



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN



COUNCIL MINUTES

MEETING NO. FIVE HELD: Tuesday, May 24, 2011 - Township Administration building, 318 Canborough Street, Smithville, Ontario - 7:00 p.m.

PRESENT:

Council: Mayor Douglas Joyner
Alderman Joann Chechalk
Alderman Luciano Di Leonardo
Alderman John Glazier
Alderman Eric Leith
Alderman Alexander Micallef

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

Others: Brian Hutchings, Commissioner of Corporate *
Services, Region of Niagara *
Henry D'Angela, Regional Councillor *
Sue Hutchings *
Sara Premi, Solicitor – Sullivan Mahoney *

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

ABSENT: Alderman Sue-Ellen Merritt

* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman John Glazier
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**
 - (a) Alderman Leith declared a conflict of interest relating to Item P66-11(v) from the May 9, 2011 Planning/Building/Environmental Committee minutes with respect to solar panels due to the fact that he worked in the green energy industry. Alderman Leith did not take part in discussion nor voting with respect to this matter.
 - (b) Mayor Joyner declared a conflict of interest relating to (1) Item A52-11 from the Administration/Finance/Fire Committee minutes and (2) by-law 2011-40 due to the fact that an immediate family member on the West Lincoln Volunteer Fire Department. Mayor Joyner did not participating in discussions nor voting with respect to these matters and vacated the Chair during deliberation of these items.

3. COMMENTS FROM THE PUBLIC:

There were no comments from the public.

4. CONFIRMATION OF MINUTES:

- (a) Council Minutes – Regular
April 26, 2011
CONFIDENTIAL MINUTES UNDER SEPARATE COVER

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

That, the minutes relating to the open session portion of the April 26, 2011 regular Council meeting be accepted without errors or omissions.

That the confidential minutes of the closed session portion of the April 26, 2011 Council meeting be accepted without errors or omissions; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

- (b) Public Meeting under the Planning Act
May 9, 2011 Minutes

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

That, the minutes of a public meeting held on May 9, 2011 under Section 34 of the Planning Act, with respect to:

- (a) PROPOSED AMENDMENT TO THE TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW – Harvey & Carol Pot (File No. 1601-005-11)
(b) PROPOSED AMENDMENT TO THE TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW – John & Angela Verdonk (File No. 1601-006-11)

be accepted.

- Carried

5. COMMUNICATIONS:

There were no communications.

6. APPOINTMENTS/PRESENTATIONS:

- (a) Brian Hutchings, Commissioner of Corporate Services, Region of Niagara AND Henry D'Angela, Regional Councillor
Re: Regional Budget

Mr. Hutchings and Mr. D'Angela both reviewed the presentation which is attached as Schedule A to these minutes and subsequently responded to questions from Members of Council.

General discussion followed regarding debt retirement charge, POA revenue, waste management, green bins, excess of 5.2 million of downloading, will it be downloaded to municipalities by per capita basis?, recommendation in report is to put in 2012 taxpayer saving reserve for next year budget.... Glazier said do not want it used for unbudgeted capital expenditures Mayor said he can take that back to regional council

IN response to inquiry from Mayor, Brian stated that 1% increase represents 2.8 million
With respect to West Lincoln tax rates being higher, Alderman Chechalk noted that the past comparison was not equal in that we recently removed the sewer charge from the tax bill which may neutralize the amount in comparison to other municipalities.

Alderman Chechalk inquired if Council could get a list of capital projects for West Lincoln so they could understand what projects/works were coming ...paint tower, pumping station update...etc...can give copy...

- (b) Tony Jackson, Zone J Chair -Ontario Federation of Anglers and Hunters (OFAH)
Re: Firearms By-law

It was noted that Mr. Jackson was unable to attend this evenings meeting.

7. REPORT OF COMMITTEE:

- (a) Planning/Building/Environmental Committee
Re: May 9, 2011 Minutes
NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

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

That, the minutes relating to the open session portion of the Planning/Building/Environmental Committee meeting held on May 9, 2011, be accepted and that the recommendations contained therein, be approved, with the exception of Items no. P66-11(v).

That the confidential minutes of the closed session portion of the May 9, 2011 Planning/Building/Environmental Committee meeting be received and approved; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

Item P66-11(v) – Other Business Item – Alderman Merritt – Regulations for Solar Panels

Moved by Alderman John Glazier and seconded by Alderman Alexander Micallef:

That, Item P66-11(v) from the May 9, 2011 Planning/Building/ Environmental Committee meeting be approved:

(ITEM P66-11(v)

(ii) Alderman Sue-Ellen Merritt

Re: Discussion relating to Regulations for Solar Panels)

- Carried

(b) Administration/Finance/Fire Committee

Re: May 16, 2011 Minutes

NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

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

That, the minutes of the open session portion of the Administration/Finance/Fire Committee meeting held on May 16, 2011, be accepted and that the recommendations contained therein, be approved, with the exception of Item no(s). A52-11.

That the confidential minutes of the closed session portion of the May 16, 2011 Administration/Finance/Fire Committee meeting be received and approved; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

Item A52-11 – Report WLF05-11 – Amendment to West Lincoln Fire Department – Schedule of Fees – Revised

Dealt with below immediately following deliberation of “Other Business” Item 10(a).

(c) Public Works/Recreation/Arena Committee

Re: May 16, 2011 Minutes

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

That, the minutes of the Public Works/Recreation/Arena Committee meeting held on May 16, 2011, be accepted and that the recommendations contained therein, be approved, with the exception of Items no. PW30-11.

- Carried

Item PW30-11 – City of Mississauga – request for support – regarding directing revenue derived from H.S.T. charged on gasoline and diesel sales

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

That, Item PW30-11 from the May 16, 2011 Public Works/Recreation/Arena Committee meeting be approved:

(ITEM PW30-11

That, the correspondence from the City of Mississauga, dated March 31, 2011 requesting support of their resolution that a portion of the revenue derived from H.S.T. charged on gasoline and diesel sales be directed to a new predictable funding mechanism that will allow municipalities to make the critical investments needed to be effective stewards of transportation infrastructures, be received.)

- Carried AS AMENDED (see below)

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

That, Item PW30-11 be amended by adding the words “and supported” at the end of the recommendation.

- Carried

8. RECONSIDERATION:

There were no items for reconsideration.

9. NOTICE OF MOTION:

There were no notices of motion.

10. OTHER BUSINESS:

- (a) Mayor Joyner
Re: Appointment of Acting Mayor – Alderman Glazier

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

That, Alderman John Glazier be and is hereby appointed Acting Mayor from June 1, 2011 to and including November 30, 2011; and,

That, Alderman John Glazier be and is hereby appointed Acting Mayor for the May 24, 2011 Council meeting, if required, in the absence of Alderman Merritt.

- Carried

7. REPORT OF COMMITTEE: (cont'd)

- (b) Administration/Finance/Fire Committee (cont'd)
Re: May 16, 2011 Minutes

Mayor Joyner stepped down from the Chair at approximately 7:50 p.m. and Alderman Glazier assumed the position of Chair to deal with the item for which Mayor Joyner had a conflict.

Item A52-11 – Report WLFD-05-11 – Amendment to West Lincoln Fire Department – Schedule of Fees – Revised”

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

That, Item A52-11 from the May 16, 2011 Administration/Finance./Fire Committee meeting be approved:

(ITEM A52-11

- (1) That, report WLFD 05-11, dated May 16, 2011 re: “Amendment to West Lincoln Fire Department - Schedule of Fees – Revised”, be received; and,
- (2) That, the fee for “Vehicle Response” be approved at \$410.00 per vehicle for the first hour and \$205.00 per vehicle per half hour thereafter; and ,
- (3) That, the fee for “Other Fire Department Activities – Fire Watch” be approved at \$410.00 per vehicle for the first hour and \$205.00 per vehicle per half hour thereafter and \$30.00 per hour per firefighter; and,
- (4) That, a by-law be submitted for approval to adopt the revised West Lincoln Fire Department Schedule of Fees, attached hereto as Schedule “A” , effective May 25, 2011.)

- Carried

Mayor Joyner re-assumed the position of chair after Item A52-11 was dealt with.

10. OTHER BUSINESS: (cont'd)

- (b) Treasurer/Director of Finance
Re: RFD-T-07-11 - 2011 Tax Rates By-law

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

1. That the Coordinator of Revenue Services’ Report RFD-T-07-11, regarding the 2011 Tax Rate By-Law, dated May 24, 2011, be received; and,
2. That a By-Law be presented to Council to adopt the estimates and to set the rates of taxation for the year 2011.

- Carried

- (c) Treasurer/Director of Finance
Re: RFD-T-08-11 - Ontario Regulation 284/09, Items Excluded from Budget

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

That Report RFD-T-08-11, regarding "Ontario Regulation 284/09, Items Excluded from Budget", detailing the exclusion of amortization and post-employment costs from the 2010 and 2011 budgets be and is hereby approved as required by Ontario Regulation 284/09.

- Carried

- (d) Region of Niagara
Re: Terms of Reference for Water/Wastewater Review - Niagara – PWA 26-2011 Revised

In response to an inquiry from Alderman Glazier, Mayor Joyner advised that a few municipalities felt they were paying more than their share of costs relating to water and waste water and wanted that the issue reviewed. Much discussion and concern followed regarding:

- cost savings that won't be realized,
- not enough time provided to comment,
- not engaging a consultant until a thorough review was undertaken by staff,
- using the review that was undertaken in the late 90s relating to this matter
- the requirement for a triple majority before moving forward on this issue.

Mayor Joyner advised that he would bring the concerns raised by Members of Council to the Region and that a copy of the letter that was being sent by the CAO to the region on this matter would be provided to Members of Council.

Alderman Chechalk was adamant that Mayor Joyner be very vocal at Regional Council and convey the sentiment that this matter should not move forward without the appropriate review by staff. Alderman Chechalk requested that the Region be asked to produce the other reports and questioned why more reports were required if there was no change in circumstance. Alderman Chechalk also asked when the triple majority rule would be invoked relating to this matter.

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

That, the correspondence from Niagara Region dated May 10, 2011 requesting comments on the Terms of Reference for Water/Wastewater Review – Niagara; be received and referred to staff for comment.

- Carried AS AMENDED (see below)

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

That, the recommendation relating to the correspondence from the Niagara Region be amended by adding the following section at the end of the recommendation:

“; and,

That, the Region be requested to extend the two week review period to July 1, 2011 and extend the deadline for providing financial information to September 1, 2011.”

- Carried

(e) Chief Building Official
Re: Temporary Residence during Construction
(Rejean Bonneau & Zanlor Farms Inc.)
Received for information

(f) Alderman Joann Chechalk/ Alderman Alexander Micallef
Re: Revised resolution relating to the request from the Town of Fort Erie
relating to rising gas prices (ITEM A49-11)

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

That, the Township of West Lincoln hereby petitions the Province of Ontario to establish a Provincial Task Force as soon as possible, with representation from the Municipal level, to investigate rising gas prices across the Province of Ontario.

- Carried

(g) Clerk
Re: RFD-C-08-11 - New Canine Control By-law
Note: Schedule "A" as noted in the report is By-law 2011-44

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

(1) That, Clerk Report RFD-C-08-11, dated May 24, 2011, regarding "New Canine Control By-law"; be received; and,

(2) That, the new canine control by-law attached as Schedule A to the report be accepted; and,

(3) That, the short form wording for offences under the new canine control by-law be forwarded to the Ministry of the Attorney General for approval after it has received Council authorization.

- Carried

HERE

(h) Alderman John Glazier
Re: Newspaper Article – Arena Rental Rates

Alderman Glazier noted his concern regarding the recent article in the May 18 West Niagara News in that he felt the Board should have come forward to discuss this issue further and should not have involved the kids.

The CAO explained that a letter had been sent to local area School Boards indicating that the Township was open to discussion regarding Joint Use Agreement; however, to date, no one has contacted him to pursue this option.

There was much discussion regarding the unfairness of the Boards charging for use of their facilities while the Township, in the past, did not charge schools for use of facilities (i.e. arena for skating, etc.). It was also noted that the cost for young people/groups to use school facilities was expensive and the process was very onerous.

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

- 1. Alderman Joann Chechalk
Re: Notice from Immigration – Good Citizenship Award???

Alderman Chechalk noted that she had recently received a communication from Immigration?? Regarding a Good Citizenship Award. Alderman Chechalk urged submit nominations on-line through their web site.

- 2. Mayor Douglas Joyner
Re: Rain Barrels

Mayor Joyner reminded Members of Council and the public that rain barrels were being offered for sale for \$55.00 and noted that you had to order the rain barrel on line and then pick it up at the arena on Saturday, May 28th.

11. BY-LAWS:

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

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

- (a) By-law 2011-34 To confirm proceedings of April 26, 2011 regular Council
- (b) By-law 2011-35 To authorize an Agreement with Rejean R. Bonneau for Temporary Residency during Construction of a Replacement Dwelling
- (c) By-law 2011-36 Zoning By-law Amendment - Carol and Harvey Pot
- (d) By-law 2011-37 Zoning By-law Amendment - John and Angela Verdonk
- (e) By-law 2011-38 To amend By-law 2011-28 which prescribes a tariff of fees for the processing of applications made with respect to planning matters (Replace Appendix A–Schedule of Fees-effective July 1, 2011)
- (f) By-law 2011-39 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.
(Replace Schedule D–Tariff of Fees-effective July 1, 2011)

- Carried

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

That, By-laws 2011-34, 2011-35, 2011-36, 2011-37, 2011-38 and 2011-39 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

Mayor Joyner stepped down from the Chair at approximately 8:42 p.m. and Alderman Glazier assumed the position of Chair to deal with the item for which Mayor Joyner had a conflict.

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

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

(g) By-law 2011-40 To amend By-law 2002-115 which confirms fees and charges for the Corporation of the Township of West Lincoln (Replace Fire Department Schedule of Fees & Repeal By-law 2007-37)

- Carried

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

That, By-law 2011-40 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

Mayor Joyner re-assumed the position of chair after By-law 2011-40 was dealt with.

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

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

(h) By-law 2011-41 To prohibit and regulate the discharge of guns or other firearms or any class or type thereof.
(Repeal By-law 2009-20)

- (i) By-law 2011-42 To authorize the Mayor and Clerk to sign a lease agreement between Albert Alma (Albert Alma's Hot dogs) and the Corporation of the Township of West Lincoln
- (j) By-law 2011-43 To adopt the estimates for the year 2011 and to set the rates of taxation for the year 2011
- (k) By-law 2011-44 To provide for the Licensing, Control and Regulation of Dogs (Repeal By-law 2001-115)
- (l) By-law 2011-45 To authorize an Agreement with Zanlor Farms Inc. for Temporary Residency during Construction of a Replacement Dwelling

- Carried

In response to Alderman Leith's inquiry regarding whether the by-law should be deferred to a later date due to the absence of Mr. Tony Jackson (under appointments above), the Clerk advised that if an amendment was requested by Mr. Jackson, it could be enacted at a later date.

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

That, By-laws 2011-41, 2011-42, 2011-43, 2011-44 and 2011-45 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:

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

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 municipal or local board employees;
2. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

- Carried (8:48 p.m.)

Mayor Joyner declared a five minute recess and the meeting reconvened at approximately 8:53 p.m.

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

That, this Council meeting does now resume in open session at 9:45 p.m.

- Carried

- (a) Director of Planning & Building (Brian Treble) and Tom Richardson, Solicitor

Re: Minutes of Settlement – Kennels OMB Hearing
UNDER SEPARATE COVER

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

That, the Township Solicitor and/or Director of Planning & Building be and is/are hereby authorized to proceed as directed in closed session with respect to the Minutes of Settlement for the Kennels OMB Hearing.

- Carried

- (b) CAO (Derrick Thomson)
Re: Personnel Matter – Staffing
VERBAL UPDATE

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

That, the CAO be and is hereby authorized to proceed as directed in closed session with respect to a personnel matter.

- Carried

13. ADJOURNMENT:

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

That, this Council meeting does now adjourn at the hour of 9:47 p.m. and if a special meeting is required it will be at the call of the Mayor.

- Carried

CAROLYN LANGLEY, CLERK

MAYOR DOUGLAS JOYNER

ACTING MAYOR JOHN GLAZIER