



# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN



## COUNCIL MINUTES

**MEETING NO. NINE HELD:** Monday, May 25, 2009 - Township Administration Building, 318 Canborough Street, Smithville, Ontario – Immediately following Special Council (approx. 7:00 p.m.)

<b><u>PRESENT:</u></b>	<b>Council:</b>	Mayor Katie Trombetta Alderman Mary Dinga Alderman John Glazier Alderman Norm Johnson Alderman Douglas Joyner Alderman Sue-Ellen Merritt Alderman Mike Rehner *
	<b>Staff:</b>	Derrick Thomson, CAO Carolyn Langley, Clerk Stephanie Nagel, Treasurer/Director of Finance *
	<b>Media:</b>	Dave Chappel, West Niagara News* William Kelly, Cogeco *

\* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman Mary Dinga
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**

1. Alderman Mike Rehner

Alderman Mike Rehner declared a conflict of interest relating to the Confidential minutes (Set 1) from the April 27, 2009 Council Meeting as the matter related to an application affecting his property. Alderman Rehner did not participate in discussion nor vote with respect to this matter when dealt with in open session and left the meeting during closed session deliberations as the matter was referred therein.

2. Alderman Mary Dinga

Alderman Mary Dinga declared a conflict of interest and/or disclosure of pecuniary interest with respect to the following issues:

- (1) Item P53-09 (Report No. PD-075-09 – Recommendation Report - Regional Policy Plan Amendment No. 2-2009 – Niagara’s Sustainable Urban Vision to implement Niagara’s Growth Management Strategy – Niagara 2031); and,
- (2) Item P54-09 (Report No. PD-078-09 – Recommendation Report – Initiate Application for Urban Boundary Expansion and the Township of West Lincoln Official Plan for approximately 400 ha of land surrounding Smithville)

- (3) Item A48-09(2)-(PD-076-09 – Preparation of Township Official Plan Amendment and Policies for Conformity of Township of West Lincoln with the Provincial Places to Grow(P2G) Growth Plan – Waive Tendering Policy and Hire MHBC Planning)

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 these issues.

3. Alderman Sue-Ellen Merritt

Alderman Merritt declared a perceived conflict of interest with respect to Item A50-09 (West Lincoln Cemetery Board – Minutes of March 11, 2009). Alderman Merritt did not take part in discussion nor voting with respect to this matter.

**3. COMMENTS FROM THE PUBLIC:**

There were no comments from the public.

**4. CONFIRMATION OF MINUTES:**

- (a) Council Minutes – Regular  
April 27, 2009

**Minutes - Open Session + Confidential - Set 2:**

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

That, the minutes of the open session portion of the April 27, 2009 regular Council meeting be accepted without errors or omissions.

That the confidential minutes (Set 2) of the closed session portion of the April 27<sup>th</sup>, 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

**Minutes – Confidential - Set 1:**

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

That the confidential minutes (Set 1) of the closed session portion of the April 27<sup>th</sup>, 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.

- REFERRED (see below)

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

That, the confidential minutes (Set 1) of the closed session portion of the April 27<sup>th</sup>, 2009 Council meeting be referred to closed session for discussion/review.  
- Carried

- (b) Council Minutes – Special  
May 19, 2009

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

That, the minutes of the May 19, 2009 Special Council meeting be accepted without errors or omissions.  
- Carried

- (c) Public Meetings under the Planning Act  
May 11, 2009 Minutes

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

That, the minutes of a public meeting held on May 11, 2009, under Sections 34 and 51 of the Planning Act, with respect to:

- (a) Draft Plan of Condominium & Zoning By-law Amendment– West  
Niagara Enterprises (Crossings on the Twenty)  
be accepted.  
- Carried

**5. COMMUNICATIONS:**

There were no communications.

**6. APPOINTMENTS/PRESENTATIONS:**

There were no appointments.

**7. REPORT OF COMMITTEE:**

- (a) Planning/Building/Environmental Committee  
Re: May 11, 2009 Minutes  
NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

**SUMMARY OF RECOMMENDATIONS:**

- (a) ITEM P51-09  
The Planning/Building/Environmental Committee hereby approves the following Consent Agenda Items:
1. Items 1 to 4 are hereby received for information; and,
  2. Items 5 to 9 are approved and the recommendations contained therein are adopted;

with the exception of Items #s 3 and 5.

(Item P51-09

- (1) Information Report No. PD-074-09 – Region of Niagara Proposed Agricultural Value Added Policies - Workshop Update
- (2) Information Report No. PD-077-09 - Superior Court of Justice Notice of Examination for Natural Severance Interpretation – James Harley Smith
- (3) Information Report No. PD-084-09 – Proposed Changes to Section 11 (Implementation) Official Plan – Part of Five Year Review
- (4) West Lincoln Heritage Committee – Minutes of March 12, 2009
- (5) Recommendation Report No. PD-070-09 – Request for Extension of Draft Plan Approval for the Olde Town Gateway Estates Subdivision
- (6) Recommendation Report No. PD-072-09 – Prestige Industrial Zone – Request to Hold a Public Meeting
- (7) Recommendation Report No. PD-080-09 – Initiate the Rezoning of Wes-Li Gardens Plan of Condominium Extension
- (8) Recommendation Report No. PD-073-09 – Proposed Rezoning of the Township’s Administration Building Property located at 318 Canborough Street Rezoning
- (9) Recommendation Report No. PD-067-09 – Additional 2 Year Extension of Draft Plan Approval – Spring Creek Estates Plan of Subdivision – R.V.L. Contracting)

(b) ITEM P52-09

- (1) That, Report No. PD-071-09, dated May 11, 2009, relating to a proposed rezoning and plan of condominium for West Niagara Enterprises (Crossings on the Twenty), be RECEIVED for information.
- (2) That a future report be provided once the issues identified by the Niagara Peninsula Conservation Authority are satisfied.

(c) ITEM P53-09

- (1) That, Report No. PD-075-09 dated May 11, 2009, relating to Regional Policy Plan Amendment 2-2009 - Niagara’s Sustainable Urban Vision to implement Niagara’s Growth Management Strategy – Niagara 2031 , BE RECEIVED; and,
- (2) That, the letter from the Director of Planning and Building dated May 7, 2009, addressed to Mr. Patrick Robson (attachment No. 3 & 4) is hereby endorsed as the Township’s position on Regional Policy Plan Amendment 2-2009; and,
- (3) That, the Director of Planning and Building and Mr. Bernie Hermesen of MHBC Consulting, be instructed to make a

presentation at the May 14, 2009 public meeting being held by Regional Committee of the Whole to express the Township's concerns with respect to RPPA 2-2009 (attachment No. 5); and,

- (4) That, Staff be and are hereby authorized to appeal Regional Council's decision on RPPA 2-2009 if our proposed policy amendments are not included and/or if required as determined by Staff; and,
  - (5) That, Staff be authorized to proceed with these actions prior to ratification by Township Council.
- (d) ITEM P54-09
- (1) That, Report No. PD-078-09, dated May 11, 2009, proposing to Initiate Application for Urban Boundary Expansion in the Township of West Lincoln Official Plan for approximately 400 ha of land surrounding Smithville , BE RECEIVED; and,
  - (2) That, Staff be and are hereby authorized to initiate OPA #20 to the Township of West Lincoln Official Plan as an expansion of the Smithville urban boundary; and,
  - (3) That, the Director of Planning and Building be instructed to advise the Regional Integrated Community Planning Staff that Township Council hereby request that a public meeting be held as soon as possible and at the same time as the public meeting for the Township of West Lincoln urban boundary amendment to the Regional Policy Plan.
- (e) ITEM P55-09  
RECOMMENDATION #1:
- (1) That, Report PD-079-09, dated May 11, 2009, regarding Consumer Price Index changes to planning fees effective June 1, 2009 BE RECEIVED; and,
  - (2) That, By-law 2002-112, (Committee of Adjustment fees - as amended by By-law 2007-18 and 2008-46), be amended by replacing Schedule "D", Tariff of Fees, with the attached new Schedule "D"; and,
  - (3) That, By-law 2002-113 (Tariff of Fees for Planning Matters – as amended by By-law 2007-17, 2008-11, 2008-39 and 2008-133) be amended by replacing Appendix "A" (Schedule of Fees) with the attached new Appendix "A"; and,
  - (4) That, the new planning fees take effect on June 1, 2009; and,

- (5) That, a comprehensive review of all Township fees and fines be the focus of a future report to outline the steps, resources and finances required to complete the comprehensive review.
- Carried AS AMENDED (see below).

RECOMMENDATION #2 (AMENDMENT):

That, recommendation 3 to Report No. PD-079-09 be referred to the May 25, 2009 Council Meeting for approval in order for staff to present a corrected Appendix A (Schedule of Fees).

- (f) ITEM P56-09
- (1) That Report No. PD-068-09, dated May 11, 2009 regarding an Amending Site Plan Authorizing By-law for Belcom Holdings Limited (Smithville Medical Centre) BE RECEIVED; and
- (2) That the attached Amending Site Plan Authorizing By-law for the purpose of authorizing the Mayor and Clerk to enter into an Amending Site Plan Agreement between the Township of West Lincoln and Belcom Holdings Limited (Smithville Medical Centre), BE APPROVED.
- (g) ITEM P57-09
- (1) That, Report No. PD-059-09, dated May 11, 2009, relating to an update on Riverview Poultry and the Proposal for Sewage Flow Monitoring, be RECEIVED; and,
- (2) That the attached Authorizing By-law for the purpose of authorizing the Mayor and Clerk to enter into a Sewage Flow Monitoring Agreement between the Township of West Lincoln and Riverview Poultry Limited, BE APPROVED.
- (h) ITEM P58-09
- (1) That, Report No. PD-085-09, dated May 11, 2009, relating to appointment of Municipal Law Enforcement Officers, be received; and,
- (2) That, Ryan Brazeau and Monica Webb be appointed by by-law, as Municipal Law Enforcement Officers for the Corporation of the Township of West Lincoln; and,
- (3) That, due to time constraints, a special Council meeting be held on Tuesday, May 19, 2009 to adopt the appointment by-law; and,
- (4) That, By-law 2008-112 be repealed, effective June 1, 2009.
- (i) ITEM P51-09 (3)
- That Report No. PD-084-09, dated May 11, 2009 regarding the proposed changes to Section 11 (Implementation) of the Official Plan - Part of Five Year Review be received for information.

- (j) ITEM P51-09 (5)  
That the Draft Plan of Subdivision Approval for Olde Town Gateway Estates be extended for a period of one year.
- (k) ITEM P61-09  
That, staff BE AUTHORIZED to proceed as directed in closed session with respect to a potential litigation matter regarding a building/committee of adjustment matter.
- (l) ITEM P59-08
  - (1) That, the steering committee for the Smithville Community Improvement Plan be disbanded; and,
  - (2) That, the CAO be directed to send a letter to the Members of the Steering Committee thanking them for their participation; and,
  - (3) That, the by-law appointing members to the steering committee for the Smithville Community Improvement Plan be repealed.

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 May 11, 2009, be received and that the recommendations contained therein, be approved, with the exception of Item #s P53-09 and P54-09.

That the confidential minutes of the closed session portion of the May 11, 2009 Planning/Building/Environmental Committee meeting be received and approved; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

**Item A53-09 – PD-075-09 dated May 11, 2009, relating to Regional Policy Plan Amendment 2-2009 - Niagara's Sustainable Urban Vision to implement Niagara's Growth Management Strategy–Niagara 2031**

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

That, Item P53-09 from the May 11, 2009 Planning/Building/Environmental Committee minutes be approved.

(Item P53-09

- (1) That, Report No. PD-075-09 dated May 11, 2009, relating to Regional Policy Plan Amendment 2-2009 - Niagara's Sustainable Urban Vision to implement Niagara's Growth Management Strategy – Niagara 2031 , BE RECEIVED; and,
- (2) That, the letter from the Director of Planning and Building dated May 7, 2009, addressed to Mr. Patrick Robson (attachment No. 3

& 4) is hereby endorsed as the Township's position on Regional Policy Plan Amendment 2-2009; and,

- (3) That, the Director of Planning and Building and Mr. Bernie Hermesen of MHBC Consulting, be instructed to make a presentation at the May 14, 2009 public meeting being held by Regional Committee of the Whole to express the Township's concerns with respect to RPPA 2-2009 (attachment No. 5); and,
- (4) That, Staff be and are hereby authorized to appeal Regional Council's decision on RPPA 2-2009 if our proposed policy amendments are not included and/or if required as determined by Staff; and,
- (5) That, Staff be authorized to proceed with these actions prior to ratification by Township Council.)

- Carried

**Item P54-09 - Report No. PD-078-09, dated May 11, 2009, proposing to Initiate Application for Urban Boundary Expansion in the Township of West Lincoln Official Plan for approximately 400 ha of land surrounding Smithville**

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

That, Item P54-09 from the May 11, 2009 Planning/Building/Environmental Committee minutes be approved.

(Item P54-09

- (1) That, Report No. PD-078-09, dated May 11, 2009, proposing to Initiate Application for Urban Boundary Expansion in the Township of West Lincoln Official Plan for approximately 400 ha of land surrounding Smithville , BE RECEIVED; and,
- (2) That, Staff be and are hereby authorized to initiate OPA #20 to the Township of West Lincoln Official Plan as an expansion of the Smithville urban boundary; and,
- (3) That, the Director of Planning and Building be instructed to advise the Regional Integrated Community Planning Staff that Township Council hereby request that a public meeting be held as soon as possible and at the same time as the public meeting for the Township of West Lincoln urban boundary amendment to the Regional Policy Plan.)

- Carried

(b) Administration/Finance/Fire Committee

Re: May 19, 2009 Minutes

NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

SUMMARY OF RECOMMENDATIONS:

(a) ITEM A46-09

That, the Township of West Lincoln hereby approves participation in the Niagara Peninsula Conservation Authority's, "Simply Tree-mendous" Challenge to achieve the planting of 50,000 trees and shrubs throughout the Authority's watershed area of jurisdiction; and to encourage our residents, groups, service clubs and businesses to take up this challenge/competition in the Township of West Lincoln;

And that the NPCA be so advised in writing.

(b) ITEM A48-09

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

1. Items 1 & 2 be hereby received for information, and,
  2. Items 3, 4 & 5 be hereby approved and the recommendations contained therein be adopted;
- with the exception of Items 1, 2 and 3.

(ITEM A48-09

1. West Lincoln Cemetery Board Minutes - April 8, 2009
2. Recommendation Report No. PD-076-09 – Preparation of Township Official Plan Amendment and Policies for Conformity of Township of West Lincoln with the Provincial Places to Grow (P2G) Growth Plan – Waive Tendering Policy and Hire MHBC Planning
3. Recommendation Report No. PD-086-09 – Recreation Master Plan – Waive the Applicable Policies of the Tendering Policy and Hire MHBC Consultants
4. Recommendation Report No. RFD-C-05-09 – Applications for Refreshment Cart License to operate at CIBC Parking Lot
5. Recommendation Report No. RFD-C-06-09 – Road Allowance Transfer – Anja Nicholson, Walter Poppe, Marianne Poppe & Dennis Tice (Part Lot 7, Between Concession 1 and 2) - Report # 2)

(c) ITEM A49-09

That, the correspondence from the Township of Woolwich, dated May 6, 2009, requesting support of the resolution which strongly urges that the Provincial Government take immediate action to extend the legislation provided for under Bill 221 (which assists firefighters, who develop job-related cancer or sustain a heart injury, when they file a claim with the Workplace Safety and Insurance Board) to include Volunteer and Part-time Firefighters, be received and supported.

(d) ITEM A48-09(1)

That, Report No. PD-076-09 dated May 19, 2009, relating to Preparation of Township Official Plan Amendment and Policies for Conformity of Township of West Lincoln with the Provincial Places to Grow (P2G)

Growth Plan – waive the Tendering Policy and hire MHBC Planning , BE RECEIVED; and,

That, notwithstanding the Tendering and Purchasing Policy as amended (POLC-7-95), Council waive the related requirements of the policy and hire MHBC Planning to prepare an Official Plan Amendment and policy for conformity of the Township of West Lincoln with the Provincial Places to Grow – Growth Plan.

(e) ITEM A48-09(2)

That, Report No. PD-076-09 dated May 19, 2009, relating to Preparation of Township Official Plan Amendment and Policies for Conformity of Township of West Lincoln with the Provincial Places to Grow (P2G) Growth Plan – waive the Tendering Policy and hire MHBC Planning , BE RECEIVED; and,

That, notwithstanding the Tendering and Purchasing Policy as amended (POL-C-7-95), Council waive the related requirements of the policy and hire MHBC Planning to prepare an Official Plan Amendment and policy for conformity of the Township of West Lincoln with the Provincial Places to Grow – Growth Plan.)

(f) ITEM A48-09(3)

That, Report No. PD-086-09, dated May 19, 2009, regarding waiving the applicable policies of the tendering policy and hiring Bernie Hermsen of MHBC Planning to prepare the Recreation Master Plan, BE RECEIVED; and

That notwithstanding the applicable policies of the Tendering and Purchasing Policy as amended, (POL-C-7-95), that Council waive the related requirements of the policy and hire Bernie Hermsen of MHBC Planning to prepare the Recreation Master Plan.)

(g) ITEM A50-09

That, the West Lincoln Cemetery Board minutes of March 11, 2009 be accepted.

(h) ITEM A51-09

1. That, Report RFD-T-08-09, dated May 19, 2009, regarding Telephone System – Town Office be received and;

2. That, the Township approves the telephone system upgrade (voicemail and call attendant capabilities) as contained in this report.

(i) ITEM A52-09

AMENDMENT TO BUDGET

1. That, the Treasurer Report RFD-T-07-09, regarding the “Insurance Renewal 2009/2010” be received; and,

2. That, West Lincoln Council contract with Frank Cowan Insurance Company, through our broker Pearson-Dunn Insurance and Financial Services Inc., for insurance coverage for the 2009-2010 year, and,
  3. That, the 2009 Budget be amended to fund the additional \$5,600 in insurance costs from the Insurance Reserve, and,
  4. That, a by-law be presented to Council authorizing the Mayor and Clerk to sign the necessary agreements with Frank Cowan Insurance Company and Pearson-Dunn Insurance and Financial Services Inc.
- (j) ITEM A54-09  
RECOMMENDATION #1:
1. That, CAO Report RFD-CAO-03-09, dated May 19, 2009 regarding "Vacation Entitlement" be received; and,
  2. That the Treasurer/Director of Finance be authorized to pay out vacation entitlement in the amount of \$12, 400, to be financed from the Reserve for Contingencies.  
- Carried AS AMENDED (see below)

RECOMMENDATION #2 (AMENDMENT):

That, recommendation number (2) be amended to add the following words after the words "pay out":

"A one-time"

And the following words after the words "vacation entitlement":

"due to extenuating circumstances"

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

That, the minutes of the open session portion of the Administration/Finance/Fire Committee meeting held on May 19, 2009, be received and that the recommendations contained therein, be approved, with the exception of Item #s A48-09(2) and A50-09.

That the confidential minutes of the closed session portion of the May 19, 2009 Administration/Finance/Fire Committee meeting be received and approved; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

**Item A48-09(2) - PD-076-09 dated May 19, 2009, relating to Preparation of Township Official Plan Amendment and Policies for Conformity of Township of West Lincoln with the Provincial Places to Grow (P2G) Growth Plan – waive the Tendering Policy and hire MHBC Planning**

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

That, Item A48-09(2) from the May 19, 2009 Administration/Finance/Fire Committee minutes be approved.

(ITEM A48-09(2))

That, Item A48-09(2) extracted from the Consent Agenda section be hereby adopted.

(REPORT RECOMMENDATION:

That, Report No. PD-076-09 dated May 19, 2009, relating to Preparation of Township Official Plan Amendment and Policies for Conformity of Township of West Lincoln with the Provincial Places to Grow (P2G) Growth Plan – waive the Tendering Policy and hire MHBC Planning , BE RECEIVED; and,

That, notwithstanding the Tendering and Purchasing Policy as amended (POL-C-7-95), Council waive the related requirements of the policy and hire MHBC Planning to prepare an Official Plan Amendment and policy for conformity of the Township of West Lincoln with the Provincial Places to Grow – Growth Plan.)

- Carried

**Item A50-09 – West Lincoln Cemetery Board minutes of March 11, 2009**

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

That, Item A50-09 from the May 19, 2009 Administration/Finance/Fire Committee minutes be approved.

(ITEM A50-09

That, the West Lincoln Cemetery Board minutes of March 11, 2009 be accepted.)

- Carried

- (c) Public Works/Recreation/Arena Committee  
Re: May 19, 2009 Minutes

**SUMMARY OF RECOMMENDATIONS:**

- (a) ITEM PW44-09

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

1. Item 1, 2 and 3 be hereby accepted; and,
2. Item 4 be hereby received for information; and,
3. Item 5, 6, 7, 8 and 9 be hereby approved and the recommendations contained therein are adopted,

with the exception of Item of 4, 5 and 7.

(ITEM PW44-09

1. West Lincoln Public Library Board Minutes – April 2, 2009
2. West Lincoln Public Library Board Minutes – April 20, 2009
3. West Lincoln Public Library Board Minutes – April 21, 2009

4. Information Report - RFI PW-22/2009 – Drinking Water Quality Management System – Management Review Meeting
  5. Recommendation Report - RFD PW-21/2009 – Contractor's Water Meter Box Deposit Rate
  6. Recommendation Report - RFD PW-23/2009 – 2009 Dust Control Tender for Supply and Application of Material
  7. Recommendation Report - RFD PW-25/2009 – Leisureplex Canteen Agreement - Tree of Life
  8. Recommendation Report - RFD PW-27/2009 – 2009/10 Arena Ice Rates
  9. Recommendation Report - RFD PW-28/2009 – Shurie Road (Part 1 on Plan 30R-8541) Declaration as a Public Highway)
- (b) ITEM PW45-09
- (1) That, the correspondence from Greig Hancock, President, Smithville Agricultural Society, dated May 6, 2009, 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 3<sup>rd</sup> to and including September 6<sup>th</sup>, 2009, 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 3<sup>rd</sup> from 4:00 p.m. until 1:00 a.m.; Friday & Saturday, September 4<sup>th</sup> and 5<sup>th</sup> from 12:00 noon until 1:00 a.m. and Sunday, September 6<sup>th</sup> 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 Manager 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 3<sup>rd</sup> to and including September 6<sup>th</sup>, 2009.

- (c) ITEM A44-09(4)  
THAT, Report RFI PW-22/2009, re: Drinking Water Quality Management System - Management Review Meeting, dated May 19, 2009, be received for information.
- (d) ITEM A44-09(5)  
1. THAT, Report RFD PW-21/2009, re: Contractors' Water Meter Box Deposit Rate, dated May 19, 2009, be received, and;  
2. THAT, a bylaw be presented to a future Council meeting to set a deposit rate of \$5000.00 for the use of the Township's Water Meter Box.
- (e) ITEM PW44-09(7)  
RECOMMENDATION #1:  
1. THAT, report RFD PW-25/2009, re: Leisureplex Canteen Agreement, dated May 19, 2009 be accepted, and;  
2. THAT, a bylaw be presented to the next Council meeting authorizing the Mayor and Clerk to enter into a new agreement with the Tree of Life for the operation of the Leisureplex canteen.  
- REFERRED (see below)
- RECOMMENDATION #2 (Referral Motion):  
That, Report RFD PW-25/2009 be referred to staff.
- (f) ITEM PW46-09  
AMENDMENT TO BUDGET  
1) THAT, report RFD PW-24/2009, re: South Grimsby Road #13 Reconstruction, dated May 19, 2009 be accepted, and;  
2) THAT, Staff be authorized to reconstruct a portion of South Grimsby Road #13, and;  
3) THAT, this project be financed from the Contingency Reserve Fund not to exceed \$10,000.00.
- (g) ITEM PW49-09  
That, staff create a special events policy that incorporates paid duty police at events.

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

That, the minutes of the Public Works/Recreation/Arena Committee meeting held on May 19, 2009, be received and that the recommendations contained therein, be approved.

- Carried

**8. RECONSIDERATION:**

There were no items for reconsideration.

**9. NOTICE OF MOTION:**

There were no notices of motion.

**10. OTHER BUSINESS:**

- (a) Director of Planning & Building  
Re: PD-091-09 - Recommendation Report – Correction of Appendix “A” to By-law 2002-113, proposing a Tariff of Fees and changes based on Consumer Price Index – Effective June 1, 2009 (ITEM REFERRED FROM PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE MTG)

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

That, Report PD-091-09, dated May 25, 2009, regarding a correction of Appendix ‘A’ to By-law 2002-113, proposing a Tariff of Fees and changes based on Consumer Price Index effective June 1, 2009 BE RECEIVED; and,

That, By-law 2002-113 (Tariff of Fees for Planning Matters – as amended by By-law 2007-17, 2008-11, 2008-39 and 2008-133) be amended by replacing Appendix “A” (Schedule of Fees) with the attached new corrected Appendix “A”.  
- Carried

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

1. Alderman Johnson  
Re: Consent Agenda

In response to Alderman’s Johnson’s suggestion that Consent Agenda Items be dealt with immediately upon being extracted, the CAO advised that he would review Alderman Johnson’s suggestion with the Clerk and report back.

2. Alderman Merritt  
Re: Confidential Correspondence

Alderman Merritt requested that all future confidential correspondence items be stamped with a red “Confidential” stamp.

3. Alderman Merritt  
Re: AMO Alert regarding Green Energy and Proposed Changes

In response to Alderman Merritt’s inquiry regarding staff providing comment on the AMO Alert relating to the Green Energy Act, the CAO advised that staff commented anytime there was an opportunity and that he would investigate this particular matter.

4. Treasurer/Director of Finance  
Re: Water Rates – Public Meeting

The Treasurer/Director of Finance advised that she was working on the 2009 water rates and that a notice would be appearing in the local newspaper advising of a public meeting to be held on June 22, 2009 at 6:45 p.m. The Treasurer/Director of Finance also noted that the Region had approved a 4% water rate increase however, had changed the rate structure resulting in the cost to the Township for water purchases of 18% using a three year average flow which resulted in an overall increase of 7% to our 2009 water budget. Accordingly, the Treasurer/Director of Finance was proposing a 9% increase for residential and a 5% increase for bulk water purchases as well as two additional new charges; one being a monthly interest rate fee for late payment, and the second being an NSF fee, both on bulk water purchases. The Treasurer/Director of Finance noted that a report with an amendment to Budget would be presented to the Administration/Finance/Fire Committee meeting and the new rates would be presented at the Public Meeting on June 22<sup>nd</sup> at 6:45 p.m.

11. **BY-LAWS:**

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 2009-36 To confirm proceedings of April 27, 2009 regular and May 19, 2009 Special, Council meetings.
- (b) By-law 2009-37 To amend by-law 2002-112 which, in part, establishes a tariff of fees under the Planning Act. (Committee of Adjustment By-law - Replace Schedule D – Tariff of Fees for Planning Matters)
- (c) By-law 2009-38 To amend By-law 2002-113 which prescribes a tariff of fees for the processing of applications made with respect to Planning Matters, as amended
- (d) By-law 2009-39 To authorize a Sewage Flow Monitoring Agreement with Riverview Poultry Limited
- (e) By-law 2009-40 To amend By-law 2006-157, as amended (which confirms various appointments to boards, committees and municipal positions of the township of West Lincoln), by repealing Schedule “J” which provides for appointments of Members to the Steering Committee for the Smithville Community Improvement Plan

- (f) By-law 2009-41 To authorize an Amending Site Plan Agreement with Belcom Holdings Limited (Smithville Medical Centre) (Original Site Plan Authorizing By-law 2007-56)

- Carried

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

That, By-laws 2009-36, 2009-37, 2009-38, 2009-39, 2009-40 and 2009-41 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 Norm Johnson and seconded by Alderman Mike Rehner:

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

- (a) By-law 2009-42 To amend By-law 2002-115 which confirms fees and charges for the Corporation of the Township of West Lincoln (2009/10 Arena Ice Rates Schedule A & reconfirm the 2009 Sports Field Rental Fees-Schedule B)

- (b) By-law 2009-43 To establish as a public highway a certain portion of Shurie Road, in the former Township of Gainsborough, now Township of West Lincoln, Regional Municipality of Niagara (Part 1 on Plan 30R-8541)

- (c) By-law 2009-44 To authorize an agreement between the Corporation of the Township of West Lincoln and Frank Cowan Insurance Company and Pearson-Dunn Insurance & Financial Services Inc. for the provision of municipal insurance coverage.

- (d) By-law 2009-45 To authorize the Mayor and Clerk to sign a Lease Agreement with Samantha J. Skelly (Sam's Hot Dog and Sausage Cart)

- Carried

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

That, By-laws 2009-42, 2009-43, 2009-44 and 2009-45 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

12. **CONFIDENTIAL MATTERS:**

Alderman Rehner left the meeting prior to the commencement of Confidential Matters as the issue under consideration related to the confidential minutes (Set 1) of the closed session portion of the April 27<sup>th</sup>, 2009 Council meeting for which he had declared a conflict of interest. Alderman Rehner did not return to the meeting after Confidential Matters were concluded.

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

That, the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001:

1. personal matters about an identifiable individual including labour relations and/or employee negotiations (including municipal or local board employees);
- Carried (7:52 p.m.)

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

That, this Council meeting does now resume in open session at 8:06 p.m.  
- Carried

- (a) Council Minutes – Regular  
April 27, 2009 – Confidential Minutes – Set 1

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

That the Confidential Minutes (Set 1) of the closed session portion of the April 27<sup>th</sup>, 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 direction to staff

13. **ADJOURNMENT:**

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

That, this Council meeting does now adjourn at the hour of 8:11 p.m. and if a special meeting is required it will be at the call of the Mayor.  
- Carried