



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN



COUNCIL MINUTES

MEETING NO. SIX HELD: Monday, April 27, 2009 - 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:** Tom Richardson, Township of West Lincoln Solicitor *
Bruce Ecker, Dufferin Street *
Cheryl Ecker, Dufferin Street *
Ralph Beaudin, Dufferin Street *
Imie Colyn *
Allard Colyn *
Randy Colyn *
Wendy Colyn *
Jesse Colyn *
Braden Colyn *
Tarin Colyn *
Levi Moesker *
Gabe Ellis *
Martin Poos *
Rick Van Leeuwen *
One other Member of the Public *
- Media:** Dave Chappel, West Niagara News *
William Kelly, Cogeco *

* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman Mike Rehner
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**
 - (a) Alderman Mary Dinga declared a conflict of interest and/or disclosure of pecuniary interest with respect to Item P36-09(1) (Consent Agenda Item #1 - Correspondence - Niagara Region Integrated Community Planning - Re: Niagara 2031 – Adoption of a Preferred Growth Option for Niagara and A Strategy for the Gateway Economic Zone and Centre) from the April 14, 2009

Planning/Buliding/Environmental Committee minutes due to the fact that her husband owned property in the area for possible urban boundary expansion (Smithville). Alderman Dinga advised she would not take part in any discussion nor voting with respect to this issue.

- (b) Alderman Mary Dinga declared a conflict of interest and/or disclosure of pecuniary interest with respect to Item P44-09 (Report No. PD-054-09 – Recommendation Report – Provincial Compliance Exercise Request for Extension) from the April 14, 2009 Planning/Buliding/Environmental Committee minutes due to the fact that her husband owned property in the area for possible urban boundary expansion (Smithville). Alderman Dinga advised she would not take part in any discussion nor voting with respect to this issue.
- (c) Alderman Mary Dinga declared a conflict of interest and/or disclosure of pecuniary interest with respect to Other Business Item 10(b) relating to the “Building Canada Fund - Intake 2” issue, due to the fact that her husband owned property on Townline Road. Alderman Dinga advised she would not take part in any discussion nor voting with respect to this issue.
- (d) Alderman Mike Rehner declared a conflict of interest at a later point in the meeting relating to Item (A) under Confidential Matters as it related to an application affecting his property. Alderman Rehner left the meeting during discussion of this matter in closed session and did not participate in discussion nor vote with respect to this matter when dealt with in open session.

3. COMMENTS FROM THE PUBLIC:

- (a) Mr. Bruce Ecker
Re: Dufferin Street parking Issue

Mr. Bruce Ecker inquired why no parking was proposed on the east side of Dufferin Street and questioned what it would solve.

Mayor Trombetta advised that the issue of parking on Dufferin Street had been referred back to staff and that Mr. Ecker was welcome to make an appointment at the next Public Works Committee meeting to review his concerns.

- (b) Mr. Ralph Beaudin
Re: Dufferin Street Parking

Mr. Beaudin asked if residents would be notified by letter regarding upcoming meetings relating to the parking issue on Dufferin Street.

The Clerk confirmed that if residents who were in attendance could leave their numbers, staff would attempt to contact them regarding the upcoming meeting relating to the Dufferin Street parking issues.

4. CONFIRMATION OF MINUTES:

- (a) Council Minutes – Regular
March 23, 2009

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

That, the minutes of the March 23, 2009 regular Council meeting be accepted without errors or omissions.

- Carried

- (b) Council Minutes – Special – VanBuuren Municipal Drain Branch A
March 23, 2009

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

That, the minutes of the March 23, 2009 Special Council meeting (VanBuuren Municipal Drain – Branch A) be accepted without errors or omissions.

- Carried

- (c) Public Meetings under the Planning Act
April 14, 2009 Minutes

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

That, the minutes of a public meeting held on April 14, 2009, under Section 34 of the Planning Act, with respect to:

- (a) a Zoning By-law Amendment – Randy Colyn
be accepted.

- Carried

- (d) Public Meeting–Naming of Streets in Spring Creek Estates & Station Meadows
March 9, 2009 Minutes

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

That, the minutes of a public meeting held on April 14, 2009 with respect to naming of streets in Spring Creek Estates & Station Meadows, be accepted.

- Carried

5. COMMUNICATIONS:

There were no communications.

6. APPOINTMENTS/PRESENTATIONS:

- (a) Mr. Gabe Ellis
Re: Tree of Life

Mr. Ellis advised that he was in attendance to correct an error that was reported in a local newspaper. Mr. Ellis advised that all proceeds from the operation of the snack bar at the Leisureplex park were donated in their entirety and not ½ the proceeds as was reported. Mr. Ellis further confirmed that over 1000 volunteer hours were donated as well.

Mr. Ellis explained that the Tree of Life was committed to giving back to the community and that this year, they were asking if they could donate the proceeds to Community Care as there were over 100 needy families in the community. Mr. Ellis further stated that he understood if a minimal administration cost was needed by the Township; however, was requesting that it be minimal out of respect for the many hours of free time donated by dedicated volunteers.

Mayor Trombetta thanked Mr. Ellis for explaining and clarifying this issue and advised him that a report would be coming to Council at a future date and that he would be contacted regarding further discussion of his proposal.

7. REPORT OF COMMITTEE:

(a) Planning/Building/Environmental Committee
Re: April 14, 2009 Minutes

(a) ITEM P36-09

The Planning/Building/Environmental Committee hereby approve the following Consent Agenda Items:

1. Items 1 to 7 are hereby received for information, with the exception of Items # 1, 3 and 5.

(Item P36-09

- (1) Correspondence - Niagara Region Integrated Community Planning - Re: Niagara 2031 – Adoption of a Preferred Growth Option for Niagara and A Strategy for the Gateway Economic Zone and Centre
- (2) Correspondence - Ministry of the Environment - West Central Region – Re: Smithville Phase IV Bedrock Remediation Site Operations Summary Report – October 1, 2008 to December 31, 2008
- (3) Information Report No. PD-051-09 – Official Plan Five Year Review – Introduction of proposed Natural Environment Policies
- (4) Information Report No. PD-055-09 – Update on Green Energy Act
- (5) Information Report No. PD-056-09 – Update on Baker Road Wastewater Treatment Plant Servicing Strategy Plan
- (6) Information Report – Building Permit Report – March 2009
- (7) West Lincoln Heritage Committee re: Minutes of February 12, 2009)

- (b) ITEM P37-09
That, the correspondence dated February 3, 2009 from the City of Hamilton requesting support of their resolution enacted by their Council on January 28, 2009, with respect to Bill 138, Protection of Public Participation Act, 2008; be received and supported.
- (c) ITEM P38-09
That, the petition received on March 30, 2009 as submitted by Mr. Joe DeRuiter on behalf of a group of residents from the Township of West Lincoln advising of their opposition to the construction of a Rogers Cell Tower at Planed Site C3310 (Canboro Road & Regional Road 24) and to request that Township Council, send a corrected revised letter to the Town of Pelham and Kamans Auto Service; be received and supported.
- (d) ITEM P39-09
- (1) That, Report PD-049-09, dated April 14, 2009, regarding a By-law to name streets in the Spring Creek Estates and Stations Meadows Subdivisions, BE RECEIVED; and,
 - (2) That, Council approve the following street names for the Spring Creek Estates and Station Meadows Subdivisions in accordance with Schedule 'A' attached hereto:
 1. Las Road
 2. Hornak Road
 3. Spring Creek Road
 4. Sarah Crescent
 5. Van Woudenberg Way
 - (3) That, Council pass a By-law for each plan of subdivision development to name the streets in these Plans of Subdivisions.
- (e) ITEM P40-09
That, Report No. PD-050-09, dated April 14, 2009, relating to Zoning By-law Amendment application 1601-002-09 in the name of Randy Colyn, BE APPROVED.
- (f) ITEM P41-09
- (1) That, Report PD-053-09, dated April 14, 2009, regarding proposed amendments to Property Standards By-law 98-105 relating to drainage and sewage BE RECEIVED; and,
 - (2) That, the attached draft by-law be presented to Council which amends By-law 98-105 (Property Standards By-law) by adding new sub-sections 2.17.2 and 2.28.3 and amending Section 2.17.1.
- (g) ITEM P42-09
- (1) That, Report No. PD-060-09, dated April 14, 2009, relating to proposed amendments to the Agricultural Regulations is the Zoning By-law BE RECEIVED; and
 - (2) That Staff be authorized to hold a Public Meeting at a future Planning/Building/Environmental Committee meeting with respect to the proposed changes, as required under Section 34 of the Planning Act.

- (h) ITEM P43-09
 - (1) That, Report No. PD-052-09, dated April 14, 2009 regarding an Amending Site Plan Authorizing By-law for Wes-Li Gardens Plan of Condominium Extension (now owned by R.V.L. Contracting Inc.) BE RECEIVED; and,
 - (2) That, a By-law authorizing the Mayor and Clerk to enter into an amending site plan agreement between the Township of West Lincoln and R.V.L. Contracting Inc. and Jenny Smit, BE APPROVED; and,
 - (3) That, By-law 2008-149, which authorized an Amending Site Plan Agreement with Van Fab Limited and Jenny Smit, BE REPEALED.

- (i) ITEM P44-09
 - (1) That, Report No. PD-054-09, dated April 14, 2009, relating to the Provincial Compliance Exercise request for extension, BE RECEIVED;
 - (2) That Staff be authorized to forward a request to the Ministry of Infrastructure and Energy requesting an extension of the timeframe for completing the Official Plan conformity exercise with the Places to Grow document; and
 - (3) That Staff be authorized to compose a letter to the Regional Commissioner of Integrated Community Planning that establishes the Township's expectation of policies included in the Region's conformity exercise that will recognize the Urban Boundary Expansion in Smithville.

- (j) ITEM P36-09 (3)

That, Report No. PD-051-09, dated April 14, 2009, relating to the Official Plan Five Year Review of the Introduction of proposed Natural Environment Policies, be RECEIVED for information.

- (k) ITEM P36-09 (5)

That, Report No. PD-056-09, dated April 14, 2009, relating to an update on the Baker Road Wastewater Treatment Plant Servicing Plan, be RECEIVED for information.

- (l) ITEM P36-09 (1)

That, the correspondence from Niagara Region Integrated Community Planning, dated March 12, 2009, regarding "Niagara 2031 – Adoption of a Preferred Growth Option for Niagara and A Strategy for the Gateway Economic Zone and Centre" be received for information.

- (m) ITEM P45-09
 - (1) That, commencing in May 2009, the Public Meeting(s) under the Planning Act start at 6:30 p.m. on a trial basis for a four month period and that this matter be re-addressed at the August 2009 Planning/Building/Environmental Committee meeting; and,

- (2) That, due to timing constraints with respect to notification for the May Public Meetings under the Planning Act, this matter be approved prior to ratification of Council.

- (n) ITEM P46-09
RECOMMENDATION #1:
 - (1) That, report RFD PW-20/2009, re: South Grimsby Road #13 – Legal Matter, dated April 14, 2009 be accepted, and;
 - (2) That, Staff be authorized to proceed as directed in closed session.
RECOMMENDATION #2:

That, staff be authorized to proceed as directed in closed session with respect to a litigation issue.

- (o) ITEM P47-09
 - (1) That, Report PD-057-09, dated April 14, 2009, regarding a Legal Matter – Zoning Enforcement, BE RECEIVED; and
 - (2) That staff BE AUTHORIZED to proceed as directed in closed session.

- (p) ITEM P48-09
 - (1) That, Report PD-058-09, dated April 14, 2009, regarding a Legal Matter – By-law Enforcement, BE RECEIVED; and
 - (2) That staff BE AUTHORIZED to proceed as directed in closed session.

Alderman Johnson noted his concerns regarding the proposed amendments to the Agricultural Regulations in the Zoning by-law, specifically with respect to:

- 1) The requirement for submission of an application to the Committee of Adjustment for the addition of a porch on the side of a building/house adjacent to a structure that contains livestock; and,
- 2) The change for setbacks in the Agricultural Zone from 30 meters to 20 not being sufficient – suggesting it should be 15 meters.

Alderman Johnson requested that the above noted concerns be considered during the review of this matter.

Mayor Trombetta agreed with Alderman Johnson's comments and requested that Alderman Johnson raise this matter at the next Planning/Building/Environmental Committee meeting for further discussion.

In response to Alderman Glazier's inquiry regarding the time line for a report on itinerant licensing, the CAO advised that a report should be forthcoming within approx. six months.

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

That, the minutes relating to the open session portion of the Planning/Building/Environmental Committee meeting held on April 14, 2009, be received and that the recommendations contained therein, be approved, with the exception of Items no P36-09(1) and P44-09.

That the confidential minutes of the closed session portion of the April 14, 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 P36-09(1) – Niagara Region – Adoption of a Preferred Growth Option

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

That, Item P36-09(1) from the April 14, 2009 Planning/Building/Environmental Committee minutes be approved.

(P36-09(1))

That, the correspondence from Niagara Region Integrated Community Planning, dated March 12, 2009, regarding “Niagara 2031 – Adoption of a Preferred Growth Option for Niagara and A Strategy for the Gateway Economic Zone and Centre” be received for information.)

- Carried

The Director of Planning & Building entered the meeting at approx. 7:20 p.m.

Item P44-09 – Provincial Compliance Exercise – Request for Extension

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

That, Item P44-09 from the April 14, 2009 Planning/Building/Environmental Committee minutes be approved.

(ITEM P44-09)

(4) That, Report No. PD-054-09, dated April 14, 2009, relating to the Provincial Compliance Exercise request for extension, BE RECEIVED;

(5) That Staff be authorized to forward a request to the Ministry of Infrastructure and Energy requesting an extension of the timeframe for completing the Official Plan conformity exercise with the Places to Grow document; and

(6) That Staff be authorized to compose a letter to the Regional Commissioner of Integrated Community Planning that establishes the Township’s expectation of policies included in the Region’s conformity exercise that will recognize the Urban Boundary Expansion in Smithville.)

- Carried

- (b) Administration/Finance/Fire Committee
Re: April 20, 2009 Minutes

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM A35-09
The Administration/Finance/Fire Committee hereby approves the following Consent Agenda Items:
1. Item 1 be hereby received for information, and
 2. Item 2 & 3 hereby approved and the recommendations contained therein be adopted.
 - (1. Joint Accessibility Advisory Committee – Minutes of March 12, 2009
 2. Recommendation Report - RFD-T-05-09 – Building Canada Fund – Communities Component (BCF-CC) – Contribution Agreement for Infrastructure Projects
RECOMMENDATION:
 1. That, the Treasurer Report RFD-T-05-09, regarding the “Building Canada Fund – Communities Component (BCF-CC)- Contribution Agreement for Infrastructure Projects” be received; and,
 2. That, a by-law be presented to Council authorizing the Mayor and the Clerk to sign and execute the Contribution Agreement as provided by the Ministry of Energy and Infrastructure and the Ministry of Agriculture, Food and Rural Affairs- Rural Community Development Branch.
 3. Recommendation Report – RFD-T-06-09 – Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) – Amended Funding Agreement)
RECOMMENDATION:
 1. That, the Treasurer Report RFD-T-06-09, regarding the “Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) Amended Funding Agreement” be received; and,
 2. That, a by-law be presented to Council authorizing the Mayor and the Clerk to sign and execute the Amending Agreement as provided by the Ministry of Agriculture, Food and Rural Affairs- Rural Community Development Branch.

- (b) ITEM A36-09
- (1) THAT, RFD FD 09-03, re: Architectural Services for Design and Contract Administration Services dated April 20, 2009 be accepted; and,
 - (2) THAT, a by-law be adopted to authorize the Mayor and Clerk to sign an agreement with Raimondo & Associates Architects Inc. for Architectural Services for Design and Contract Administration Services in the amount of \$114,950.00 taxes included.

- (c) ITEM A37-09
 - (1) That, Report RFD-T-04-09 regarding Corporate Sponsorship - 2009, dated April 20, 2009, be received; and,
 - (2) That, the Township approve the corporate sponsorships and grants for community groups, cemetery and hall boards for 2009 as contained in this report.

- (d) ITEM A38-09
 - (1) That Report RFD-CAO-04-09, dated April 20, 2009, regarding "POL-ADMIN-01-09 - Policy Statement - Township Values" be received; and,
 - (2) That, POL- ADMIN-01-2009 "Policy Statement - Township Values", attached as Schedule A to this report, be adopted as the Statement of Values for the Corporation of the Township of West Lincoln.

- (e) ITEM A39-09
 - (1) That Report RFD-CAO-05-09, dated April 20, 2009, regarding "Customer Service Training Program" be received; and,
 - (2) That the Customer Service Training Manual, attached as Schedule "A" to this report, be adopted as the training manual for the Township's Customer Service Training Program; and,
 - (3) That the CAO provide customer service training to all staff, intermittently throughout 2009.

- (f) ITEM A41-09
 - That, the CAO be directed to investigate the issue of itinerant licencing.

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

That, the minutes of the open session portion of the Administration/Finance/Fire Committee meeting held on April 20, 2009, be received and that the recommendations contained therein, be approved.

That the confidential minutes of the closed session portion of the April 20, 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

- (c) Public Works/Recreation/Arena Committee
Re: April 20, 2009 Minutes

SUMMARY OF RECOMMENDATIONS:

- (a) ITEM PW32-09
The Public Works/Recreation/Arena Committee approve the following consent agenda Items:
1. Item 1 be hereby approved and the recommendations contained therein be adopted.
 1. (West Lincoln Public Library Board Minutes – March 5, 2009)
- (b) ITEM PW33-09
RECOMMENDATION #1:
- (1) That, the correspondence from Mr. Mike Firmin, Chairman, Poultry Fest Niagara, dated December 31, 2008, be received; and,
 - (2) That, the Council of the Corporation of the Township of West Lincoln declare the Poultry Fest Festival as a “Community Festival” in accordance with the Liquor License Act of Ontario and the Alcohol and Gaming Commission of Ontario, which festival is to be held on Saturday, June 27th, 2009 at the West Lincoln Community Centre/Arena; and,
 - (3) That the Poultry Fest executive be informed that the Township of West Lincoln has no objection to the sale of alcoholic beverages in the West Lincoln Arena Floor on Saturday, June 27th, 2009, subject to meeting all Township requirements with respect to the use of Township facilities for special events; and,
 - (4) That, confirmation is given to the Township that properly qualified individuals will be serving alcohol at the event; and,
 - (5) That, confirmation is given to the Township that transportation will be provided for individuals who may show signs of intoxication at the event; and,
 - (6) That, the organization be advised that beer/alcoholic beverages must be served in plastic cups; and,
 - (7) That, the Township of West Lincoln request that the Niagara Regional Police provide patrols during the Poultry Fest Festival to be on Saturday, June 27th, 2009.
- Carried AS AMENDED (see below)

AMENDMENT:

That the recommendation relating to the request from PoultryFest be amended by adding the following new section (8):

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, if required.

RECOMMENDATION# 2:

- (1) That, the correspondence from Mr. Mike Firmin, Chairman, Poultry Fest Niagara, dated December 31, 2008, be received; and,
- (2) That, Poultry Fest Niagara be given permission to use the Centennial Parkette at the corner of Station Street and West

- Street for promotion of the Poultry Fest prior to the event and for an exhibit area during Poultry Fest; and,
- (3) That a temporary road closing by-law be passed for Brock Street, from Convenience Street Parking Lot to Regional Road 20, for the Poultry Fest Niagara event from Friday, June 26th, 2009 at 7:00 p.m. to Saturday, June 27th 2009 at 8:00 p.m.
 - (4) That, the Convenience Street Parking Lot be closed from Friday, June 26th, 2009 at 7:00 p.m. to Saturday, June 27th, 2009 at 8:00 p.m.; and,
 - (5) That, the Municipal Parking Lot (near the CIBC) located on the northwest corner of Brock Street and St. Catharines Street be closed from Friday, June 26th, 2009 at 7:00 p.m. to Saturday, June 27th, 2009 at 8:00 p.m.; and,
 - (6) That, permission be granted to paint a "Busker's Circle" with the Poultry Fest rooster logo on the Municipal Parking Lot (near CIBC); and,
 - (7) That, the concrete barricades at the north end of Brock Street be removed the day of the festival for shuttle services; and,
 - (8) That, the Public Works Department erect and remove barricades and flashing lights to advise motorists of the temporary road closings.
- (c) ITEM PW34-09
That, the correspondence received April 16, 2009, from the Tree of Life, regarding proposed changes to their existing contract for operation of the Leisureplex Snack Bar, be received and referred to staff for report.
- (d) ITEM PW35-09
1. That, Report PD-063-09, dated April 20, 2009, relating to Parking restrictions and other improvements for Margaret Street, Smithville, BE RECEIVED; and,
 2. That, "No Parking between 8:00 a.m. to 6:00 p.m., Monday to Friday" signs be installed on the inside of Margaret Street and that the restrictions be enforced accordingly; and,
 3. That, St. Martin's School staff and teachers be encouraged to park in alternate locations as provided by the School or the Township (Arena Parking Lot), but not including on street parking on Margaret Street; and,
 4. That, the parking situation on Margaret Street be monitored with a further report provided to this Committee if issues continue.
 5. That, Consolidated Traffic By-law 89-2000, Section C, be amended to include these restrictions.
- (e) ITEM PW36-09
REFERRAL MOTION:
That, Report PD-064-09, dated April 20, 2009, (as amended) relating to Parking restrictions and other improvements for Dufferin Street, Smithville, be referred to staff for revision based on comments from Members of the Committee.

- (f) ITEM PW 37-09
1. That, report RFD PW-19/2009 , re: Smoking Bylaw Set Fines Amendment dated April 20, 2009 be accepted, and;
 2. That, the set fines for Bylaw 2008-157, Being a Bylaw to Prohibit the Smoking of Tobacco at Entrances to Township Owned Facilities, as approved by the Office of the Regional Senior Justice of the Ontario Court of Justice Central West Region, be forwarded to the next Council meeting.

- (g) ITEM 43-09
RECOMMENDATION #1:
That, the Director of Planning & Building be directed to review the fine under the noise by-law to ensure that the fines are at an adequate level.
- Carried AS AMENDED (see below)

AMENDMENT:

That, the motion directing the Director of Planning & Building to conduct a review of the fine under the noise by-law be amended by deleting the words "the noise by-law" and replacing them with the words "all by-laws".

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

That, the minutes of the Public Works/Recreation/Arena Committee meeting held on April 20, 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) Fire Chief
Re: Report RFD-FD-09-04 "Establishing a New Fire Hall Committee"

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

1. That, RFD-FD-09-04 regarding "Establishing a New Fire Hall Committee" dated April 27, 2009 be accepted; and,
2. That, the following individuals be appointed to the New Fire Hall committee:

- Fire Committee Chairman Doug Joyner
 - C.A.O. Derrick Thomson
 - Fire Chief Dennis Fisher
 - Deputy Fire Chief Kevin McIntyre
 - Director of Finance Stephanie Nagel
 - Captain Bruce McFarlane
 - Lieutenant Phil Clarke.
- Carried

- (b) CAO
Re: Building Canada Fund - Intake 2 & Infrastructure Stimulus Fund Program

Infrastructure Stimulus Fund Program (Three Projects):

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

That, the Council of the Corporation of the Township of West Lincoln approve the following projects under the Infrastructure Stimulus Fund Program, and confirm that the municipality will contribute 1/3 of the cost for the projects listed, being:

- Wellandport Library & Community Center
 - Brownfield Redevelopment Project
 - Port Davidson Road Re-Alignment
- Carried

Building Canada Fund - Intake 2 (One Project):

Alderman Mary Dinga declared a conflict of interest and/or disclosure of pecuniary interest with respect to Other Business Item 10(b)(2) relating to the "Building Canada Fund - Intake 2" issue, due to the fact that her husband owned property on Townline Road. Alderman Dinga advised she would not take part in any discussion nor voting with respect to this issue.

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

That, the Council of the Corporation of the Township of West Lincoln approve the following projects under the Building Canada Fund – Intake 2, and confirm that the municipality will contribute 1/3 of the cost for the listed project, being:

- Townline Road Reconstruction Project
- Carried

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

1. Alderman John Glazier
Re: Safety Issue – South Grimsby Road 6

In response to Alderman Glazier's concern regarding a barricade of dirt on South Grimsby Road 6 (on the north side of Regional Road 20), Mayor Trombetta advised that the matter would be investigated.

2. Alderman Norm Johnson

Re: Final Certification Fee—Committee of Adjustment—Consent Applications

Alderman Johnson requested clarification on why a fee of \$200.00 was collected as a "Final Certification Fee" when you have already paid a fee for rezoning.

3. Alderman Norm Johnson

Re: Confirmation from Public Works regarding meeting Conditions

Alderman Johnson inquired why an applicant was required to obtain written confirmation from the Public Works department that they had met conditions relating to a Planning Department application. Alderman Johnson requested that the matter be investigated.

4. Alderman Norm Johnson

Re: Addition with Elevator

In response to Alderman Johnson's inquiry regarding why a contractor (involved in an addition to a house to assist a disabled family member) was asked by staff to go inquire of neighbours regarding their use of barns and their intentions with respect to livestock, Mayor Trombetta stated that the matter would be investigated.

11. BY-LAWS:

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 2009-25 To confirm proceedings of March 23, 2009 regular and March 23, 2009 Special (VanBuuren Municipal Drain Branch A) Council Minutes
- (b) By-law 2009-26 Zoning Amendment - Randy Colyn
- (c) By-law 2009-27 To amend By-law 98-105 being the Property Standards By-law (by adding new sub-sections 2.17.2 and 2.28.3 and by amending Section 2.17.1.)
- (d) By-law 2009-28 To authorize an Amendment to the existing Site Plan Agreement with Wes-Li Gardens Inc. by signing an amending Agreement with R.V.L. contracting Inc. and Jenny Smit (and repeal By-law 2008-149)

- Carried

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

That, By-laws 2009-25, 2009-26, 2009-27 and 2009-28 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-laws and the same be now read a first time:

- (a) By-law 2009-29 To authorize a Contribution Agreement for Infrastructure Projects under the Building Canada Fund – Communities Component (FCF-CC), with Her Majesty the Queen in Right of Ontario as represented by the Deputy Premier and Minister of Energy and Infrastructure and the Minister of Agriculture, Food & Rural Affairs and the Corporation of the Township of West Lincoln
- (b) By-law 2009-30 To authorize an amendment to the agreement authorized under by-law 2005-45 with Her Majesty the Queen in Right of Ontario as represented by the Minister of Municipal Affairs and Housing, which provided for conditional funding support for the Township of West Lincoln’s application under Intake 1 of the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF Project- Bridges and Culverts)
- (c) By-law 2009-31 To authorize an Agreement with Raimondo & Associates Architects Inc. for Architectural Services for Design and Contract Administration Services for the new Firehall.
- (d) By-law 2009-32 To close part of Brock Street, Smithville, to vehicular traffic on a temporary basis. (for PoultryFest Festival – from north side of Convenience Street Parking Lot to Regional Road 20, for the PoultryFest Niagara event from Friday, June 26, 2009 at 7:00 p.m. to Saturday, June 27, 2009 at 8:00 p.m.)
- (e) By-law 2009-33 To amend Traffic & Parking By-law 89- 2000 (Schedule C “No Parking between 8:00 a.m. to 6:00 p.m., Monday to Friday” – on the inside of Margaret Street)
- (f) By-law 2009-34 To amend By-law 2008-157 which prohibits the Smoking of Tobacco at Entrances to Township Owned Facilities (delete and replace Schedule - Part 1 Provincial Offences act – Short form Wording & Set Fines)

- Carried

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

That, By-laws 2009-29, 2009-30, 2009-31, 2009-32, 2009-33 and 2009-34 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 Mike Rehner declared a conflict of interest relating to Item (A) under Confidential Matters as it related to an application affecting his property. Alderman Rehner left the meeting during discussion of this matter in closed session and did not participate in discussion nor voting with respect to this matter when dealt with at a later point in the meeting, in open session.

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

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

1. personal matters about an identifiable individual including labour relations and/or employee negotiations (including municipal or local board employees);
2. a proposed or pending acquisition or disposition of land by the municipality or local board;
3. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

- Carried (7:40 p.m.)

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

The Director of Planning & Building was in attendance during closed session deliberations relating to Item 12(a).

Mr. Tom Richardson, Township solicitor, entered the meeting at approx. 8:20 p.m. during discussions relating to Item (A) and left after those discussions, at approximately 8:45 p.m.

A brief 10 minute recess was taken at approx. 8:45 p.m. after discussion relating to Item (a). Alderman Rehner entered the meeting after the brief recess.

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

That, this Council meeting does now resume in open session at 9:40 p.m.

- Carried

- (a) Director of Planning & Building
Re: Legal Matter (OMB Hearing – DeVries/Rehner)

Alderman Mike Rehner declared a conflict of interest relating to Item (A) under Confidential Matters as it related to an application affecting his property. Alderman Rehner left the meeting during discussion of this matter in closed session and did not participate in discussion nor vote with respect to this matter when dealt with in open session.

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

That staff be authorized to proceed as directed in closed session with respect to a legal matter (OMB Hearing – Devries/Rehner).

A Recorded Vote was requested by Alderman Sue-Ellen Merritt:

	<u>Yes</u>	<u>No</u>
Alderman Mary Dinga	x	
Alderman John Glazier	x	
Alderman Norm Johnson	x	
Alderman Douglas Joyner	x	
Alderman Sue-Ellen Merritt		x
Alderman Mike Rehner	Conflict of Interest	
Mayor Katie Trombetta	<u>x</u>	<u> </u>
Total	<u>5</u>	<u>1</u>

- Carried

- (b) CAO
Re: Report RFD-CAO-04-06 “Public Works Re-Organization”

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

- (1) That, CAO Report RFD-CAO-04-06, dated April 6th, 2009 regarding “Public Works Re-Organization” be received; and,
- (2) That, the CAO be authorized to make all necessary operational changes to the Public Works Organization structure as contained in report RFD-CAO-04-06

- Carried

- (c) CAO
Re: Property Matter-Proposed Acquisition of Property

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

That, staff be authorized to proceed as directed in closed session with respect to a property matter – proposed acquisition of property.

- Carried

- (d) CAO
Re: Personnel Matter- Staffing Update

Council rose without reporting.

13. ADJOURNMENT:

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

That, this Council meeting does now adjourn at the hour of 9:45 p.m. and if a special meeting is required it will be at the call of the Mayor.

- Carried

CAROLYN LANGLEY, CLERK

MAYOR KATIE TROMBETTA