



# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN



## COUNCIL MINUTES

**MEETING NO. EIGHT HELD:** Monday, July 19, 2010 - Township Administration Building,  
318 Canborough Street, Smithville, Ontario – 9:45 p.m.

**PRESENT:**

**Council:** Mayor Katie Trombetta  
Alderman Mary Dinga  
Alderman John Glazier  
Alderman Norm Johnson  
Alderman Sue-Ellen Merritt \* (see page 8)

**Staff:** Derrick Thomson, CAO  
Carolyn Langley, Clerk  
Brian Treble, Director of Planning & Building \*  
Adam Huycke, Planning Technician\*  
Rachelle Larocque, Planner\*  
Trevor Hall, Director of Public Works & Engineering\*  
Donna DeFilippis, Deputy Treasurer\*

**Others:** Chris Miller, Upper Canada Consultants\*  
Ann Meinen\*  
Jack Westman, Riverview Poultry \*

**ABSENT:** Alderman Douglas Joyner  
Alderman Mike Rehner

\* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman Mary Dinga
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**
  - (a) Alderman Merritt declared two conflicts of interest relating to Item 10(b) (City of Port Colborne – Request for Support - Request for Report on Results of Various Closures at Fort Erie and Port Colborne Hospitals) and Item 10(c) Town of Fort Erie - Request for Support (Endorsement of Local Recommendations contained in Ontario Health Coalition Report dated May 17/10) due to the fact that she was an employee of the Niagara Health System. Alderman Merritt did not take part in any discussion nor voting with respect to these items.
  - (b) Alderman Dinga declared a conflict of interest relating to Item 7(j) under Staff Reports, being Report PD-110-10 “Transfer from Planning Reserve to Growth Management Strategy Capital Account”, due to the fact that her husband owned property in the area for possible urban boundary expansion (Smithville). Alderman Dinga did not take part in any discussion nor voting with respect to this issue.

**3. COMMENTS FROM THE PUBLIC:**

There were no comments from the public.

**4. CONFIRMATION OF MINUTES:**

- (a) Council Minutes – Regular  
June 28, 2010

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

That, the minutes relating to the June 28, 2010 regular Council meeting be accepted without errors or omissions.

- Carried

**5. COMMUNICATIONS:**

- (a) Heart & Stroke Foundation of Ontario – Annual Pedal 100  
Re: Request to use Township Roads – August 15, 2010

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

(1) That, the correspondence from the Heart and Stroke Foundation of Ontario, dated July 6, 2010, requesting permission to use Township roads for their annual Pedal 100 for Heart and Stroke on Sunday, August 15<sup>th</sup>, 2010 be supported subject to meeting all Township requirements/conditions of the Township of West Lincoln's Special Events Policy; 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, any approval and/or required permits be obtained from the Region of Niagara.

- Carried

- (b) Terry Fox Run – September 19, 2010  
Re: Request to hold the 30<sup>th</sup> Annual Terry Fox Run in the Township of West Lincoln and waive rental cost of fairground pavilion (\$65.00) and advertising cost for area billboard for one week prior to event (\$60.00)

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

(1) That, the correspondence from Karen Peto, Terry Fox Run Organizer, dated July 10, 2010, requesting:

(i) Permission to hold the annual Terry Fox Run in the Township of West Lincoln on Sunday, September 19, 2010; and,

- (ii) Use of the arena washrooms, parking lot and fairground pavilion/picnic tables during the event; and,
- (iii) Waiving of the rental cost of \$65.00 for the fairground pavilion; and,
- (iv) Waiving of the advertising cost of \$60.00 for the event on the arena billboard 1 week prior to the event; and,
- (v) Permission to post lawn signs (16"x 24") on municipal property including the median gardens on Griffin Street) 1 week prior to the event.

be supported subject to meeting all Township requirements/conditions of the Township of West Lincoln's Special Events Policy; and,

- (2) That, the rental cost of the pavilion in the amount of \$65.00 and the advertising cost of \$60.00 for the event on the arena billboard for one week be transferred from the Community Sponsorship fund account to the Recreation Operating Account; and,
  - (3) 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 named as co-insured for the event; and,
  - (4) That, any approvals and/or required permits be obtained from the Region of Niagara.
- Carried

#### 6. APPOINTMENTS/PRESENTATIONS:

There were no appointments/presentations.

#### 7. STAFF REPORTS:

- (a) Planning Technician & Director of Planning & Building  
Re: Report No. PD-104-10 – Technical Report – Zoning By-law Amendment - Pett Antoniou (File No. 1601-006-10)

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

- (1) That, Report No. PD-104-10, dated July 19, 2010, relating to a Zoning By-law Amendment for Pett Antoniou, BE RECEIVED; and
- (2) That, a recommendation report be prepared and presented to the Planning/Building/Environmental Committee once a Planning Justification Report has been prepared by a qualified professional.

- Carried

- (b) Planner & Director of Planning & Building  
Re: Report No. PD-105-10 – Technical Report – DiCarlo Custom Homes Ltd. – Application for Rezoning, Official Plan Amendment and Plan of Condominium (File Nos. 1601-007-10, 1701-007-10 (#31), 2000-074-10 CDM)

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

- (1) That, Report No. PD-105-10, dated July 19, 2010, relating to an application made by DiCarlo Custom Homes Limited for Rezoning, Official Plan Amendment and Plan of Condominium, be RECEIVED; and
  - (2) That a Recommendation Report be provide once all agency and public comments have been received and reviewed. A second Public Meeting may also be preferred prior to a Recommendation Report and will be given consideration by Township Staff following the first Public Meeting.
- Carried AS AMENDED (see below)

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Norm Johnson:

That, Section 2 of the recommendation contained in Report No. PD-105-10, (relating to an application made by DiCarlo Custom Homes Limited for Rezoning, Official Plan Amendment and Plan of Condominium) be amended by deleting the words "may also be preferred" and replacing them with the words "shall be held".

- Carried

There was much discussion regarding the parkland designation on the subject property and Alderman Merritt questioned if there would be sufficient justification (precedent in our favour) to retain it as parkland even though it is in private ownership, if the application is appealed to the OMB.

Moved by Alderman John Glazier and seconded by Alderman Norm Johnson:

That, the CAO be directed to have discussions with DiCarlo Custom Homes Ltd regarding the designated parkland.

- Carried

- (c) Director of Planning & Building  
Re: Report No. PD-108-10–Technical Report–Official Plan Amendment–Township of West Lincoln–5 Year Review–Compliance/Rural Clusters (File No. 1701-001-07 (#15))

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

- (1) That Report No. PD-108-10, dated July 19, 2010, relating to Official Plan 5 Year Review - Future of Rural Clusters, BE RECEIVED; and,
- (2) That a future recommendation report be prepared for the 5 Year Review (OPA #15) and the Compliance Policies (OPA #21) no later than the September meeting of Planning/Building/Environmental Committee (the Committee).

- Carried

- (d) Planning Technician & Director of Planning & Building  
Re: Report No. PD-107-10 – Recommendation Report – Site Plan/Water Regulation & Zoning By-law Amendment - Riverview Poultry Ltd.

Alderman Merritt advised that she read the correspondence from the Region which indicated that they would support removal of the Holding Symbol if there was no increase in sewage discharge; however, Alderman Merritt questioned how we would know that there was no increase in sewage discharge.

The Director of Planning & Building advised that the Township had received a deposit from Riverview which will assist with construction of the pipe up Industrial Park Road which will solve the sewage problem. The Director of Planning & Building stated that once the Site Plan Agreement was finalized, they would be able to proceed.

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

- (1) That, Report No. PD-107-10, dated July 19, 2010, relating to Riverview Poultry Limited Amending Site Plan Agreement and a Zoning By-law Amendment, BE RECEIVED; and,
- (2) That, Zoning By-law application 1601-003-10 submitted by Riverview Poultry Limited, BE APPROVED; and,
- (3) That, no further public meeting is required pursuant to Section 34(17) of the Planning Act as the proposed modifications to the original application are minor in nature.

- Carried

- (e) Planner & Director of Planning & Building  
Re: Recommendation Report No. PD-102-10 – AT Realty Inc. (Agra Turf Equipment) Site Plan Authorizing By-law (amendment)

In response to Alderman Glazier's inquiry regarding the status of the by-law after September 23<sup>rd</sup> (date severance lapses), the Planner advised that the Site Plan still needed to be amended to correct deficiencies even if the severance lapses.

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

- (1) That, Report No. PD-102-10, dated July 19, 2010, regarding AT Realty Inc. (AgraTurf) Site Plan Authorizing By-law for Amending a Site Plan, BE RECEIVED; and
- (2) That the attached Authorizing By-law for site plan amendment for the purpose of authorizing the Mayor and Clerk to enter into an Amending Site Plan Agreement between the Township of West Lincoln, AT Realty Inc. and the Royal Bank of Canada, BE APPROVED.

- Carried

- (f) Director of Public Works & Engineering  
Re: Report RFD-PW-36/2010 – Tandem Truck Tender Results

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

- (1) THAT, report RFD PW-36/2010, re: Tandem Truck Tender Results, dated July 19<sup>th</sup>, 2010 be accepted; 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 \$191,966.93 plus HST; and,
- (3) THAT, this purchase be financed from the Equipment Reserve Fund, in accordance with the 2010 approved budget.

- Carried

- (g) Director of Public Works & Engineering  
Re: Report RFD-PW-37/2010 Guardrail Replacement Tender Results

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

- (1) THAT, Report RFD PW-37/2010, re: Guardrail Replacement Tender Results, dated July 19<sup>th</sup>, 2010, be received; and,
- (2) THAT, Council accept the tender submitted by 'Highway Clearing' in the amount of \$80,230.00 plus HST; and,
- (3) THAT, this purchase be financed from the Capital Reserve Fund, in accordance with the 2010 approved Budget.

- Carried.

- (h) Deputy Clerk  
Re: Report No. RFD-C-12-10 - Portion of Road Allowance Transfer – Part 1 on Reference Plan 30R 13549, Part of Road Allowance Between Concessions 1 & 2, Part of Lot 3, Concession 2, South Chippawa Road, former Township of Caistor (Van Straalen/Spagnoli)

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

- (1) That, Deputy Clerk report RFD-C-12-10, regarding “Portion of Road Allowance Transfer – Part 1 on Reference Plan 30R-13549, Part of Road Allowance Between Concessions 1 & 2, Part of Lot 3, Concession 2, South Chippawa Road, Former Township of Caistor (Van Straalen/Spagnoli)”, dated July 19, 2010, be received; and,
- (2) That, the Deputy Clerk be authorized to proceed with the conveyance and that a by-law be passed approving the conveyance of the portion of road allowance between Concessions 1 and 2, more specifically Part 1 on Reference Plan 30R-13549, in the Geographic Township of Caistor, now the Township of West Lincoln, to the owner of the property to the north of Part 1 on Reference Plan 30R -13549.

- (3) That, all legal and administrative costs be paid by Maria Van Straalen.  
- Carried

(i) **\*\*AMENDMENT TO BUDGET\*\***

Deputy Treasurer

Re: Report RFD-T-13-10– 2009 & 2010 Financial Update & Reserve Transfers

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

**AMENDMENT TO BUDGET:**

- (1) That, Report RFD-T-13-10, regarding the “2009 and 2010 Financial Update and Reserve Transfers” be received; and,
- (2) That the following transfers to reserves be approved:
- |                        |                |
|------------------------|----------------|
| Contingency Reserve    | \$50,000,      |
| Capital Reserve        | \$200,000,     |
| Winter Control Reserve | \$100,000,     |
| Planning Reserve       | \$50,000, and, |
- (3) That a \$20,000 transfer from the Insurance Reserve be approved, and
- (4) That the 2010 financial update attached as Appendix A be accepted.  
- Carried

(j) **\*\*AMENDMENT TO BUDGET\*\***

Director of Planning & Building

Re: Report No. RFD-PD-110-10 – Transfer from Planning Reserve to Growth Management Strategy Capital Account

Alderman Dinga declared a conflict of interest relating to Item 7(j) under Staff Reports, being Report PD-110-10 “Transfer from Planning Reserve to Growth Management Strategy Capital Account”, due to the fact that her husband owned property in the area for possible urban boundary expansion (Smithville). Alderman Dinga did not take part in any discussion nor voting with respect to this issue.

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Norm Johnson:

**AMENDMENT TO BUDGET:**

- (1) That, Report No. PD-110-10, dated July 19, 2010, relating to a Budget Amendment Transfer of \$50,000.00 from the Planning Reserve to the Growth Management Strategy Capital Account, be read and BE RECEIVED.
- (2) That \$50,000.00 be transferred from the Planning Reserve to the Growth Management Strategy Capital Account, 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) West Lincoln Public Library Board  
Re: June 10, 2010 Minutes

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

That, the June 10<sup>th</sup>, 2010 minutes of the West Lincoln Public Library Board meeting be received for information.

- Carried

- (b) Mayor Katie Trombetta  
Re: City of Port Colborne – Request for Support - Request for Report on Results of Various Closures at Fort Erie and Port Colborne Hospitals

Alderman Merritt declared a conflict of interest relating to Item 10(b) (City of Port Colborne – Request for Support - Request for Report on Results of Various Closures at Fort Erie and Port Colborne Hospitals) due to the fact that she was an employee of the Niagara Health System. Alderman Merritt did not take part in any discussion nor voting with respect to this issue.

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

That, the correspondence from the City of Port Colborne, dated May 25<sup>th</sup>, 2010 requesting support of their Council resolution which supports:

1. the combined efforts of the Southern Tier Municipalities to respectfully request the Canadian Association of Emergency Physicians to investigate and report on the results of the closure of the medical beds, the operating rooms and the emergency rooms at the hospitals in Fort Erie and Port Colborne and its effect on timely and equitable access to health care for the population of the Southern Tier of Niagara; and,
2. that such a report be considered in the development of a template for effective emergency health care in the Province of Ontario,  
be received and supported.

- Carried

- (c) Mayor Katie Trombetta  
Re: Town of Fort Erie - Request for Support – Endorsement of Local Recommendations contained in Ontario Health Coalition Report dated May 17/10

Alderman Merritt declared a conflict of interest relating to Item 10(c) Town of Fort Erie - Request for Support (Endorsement of Local Recommendations contained

in Ontario Health Coalition Report dated May 17/10) due to the fact that she was an employee of the Niagara Health System. Alderman Merritt did not take part in any discussion nor voting with respect to this issue.

Alderman Merritt left the meeting briefly at approximately 10:15 p.m.

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

That, the correspondence from the Town of Fort Erie, dated May 26<sup>th</sup>, 2010 requesting support of their Council resolution which:

endorses recommendations contained in the Ontario Health Coalition (OHC) Report under Section 1 a. Access to Care – Local Recommendations, more specifically sections 6 and 8;

and recommends:

that the Minister of Health and Long Term Care be respectfully requested to appoint an investigator at the earliest opportunity to carry out an investigation,

be received and supported.

- Carried

- (d) Alderman Sue-Ellen Merritt  
Re: Town of Fort Erie – Elimination of HST Requirements for Youth Initiatives

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

That, the correspondence from the Town of Fort Erie, dated June 23<sup>rd</sup>, 2010 regarding their Council resolution which petitions the Province of Ontario to eliminate HST requirement on all youth recreational sports, programs, activities, equipment and facility rental fees; be received and supported.

- Carried

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

Alderman Merritt re-entered the meeting at approximately 10:20 p.m.

1. Alderman Norm Johnson  
Re: Size of Agenda Package

Alderman Johnson reiterated his concern regarding the size to the agenda and the unnecessary volumes of paper provided which in his opinion, was excessive. Alderman Johnson suggested that it was time that the information be provided to Members of Council on a laptop computer.

Alderman Merritt reiterated her concern that she would not make decisions without having all the relevant material, nor would she approve minutes without knowing the content.

The Director of Planning noted that documentation had to be provided in order to address the material should the matter be appealed to the OMB.

Much discussion followed regarding this matter and Mayor Trombetta stated that the newly elected Council would have to address the issue in the new term of council.

2. Alderman Mary Dinga  
Re: Update on Kuiper Drainage Issue

In response to Alderman Dinga's request for an update on the Kuiper drainage issue, the Director of Public works & Engineering advised that a site meeting was scheduled for tomorrow morning with the Drainage Superintendent, the Drainage Engineer and himself and he hoped the matter would be addressed this year unless there were objections.

3. Alderman John Glazier  
Re: Update on Townline Road Project

In response to Alderman Glazier's request for an update on the Townline Road project noting that the design was different than the original plan, the Director of Public Works & Engineering noted that the center lane was not constructed as a third lane was not warranted at this time and further noted that the 3 bump outs were for traffic calming purposes and sidewalks were installed on both sides to Anderson Crescent and then on the south side only to Regional Road 20.

4. Alderman Sue-Ellen Merritt  
Re: VanBuuren Drain Branch A - Appeal to Drainage Tribunal

In response to Alderman Merritt's inquiry on the status of the appeal to the Drainage Tribunal of the VanBuuren Drain (Branch A), the Clerk confirmed that the hearing was held and the decision was expected within 30 days. Alderman Merritt requested a copy of the decision of the Drainage Tribunal when received.

5. Clerk  
Re: Motion for deliberating beyond 11:00 p.m.

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

That, this Council does now deliberate beyond the hour of 11:00 p.m.  
- Carried

**11. BY-LAWS:**

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

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

- (a) By-law 2010-61 To confirm proceedings of June 28, 2010 regular Council meeting

- (b) By-law 2010-62 To authorize an amending Site Plan Agreement with AT Realty Inc. and the Royal Bank of Canada (Agra Turf Equipment)
- (c) By-law 2010-63 To amend by-law 2002-112 which appoints a Committee of Adjustment, delegates the authority for considering applications for minor variances and consents, provides for compensation for the Members of the Committee of Adjustment, adopts policies, procedures and conditions for the operation of the Committee of Adjustment and establishes a Tariff of Fees under the Planning Act. (New Schedule D – Tariff of Fees)
- (d) By-law 2010-64 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. Replace Appendix “A”, “Tariff of Fees”, and Appendix “B”, “Schedule of Deposits”
- (e) By-law 2010-65 Zoning By-law Amendment – Riverview Poultry Limited
- (f) By-law 2010-66 To authorize the conveyance of a portion of municipal road allowance between Concessions 1 & 2, Geographic Township of Caistor, designed as Part 1 on Plan 30R-13549, Now Township of West Lincoln, in the Regional Municipality of Niagara (Van Straalen)

- Carried

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

That, By-laws 2010-61, 2010-62, 2010-63, 2010-64, 2010-65 and 2010-66 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:**

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. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board. (10:47 p.m.)

- Carried

The CAO and Clerk were in attendance during the closed session portion of the meeting. The Director of Planning was in attendance during a portion of the closed session portion of the meeting.

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

That, this Council meeting does now resume in open session at 11:08 p.m.

- Carried

- (a) Director of Planning & Building and Clerk  
Re: Legal Matter – Compliance Issues

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

That, Planning Staff be and are hereby authorized to proceed as directed in closed session with respect to a legal/compliance issue.

- Carried

- (b) Director of Planning & Building  
Re: Confidential Report No. PD-106-10 – Recommendation Report – Legal Matter – Minor Variance

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

- (1) That Report PD-106-10 dated July 19, 2010, regarding a Legal Matter (Minor Variance) BE RECEIVED; and,

- (2) That Staff be and are hereby authorized to proceed as directed in closed session.

- Carried

**13. ADJOURNMENT:**

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

That, this Council meeting does now adjourn at the hour of 11:10 p.m. and if a special meeting is required it will be at the call of the Mayor.

- Carried

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**CAROLYN LANGLEY, CLERK**

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**MAYOR KATIE TROMBETTA**