



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN



COUNCIL MINUTES

MEETING NO. SIX HELD: Monday, June 27, 2011 - Township Administration Building, 318
Canborough Street, Smithville, Ontario - 7:00 p.m.

PRESENT:

Council: Mayor Douglas Joyner – Chair
Alderman Alexander Micallef * (refer to Page 31)
Alderman Eric Leith
Alderman Lou Di Leonardo
Alderman Sue-Ellen Merritt
Alderman John Glazier
Alderman Joann Chechalk

Staff: Derrick Thomson, CAO
Carolyn Langley, Clerk
Brian Treble, Director of Planning & Building*
Stephanie Nagel, Treasurer & Director of Finance*

Others: Paul & Mary Kovacs*
Carole Kaufhold*
Anita Merritt*
Alvin Krol*
Brian Heaslip*
Ralph Freure*
Anita Philpott*
Sherry Cockwell*
Joe Kelter*
Stephen Capell*
Irene Farbotko*
Mary Shebib*
Murray Goit*
Greig Hancock*
John DeBoer*
Chris Freure*
Deb Harrington*
Ben Heaslip*
Vic Langdon*
Cam Pritchard*
Roy Hicks*
Connie Hicks*
Carol Griffin*
Armand Dasilva*
Kelly Chinchilla*
David Kelly*
Mike Chalupka*
Karen Marshall*
Bonnie Ward*
Max Woerlen*
Ray Lavigne *

Linda Lavigne*
John Sikkens*
Jordan Fois*
Judy Weaver*
Ivor Shaw*
Randy Rahamin*
Al Leggett*
Neil Switzer *
Cathy Vitucci *
Deb Murphy *
Mervin Crogham *
Debbie Elliott, Niagara Region *
Judy Kroon, KMAC Consulting *
7 other Members of the Public *

Media: William Kelly, Cogeco *
Amanda Street, Grimsby Lincoln News *

* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman Eric Leith

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

NOTE: Items for which conflicts were recently declared at Committee:

- (a) Planning/Building/Environmental Committee – June 13, 2011
Alderman John Glazier - Item P90-11 (Report No. PD-063-11- Confidential Report –Property Matter - Daylight Triangle Issue on Smits Cove), owns property on Smits Cove
- (b) Planning/Building/Environmental Committee – June 13, 2011
Alderman Eric Leith - Item P80-11 (Report No. PD-064-11 – Municipal Consultation Form for HAF Wind Energy Project (Project No. 1104037.00), works in the green energy industry
- (c) Planning/Building/Environmental Committee – June 13, 2011
Alderman Eric Leith - Item P83-11 (verbal update with respect to the newly proposed Wind Energy Project being proposed by REB Bridgepoint), works in the green energy industry
- (d) Planning/Building/Environmental Committee – June 13, 2011
Alderman Eric Leith - Item P94-11 (new item of business -Property Matter/Road Allowance issue), works in the green energy industry
- (e) Administration/Finance/Fire Committee – June 20, 2011
Mayor Joyner – Item A67-11 - Report – RFD-WLFD-08-2011 – Dress Wear Shoulder Crest - brother is member (firefighter) on West Lincoln Fire Dept.
- (f) Public Works/Arena Committee – June 20, 2011
Alderman Merritt - Item PW38-11 – Perceived Conflict - St. Catharines General Hospital Foundation Request for Permission to use Municipal Roads in West Lincoln for Big Move Cancer Ride on September 11, 2011 - St. Catharines General Hospital is part of same system as her employer (NHS).”

- (g) Public Works/Arena Committee – June 20, 2011
Alderman Micallef - Item PW42-11 – Report RFI PW-25/2011- Rock St. Park Lighting and Parking Lot Gate - lives on Rock Street.
- (h) Public Works/Arena Committee – June 20, 2011
Alderman Di Leonardo - Item PW42-11 – Report RFI PW-25/2011- Rock St. Park Lighting and Parking Lot Gate - lives on Rock Street.

NOTE: Items for which conflicts were declared at Council:

- (i) Alderman Eric Leith declared a conflict of interest relating to the appointment listed under Section 7(a), being a presentation from Robert Daniels, Vice President, Niagara Region Wind Corporation and Randi Rahamim, Director of Communications, Niagara Region Wind Corp., regarding the Green Energy Act and their Industrial Wind Turbine Proposal. Alderman Leith did not take part in any discussion nor voting with respect to this issue.
- (j) Alderman Alexander Micallef declared a conflict of interest relating to Other Business Item (f), being Report RFD-PW-30-2011 - Rock St. Park Lighting & Parking Lot Gate –REVISED. Alderman Micallef did not take part in any discussion nor voting with respect to this issue.
- (k) Alderman Luciano Di Leonardo declared a conflict of interest relating to Other Business Item (f), being Report RFD-PW-30-2011 - Rock St. Park Lighting & Parking Lot Gate –REVISED. Alderman Di Leonardo did not take part in any discussion nor voting with respect to this issue.

3. COMMENTS FROM THE PUBLIC:

- 1. Mr. Michael Chalupka
Re: Presentation on Green Energy Act - Industrial Wind Turbine Proposal

Mr. Chalupka stated that he has worked on a Fire Department for 24 years and was concerned that the proposed wind turbine structures will be located in the middle of agricultural fields which are highly flammable and only require a 5 pound fire extinguisher, which he felt was inadequate for fire protection purposes. Mr. Chalupka also noted that he was concerned that his property value would decrease and inquired regarding who would be responsible for compensation. Mr. Chalupka stated that he would like to know more about wind turbines and was concerned that the turbines were being pushed on residents even if they did not want them and that 23 laws had been pushed aside to allow for the installation of wind turbines.

4. CONFIRMATION OF MINUTES:

- (a) Council Minutes – Regular
May 24, 2011

Moved by Alderman Joann Chechalk and seconded by Alderman Alexander Micallef:

That, the minutes relating to the open session portion of the May 24, 2011 regular Council meeting be accepted without errors or omissions.

That the confidential minutes of the closed session portion of the May 24, 2011 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
June 13, 2011 Minutes

Alderman Merritt referred to page 56 of the Council agenda (relating to the Boverhof Rezoning) and noted that there were conflicting comments with respect to the discussion relating to the NPCA. Alderman Merritt stated that the correspondence indicated that they had not done a wetland evaluation and should it be required, the applicant will have to do it on their own. Alderman Merritt further stated that staff was supposed to look into this matter.

The Director of Planning & Building stated that the concern that Alderman Merritt was noting related to the Rogers Cell Tower meeting.

The Clerk explained that the minutes were done directly from a tape recording; however, if an amendment was put forward by Alderman Merritt and seconded, the proposed amendment could be voted on.

Alderman Merritt stated that she was certain it was in the public meeting (Boverhof Rezoning) and not the cell tower public meeting and that the minutes needed to be amended.

The Clerk stated that she could check the tape and that any changes could be noted at a later date unless Council Members put forward an amendment at this time.

Moved by Alderman Luciano Di Leonardo and seconded by Alderman John Glazier:

That, the minutes of public meetings held on June 13, 2011 under Sections 17 and 34 of the Planning Act, with respect to:

- (a) PROPOSED AMENDMENT TO THE TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW – Rudy & Debbie Boverhof (File No. 1601-008-11)
- (b) PROPOSED AMENDMENT TO THE TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW – Vittorio Marini (File No. 1601-007-11)
- (c) OFFICIAL PLAN AMENDMENT – Township of West Lincoln – Brownfield Community Improvement Plan
- (d) OFFICIAL PLAN & ZONING BY-LAW AMENDMENT – Lincoln Agricultural Society – West Niagara Agriplex

be accepted.

- Carried

- (c) Public Consultation Meeting–Rogers Communication Tower – 1254 Reg. Rd 14
June 13, 2011 Minutes

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That, the minutes of the Consultation Meeting under the Consultation Process for Wireless Telecommunication Facilities, held on June 13, 2011 with respect to:

- (a) An application by Rogers Communications Inc. to establish a wireless telecommunication tower for wireless communication on property municipally known as 1254 Regional Road 14,
be accepted
- Carried

5. COMMUNICATIONS:

There were no communications.

6. MAYOR'S REMARKS:

The Mayor read from a prepared statement which is attached as Schedule "A" to these minutes.

7. APPOINTMENTS/PRESENTATIONS:

- (a) Robert Daniels, Vice President, Niagara Region Wind Corporation AND Randi Rahamim, Director of Communications, Niagara Region Wind Corp.
Re: Green Energy Act - Industrial Wind Turbine Proposal

Mr. Robert Daniels reviewed his slide presentation and read from a prepared statement which is attached as Schedule "B" to these minutes. It is noted that the slide presentation is included in Schedule "B" as each slide appears above the speaking notes.

In response to Alderman Chechalk's inquiry regarding the number of turbines being proposed, Ms. Rahamim advised that the estimate was for approximately 80 turbines, however, this number could change.

The Council meeting recessed at 7:38 p.m. in order to deal with the Special Council Meeting/Public Meeting, relating to the "Naming of Veteran's Way in Wes-Li Heights Plan of Condominium which was scheduled for 7:30 p.m.

The Council meeting reconvened at 7:47 p.m. immediately following the Special Council meeting relating to the "Naming of Veteran's Way in Wes-Li Heights Plan of Condominium.

Alderman Merritt advised that although Niagara Region Wind Corporation representatives had originally wanted to meet with Members of Council individually, it was Council's desire that the meeting be held with all Members of Council in attendance as well as the public. Alderman Merritt stated that she has never said she was for or against wind turbines; however, was frustrated at how the Province had dealt with this issue.

In response to Alderman Merritt's inquiry regarding how the Niagara Region Wind Corporation would mitigate concerns regarding property devaluation, Ms. Rahamim stated that these concerns had prompted a study and how they would approach this issue would depend on the outcome of the study.

In response to Alderman Merritt's inquiry regarding how many turbines would be located in West Lincoln, Ms. Rahamim stated that although she could not provide a number at this time, the vast majority would be in West Lincoln and she would share this information as soon as she had it.

In response to Alderman Merritt's inquiry regarding timelines, Ms. Rahamim stated that they would be holding a community meeting in July in order to provide the opportunity for questions to be asked and that they would hold their official open house in September and then would begin their studies.

Mr. Legget stated that before the first public meeting, they would provide a draft project description to the Ministry of the Environment and the Clerk and that there would be an opportunity for the public to review it ahead of time. Mr. Legget further advised that they would provide the first part of the consultation form and after the open house, they would undertake the technical studies, some of which were seasonal. Mr. Legget advised that the documents would be drafted in the spring of 2012 and there would 90 days notice provided to the Township and 60 days to the public and copies of the reports would be available for review. Subsequently, Mr. Legget advised, that they would finalize the REA for submission to the MOE and that it would take 6 months for them to review the submission.

Alderman Merritt stated that she was frustrated that the proponent was only meeting the minimum requirements. Alderman Merritt noted that people feel robbed of due process and are scared and she hoped the proponent would do more if asked and that she would hold them to their statement that they wanted a good working relationship.

Alderman Glazier stated that he was cynical because the Township was forced to accept these projects and had lost their approval authority. In response to Alderman Glazier's inquiry regarding what the benefit to the community was, Ms. Rahamim stated that there were a host of financial benefits, being employment, tax revenue, local expenditures, return of 80M in land lease payments and the community investment fund.

In response to Alderman Glazier's inquiry regarding the number of jobs that will be created and if they would be high tech jobs or if they would be filled locally, Ms. Rahamim stated that there would be direct and indirect jobs and that some of the jobs would be technical and some would be generated in the local community and that not all would be turbine maintenance jobs.

In response to Alderman Glazier's inquiry regarding if it was required by law to decommission the turbines, Ms. Rahamim stated that they would have to have a decommissioning plan which a method had not yet been established.

In response to Alderman Glazier's statement that the Township needed to know that there would be money set aside in the event that the company went broke, Ms. Rahamim acknowledged the concern and stated that they would be happy to bring information back when they had something specific.

In response to Alderman Glazier's inquiry regarding if the Township would have input and control of the Community Investment Fund, Ms. Rahamim stated that, at this time, it was conceptual and the administration of the fund would have to be determined.

Alderman Chechalk noted that communication was critical and reiterated the request that timelines be established and provided to residents outlining what the company was doing. Alderman Chechalk congratulated them for thinking of a community investment plan however, also noted her concern that promises made by this company could change if it was sold. Alderman Chechalk noted her concern regarding the environmental impact on animals and insects that may be at risk and would like to come to a reasonable understanding of the potential impact in that regard.

In response to Alderman Chechalk's inquiry regarding limitations on the capacity going into the hydro lines, Mr. Ivor Shaw stated that they were connected to disused lines and therefore there was not affect on the Local Distribution Company (LDC) lines. Alderman Chechalk stated that she could not accept that and suggested that he have a conversation with the LDC (local distribution company) and also stated that she would like to understand how it will feed into the grid.

In response to Mr. Shaw's inquiry regarding if Alderman Chechalk wanted to see drawings of how it would feed into the grid, Alderman Chechalk stated that the local utility was in negotiations to discuss taking over the line and she wanted representatives to be aware of this information.

Alderman Di Leonardo stated that he had attended several meetings and had heard a lot of information and noted that many were not satisfied regarding the health and property issues. Alderman Di Leonardo stated that he had a hard time with the fact that the municipality has no say. Alderman Di Leonardo further stated that he was frustrated that his hands were tied and that for the few that will make a lot of money, many feel they will suffer.

Alderman Micallef stated that he agreed with the above noted statement by Alderman Di Leonardo and noted that although he had heard a lot of information, there was a lot that he did not know and he asked that the representatives come back with more definite answers and timelines.

Alderman Merritt stated that the Township has been proactive and had spent time and money developing policies and guidelines and then the Green Energy Act had come into force and all that effort was wasted. Alderman Merritt noted that a gentleman was told at the open house that you can appeal; however, Alderman Merritt stated that this was somewhat misleading as you could only

appeal if the issue related to significant environmental factors and therefore, in her opinion, the normal planning process for appeals is not applicable.

Alderman Merritt noted that she had been cutting out many articles which stated that Green Energy will save money; however noted that many articles also stated that it will not and that we will have to subsidize the industry. Alderman Merritt reiterated the concern that if the company was sold, the new owners would not live up to the promises/commitments made.

Alderman Merritt requested that they try to be specific regarding timelines and spend money on communications.

Mr. Robert Daniels thanked Alderman Merritt for her comments and advised that he would address how they would work with West Lincoln and stated that he wanted to have an open and honest dialogue and further noted that he did not have a lot of details to present as it was early in the process however, has shared what they have and will continue to do so.

In response to Alderman Di Leonardo's inquiry if the Township could be re-assured regarding decommissioning, Ms. Rahamim stated that the comments regarding decommissioning had been heard loud and clear and that information would be prepared and presented in that regard. Ms. Rahamim further stated that there was no specific plan to sell the company at this time.

In response to Alderman Di Leonardo's inquiry regarding how many turbines will go up in the areas they are proposing, Ms. Rahamim stated approximately 80; however, the exact number was not known at this time as the size of the unit can vary depending on the supplier.

In response to Alderman Di Leonardo's statement that there contract could not exceed 230 megawatts, Ms. Rahamim stated that if in the near future should any farmers who have signed want to withdraw they can do so without penalty. Ms. Rahamim stated that they had contracts but would never force a turbine on anyone and if they changed their mind, they would probably not pursue the matter.

In response to Alderman Di Leonardo's inquiry if there would be any cost to the municipality to prepare the lines and if their company was liable if any upgrade to the grid was required, Mr. Ivor Shaw stated that there was a study underway by Hydro One and when he has reviewed it, he would know more details as right now, he did not know.

In response to Alderman Di Leonardo's concern that there were no answers to specific questions, Ms. Rahamim stated that they came forward early in the process in the spirit of openness and accordingly and did not have answers to some of the questions.

Mayor Joyner suggested that the representatives not come in July but come in September when they have more answers and he recommended that they be consistent and make sure that all the information is available. Mayor Joyner

reiterated his concern that as councilors their hands were tied regarding this issue.

Alderman Merritt stated that she would like the representatives to hold the July meeting as it was important. Alderman Merritt further stated that she had read that they had been developing the project for four years and that they were smart people and would not make a move without information.

Mayor Joyner thanked the representatives for coming forward.

The Chair declared a brief recess at 8:43 p.m. and the meeting reconvened at 8:55 p.m.

- (b) Raymond & Linda Lavigne
Re: Refreshment Cart License

Prior to the presentation from Raymond and Linda Lavigne, the Clerk explained that the reason the Lavigne's were in attendance was because it was discovered late in the process that the licensing by-law did not allow for their vehicle to be located on a vacant lot. The Clerk explained that initially, staff's intent was to recommend denying the application and therefore the Lavigne's were advised to come before Council to request that the clause relating to the vacant lot provision be waived. However, staff reviewed the clause with senior staff and it was felt that the location would be a good fit. It was noted by the Clerk that confirmation was obtained from the Region twice, that the location did not cause any concerns/issues due to its close proximity to the "T" intersection of Regional Road 20 and Station Street. The Clerk advised that the Lavigne's were available to answer any questions the Members of Council may have.

Alderman Glazier noted that the Region had raised concerns in the past regarding that intersection when development of the vacant lot was proposed.

The CAO noted that this was the reason why staff had called the Region twice to insure they had no concerns and on both occasions the response was that they had no concerns.

There was much discussion regarding this issue. It was noted that the approval was for one year only in order to be able to assess if there were any safety concerns that would arise with respect to a refreshment cart being located on the subject property.

8. REPORT OF COMMITTEE:

- (a) Planning/Building/Environmental Committee
Re: June 13, 2011 Minutes

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM P73-11
The Planning/Building/Environmental Committee hereby approve the

following Consent Agenda Items:

1. Item 1 be hereby received for information; and
 2. Item 2 be hereby received and the recommendations contained therein be adopted,
- with the exception of Item 2.

(ITEM P73-11

- (1) Heritage Committee – Minutes of April 13, 2011
- (2) Recommendation Report No. PD-067-11 – Wes-Li Heights Plan of Condominium – Required Public Meeting and By-law to Name Private Streets)

(b) ITEM P73-11 - Item 2

- (1) That, Report PD-067-11, dated June 13, 2011, regarding a Required Public Meeting and By-law to name the private street in the Wes-Li Heights Plan of Condominium, BE RECEIVED; and,
- (2) That, Council authorizes the holding of a Public Meeting immediately preceding the June 27th, 2011 Council meeting to consider the naming of the private street in the Wes-Li Heights Plan of Condominium, as Veteran's Way; and,
- (3) That, following the holding of the Public Meeting, Council pass a By-law naming the street in this Plan of Condominium.

(c) ITEM P74-11

- (1) That, Report No. PD-058-11, dated June 13, 2011, relating to an application for rezoning by Rudy & Debbie Boverhof, be received; and
- (2) That, Zoning By-law Application 1601-008-11 submitted by Rudy & Debbie Boverhof, and dated May 2, 2011, 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 is minor in nature.

(d) ITEM P75-11

- (1) That, Report No. PD-071-11, dated June 13, 2011, relating to an application for rezoning by Vittorio Marini, BE RECEIVED; and,
- (2) That, a recommendation report be provided to Planning/Building/Environmental Committee (the Committee) once all outstanding comments from the public and agencies have been reviewed and a proper amending zoning by-law can be prepared.

(e) ITEM P76-11

RECOMMENDATION #1:

- (1) That, Report No. PD-059-11, dated June 13, 2011, relating to an application for Official Plan Amendment and Rezoning by Lincoln Agricultural Society, be received; and

- (2) That, a By-law to adopt Amendment #30 to the Official Plan for the Township of West Lincoln, be APPROVED; and
- (3) That, Official Plan Amendment #30 be forwarded to the Region of Niagara for Final Approval; and,
- (4) That, the Region of Niagara is hereby requested to amend the Township's Five Year Review Official Plan Amendment #15 to identify Grimsby Centre as a Hamlet and to identify the boundaries as provided in Attachment 1 to this report on Maps A and B-3; and
- (5) That, Zoning By-law Application 1601-013-10 submitted by the Lincoln Agricultural Society, BE APPROVED. AS AMENDED (see below).

RECOMMENDATION #2 (Amendment):

That, Attachment No. 3 to Report PD-059-11, being the draft Zoning By-law, be amended by:

- (1) Adding the word "only" after the word "shall" in the second line of paragraph 2 of Section 4, subsection I-475-H; and,
 - (2) Adding the words "In addition to" prior to the words "the provisions" at the beginning of the first paragraph in Subsection A2-476-H of Section 4,"; and,
 - (3) Adding the word "May" to the beginning of the first paragraph in Subsection (b) of Subsection A2-476-H of Section 4; and,
 - (4) Delete section (c) of Subsection A2-476-H of Section 4; and,
 - (5) Renumber Section 5 of the draft by-law to Section 6; and,
 - (6) Adding the following new Section 5:
"THAT, the holding Zone on the property will only be removed when a Site Plan is registered on the property and Official Plan Amendment #30 is approved by the Region."
- (f) ITEM P77-11
- (1) That, Report No. PD-068-11, dated June 13, 2011, relating to the Brownfield Community Improvement Plan (2011), BE RECEIVED; and,
 - (2) That, Staff be authorized to present a recommendation report at a future meeting of the Planning/Building/Environmental Committee once key comments have been received from the Ministry of Municipal Affairs and Housing, and the Region of Niagara, all concerns have been addressed in the Final Brownfield Community Improvement Plan Report.

- (g) ITEM P78-11
 - (1) That, Report No. PD-070-11, dated June 13, 2011, relating to the Implementation of the Commercial Building Facade Grant Program for Downtown Smithville Community Improvement Program (CIP), BE RECEIVED; and,
 - (2) That, Staff be and are hereby authorized to insert the attached notice in a local newspaper to notify the public that facade grant proposals will be accepted until August 3, 2011; and,
 - (3) That, a future Staff recommendation report shall present all proposals that are received in response to the notice of Commercial Building Facade Grant Program along with a recommendation, if any, of proposals to approve.

- (h) ITEM P79-11
 - (1) That, Report No. PD-061-11, dated June 13, 2011, relating to Phelps Homes Ltd. Redevelopment of Lots 1 through 5 Registered Plan 30M-368, BE RECEIVED; and,
 - (2) That, a By-law authorizing the Mayor and Clerk to enter an Amending Subdivision Agreement between the Township of West Lincoln and Phelps Homes Ltd., Henry Dyck and Justina Dyck, and Meridian Credit Union Limited, BE APPROVED; and,
 - (3) That, a By-law authorizing the Mayor and Clerk to sign all necessary documents to permit the conveyance of the Stormwater Management Easement free and clear of any liens, mortgages, and encumbrances, BE APPROVED; and,
 - (4) That the applicants be advised that all costs and fees associated with the conveyance of the Stormwater Management Easement, the discharge of the easement agreement, and the construction of the required fully enclosed security fence, shall be at the expense of Phelps Homes Ltd.

- (i) ITEM P80-11
 - (1) That, Report No. PD-064-11, dated June 13, 2011, relating to the Municipal Consultation Form for HAF/IPC Industrial wind Development, BE RECEIVED; and,
 - (2) That, Staff be authorized to forward the attached and completed Municipal Consultation Form to the Province and to the proponent as the Township's formal Green Energy Act response; and,
 - (3) That, Staff be authorized to write a corresponding letter to the Province and to the Proponent that outlines the fact that the Township continues to have no detail with respect to the use of existing Township road allowances including any required upgrades, if any, and further the completion of the Municipal

Consultation Form does not remove the need for the proponent to obtain the approval of Township Council for the use of Township road allowances prior to development proceeding further.

- (j) ITEM P81-11
 - (1) That Report PD-069-11, dated June 13, 2011, relating to an RFP for the Preparation of a Strategic Action Plan for the Township of West Lincoln, BE RECEIVED; and,
 - (2) That, the attached RFP be and is hereby approved for circulation.
- (k) ITEM P82-11
 - (1) That, Report No. PD-060-11, dated June 13, 2011, relating to a proposal for a Wireless Telecommunication Tower by Rogers Communications Inc. on Regional Road 14 in the Township of West Lincoln, BE RECEIVED; and,
 - (2) That, a recommendation report be prepared and presented to the Planning/Building/Environmental Committee once all comments have been received on the proposed Telecommunications Installation.
- (l) ITEM P84-11
That, Item P84-11 of the June 13, 2011 Planning/Building/Environmental Committee meeting, more specifically the appointment to the Niagara Region Physician Recruitment Service, be referred to the June 20, 2011 Administration/Finance/Fire Committee agenda.
- (m) ITEM P87-11
That, the Township Solicitor and/or Director of Planning be and are hereby authorized to proceed as directed in closed session.
- (n) ITEM P90-11
 - (1) That, Report PD-063-11, dated June 13, 2011, relating to a Property Matter (Daylight Triangle on Smits Cove), be received and the recommendations therein BE APPROVED; and,
 - (2) That, a by-law be passed to authorize the Mayor and Clerk to enter into a Purchase and Sale agreement with James and Diane Barclay relating to a daylight triangle on Smits Cove.

June 13, 2011 Planning/Building/Environmental Committee – Open Session & Confidential Set 3

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That, the minutes relating to the open session portion of the Planning/Building/Environmental Committee meeting held on June 13, 2011, be

accepted and that the recommendations contained therein, be approved, with the exception of Items no. P90-11, P80-11, P83-11 and P94-11.

That the confidential minutes (Set 3) of the closed session portion of the June 13, 2011 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

June 13, 2011 Planning/Building/Environmental Committee – Confidential Set 1 - Alderman Leith Conflict

Alderman Leith previously noted a conflict of interest and/or disclosure of pecuniary interest with respect to a Property Matter/Road Allowance issue (Item P94-11) (as contained in Set 1 of the confidential minutes) as he works in the green energy industry. Alderman Leith did not take part in discussion nor voting with respect to this matter.

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That the confidential minutes – Set 1 - of the closed session portion of the June 13, 2011 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

June 13, 2011 Planning/Building/Environmental Committee –Confidential Set 2 – Alderman Glazier Conflict

Alderman John Glazier previously noted a conflict of interest and/or disclosure of pecuniary interest with respect to Report No. PD-063-11- Confidential Report –Property Matter - Daylight Triangle Issue on Smits Cove - Item P90-11) (as contained in Set 2 of the confidential minutes), as he owned property on Smits Cove. Alderman Glazier did not take part in any discussion nor voting with respect to this issue.

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That the confidential minutes – Set 2 - of the closed session portion of the June 13, 2011 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 P90-11–Report PD-063-11-Property Matter-Daylight Triangle on Smits Cove

Alderman John Glazier previously declared a conflict of interest and/or disclosure of pecuniary interest with respect to Item P90-11 (Report No. PD-063-11- Confidential Report –Property Matter - Daylight Triangle Issue on Smits Cove) as he owned property on Smits Cove. Alderman Glazier did not take part in any discussion nor voting with respect to this issue.

Moved by Alderman Alexander Micallef and seconded by Alderman Eric Leith:

That, Item P90-11 from the June 13, 2011 Planning/Building/ Environmental Committee meeting be approved:

(ITEM P90-11

- (1) That, Report PD-063-11, dated June 13, 2011, relating to a Property Matter (Daylight Triangle on Smits Cove), be received and the recommendations therein BE APPROVED; and,
- (2) That, a by-law be passed to authorize the Mayor and Clerk to enter into a Purchase and Sale agreement with James and Diane Barclay relating to a daylight triangle on Smits Cove.)

- Carried

Item P80-11– Report PD-064-11 - Municipal Consultation Form for HAF/IPC Industrial wind Development

AND

Item P83-11– Report PD-064-11 - Municipal Consultation Form for HAF/IPC Industrial wind Development

AND

Item P94-11– New Item of Business-Confidential property/road allowance Matter

Alderman Eric Leith previously declared a conflict of interest and/or disclosure of pecuniary interest with respect to the following Items:

1. Item P80-11 (Report No. PD-064-11 – Recommendation Report – Municipal Consultation Form for HAF Wind Energy Project (Project No. 1104037.00))
2. Item P83-11 regarding a verbal update with respect to the newly proposed Wind Energy Project being proposed by REB Bridgepoint)
3. Item P94-11 – New Item of Business - Confidential property/road allowance matter),

as he worked in the green energy industry. Alderman Leith did not take part in any discussion nor voting with respect to these matters.

Alderman Merritt noted that a citizen had requested that the issue of reduced property values due to the installation of wind turbines be included in the letter in order to draw the issue to their attention. Alderman Merritt noted that it was a reasonable request as the Township does not compensate for declines in property values.

Direction was given to the CAO to include the concerns noted above in the letter to the Province and proponent.

Moved by Alderman Luciano Di Leonardo and seconded by Alderman John Glazier:

That, Items P80-11, P83-11 and P94-11 from the June 13, 2011 Planning/Building/ Environmental Committee meeting be approved:

1. (ITEM P80-11)
 - (1) That, Report No. PD-064-11, dated June 13, 2011, relating to the Municipal Consultation Form for HAF/IPC Industrial wind Development, BE RECEIVED; and,
 - (2) That, Staff be authorized to forward the attached and completed Municipal Consultation Form to the Province and to the proponent as the Township's formal Green Energy Act response; and,
 - (3) That, Staff be authorized to write a corresponding letter to the Province and to the Proponent that outlines the fact that the Township continues to have no detail with respect to the use of existing Township road allowances including any required upgrades, if any, and further the completion of the Municipal Consultation Form does not remove the need for the proponent to obtain the approval of Township Council for the use of Township road allowances prior to development proceeding further.)
2. (ITEM P83-11
Director of Planning & Building (Brian Treble)
Re: Newly proposed Wind Energy project – REB Bridgepoint)
General Discussion
3. (ITEM P94-11
Director of Planning & Building
Re: New Item of Business - Confidential property/road allowance matter
The Committee rose without reporting.)
- Carried

- (b) Administration/Finance/Fire Committee
Re: June 20, 2011 Minutes
NOTE: CONFIDENTIAL MINUTES (2 SETS) UNDER SEPARATE COVER

SUMMARY OF RELEVANT RECOMMENDATIONS:

- (a) ITEM A64-11
That Staff be and are hereby authorized to meet with the Foundation of Resources for Teens (FORT) to undertake discussions relating to the establishment of teen programs in West Lincoln and report back at a later date.
- (b) ITEM A65-11
That, the request from the Region of Niagara, on behalf of the School Travel Planning Steering Committee, for a representative to sit on the Committee and for support of their "School Travel Planning Initiative" be received; and,

That a Member of Council be appointed to the School Travel Planning

Initiative Committee; and,

That all information regarding financial implications associated with the School Travel Planning Initiative be referred to Council and that any requests for a financial contribution be brought back to Council for consideration during future budget deliberations prior to committing to any projects.

(c) ITEM A67-11

The Administration/Finance/Fire Committee approve the following Consent Agenda Items:

1. Items 1 and 2 be hereby accepted; and,
 2. Item 3 be accepted and the recommendations contained therein, be hereby approved,
- with the exception of Item 3.

(ITEM A67-11

1. Joint Accessibility Advisory Committee – April 14, 2011
2. West Lincoln Cemetery Board Minutes –April 12, 2011
3. Report RFD-WLFD-08-11 – Dress Wear Shoulder Crest)

(d) ITEM A67-11 – Item 3

That council approves the new design of the dress wear shoulder crest for the West Lincoln Fire & Emergency Services shown in schedule A.

That, Report WLFD-08-2011 “Dress Wear Shoulder Crest” be accepted and the recommendations contained therein, be hereby approved.

(e) ITEM A68-11

That, the correspondence dated May 24, 2011 from Greg Farrant, Manager, Government Affairs & Policy - Ontario Federation of Anglers and Hunter, requesting an amendment to clause 3(b) of By-law 2011-41 in order to allow for the discharge of firearms for the purpose of target or skeet and trap shooting on private property outside the urban area of Smithville, be received.

(f) ITEM A69-11

That, the correspondence from the Township of North Stormont dated May 27, 2011 requesting a \$100.00 donation to the Town of Slave Lake to help compensate them in their recent fire, be received.

(g) ITEM A70-11

That, Item A70-11 (Request for name of interested Municipal Councillor to sit on the Water/Wastewater Review – Niagara Task Force) be referred to the June 27, 2011 Council Meeting.

(h) ITEM A71-11

That, the request from the West Lincoln Chamber of Commerce for a contribution/sponsorship in the amount of \$500.00 to help cover the cost for a Family Barbeque to be held on Thursday, August 11, 2011; be received.

- (i) ITEM A72-11
That, the correspondence from the West Lincoln Lawn Bowling Association be referred to staff for report.

- (j) ITEM A73-11
AMENDMENT TO BUDGET
 - 1) That Report PD-066-11, dated June 20, 2011, relating to an AMENDMENT TO BUDGET – Planning & Building Department Marmak Software Maintenance and Licensing, BE RECEIVED; and,
 - 2) That, the 2011 maintenance fee of \$2,000.00 for MiTown (Planning program) be funded from the Contingency Reserve; and,
 - 3) That, the 2010 maintenance fee of \$1,000.00 and the 2011 maintenance fee of \$1,000.00 for the Milnspector (Building program) be funded from the Building Department Reserve; and,
 - 4) That, the future maintenance fee of \$3,000.00 (\$2,000.00 for Planning and \$1,000.00 for Building) be incorporated into successive Departmental budgets beginning in 2012; and,
 - 5) That, the subscription agreement found at Attachment No. 2 to this report be approved as the agreement between the Township of West Lincoln and Marmak Industries Ltd. for the maintenance of the MiTown and Milnspector programs for 2011; and,
 - 6) That the CAO be authorized to sign the 2011 subscription agreement.

- (k) ITEM A74-11
That Report PD-065-11, dated June 20, 2011, relating to a Future Amendment to Planning Department Budget, relating to the Ontario Municipal Board Defence Account, BE RECEIVED for information.

- (l) ITEM A75-11
 - (1) That, Report RFD-T-13-2011, dated June 20, 2011, regarding POL-IT-01-11 – Community Safety Video Surveillance Policy be received and;
 - (3) That, the attached policy (POL-IT-01-11 “Community Safety Video Surveillance Policy”), be and is hereby approved.

- (m) ITEM A76-11
 - 1. That, Report RFD-T-11-11, regarding the “Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) Agreement (Funding for Local Culverts and Bridges)” be received; and,
 - 2. That, a by-law be presented to Council authorizing the Mayor and the Clerk to sign and execute the Funding Agreement as provided by the Ministry of Agriculture, Food and Rural Affairs for funding support under the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF).

- (n) ITEM A78-11
That, the Alderman Luciano Di Leonardo be appointed as Vice-Chair of the Public Works/Recreation/Arena Committee until otherwise directed

by Council resolution.

- (o) ITEM A79-11
That, the May 10, 2011 resolution from the West Lincoln Cemetery Board be referred to staff for report and recommendation.
- (p) ITEM A83-11
That, Alderman Alexander Micallef be appointed to the School Travel Planning Steering Committee.
- (q) ITEM A85-11
That, the Coordinator of Revenue Services' Report RFD-T-09-11, on Section 357 Tax Write Offs, dated June 20, 2011, be received and that the list of applications as contained in Report RFD-T-09-11 be approved.
- (r) ITEM A86-11
AMENDMENT TO BUDGET
 - (1) That, Treasurer/Director of Finance Report RFD-T-12-11 "Administrative Offices - Security Cameras" dated June 20, 2011, be received; and,
 - (2) That, Council approve the purchase of security cameras and monitors for the front entry/counters at the Township's administrative offices; and,
 - (3) That, costs incurred for equipment and installation in an amount not to exceed \$5,000 be funded from the Contingency Reserve.
- (s) ITEM A87-11
 - (1) That, Report RFD-T-10-11, regarding "Insurance Claim – Approval to pay deductible" be received; and,
 - (2) That Council authorizes the Treasurer to provide instructions to the Township's insurance provider to pay the \$1,000 deductible and settle with the claimant.

Moved by Alderman John Glazier and seconded by Alderman Luciano Di Leonardo:

That, the minutes of the open session portion of the Administration/Finance/Fire Committee meeting held on June 20, 2011, be accepted and that the recommendations contained therein, be approved, with the exception of Item no(s) A67-11(3).

That the confidential minutes (Sets 1 & 2) of the closed session portion of the June 20, 2011 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

Item A67-11(3) – Report – RFD-WLFD-08-2011 – Dress Wear Shoulder Crest

Mayor Joyner declared a conflict of interest relating to ITEM A67-11 - Report – RFD-WLFD-08-2011 – Dress Wear Shoulder Crest due to the fact that his brother was a member (firefighter) on the West Lincoln Fire Department.

Mayor Joyner stepped down from the Chair at approximately 9:17 p.m. and Alderman Glazier (Acting Mayor) assumed the Chair to deal with Item A67-11(3).

Moved by Alderman Alexander Micallef and seconded by Alderman Eric Leith:

That, Item A67-11(3) from the June 20, 2011 Administration/Finance./Fire Committee meeting be approved:

(ITEM A67-11(3))

That council approves the new design of the dress wear shoulder crest for the West Lincoln Fire & Emergency Services shown in schedule A.

That, Report WLFD-08-2011 “Dress Wear Shoulder Crest” be accepted and the recommendations contained therein, be hereby approved.)

- Carried

Mayor Joyner re-assumed the position of Chair at approximately 9:20 p.m. after the conclusion of deliberations relating to Item A67-11(3).

- (c) Public Works/Recreation/Arena Committee
Re: June 20, 2011 Minutes

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM PW37-11

The Public Works/Recreation/Arena Committee approve the following Consent Agenda Items:

1. Items 1 and 2 be hereby received for information with the exception of Item 2.

(ITEM PW37-11

1. Ontario Good Roads-Minimum Maintenance Standards Litigation-Status Report
2. West Lincoln Public Library Board Minutes - April 12, 2011)

- (b) ITEM PW37-11 – Item 2

That, the minutes of the April 12, 2011 West Lincoln Public Library Board meeting be referred to a future meeting in order to give staff an opportunity to review the policies in relation to Township policies.

- (c) ITEM PW38-11

- (1) That, the correspondence from the St. Catharine’s General Hospital Foundation dated May 13, 2011 requesting permission to use Township roads for their Big Move Cancer Ride on Sunday, September 11th, 2011 be supported; and,
- (2) That, confirmation be provided to the Township showing that the organization has adequate liability insurance for the event in the amount of not less than \$2,000,000.00 and that the Township be co-insured for the event; and,

- (3) That, St. Catharine's General Hospital Foundation be permitted to hold their Big Move Cancer Ride on September 11, 2011 subject to meeting all Township requirements/conditions of the Township of West Lincoln's Special Events Policy.
 - (4) That, any approval and/or required permits be obtained from the Region of Niagara.
- (d) ITEM PW39-11
- (1) That, the correspondence from Greig Hancock, President, Smithville Agricultural Society, dated May 31, 2011, requesting that the Smithville Fall Fair be designated as a "Community Festival" in order to operate a beer garden during the Fair, be received; and
 - (2) That, the Council of the Corporation of the Township of West Lincoln designate the Smithville Fall Fair, which is to be held from September 1st to and including September 4th, 2011, at the Smithville Community Park, as a "Community Festival" and
 - (3) That, the Smithville Agricultural Society be informed that the Township of West Lincoln has no objection to the sale of alcoholic beverages in the Smithville Community Park from "Thursday, September 1st from 4:00 p.m. until 1:00 a.m.; Friday & Saturday, September 2nd and 3rd from 12:00 noon until 1:00 a.m. and Sunday, September 4th from 1:00 p.m. until 10:00 p.m. in conjunction with the Smithville Fall Fair, subject to the following:
 - (i) That, confirmation is given to the Township that properly qualified individuals will be serving alcohol at the event.
 - (ii) That, confirmation is given to the Township that transportation will be provided for individuals who may show signs of intoxication at the event.
 - (iii) That, confirmation is provided showing that the organization has adequate liability insurance for the event in the amount of not less than \$2,000,000.00 and that the Township be co-insured for the event.
 - (iv) That, a location map for the beer garden be submitted to the Public Works Department for approval.
 - (v) That, a permit be obtained for erection of a tent, if required.
 - (vi) That, the organization be advised that beer must be served in plastic cups.
 - (vii) That, the area designated for the beer gardens be fenced.
 - (viii) That, the Township of West Lincoln request that the Niagara Regional Police provide patrols at the Smithville Fall Fair to be held from September 1st to and including September 4th, 2011.
- (e) ITEM PW40-11
- That, the correspondence from Cheryl & Laurie Davis requesting to purchase a portion of Baldwin Road which abuts their property, be received and referred to staff for report.
- (f) ITEM PW41-11

RECOMMENDATION #1:

1. THAT, report RFD PW-26/2011, regarding “Ice Allocation Policy”, dated June 20, 2011, be received; and,
 2. That the Ice Allocation Policy (Pol-Rec-01-2011) attached as Schedule “A” to this Report, be and is hereby approved.
- Carried AS AMENDED (See Below)

RECOMMENDATION #2 (Amendment):

That, Report RFD PW-26/2011 – Ice Allocation Policy be amended by:

1. Replacing the second reference to the word “Groups” under Item 7 on page 3 of the policy with “Group Members”; and,
2. Removing the word “of” from the following sentence “Special events must consider of the following:” on Page 5 of the policy.

(g) ITEM PW42-11

That, Report RFI PW-25/2011 re: Rock St. Park Lighting and Parking Lot Gate be referred to Council in order to make the appropriate amendments and provide for an Amendment to Budget on the agenda.

(h) ITEM PW43-11

1. THAT, report RFD PW-27/2011, re: 2012 Tandem Truck Tender Results, dated June 20th, 2011 be received, and;
2. THAT, Council accept the tender submitted by Archers Truck Services Ltd., for the supply of one Tandem Diesel Truck at a cost of \$194,068.37 and,
3. THAT, this purchase be financed from the Equipment Reserve Fund, in accordance with the 2011 approved budget.

Moved by Alderman Alexander Micallef and seconded by Alderman Eric Leith:

That, the minutes of the Public Works/Recreation/Arena Committee meeting held on June 20, 2011, be accepted and that the recommendations contained therein, be approved, with the exception of Items no. PW38-11 and PW42-11.
- Carried

Item PW38-11–St. Catharines General Hosp. Foundation-Big Move Cancer Ride

Alderman Merritt noted a perceived conflict of interest with respect to Item PW38-11 (St. Catharines General Hospital Foundation Request for Permission to use Municipal Roads in West Lincoln for Big Move Cancer Ride on September 11, 2011), due to the fact that the St. Catharines General Hospital was part of the same system as her employer (NHS).” Alderman Merritt did not partake in discussions nor voting with respect to this matter.

Moved by Alderman Alexander Micallef and seconded by Alderman Eric Leith:

That, Item PW38-11 from the June 20, 2011 Public Works/Recreation/Arena Committee meeting be approved:

(ITEM PW38-11

- (1) That, the correspondence from the St. Catharine’s General Hospital Foundation dated May 13, 2011 requesting permission to

- use Township roads for their Big Move Cancer Ride on Sunday, September 11th, 2011 be supported; and,
- (2) That, confirmation be provided to the Township showing that the organization has adequate liability insurance for the event in the amount of not less than \$2,000,000.00 and that the Township be co-insured for the event; and,
 - (3) That, St. Catharine's General Hospital Foundation be permitted to hold their Big Move Cancer Ride on September 11, 2011 subject to meeting all Township requirements/conditions of the Township of West Lincoln's Special Events Policy.
 - (4) That, any approval and/or required permits be obtained from the Region of Niagara.)

- Carried

Item PW42-11–Rpt RFI PW-25/2011-Rock St. Park Lighting & Parking Lot Gate

1. Alderman Alexander Micallef:
Alderman Micallef noted a conflict of interest with respect to Item PW42-11 – Report RFI PW-25/2011- Rock St. Park Lighting and Parking Lot Gate since he lives on Rock Street. Alderman Micallef did not partake in discussions nor voting with respect to this matter.
2. Alderman Luciano Di Leonardo:
Alderman Di Leonardo noted a conflict of interest with respect to Item PW42-11 – Report RFI PW-25/2011- Rock St. Park Lighting and Parking Lot Gate since he lives on Rock Street. Alderman Di Leonardo did not partake in discussions nor voting with respect to this matter.

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

That, Item PW42-11 from the June 20, 2011 Public Works/Recreation/Arena Committee meeting be approved:

(ITEM PW42-11

That, Report RFI PW-25/2011 re: Rock St. Park Lighting and Parking Lot Gate be referred to Council in order to make the appropriate amendments and provide for an Amendment to Budget on the agenda.)

- Carried

9. RECONSIDERATION:

There were no items for reconsideration.

10. NOTICE OF MOTION:

There were no notices of motion.

11. OTHER BUSINESS:

- (a) Deputy Clerk
Re: Report RFD-C-10-2011 - Refreshment cart licensing

Alderman Merritt noted that she was surprised, due to safety concerns, that the Region had approved the location being near the intersection at Regional Road 20 and Station Street. Alderman Merritt stated that she was prepared to approve the license for one year only at this time and review the issue at renewal time. Alderman Merritt suggested that the vacant lot provision be removed from the licensing by-law.

Moved by Alderman Joann Chechalk and seconded by Alderman Alexander Micallef:

- (1) That, Report RFD-C-10-11, dated June 27, 2011, regarding “Application for Refreshment Cart License to operate at 182 Griffin Street North – Rayz Fresh Cut Fries (Raymond & Linda Lavigne)”, be received and;
- (2) That, the application for a Refreshment Cart Licence, as submitted by Rayz Fresh Cut Fries (Raymond & Linda Lavigne) to operate a refreshment cart at 182 Griffin Street North be approved, subject to the following conditions:
 - (a) That, Township Council waive the provision of Condition (3) (a) of the Refreshment Cart Licensing By-law (By-law 2010-20), more specifically to allow Rayz Fresh Cut Fries (Raymond & Linda Lavigne) to operate their refreshment cart on those vacant lands municipally known as 182 Griffin Street North, Smithville; and,
 - (b) That, the refreshment cart license be approved for 2011 only in order to allow staff an opportunity to re-evaluate and review any safety concerns relating to a refreshment cart being located on those vacant lands municipally known as 182 Griffin Street North; and,
 - (c) That, all required approvals from the Niagara Region Public Health Unit, and the certificate of inspection for the propane tank prior to any sales of food and/or beverages and any other requirements as stated in By-law 2010-20 be received prior to issuance of a refreshment cart license.

- Carried

- (b) Clerk
Re: Appointment of Weed Inspectors – Kaveh Etezadi and Brent Julian

Moved by Alderman Luciano Di Leonardo and seconded by Alderman John Glazier:

That, Kaveh Etezadi and Brent Julian be appointed, by by-law, as Weed Inspectors for the Township of West Lincoln.

- Carried

- (c) Coordinator of Roads Operations & Maintenance
Re: Report RFD PW–28/2011 - 2011 Bituminous Surface Treatment Program Tender for Supply and Application of Material

Moved by Alderman John Glazier and seconded by Alderman Luciano Di Leonardo:

1. THAT, Report RFD PW-28/2011, re: 2011 Bituminous Surface Treatment Program Tender for Supply and Application of Material, dated June 27, 2011, be received, and;
2. THAT, the tender from Norjohn Contracting and Paving Limited, to complete the 2011 Bituminous Surface treatment Program, be accepted subject to acceptance by the Township's municipal partners; the Township of Wainfleet and the Town of Pelham, and;
- 3 THAT, the Mayor and Clerk be authorized to enter into an agreement with Norjohn Contracting and Paving Limited.

- Carried

- (d) Coordinator of Roads Operations & Maintenance
Re: Report RFD PW-29/2011 - 2011 Dust Control Tender for Supply & Application of Material

Moved by Alderman Eric Leith and seconded by Alderman Alexander Micallef:

1. THAT, Report RFD PW-29/2011, re: 2011 Dust Control Tender for Supply and Application of Material, dated June 27, 2011 be accepted; and,
2. THAT, the tender from 513125 Ontario Limited o/a Da-Lee Dust Control to complete the 2011 Dust Control Treatment Program be accepted at a cost of \$323.14 per flake equivalent tonne.

- Carried

- (e) Chief Building Official
Re: Temporary Residence during Construction (Adam Vandenberg)
Received for Information

- (f) **AMENDMENT TO BUDGET**

Supervisor of Arena, Parks & Recreation

Re: Report RFD-PW-30-2011 - Rock St. Park Lighting & Parking Lot Gate – REVISED - (ITEM PW42-11 – Referred from June 20, 2011 Administration/Finance/Fire Committee - Report RFI PW-25/2011-Rock St. Park Lighting & Parking Lot Gate)

1. Alderman Alexander Micallef:
Alderman Micallef noted a conflict of interest with respect to Report RFD-PW-30-2011 - Rock St. Park Lighting & Parking Lot Gate –REVISED since he lives on Rock Street. Alderman Micallef did not partake in discussions nor voting with respect to this matter.
2. Alderman Luciano Di Leonardo:
Alderman Di Leonardo noted a conflict of interest with respect to Report RFD-PW-30-2011 - Rock St. Park Lighting & Parking Lot Gate –REVISED since he lives on Rock Street. Alderman Di Leonardo did not partake in discussions nor voting with respect to this matter.

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

AMENDMENT TO BUDGET

1. That, Report RFD- PW-30-2011, re: Rock St. Park Lighting and Parking Lot Gate – REVISED, dated June 20, 2011, be received; and,
2. That, staff be and are hereby authorized to:
 - (a) hire additional staff to perform extra park related duties, at a cost of \$4,000.00 (\$6,000.00 - \$2,000.00 grant), to be funded from the Contingency Reserve; and,
 - (b) purchase and install lights at Rock Street Park at a cost of \$2,450.00, to be funded from the Urban Street Light Reserve; and,
 - (c) purchase a gate at a cost of \$1,000.00, to be funded from the Contingency Reserve.

- Carried

(g) **AMENDMENT TO BUDGET**

Supervisor of Arena, Parks & Recreation

Re: Report RFD-PW-31-2011 – Abingdon Swing Set Replacement

Staff responded to questions regarding the age of the old equipment and the scheduling of removal of the old and installation of the new equipment.

Moved by Alderman Alexander Micallef and seconded by Alderman Eric Leith:

AMENDMENT TO BUDGET

1. That, Report RFD- PW-31-2011, re: Abingdon Swing Set Replacement, dated June 27, 2011, be received; and,
2. That, staff be and are hereby authorized to purchase and have installed, a replacement swing set at the Caistor Community Centre (Abingdon Park) at a cost of \$3,573.40, to be funded from the “5% Cash In Lieu of Parkland” account.

- Carried

(h) Region of Niagara

Re: Request for name of interested Municipal Councillor to sit on the Water/Wastewater Review – Niagara Task Force

Mayor Joyner advised that the first meeting of the Task Force was scheduled for July 5, 2011 at 10:00 a.m. to 1:00 p.m. in Committee Room 4 at Regional headquarters and noted that the Region was unable to confirm the frequency of meetings as it would be determined at the first meeting.

Moved by Alderman Joann Chechalk and seconded by Alderman Alexander Micallef:

That, West Lincoln Township Council hereby submits the following name for consideration for appointment to the Water/Wastewater Review – Niagara Task Force: Alderman Luciano Di Leonardo

- Carried

- (i) CAO (Derrick Thomson)
Re: RFD-CAO-03-11 - Process for Land Sale in the Industrial Park

Mayor Joyner requested that the advertisement also be put on the NEDC microsites.

Moved by Alderman Joann Chechalk and seconded by Alderman Alexander Micallef:

1. That, Report RFD-CAO-03-11 “ Process for Land Sale in the Industrial Park,” dated June 27, 2011, be received; and,
2. That, the Chief Administrative Officer be and is hereby authorized to initiate the sale process as outlined in Report RFD-CAO-03-11; and,
3. That Township owned land described as Part of Lot 6, Concession 8, being Parts 2 & 3 on reference Plan 30R-10710 and representing approximately 4.36 acres, be and is hereby declared as surplus to the needs of the municipality; and,
4. That a notice be published declaring the land as surplus to the needs of the municipality as required under By-law 95-31 which establishes the procedures for the sale of property owned by the Corporation of the Township of West Lincoln.
5. That, once all offers to purchase have been received, the CAO shall present all offers to Township Council for consideration.

- Carried

- (j) Director of Planning & Building
Re: Report PD-077-11 – Recommendation Report – Wes-Li Heights Plan of Condominium – By-law to name Veteran’s Way

There was much discussion regarding the appropriateness of the proposed street name being used in a private development area versus a more public/visible area which would provide better access/visibility to all citizens and it was also noted that some residents had not seen the advertisement.

Alderman Merritt noted that the Street Naming Policy should be reviewed and a provision added that the use of street names that are intended to honour war veterans, be used in public and heavier travelled/visible areas.

During the discussion relating to this matter, Alderman Chechalk put forward a motion to refer the issue back to staff; however, withdrew the motion before it was seconded.

Moved by Alderman Joann Chechalk and seconded by Alderman Alexander Micallef:

That, Report PD-077-11, dated June 27, 2011, regarding a By-law to name Veteran’s Way in the Wes-Li Heights Plan of Condominium, BE RECEIVED; and,

That, Council accepts name Veteran’s Way, for the private street; and,

That, Council authorizes the adoption of a By-law naming Veteran's Way in this Plan of Condominium, once a legal description is available.

A Recorded Vote was requested by Alderman Alexander Micallef:

	<u>Yes</u>	<u>No</u>
Alderman Joann Chechalk		x
Alderman Luciano Di Leonardo		x
Alderman John Glazier	x	
Alderman Eric Leith	x	
Alderman Sue-Ellen Merritt		x
Alderman Alexander Micallef		x
Mayor Douglas Joyner		x
Total	<u>2</u>	<u>5</u>

- LOST

(k) Members of Council
Re: Other Business Items

1. Alderman Chechalk
Re: NPEI and Niagara Community foundation

Alderman Chechalk advised Members of Council that Niagara Peninsula Energy and the Niagara Community Foundation provide scholarships (one for each school, being South Lincoln, Beamsville Secondary, Blessed Trinity and the Christian High School) for young people entering university in the field of engineering. Alderman Chechalk stated that it was nice to know that people in our community were being recognized with scholarships. In response to an inquiry from Alderman Glazier regarding who could apply, Alderman Chechalk stated that there were no limitations and that there was a set of criteria established by the schools based on merit and academic standing.

2. Alderman John Glazier
Re: Noise Complaint at Arena Hall

Alderman Glazier advised that the Agricultural Society had invited him to attend their next meeting in order to bring a noise complaint issue to their attention. Alderman Glazier advised that he would report back at the next meeting.

3. Mayor Joyner
Re: St. John's Ambulance – 50th Anniversary

Mayor Joyner read a letter of congratulations to St. John's Ambulance in recognition of the 50th Anniversary, which is attached as Schedule C to these minutes.

4. Clerk
Re: Delivery of Packages

The Clerk advised that packages would not be delivered this Friday unless there was important information which required delivery.

5. CAO
Re: Meeting with Library Board

The CAO advised that he would be attending a Library Board meeting on Thursday morning, June 30th, 2011, with Mayor Joyner and would advise Members of Council on the outcome of that meeting at the earliest possible date.

12. BY-LAWS:

Moved by Alderman Luciano Di Leonardo and seconded by Alderman John Glazier:

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

- (a) By-law 2011-46 To confirm proceedings of May 24, 2011 regular Council
- (b) By-law 2011-47 To authorize an Agreement with Adam Vandenberg for Temporary Residency during Construction of a Replacement Dwelling
- (c) By-law 2011-48 To appoint Weed Inspectors for the Township of West Lincoln for the period from June 27, 2011 to November 30, 2011 (Kaveh Etezadi and Brent Julian & Repeal 2010-111)
- (d) By-law 2011-49 To authorize a Joint Agreement between the Corporations of the Town of Pelham, the Township of Wainfleet, the Township of West Lincoln and Norjohn Contracting & Paving Limited for Bituminous Surface Treatment.
- (e) By-law 2011-50 To adopt Amendment #30 to the Official Plan for the Township of West Lincoln (Lincoln Agricultural Society)
- (f) By-law 2011-51 Zoning By-law Amendment - Rudy & Debbie Boverhof
- (g) By-law 2011-52 To authorize an amendment to the existing subdivision agreement between the Corporation of the Township of West Lincoln and Phelps Homes Ltd., Meridian Credit Union, and Henry Dyck & Justina Dyck, on the lands described as Lots 1 – 5 Registered Plan 30M-368, West Lincoln (PIN 46055-0959(LT) & PIN 46055-0960 (LT) & PIN 46055-0961 (LT) & PIN 46055-0962 (LT) & PIN 46055-0963 (LT))

- Carried

Moved by Alderman Luciano Di Leonardo and seconded by Alderman John Glazier:

That, By-laws 2011-46, 2011-47, 2011-48, 2011-49, 2011-50, 2011-51 and 2011-52 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 John Glazier and seconded by Alderman Luciano Di Leonardo:

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

(h) By-law 2011-53 To authorize the Mayor and Clerk to sign the necessary transfer documents to transfer ownership of the storm water management easement located along the rear of Lots 1 through 5 on registered Plan 30M-368, being further described as Parts 1 to 5 on Registered Plan 30R-12112, to the Corporation of the Township of West Lincoln

(j) By-law 2011-55 To authorize an 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 Agriculture, Food and Rural Affairs for funding support under Intake 1 of the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF Project – Bridges and Culverts)

- Carried

Moved by Alderman John Glazier and seconded by Alderman Luciano Di Leonardo:

That, By-laws 2011-53 and 2011-55 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 Eric Leith and seconded by Alderman Alexander Micallef:

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

(i) By-law 2011-54 To authorize the Mayor and Clerk to sign an agreement for the purchase of a triangular parcel of land in the southwest corner of property owned by Diane Barclay and James Barclay, being part of Lot 36, Plan M92, being Part 1 on the Draft Reference Plan as attached to this By-law (121 Griffin Street)

- Carried

Moved by Alderman Eric Leith and seconded by Alderman Alexander Micallef:

That, By-law 2011-54 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

13. CONFIDENTIAL MATTERS:

Moved by Alderman Eric Leith and seconded by Alderman Alexander Micallef:

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. labour relations or employee negotiations;

- Carried (10:00 p.m.)

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

Alderman Micallef left the meeting at approximately 10:35 p.m. during closed session discussion relating to Item 13(a).

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That, this Council meeting does now resume in open session at 11:00 p.m.

- Carried

Moved by Alderman Eric Leith and seconded by Alderman Joann Chechalk:

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

- Carried

Moved by Alderman Eric Leith and seconded by Alderman Joann Chechalk:

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. labour relations or employee negotiations;

- Carried (11:01p.m.)

Moved by Alderman Eric Leith and seconded by Alderman Joann Chechalk:

That, this Council meeting does now resume in open session at 11:42 p.m.

- Carried

(a) AMENDMENT TO BUDGET

CAO, Debbie Elliott (Director of Human Resources – Niagara Region) & Judy Kroon (KMAC Consulting)

Re: Report CAO-02-2011 – Personnel Matter – Salary Review

Moved by Alderman Joann Chechalk and seconded by Alderman Eric Leith:

AMENDMENT TO BUDGET

That, CAO Report RFD-CAO-02-11, dated June 27th, 2011 regarding "Market Adjustment/ Non-Union Salary Scale Review" be received and that the recommendations contained therein be approved; and,

That, \$63,500 be transferred from the Reserve for Contingencies to the appropriate labour accounts.

- REFERRAL MOTION BELOW LOST (see below)

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Luciano Di Leonardo:

That, Report # RFD-CAO-02-11, dated June 27th, 2011 regarding "Market Adjustment/ Non-Union Salary Scale Review, be referred to the July 18, 2011 Council meeting.

- **LOST**

NOTE: Council re-convened into closed session after the referral motion was lost in order to deliberate further on this issue (see motion back into closed session below).

Moved by Alderman Eric Leith and seconded by Alderman Joann Chechalk:

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. labour relations or employee negotiations;

- Carried (11:45 p.m.)

Moved by Alderman Eric Leith and seconded by Alderman Joann Chechalk:

That, this Council meeting does now resume in open session at 11:50 p.m.

- Carried

Moved by Alderman Joann Chechalk and seconded by Alderman Eric Leith:

AMENDMENT TO BUDGET

That, CAO Report RFD-CAO-02-11, dated June 27th, 2011 regarding "Market Adjustment/ Non-Union Salary Scale Review" be received and that the recommendations contained therein be approved AS AMENDED BY DIRECTION TO STAFF IN CLOSED SESSION; and,

That, \$63,500 be transferred from the Reserve for Contingencies to the appropriate labour accounts.

- Carried

14. ADJOURNMENT:

Moved by Alderman Luciano Di Leonardo and seconded by Alderman John Glazier:

That, this Council meeting does now adjourn at the hour of 11:54 p.m. and if a special meeting is required it will be at the call of the Mayor.

- Carried

CAROLYN LANGLEY, CLERK

MAYOR DOUGLAS JOYNER