



# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN



## COUNCIL MINUTES

**MEETING NO. TWELVE:** \***TUESDAY**\*, October 12, 2010 - Township Administration Building, 318 Canborough Street, Smithville, Ontario - 7:00 p.m.

**PRESENT:**

**Council:** Mayor Katie Trombetta  
Alderman Mary Dinga  
Alderman John Glazier  
Alderman Norm Johnson  
Alderman Douglas Joyner  
Alderman Sue-Ellen Merritt  
Alderman Mike Rehner

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

**Others:** Lauren Richardson, United Way  
Mary Kovacs \*  
David Fair \*  
Alain Rocheleau \*

\* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman Sue-Ellen Merritt
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 – October 4, 2010  
Alderman Mary Dinga regarding Item P111-10 - Report PD-139-10 – Official Plan Amendment #21- Compliance Policies- husband owns property within the proposed urban boundary expansion area.

Alderman Mary Dinga declared a conflict of interest and/or disclosure of pecuniary interest with respect to By-law 2010-94 which was Amendment No. 21 to the Official Plan for the Township of West Lincoln (Compliance) as her husband owned property within the proposed urban boundary expansion area. Alderman Dinga noted that she would not be taking part in any discussion nor voting with respect to this issue.

3. **COMMENTS FROM THE PUBLIC:**

- (a) Mr. Dave Fair  
Re: Kennel By-law

Mr. Dave Fair advised that he had a question regarding the by-law relating to general kennel provisions. Mr. Fair asked if the Township's By-law Enforcement Officer would be looking after the by-law and ensuring that there was the right number of dogs on the property.

The Director of Planning & Building explained that zoning by-law infractions are dealt with on a complaint basis and that the licensing process was under review.

- (b) Mr. Alain Rocheleau  
Re: Question regarding status of Puppies

Mr. Rocheleau asked how often the properties would be visited to determine the number of dogs on the property given that puppies are considered dogs after a specific number of weeks.

The Director of Planning & Building noted that the process was not clear and was under review and that staff would be addressing this issue with the Humane Society. The Director of Planning & Building further noted that licensing was not a public process in that there was no notification regarding licensing issues.

Mr. Rocheleau stated that there should be ongoing visitation as pups become dogs at ten weeks.

- (c) Mrs. Mary Kovacs  
Re: Conflict of Interest – Baden Canine and Humane Society

Mrs. Kovacs stated that she had a difficulty with the Township using the Welland Humane Society as the son of Mr. Parry, who owned Baden Canine, was an employee and therefore it was a conflict of interest. Mrs. Kovacs further stated that she had received this information from a secondary source. (See Related discussion under Section 10(f) 4 below.)

In response to Mrs. Kovacs' statement that the Humane Society was not doing their job properly, Mayor Trombetta suggested that Mrs. Kovacs submit a formal complaint letter to the office in order for the Township to address the matter.

In response to Mrs. Kovacs' concerns regarding enforcement, the Director of Planning & Building stated that the Township's By-law Enforcement Officer will deal with zoning issues and the Humane Society deals with licensing complaints. The Director of Planning & Building further confirmed that noise infractions were dealt with by the Township's By-law Enforcement Officer.

**4. CONFIRMATION OF MINUTES:**

- (a) Council Minutes – Special  
September 27, 2010

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

That, the minutes relating to the September 27, 2010 special Council meeting be accepted without errors or omissions.

- Carried

- (b) Council Minutes – Regular  
September 27, 2010

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

That, the minutes relating to the September 27, 2010 regular Council meeting be accepted without errors or omissions.

- Carried

**5. COMMUNICATIONS:**

There were no communications.

**6. APPOINTMENTS/PRESENTATIONS:**

- (a) Lauren Richardson, Campaign Associate-United Way of St. Catharines & District  
Re: Services offered in West Lincoln

Ms. Lauren Richardson read from a prepared statement which is attached as Schedule "A" to these minutes.

Mayor Trombetta thanked Ms. Richardson for her presentation and thanked all the volunteers and the United Way for their efforts and dedication.

**7. REPORT OF COMMITTEE:**

- (a) Planning/Building/Environmental Committee  
Re: October 4, 2010 Minutes

**SUMMARY OF RECOMMENDATIONS:**

- (a) ITEM P108-10  
The Planning/Building/Environmental Committee hereby approve the following Consent Agenda Items:
1. Items 1 to 3 be hereby received for information.  
(ITEM P108-10)
    - (1) Heritage Committee – Minutes of May 12, 2010
    - (2) Heritage Committee - Minutes of June 15, 2010

- (3) Information Report PD-138-10 – Appeal to the Ontario Municipal Board by the Township of West Lincoln and the Region of Niagara of Consent B5/2010WL (application by Lynn and Tom Bradt and Stewart and Gale Inglis))
- (b) ITEM P109-10
  - (1) That Report PD-140-10, dated October 4, 2010, regarding the Request for Removal of the Holding Zone on Blocks 101 & 102, 30M-341, Alma Acres Phase III, Andy and Pauline Alma, BE RECEIVED; and,
  - (2) That, a by-law to remove the Holding Symbol from Blocks 101 and 102, 30M-341 (applicant: Andy & Pauline Alma) be approved; and,
  - (3) That the Mayor and Clerk be and are hereby authorized to sign the transfer documents to permit the conveyance of Block 102 Plan 30M-341 (1 foot reserve) to Andy and Pauline Alma for use in conjunction with the residential building lot (Block 101), and that all expenses be borne by the benefitting party.
- (c) ITEM P110-10
  - (1) That, Report No. PD-141-10, dated October 4, 2010, relating to Official Plan Amendment #15- 5 Year Review, BE RECEIVED; and,
  - (2) That, a by-law to adopt Amendment No. 15, Official Plan 5 Year Review, BE APPROVED; and,
  - (3) That, Official Plan Amendment No. 15, being the Township of West Lincoln 5 Year Review, be forwarded to the Region of Niagara for approval; and,
  - (4) That, the Township of West Lincoln 5 Year Review is not complete until deferral area #1 (status and boundary of Grimsby Centre) is reviewed and approved and/or refused by Council for the Township of West Lincoln.
- (d) ITEM P111-10
  - (1) That, Report No. PD-139-10, dated October 4, 2010, relating to Official Plan Amendment #21 – Compliance Policies, BE RECEIVED; and,
  - (2) That, a By-law to adopt Amendment No. 21 to the Official Plan for the Township of West Lincoln, BE APPROVED; and,
  - (3) That, the Official Plan Amendment No. 21, the Compliance Amendment, be forwarded to the Region of Niagara for approval; and,

- (4) That, the Council for the Township of West Lincoln hereby confirms that the Township of West Lincoln's Comprehensive Review, as required by the Planning Act, shall not be deemed as complete until such time as an application for Urban Boundary Expansion, within the Settlement Boundary Expansion Area, has been completed and approved as the final step in the Compliance review process.
- (e) ITEM P112-10
- (1) That, Report No. PD-137-10, dated October 4, 2010, relating to an application for rezoning by The Dresser Drawer, BE RECEIVED; and
- (2) That, Zoning By-law Application 1601-002-10 submitted by The Dresser Drawer, 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.
- (f) ITEM P113-10  
RESOLUTION #1:
- (1) That, Report No. PD-142-10, dated October 4, 2010, relating to Provincial Policy Statement Review, BE RECEIVED; and
- (2) That, Report No. PD-142-10 be forwarded to the Ministry of Municipal Affairs and Housing as the Township's formal comments regarding the Provincial Policy Statement review.
- REFERRED (see below).
- RESOLUTION #2 (Referral Motion):  
That, Item P113-10 (Report No. PD-146-10 – Recommendation Report – Provincial Policy Statement Review) be referred to the October 12<sup>th</sup>, 2010 Council meeting in order to allow staff to amend their report to reflect the comments made by Committee Members at the October 4<sup>th</sup>, 2010 Planning/Building/Environmental Committee meeting.
- (g) ITEM P114-10  
That, staff be directed to undertake a review of by-law enforcement hours with the intent of increasing the allocation and that the associated cost be referred for consideration during the 2011 Budget deliberations.
- (h) ITEM P115-10  
RESOLUTION #1:  
BE IT RESOLVED THAT the Township of West Lincoln hereby supports the West Lincoln Wind Action Group's (WLWAG) desire to increase the public's understanding and awareness of Industrial Wind Turbine and their impacts on the Township and its residents; and,

THAT, AS A RESULT, Township staff are hereby directed to review and approve a package of material that will be prepared and forwarded to the West Lincoln Library board for their consideration for placement in the three Township libraries; and,

THAT, this resolution be and is hereby approved prior to ratification by Council.

RESOLUTION #2

WHEREAS the July 6, 2010 report (PHD 33-2210) by the Region of Niagara Medical Officer of Health did not discuss the June 3, 2010 critique of the Ontario Medical Officer of Health's report by the Society for Wind Vigilance nor the current IWP legal challenge of the Green Energy Act by Ian Hanna, which is based on the government's failure to respect the Precautionary Principal; and,

AND WHEREAS additional significant health evidence will be presented at the First International Symposium on Adverse Health Effects and Industrial Wind Turbines to be held in Picton Ontario on October 29-31,2010;

NOW THEREFORE BE IT RESOLVED THAT, the Township of West Lincoln shall forward this information and materials to the Niagara Regional Health Department for their information, review and analysis; and,

THAT, this resolution be and is hereby approved prior to ratification by Council.

RESOLUTION #3

WHEREAS the Ontario Green Energy and Green Energy Act removed from the Municipality any planning authority over renewable energy projects within their jurisdiction; and,

WHEREAS significant public concern and opposition to Industrial Wind Turbines has been expressed across the Province, together with seventy Municipal Councils now passing resolutions for a wind turbine moratorium on Industrial Wind Turbine development;

NOW THEREFORE BE IT RESOLVED THAT the Premier of Ontario be requested to restore local planning approval authority, immediately, to local governments regarding decisions on Industrial Wind Turbines; and,

FURTHER THAT, a moratorium be placed on the establishment of any new Industrial Wind Turbine developments in Ontario until a comprehensive, independent, and peer-reviewed scientific study can confirm that industrial wind energy projects do not pose a risk to the community, the health of its citizens, property values and the rural environment; and,

THAT this resolution be forwarded with a request for action to: the Premier's Office, the Ontario Ministries of Health, Environment and Energy; Niagara Region's MPPs; and MPs: the Association of Municipalities of Ontario (AMO); Federation of Canadian Municipalities (FCM); Niagara Regional Council; Niagara Regional Medical Officer of Health and all Niagara area municipalities; and,

THAT, this resolution be and is hereby approved prior to ratification by Council.

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

That, the minutes relating to the Planning/Building/Environmental Committee meeting held on October 4, 2010, be received and that the recommendations contained therein, be approved, with the exception of Items no. P111-10.

- Carried

**ITEM P111-10 - Report No. PD-139-10 – Official Plan Amendment # 21 – Compliance Policies**

**NOTE:** Alderman Mary Dinga declared a conflict of interest and/or disclosure of pecuniary interest with respect to Item P111-10 (Report No. PD-139-10 - Official Plan Amendment #21 – Compliance Policies) as her husband owned property within the proposed urban boundary expansion area. Alderman Dinga noted that she would not be taking part in any discussion nor voting with respect to this issue.

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

That, Item P111-10 from the October 4, 2010 Planning/Building/ Environmental Committee meeting be approved:

(ITEM P111-10

- (1) That, Report No. PD-139-10, dated October 4, 2010, relating to Official Plan Amendment #21 – Compliance Policies, BE RECEIVED; and,
- (2) That, a By-law to adopt Amendment No. 21 to the Official Plan for the Township of West Lincoln, BE APPROVED; and,
- (3) That, the Official Plan Amendment No. 21, the Compliance Amendment, be forwarded to the Region of Niagara for approval; and,
- (4) That, the Council for the Township of West Lincoln hereby confirms that the Township of West Lincoln's Comprehensive Review, as required by the Planning Act, shall not be deemed as complete until such time as an application for Urban Boundary Expansion, within the Settlement Boundary Expansion Area, has been completed and approved as the final step in the Compliance review process.)

- Carried

**8. RECONSIDERATION:**

There were no items for reconsideration.

**9. NOTICE OF MOTION:**

There were no notices of motion.

**10. OTHER BUSINESS:**

- (a) Planner and Director of Planning & Building  
Re: Report PD-143-10 – Recommendation Report – Provincial Policy Statement Review

Alderman Merritt noted her concern regarding the paragraph on page 143 of the agenda (4<sup>th</sup> paragraph on page 2 of the report) which provided that an APO designation could be reversed and therefore the designation may no longer be “in perpetuity” which could create an opportunity for misuse of the policy. Alderman Merritt noted that she could not support the wording in the paragraph in its current form. Alderman Merritt was noted as opposed.

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

That, Report No. PD-143-10, dated October 12, 2010, relating to Provincial Policy Statement Review, BE RECEIVED; and,

That, Report No. PD-143-10 be forwarded to the Ministry of Municipal Affairs and Housing as the Township’s formal comments regarding the Provincial Policy Statement review.

- Carried

- (b) Coordinator of Engineering Services & Director of Planning & Building  
Re: Memo – By-law to assume Streets in Alma Acres  
Received for Information.

- (c) Clerk  
Re: Report RFD-C-15-2010 - Appointment of Niagara Compliance Audit Committee Members

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

That, Report RFD-C-15-2010, “Appointment of Niagara Compliance Audit Committee Members”, be received; and,

That, by-law 2010-57 which established the Niagara Compliance Audit Committee and Terms of Reference, be amended to provide for the appointment of the following individuals to the Niagara Compliance Audit Committee for a term ending November 30, 2014 or until their successors are appointed:

Margo L. Pinder  
John K. Bice  
Allan G. Andrews  
Arthur Robert Hildebrandt  
John W. Bald  
Alexandar Sutic  
David Barrett

- Carried

- (d) CAO  
Re: RFD-CAO-09-2010 - Bill 168 Health & Safety Policies  
(POL-CAO-01-10 - Workplace Violence Program Procedure Policy & POL-  
CAO-02-10 - Workplace Harassment Program Procedure Policy)  
RISK ASSESSMENT UNDER SEPARATE COVER

There was much discussion regarding the proposed policies and Alderman Merritt suggested that the wording should be changed to provide that an independent investigator be required and put forward an amendment in that regard.

There was general discussion regarding the proposed policy and the 1996 Harassment policy adopted by the Township. The CAO advised that it had been reviewed and incorporated into the new proposed policies.

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

- (1) That, Report RFD-CAO-09-210, dated October 12<sup>th</sup>, 2010, regarding Bill 168 Health & Safety Policies (POL-CAO-01-10 - Workplace Violence Program Procedure Policy & POL-CAO-02-10 - Workplace Harassment Program Procedure Policy), be received and;
  - (2) That, Council hereby approves the attached policies (POL-CAO-01-10 - Workplace Violence Program Procedure Policy & POL-CAO-02-10 - Workplace Harassment Program Procedure Policy).
- Carried AS AMENDED (see below)

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

That, the CAO be and is hereby directed to amend the policies to provide that any references to investigations are changed to reflect that the investigations are to be undertaken by the appointment of an independent investigation team by the CAO.

- Carried

- (e) Clerk  
Re: By-law 2010-83 - By-law 2010-83 – General Kennel Provisions

Mayor Trombetta explained and the Clerk confirmed that notice of the passing of By-law 2010-83 was sent to the local newspaper for publication and they

erroneously published the wrong notice; therefore, the timeline for notice was not met and a new by-law would have to be enacted to meet the notice requirements.

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

That, By-law 2010-83 (Zoning by-law Amendment – General Kennel Provisions) be repealed and re-enacted to provide for proper notice requirements.

- Carried

(f) Members of Council  
Re: Other Business Items

1. Alderman John Glazier  
Re: Withdrawal of Candidate in Ward 3

In response to Alderman Glazier's inquiry regarding the withdrawal of a candidate in Ward 3, the Clerk explained that the candidate could not withdraw as the opportunity to withdraw had expired on nomination day.

There was much discussion regarding this matter and the Clerk explained that the Municipal Election law was clear with respect to withdrawals and that the candidates name will remain on the ballot.

2. Alderman Sue-Ellen Merritt  
Re: Police Services Report – Rate Increases

In response to Alderman Merritt's question if the new rates noted in the recent newsletter from the Police Services Board were salary increases for officers, Mayor Trombetta advised that she would inquire and report back to Alderman Merritt.

3. Alderman Mike Rehner  
Re: Misquote in Newspaper

Alderman Rehner noted that the local newspaper had misquoted him regarding the YMCA as he had only indicated that it would be located in Grimsby.

4. Alderman Norm Johnson  
Re: Clarification regarding Humane Society Employee

Alderman Johnson advised that he wished to provide some clarity on the issue raised by Mrs. Kovacs with respect to Mr. Parry's son being an employee of the Humane Society. Alderman Johnson advised that Mr. Parry's son worked for the Hamilton Humane Society and not the Welland Humane Society.

**11. BY-LAWS:**

Moved by Alderman Douglas Joyner 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 2010-90 To confirm the proceedings of the September 27, 2010 Special and September 27, 2010 regular Council meetings.
- (b) By-law 2010-91 Zoning by-law Amendment (remove Holding Symbol from Blocks 101 and 102, 30M-341 - Andy & Pauline Alma)
- (c) By-law 2010-92 Relates to the transfer of a one foot reserve to Andy and Pauline Alma
- (d) By-law 2010-93 To adopt Amendment No. 15 to the Official Plan for the Township of West Lincoln (Five Year Review) OPA #15

- Carried

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

That, By-laws 2010-90, 2010-91, 2010-92 and 2010-93 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 Sue-Ellen Merritt and seconded by Alderman John Glazier:

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

- (a) By-law 2010-94 To adopt Amendment No. 21 to the Official Plan for the Township of West Lincoln (Compliance)

- Carried

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

That, By-law 2010-94 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 Mike Rehner and seconded by Alderman Norm Johnson:

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

- (a) By-law 2010-95 Zoning By-law Amendment (The Dresser Drawer)
- (b) By-law 2010-96 To amend By-law 2010-57 which established the Niagara Compliance Audit Committee for the Township of West Lincoln (appoint members)
- (c) By-law 2010-97 Relates to the assumption of streets in Alma Acres-Phase III
- (d) By-law 2010-98 Zoning by-law Amendment – General Kennel Provisions (and repeal By-law 2010-83)  
- Carried

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

That, By-laws 2010-95, 2010-96, 2010-97 and 2010-98 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:**

There were no confidential matters.

**13. ADJOURNMENT:**

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

That, this Council meeting does now adjourn at the hour of 8:20 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**