. (See notation under Section 2 (Disclosure of Pecuniary Interest and/or conflict of interest.))

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

That, this Council meeting does now resume in open session at 10:51 p.m.

- Carried

- (a) Township Solicitor & Director of Planning & Building
Re: Legal Matter – OMB Appeal to Niagara Region Growth Strategy

Alderman Dinga left the closed session portion of the meeting relating to her conflict item, being Item 12(a) and 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 verbal report from the Township Solicitor (Mr. Tom Richardson) be received and that the Township Solicitor be requested to re-attend on February 16, 2010 for further instructions with respect to the pending pre-hearing of the “OMB scheduled for February 17, 2010; and,

That, the Township Solicitor be further instructed to attend the pre-hearing scheduled for February 17, 2010.

- Carried

- (b) Township Solicitor & Clerk
Re: Legal Matter – Drainage Issue

Alderman Joyner left the closed session portion of the meeting during discussion of Item 12(b) and did not take part in discussion nor voting with respect to this matter. (See notation under Section 2 (Disclosure of Pecuniary Interest and/or conflict of interest.))

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

That, the Township Solicitor be authorized to proceed as directed in closed session. (with respect to a Drainage Issue)

- Carried

- (c) Mayor Trombetta
Re: Personal Matter – Identifiable Individual - Committee Membership

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

That, By-law 2006-157 which confirms various appointments to Boards & Committees & Municipal Positions of the Township of West Lincoln, be amended by deleting Schedule H and replacing it with a new Schedule H to provide for the appointment of Alderman John Glazier as the Township Liaison for West Lincoln Community Care; and,

That the amending by-law be presented at the next regular Council meeting.

- Carried

Mayor Trombetta noted that she would find out the dates of the Community Care meetings and report back to Alderman Glazier.

- (d) Mayor Trombetta
Re: Property Matter – Lease Agreement Issue

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

That, staff be directed to prepare a report and obtain a legal opinion with respect to the ICE lease agreement.

- Carried

- (e) CAO
Re: Update – Personnel Matter - Deputy Treasurer Position

Council rose without reporting.

- (f) Council Minutes – Regular
December 14, 2009 – Confidential Minutes – Set 2
(was referred to closed session – see above under Section 4-a)

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

That the confidential minutes (Set 2) of the closed session portion of the December 14, 2009 Council meeting be accepted without errors or omissions; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act,

- Carried (**AS AMENDED in closed session by directive to staff**)

13. ADJOURNMENT:

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

That, this Council meeting does now adjourn at the hour of 10:56 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

SCHEDULE A
To
January 25, 2010 Council Minutes

PRESENTATION AT JANUARY 25, 2010 Council Meeting

My name is Roseanne Morissette, and I live at 12 Golden Acres Drive. I'm here tonight because I have a serious drainage issue on my property for which I believe the developer, Winspear Homes, should be held accountable, particularly while Winspear Homes is still building in the area.

I took possession of my home in November 2008. The house was built as a Winspear model home in 2001. Through my first winter here, I noticed how wet my backyard was and it stayed wet through the summer.

My house sits lower than the rest of the houses on the street and the park slopes toward my back yard.

In the summer, during the heavy rains, I discovered a basement leak at the side of my house. I contacted the Town, Winspear Homes, and Alderman Glazier who was kind enough to respond to my concerns and visited the property.

A staffer at the Town also visited my property and determined that the grading "just met code," but in a heavy downpour like the kind we experienced this past summer, it would not meet code. In the end, both the Town and Winspear Homes declared there was nothing they could do. I spent \$2,500 on a french drain and window wells. I said at the time to Alderman Glazier that I would have a leak at the back of the house, in time, because of the water I saw ponding there.

This morning, I checked my sump pump because it ran all night and discovered a foundation leak in the sump pump room at the back of the house - through a crack in the foundation that Winspear Homes fixed for the previous owner.

My property is not draining properly, and I believe this is the result of a grading problem that should be the responsibility of the developer Winspear Homes.

Best regards,

Roseanne Morissette