



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN COUNCIL MINUTES



MEETING NO. NINE HELD: Monday, July 18, 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 Sue-Ellen Merritt
Alderman Alexander Micallef

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

Media: Amanda Street, Grimsby Lincoln News *

Others: Jim Anderson *
Tracy Bill *
James Webb *
Scott Rettie *
Jim Bruzzese *
Ed Fulford *
Melissa Kramer *

* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman Sue-Ellen Merritt

2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**

(a) Alderman John Glazier
Re: Item 11(L) - Report No. PD-083-11–Daylight Triangle Purchase on Smits
Cove

Alderman Glazier declared a conflict of interest relating to Item 11(L), being
report PD-083-11 – Daylight Triangle Purchase on Smits Cove, as he owns land
on Smits Cove.

(b) Alderman Sue-Ellen Merritt
Re: Item 11(O) - Report No. PD-087-11 – Authority to Sign Authorized
Requester Agreement 20722 with the Ministry of Transportation

Alderman Merritt declared a perceived conflict of interest relating to Item 11(O), being Report PD-087-11 – Authority to Sign Authorized Requester Agreement 20722 with the Ministry of Transportation, due to the fact that a family member was employed by the Town of Pelham.

3. COMMENTS FROM THE PUBLIC:

- (a) James Webb & Scott Rettie
Re: Report No. PD-088-11 – Recommendation Report – Extension of Draft Plan Approval – Smithville on the Twenty (Brookside)

Mr. Webb addressed Members of Council regarding Report No. PD-088-11 - Extension of Draft Plan Approval – Smithville on the Twenty (Brookside). Mr. Webb requested that Council defer this item to the next Council meeting due to the fact that a new item had arisen which would benefit from more discussion with staff to formulate a solution. (See Referral of Item 11(h) below)

4. CONFIRMATION OF MINUTES:

- (a) Council Minutes – Regular
June 27, 2011

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

That, the minutes relating to the open session portion of the June 27, 2011 regular Council meeting be accepted without errors or omissions.

That the confidential minutes of the closed session portion of the June 27, 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) Council Minutes – Special (to Name Veterans Way)
June 27, 2011

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

That, the minutes relating to the June 27, 2011 special Council meeting (Naming of Veterans Way) be accepted without errors or omissions.

- Carried

5. COMMUNICATIONS:

There were no communications.

6. **MAYOR'S REMARKS:**

Mayor Joyner read from a prepared statement which is attached as Schedule A to these minutes.

7. **APPOINTMENTS/PRESENTATIONS:**

There were no appointments or presentations.

8. **REPORT OF COMMITTEE:**

There were no reports of committee.

9. **RECONSIDERATION:**

Mayor Joyner stepped down from the Chair at approximately 7:10 p.m. and Alderman Glazier (Acting Mayor) assumed the Chair to deal with Item 9(a).

- (a) Mayor Douglas Joyner
Re: Request to reconsider ITEM A71-11 - West Lincoln Chamber of Commerce
Request for \$500.00 Sponsorship – Family BBQ – August 11, 2011

Moved by Mayor Douglas Joyner and seconded by Alderman Alexander Micallef:

That, Item A71-11, being the request from the West Lincoln Chamber of Commerce for a contribution/sponsorship in the amount of \$500.00 to help cover the cost for a Family Barbeque to be held on Thursday, August 11, 2011, be reconsidered.

A Recorded Vote was requested by Alderman Chechalk:

	<u>Yes</u>	<u>No</u>
Alderman Joann Chechalk		x
Alderman Luciano Di Leonardo		x
Mayor Douglas Joyner	x	
Alderman Eric Leith	x	
Alderman Sue-Ellen Merritt		x
Alderman Alexander Micallef	x	
Alderman John Glazier	x	
Total	<u>4</u>	<u>3</u>
- Carried		

Mayor Joyner read from a prepared statement which is attached as Schedule B to these minutes.

There was much discussion regarding this issue, in particular relating to the procedure for reconsideration, amendments to the budget, transferring funds from the Contingency Reserve, personal pledges of support for the Chamber,

other previous and similar requests and the timing of the request. During and subsequent to these discussions, the following motions were put forward.

Moved by Mayor Douglas Joyner and seconded by Alderman Alexander Micallef:

That, the request from the West Lincoln Chamber of Commerce for a contribution/sponsorship in the amount of \$500.00 to help cover the cost for a Family Barbeque to be held on Thursday, August 11, 2011; be received.

- Carried AS AMENDED (see Amendment # 2 below)

AMENDMENT # 1: (LOST)

Moved by Mayor Douglas Joyner and seconded by Alderman Alexander Micallef:

That, the resolution relating to the request from the West Lincoln Chamber of Commerce be amended by deleting the word “received” at the end of the resolution and replacing it with the following words:

“approved; and,

That the an Amendment to Budget be put forward at a later date to transfer additional funds in the amount of \$500.00 to the 2011 Sponsorship Account from the Reserve for Contingencies.

A Recorded Vote was requested by Alderman Chechalk:

	<u>Yes</u>	<u>No</u>
Alderman Joann Chechalk		x
Alderman Luciano Di Leonardo		x
Mayor Douglas Joyner		x
Alderman Eric Leith		x
Alderman Sue-Ellen Merritt		x
Alderman Alexander Micallef		x
Alderman John Glazier		x

Total	<u>0</u>	<u>7</u>
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- LOST

AMENDMENT # 2: (CARRIED)

Moved by Alderman Eric Leith and seconded by Mayor Douglas Joyner:

That, the resolution relating to the request from the West Lincoln Chamber of Commerce be amended by deleting the word “received” at the end of the resolution and replacing it with the following words:

“approved in the amount of \$80.00 and be expensed from the Corporate Sponsorship Account.”

A Recorded Vote was requested by Alderman Chechalk:

	<u>Yes</u>	<u>No</u>
Alderman Joann Chechalk	—x	x
Alderman Luciano Di Leonardo		x
Mayor Douglas Joyner	x	—x
Alderman Eric Leith	x	
Alderman Sue-Ellen Merritt	x	
Alderman Alexander Micallef	x	
Alderman John Glazier	x	
Total	<u>5</u>	<u>2</u>

- Carried

NOTE: Typographical error noted at August 15, 2011 Council re: Ald. Chechalk & Mayor Joyner Vote reversed due to alternated order of vote.

Mayor Joyner re-assumed the position of Chair at approximately 8:00 p.m. after the conclusion of deliberations relating to Item A71-11.

10. NOTICE OF MOTION:

There were no notices of motion.

11. OTHER BUSINESS:

Section A – Public Works/Recreation/Arena Items:

- (a) Coordinator for Engineering Services (Brent Julian) & Director of Planning & Building (Brian Treble)
Re: Report No. RFD-PW-32/2011 – Amendment to Agreement, (Sonia Rizzato & Richard MacKinnon), Construction of Seneca Street Extension

Staff responded to questions from Members of Council regarding Report RFD-PW-32/2011 and clarified the location of the portion of road in question.

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

- 1) THAT, Report RFD PW- 32/2011, RE: Amendment to Agreement, (Sonia Rizzato & Richard MacKinnon), Construction of Seneca Street Extension. be received, and:
- 2) THAT, a by-law be presented at the next council meeting to authorize the Mayor and Clerk to sign an amending agreement to the existing agreement between the Township of West Lincoln and the proponents Sonia Rizzato and Richard Mackinnon.

- Carried

Section B – Administration/Finance/Fire Items:

- (b) Treasurer/Director of Finance
Re: Report RFD-T-14-11 – West Lincoln Lawn Bowling Association Request – June 20, 2011

Staff responded to questions from Members of Council regarding Report RFD-T-14-11 and clarified that the water line to the Lawn Bowling Club did not go through the Church meter as there were two services. It was further noted that there was very little water flow for this service and the group had advised that they had not had a choice regarding the size of the meter installed. In response to much discussion regarding setting a precedent, the CAO advised that this was a unique situation and suggested that any future requests of this type be dealt with on a case by case basis.

Moved by Alderman Sue-Ellen Merrit and seconded by Alderman Luciano Di Leonardo:

- (1) That, Report RFD-T-14-11, regarding "West Lincoln Lawn Bowling Association Request" be received; and,
- (2) That the request to change the water meter to a 5/8" or 3/4" from the current 1" meter and waive the \$484 fee for the new meter, be approved; and,
- (3) That the Township retain the 1" meter for possible future use; and,
- (4) That the West Lincoln Lawn Bowling Association be required to hire a plumber and/or contractor, as required, and pay any costs/fees associated with removal and installation of the water meters; and,
- (5) That all outstanding invoices related to property taxes and water/sewer bills be paid in full prior to removal and installation of the water meter by the Township.

- Carried

(c) Clerk

Re: Memo – Fenceviewer Appointment - Dick Van Dyke

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

That, Dick Van Dyke be appointed as a fenceviewer for the Township of West Lincoln from July 18, 2011 to November 30, 2014.

- Carried

(d) Deputy Clerk

Re: Report RFD-C-11-11 - Road Allowance Transfer – Angelo Georgakakos (Between Concessions 1 and 2, Part of Lot 14, former Township of Caistor, Township of West Lincoln) designated as Part 2 on Plan 30R-9146

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

1. That, Deputy Clerk Report RFD-C-11-11, regarding "Road Allowance Transfer – Angelo Georgakakos (between Concessions 1 and 2, Part of Lot 14, former Township of Caistor, Township of West Lincoln)", dated July 18, 2011, be received; and,
2. That, the portion of road allowance (Part 2 on Registered Plan 30R-9146

as shown on Attachment #1) between Concessions 1 & 2, former Township of Caistor, now the Township of West Lincoln, be and is hereby declared surplus and is approved for transfer to the owner of Parts 1 and 3 on Plan 30R-9146 (the "Property Owner") (Mr. Angelo Georgakakos), subject to the following conditions:

- (a) That, a by-law be passed authorizing the transfer of the portion of road allowance between Concession 1 and 2, Part Lot 14, more specifically being Part 2 of Registered Plan 30R-9146, to the Property Owner of Parts 1 and 2 on Plan 30R-9146; and,
 - (b) That, the transfer of Parts 1, 2 and 3 on Registered Plan 30R-9146 be conditional on the parcels being merged in title and that the Property Identification Numbers (PINS) for Parts 1, 2 and 3 of Plan 30R-9146 be consolidated; and,
 - (c) That, the Property Owner provide an undertaking that the PINS for Parts 1, 2 and 3 on Plan 30R-9146 will be consolidated once the conveyance is completed, and provide satisfactory evidence of the consolidation to the Township; and,
 - (d) That, all legal, administrative and any other associated costs be paid by the applicant/property owner.
3. That, notwithstanding the provisions of By-law 95-31 and the "Policy for Closing, Declaring Surplus and Selling a Highway or Portion Thereof", that the requirement for an appraisal and the requirement for public notice be and are hereby waived due to the fact that the subject road allowance was stopped up and closed and should have been conveyed to the abutting landowners in 1967; and,
4. That, Mr. Georgakakos be provided a copy of Clerk's Report No. RFD-C-11-11.
- Carried

Section C – Planning/Building/Environmental Items:

- (e) Director of Planning & Building (Brian Treble)
Re: Report No. PD-086-11 – Recommendation Report – New Building Fees
- Moved by Alderman Luciano Di Leonardo and seconded by Alderman Sue-Ellen Merritt:
- That, Report PD-086-11, dated July 18, 2011, relating to New Building Fees, BE APPROVED; and,
- That, the new Building Fees By-law as attached to this report be adopted with the new fees taking effect on August 1, 2011.
- Carried
- (f) Director of Planning & Building (Brian Treble)
Re: Report No. PD-078-11 – Recommendation Report – Exemption from Part Lot Control – Phelps Homes Ltd. – Block 21, Plan 30M-390 – Smithville on the

Twenty – South Community (Brookside) Phase 2 Subdivision

In response to Alderman Chechalk's inquiry regarding if any outstanding costs would be recovered from the developer prior to passing this by-law, the Director of Planning & Building advised that the application fee had been paid and that he was still negotiating regarding the administration fees.

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

That report PD-078-11, dated July 18, 2011, regarding the Exemption from Part Lot Control (Phelps Homes Ltd.) for Block 21, Plan 30M-390, Smithville on the Twenty – South Community (Brookside) Phase 2 Subdivision, BE RECEIVED; and

That the By-law to lift Part Lot Control on land described as Block 21, Registered Plan 30M-390 (Smithville on the Twenty – South Community (Brookside) Phase 2 Subdivision), BE APPROVED.

- Carried

- (g) Planner I (Adam Huycke) & Director of Planning & Building (Brian Treble)
Re: Report No. PD-081-11 – Recommendation Report – Phelps Homes Ltd – Oakdale Boulevard – Zoning By-law Amendment & Request to Lift Part Lot Control

In response to Alderman Micallef's inquiry regarding if all fees had been paid on this development, the Director of Planning & Building advised that the application fee had been paid and that he was still negotiating regarding the administration fees.

In response to Alderman Chechalk's statements that the site in question had originally been low density and had increased the density and that the Developer has worked with the Township to achieve an acceptable plan, the Director of Planning & Building advised that this was correct and noted that approval was needed to amend the subdivision agreement and that the developer had been very cooperative in this process.

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

That, Report No. PD-081-11, dated July 18, 2011, relating to an application for rezoning and an application to Lift Part Lot Control by Phelps Homes Ltd., BE RECEIVED; and,

That, Zoning By-law Application 1601-04-11 submitted Phelps Homes Inc., BE APPROVED; and,

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; and,

That, Township Staff be directed to request the Region of Niagara to modify Schedule 'E-1' Wade Road Secondary Plan as part of Official Plan Amendment No. 21, to amend the designation of the stormwater management easement that is to be conveyed to the Township from a Low Density Residential designation to an Open Space designation; and,

That, the By-law to remove Part Lot Control on land described as Lots 1 through 5, Registered Plan 30M-368 (Smithville on the Twenty – South Community (Brookside) Phase 1 Subdivision), BE APPROVED subject to the following:

1. That, the Part Lot Control By-law not be registered until such time as the Zoning By-law amendment that implements this lot realignment is approved and is in full force and effect; and,
 2. That, the Part Lot Control By-law contain a provision that the By-law does not take effect until such time as the requisite amendments to the subdivision agreement are complete and an amending agreement is registered on the title of these lands; and,
 3. That, the Part Lot Control By-law not be registered until such time as the conveyance of the overflow stormwater management lands (Part 1 through 14 inclusive on Registered Plan 30R-13739) has occurred.
- Carried AS AMENDED (see below)

AMENDMENT:

Moved by Alderman Eric Leith and seconded by Alderman John Glazier:

That, section 3 under Paragraph 5 be amended by deleting the following words:

“(Part 1 through 14 inclusive on Registered Plan 30R-13739)”

and replacing them with the following words:

“(Part 1 through 5 inclusive on Reference Plan 30R-12112)”.

- Carried

- (h) Director of Planning & Building (Brian Treble)
Re: Report No. PD-088-11 – Recommendation Report – Extension of Draft Plan Approval – Smithville on the Twenty (Brookside)

In response to questions regarding how Bartel Drive was being addressed in this development and if the bridge would be removed, the Director of Planning & Building advised that the road currently extends behind the Pancake House and across the river and that the driveway will be rerouted and access will be established in Phase 3 and the bridge will be removed.

With respect to questions regarding the walkway, the CAO confirmed that the walkway issue was the reason why this item was being deferred. In response to Alderman Glazier's statement that he hoped the grassed area where the

walkway comes in would be cleaned up, the Director of Planning & Building confirmed that he intended to address this issue.

Moved by Alderman Sue-Ellen Merrit and seconded by Alderman Luciano Di Leonardo:

That, report PD-088-11, dated July 18, 2011, regarding the Extension of Draft Plan Approval for Smithville on the Twenty (Brookside), BE RECEIVED; and,

That, the Draft Plan Approval for Smithville on the Twenty (Brookside) be extended for a period of one year, to expire on October 13, 2012, subject to an amendment to Condition 1 and the addition of Condition 46 as included in Attachment No. 2 to this report (changes in bold text).

- REFERRED (see below)

Moved by Alderman Alexander Micallef and seconded by Joann Chechalk:

That, report PD-088-11 (Extension of Draft Plan Approval for Smithville on the Twenty (Brookside)), be referred to staff for further review with the Developer and brought back to committee at the appropriate time.

- Carried

- (i) Planner I (Adam Huycke) & Director of Planning & Building (Brian Treble)
Re: Report No. PD-079-11 – Recommendation Report – Brownfield Community Improvement Plan – To Designate a Brownfield Community Plan Project Area and to Adopt the Final Report on Brownfield Community Improvement Plan - ATTACHMENT # 7 UNDER SEPARATE COVER

Mayor Joyner noted that there was an error in attachment # 9 of the report as well as By-law 2011-63, being the title of the proposed By-law. Mayor Joyner advised that a correction to the title of the By-law (#2011-63) would be made at the time of adoption of the by-law.

In response to Alderman Merritt's concern that the Region had initially indicated that the program applied to hamlets and subsequently had sent an email advising that the program was not currently available in hamlet areas, the Director of Planning & Building stated that it was not clear if the Region intended to rectify this issue therefore he would be staying on top of the matter.

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

That, Report No. PD-079-11 dated July 18, 2011, relating to the Designation of a Brownfield Community Improvement Plan Project Area and to Adopt the Final Report of the Brownfield Community Improvement Plan, BE RECEIVED; and,

That, a by-law be passed to designate a Brownfield Community Improvement Project Area for the Urban Area of Smithville and the Hamlet areas as designated by the Township's Official Plan, as amended; and,

That, once the by-law is passed to designate the Community Improvement Plan Project Area, that a second by-law be passed to adopt the Final Report on the Brownfield Community Improvement Plan as attached to this report; and,

That, Notice of Adoption of the Brownfield Community Improvement Plan be circulated in accordance with the Planning Act in order to commence the Appeal Period; and,

That, a subsequent report be prepared by staff on program implementation and funding of incentive programs during future budget deliberations; and,

That, Township Staff be and are hereby authorized to write a letter to the Region of Niagara asking for their support of Brownfield Community Improvement Plan funding in the Hamlet Settlement Areas, and should it be required, that Section 12.72 of the Regional Policy Plan be amended in order to permit Brownfield CIP funding in Hamlet Settlement Areas.

- Carried

- (j) Planner II (Rachelle Larocque) & Director of Planning & Building (Brian Treble)
Re: Report No. PD-089-11 – Recommendation Report – Trail and Corridors Request for Proposal

Alderman Chechalk stated that she hoped we would direct the selected consultant to look at other communities as many had done extensive trail development and should be investigated. Alderman Chechalk noted that Camp Marydale in Binbrook was a good example of an accessible park and suggested that they be approached to provide the Township with information and input on mobility issues.

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

That, Report No. PD-089-11, dated July 18, 2011, relating to the Trails and Corridors Request for Proposal, BE RECEIVED; and

That, Staff be authorized to post the Request for Proposal on the Township Website and to mail the RFP to consultants, to initiate the Trails and Corridors Master Plan process.

- Carried

- (k) Director of Planning & Building (Brian Treble)
Re: Report No. PD-085-11 – Recommendation Report – Extension of Draft Plan of Subdivision Approval for Spring Creek Estates

Moved by Alderman Luciano Di Leonardo and seconded by Alderman Sue-Ellen Merritt:

That, report PD-085-11, dated July 18, 2011, regarding the Extension of Draft Plan of Subdivision Approval for Spring Creek Estates, BE RECEIVED; and,

That, Draft Plan of Subdivision Approval for Spring Creek Estates be extended to March 7, 2012 with no change to conditions.

- Carried

(l) **AMENDMENT TO BUDGET**

Director of Planning & Building (Brian Treble)

Re: Report No. PD-083-11 – Recommendation Report – Daylight Triangle Purchase on Smits Cove

Alderman Glazier declared a conflict of interest relating to Item 11(L), being report PD-083-11 – Daylight Triangle Purchase on Smits Cove, as he owns land on Smits Cove. Alderman Glazier did not take part in discussion nor voting with respect to this matter.

Moved by Alderman Luciano Di Leonardo and seconded by Alderman Sue-Ellen Merritt:

AMENDMENT TO BUDGET

That, Report PD-083-11, dated July 18, 2011, relating to an AMENDMENT TO BUDGET for the Daylight Triangle Purchase on Smits Cove, BE APPROVED; and,

That, the costs for the processing of an offer to purchase a daylight triangle on Smits Cove, with expenses not exceeding \$5,000.00, be confirmed as an Amendment to Budget.

- Carried

(m) Director of Planning & Building (Brian Treble)

Re: Report No. PD-080-11 – Recommendation Report – Naming of a Private Street in Wes-Li Heights Plan of Condominium

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

That, Report PD-080-11, dated July 18, 2011, regarding the Naming of a Private Street in Wes-Li Heights Plan of Condominium, BE RECEIVED; and,

That, Staff be authorized to proceed to hold a public meeting by placing a notice in a local newspaper for consideration of the Naming of a Private Street in Wes-Li Heights Plan of Condominium at the August 15, 2011 Council meeting; and,

That, Staff be authorized to present the name Sunnydale Court, as taken from the Township of West Lincoln Street Naming Policy.

- Carried

(n) Director of Planning & Building (Brian Treble)

Re: Report No. PD-084-11 – Recommendation Report – Requested Change to the Township Street Naming Policy

Moved by Alderman Sue-Ellen Merrit and seconded by Alderman Luciano Di Leonardo:

That, Report PD-084-11, dated July 18, 2011, regarding a Requested Change to the Township Street Naming Policy, BE RECEIVED; and,

That, the newly Revised Street Naming Policy (POL # PD-01-11) as attached to this report (Attachment No.1) be adopted; and,

That, the previous Street Naming Policy (POL # PD-01-09), as implemented through Report PD-022-09, dated February 9, 2009 be and is hereby repealed.
- Carried

In response to Alderman Chechalk's inquiry regarding how the list of street names was established, the Director of Planning & Building advised that the list was presented in 2007 and was vetted through the Heritage Committee with input from the Legion and was a list of surnames of historical significance. Alderman Chechalk noted that she believed the list should be revisited and that it should include historical events that occurred in Smithville and other locations and should be enhanced to include veterans who served in wars and have passed away.

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

That, staff be and are hereby directed to bring forward the Street Naming Policy in September in order to address enriching it to include names of Veterans and other significant places, people and events that occurred in West Lincoln or the world.

- Carried

- (o) Director of Planning & Building (Brian Treble)
Re: Report No. PD-087-11 – Recommendation Report – Authority to Sign Authorized Requester Agreement 20722 with the Ministry of Transportation

Alderman Merritt declared a perceived conflict of interest relating to Item 11(L), being report PD-087-11 – Authority to Sign Authorized Requester Agreement 20722 with the Ministry of Transportation, due to the fact that a family member was employed by the Town of Pelham. Alderman Merritt did not take part in discussion nor voting with respect to this matter.

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

That, Report PD-087-11, dated July 18, 2011, relating to the Authority to Sign the Authorized Requester Agreement 20722 with Her Majesty the Queen in the Right of Ontario as represented by The Ministry of Transportation, BE APPROVED; and,

That, a by-law be passed to authorize the Mayor and Clerk to sign the Authorized Requester Agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation and the Township of

West Lincoln, and to return the agreement to the Ministry of Transportation by July 22, 2011.

- Carried

Section D – Miscellaneous Items:

- (p) Alderman Micallef
Re: Request for Meeting to review merits of establishing a West Lincoln ATV Trail

There was much discussion regarding the issue of reviewing the merits of establishing an ATV trail in West Lincoln and the following issues and/or concerns were raised:

- lack of notice to residents regarding this issue
- trouble with people trespassing on land with ATVs
- proposed ATV trail would worsen the trespassing problem
- composition of the proposed committee – should include residents
- need for public representation from wards 1, 2 and 3
- need for by-laws to regulate ATVs and provision of enforcement
- need for a public meeting if a trail is proposed
- need for feedback from residents
- need police input regarding issues/concerns/solutions/enforcement
- need to fix/improve problems relating to ATVs
- need for a win-win solution

The CAO stated that the matter should be referred to staff for a report on the process that should be followed in addressing this matter.

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

That, staff be and are hereby directed and authorized to coordinate a meeting with Township staff, a Council representative (Alderman Alexander Micallef), a representative from the Niagara Regional Police and a representative from the Quad Niagara ATV Club, in order to consider the merits of a West Lincoln ATV Trail and report back at a future meeting.

- REFERRED (see below)

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

That this issue of a meeting to consider the merits of an ATV trail be referred to staff for appropriate guidance on what would best suit all proponents.

- Carried

Mayor Joyner declared a brief recess at 9:30 p.m. and the meeting reconvened at approximately 9:40 p.m.

- (q) Derrick Thomson, CAO
Re: Meeting with Library Board

The CAO stated that he had met with Members of the Library Board who had advised that they would like to have a tour of the library facilities with Members of

Council. The CAO stated that he had made the assumption that Members of Council would prefer to meet on the weekend and suggested that a Saturday morning in September might work and that he would email some proposed dates to Members of Council for a response.

- (r) Derrick Thomson, CAO
Re: Authorization to Meet with Niagara Catholic District School Board regarding possible Partnership Opportunities

Moved by Alderman Luciano Di Leonardo and seconded by Alderman Sue-Ellen Merritt:

That, the CAO be and is hereby authorized to meet with the Niagara Catholic District School Board regarding possible partnership opportunities.

- Carried

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

- 1. Alderman Joann Chechalk
Re: Letter to Region of Niagara regarding removal of Highway 20 Bypass

Alderman Chechalk referenced the letter written by the Director of Planning & Building which was sent to the Region of Niagara regarding the removal of the Highway 20 Bypass from the list of designated highways which are of Provincial interest and noted that she wanted another letter sent on behalf of Council in that same regard. Alderman Chechalk stated that she wanted the letter to be forceful as she was concerned that the Region's Capital Budget had been changed and the Highway 20 Bypass removed without consideration of the municipality and she was very upset that it was removed as it was essential in her view. Alderman Chechalk requested that this item be included on the August Council agenda.

There was much discussion and concern raised regarding this matter. The CAO advised that he would bring back a resolution that would direct that a letter be sent to the Minister's office regarding this matter.

- 2. Alderman Joann Chechalk
Re: AMO Bulletin – Waste Diversion

Alderman Chechalk referenced a recent AMO Bulletin regarding waste diversion and advised that although waste diversion was not our issue, perhaps the Council should send a letter and promote the idea of people being more accountable for waste. Alderman Chechalk suggested that a letter be sent to the three party leaders regarding waste diversion advising them that their lack of attention to this matter was not appropriate and that in the future, West Lincoln might consider targets as part of their strategic plan.

The CAO suggested that staff could write a letter and touch on the important points noted by Alderman Chechalk and that consideration could be given to include environmental targets in our strategic plan with funding provided for in the 2012 budget.

3. Alderman Joann Chechalk
Re: Memo from Director of Planning & Building regarding Energy Conservation Plan

Alderman Chechalk stated that she believed that Niagara Peninsula Energy could help the municipality with respect to the energy conservation plan and suggested that the CAO contact Mr. Brian Wilkie regarding conducting an audit at their expense.

The CAO confirmed that the Township would be looking for funding to undertake the audits which are new requirements that were implemented similar to the Ontarians with Disabilities Act in that the Township is responsible for implementing the program and paying all the costs.

Alderman Chechalk stated that the Township may benefit by saying that an energy conservation plan will be very costly and that the Province should be providing funding assistance to municipalities given that previous funding transferred by the Province was not transferred down to the lower tier municipalities.

4. Alderman Eric Leith
Re: Westbrook Road

In response to Alderman Leith's inquiry on the status of Westbrook Road, the CAO advised that staff had met with City of Hamilton representatives and that they have been made aware of the issues on Westbrook Road and are looking at putting money in their 2012 budget and that the discussion regarding this issue were positive at this time.

5. Alderman Sue-Ellen Merritt
Re: Erection of Wind Tower

Alderman Merritt requested that staff inquire and let her know where the MET tower (to measure wind velocity) was being erected.

6. Alderman Luciano Di Leonardo
Re: Dumping of Fill / Site Alteration By-law

Alderman Di Leonardo advised that he had received a complaint regarding the dumping of large amounts of fill near South Grimsby Road 18 and he had concerns that there was no by-law to regulate this activity and the type of fill being dumped.

The CAO advised that the complaint could be investigated and if it was determined that there was not by-law in effect to address/deal with this issue the MOE could be called in to have a look at the problem. The CAO advised that the Township currently did not have a site alteration or dumping by-law and that he could bring one forward for consideration however, noted that with every by-law enacted, associated enforcement costs would ensue. The CAO noted that, in his opinion, the Township could use a full time person to deal with complaints.

Alderman Chechalk noted that as the Township's proximity to development increases, there will be more dumping as surrounding areas are running out of places to dispose of fill. Alderman Chechalk noted her concern regarding water flow and drainage problems developing as a result of dumped fill and felt that a by-law was needed.

The CAO noted that he could provide a dumping by-law rather quickly but would like the opportunity to think about a Site Alteration By-law.

Following much discussion regarding dumping and site alteration by-laws, the CAO was directed to bring forward a report(s) regarding these issues.

7. Mayor Douglas Joyner
Re: Email from Joe Cousins – Regional Road Issues

Mayor Joyner provided a copy of an email from Mr. Joe Cousins (email attached as Schedule C to these minutes) that outlined many of the concerns raised by the Township. In particular, Mayor Joyner noted that the Region will not be entertaining additional safety measures at Young Street and Thirty Road however would be revitalizing the area from the lights to Townline Road and would also be getting rid of the ditches and will address the safety issue at the bridge in their 2012/13 budgets.

With respect to the Safety Study, the CAO noted that the Township wanted to encourage the Region to redevelop the right hand merge at the lights hopefully as soon as 2012 and also recommend not parking at that location.

8. Alderman Sue-Ellen Merritt
Re: Email from resident between Regional Road 20 and Canboro Road

Alderman Merritt inquired if anyone had responded to the resident regarding traffic safety concerns on Victoria Avenue (Regional Road 24) and suggested that a response should be sent advising the resident who to contact regarding his concerns and advising him that the road in question is a regional road.

12. BY-LAWS:

Moved by Alderman Sue-Ellen Merritt 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:

- (a) By-law 2011-56 To confirm the proceedings of the June 27, 2011 Special and June 27, 2011 regular Council meetings
- (b) By-law 2011-57 To authorize the conveyance of a portion of the municipal road allowance between Concessions 1 and 2, geographic Township of Caistor, designated as Part 2 on Plan 30R-9146, now Township of West Lincoln, in the Regional Municipality of Niagara
- (c) By-law 2011-58 Zoning By-law Amendment - Lincoln Agricultural Society
- (d) By-law 2011-59 Zoning by-law Amendment - Phelps Homes Ltd (Phase I–Lots 1-5)
- (e) By-law 2011-60 To exempt certain land from Part Lot Control pursuant to Section 50 of the Planning Act (Phelps Homes – Phase II)
- (f) By-law 2011-61 To exempt certain land from Part Lot Control pursuant to Section 50 of the Planning Act (Phelps Homes - Phase I)
- (g) By-law 2011-62 To designate a Community Improvement Project Area
- (h) By-law 2011-63 To adopt a Sustainable Downtown Smithville Community Improvement Plan
- (i) By-law 2011-64 To provide for Construction, Demolition, Change of Use, Occupancy Permits, Transfer of Permits, Inspections & Fees

- Carried

Moved by Alderman Sue-Ellen Merrit and seconded by Alderman Luciano Di Leonardo:

That, By-laws 2011-56, 2011-57, 2011-58, 2011-59, 2011-60, 2011-61, 2011-62, 2011-63 and 2011-64 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 AS AMENDED (see below)

AMENDMENT TO BY-LAW 2011-63

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

That, By-law 2011-63 be amended by deleting the following words from the title of the By-law:

“Sustainable Downtown Smithville”

and replacing them with the following word:
"Brownfield".

- Carried

Alderman Merritt's perceived conflict of interest as declared above, relating to Item 11(L), being report PD-087-11 – Authority to Sign Authorized Requester Agreement 20722 with the Ministry of Transportation also relates to By-law 2011-65. Alderman Merritt did not take part in discussion with respect to this matter.

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:

- (a) By-law 2011-65 To authorize an "Authorized Requested Agreement" between the Corporation of the Township of West Lincoln and Her Majesty the Queen in Right of Ontario, as represented by the Minister of Transportation, for the provision of access to information for the purpose of commencing legal proceedings relating to parking infractions.

- Carried

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

That, By-law 2011-65 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 Alexander Micallef and seconded by Alderman Joann Chechalk:

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

- (a) By-law 2011-66 To authorize an agreement - Report No. RFD-PW-32/2011 – Amendment to Agreement, (Sonia Rizzato & Richard MacKinnon), Construction of Seneca Street Extension
- (b) By-law 2011-67 To amend By-law 2010-116 which appointed Fenceviewers and Stock Valuers in the Township of West Lincoln for the period December 1, 2010 to November 30, 2014. (replace Gerald Comfort with Dick Van Dyke)

- Carried

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

That, By-laws 2011-66 and 2011-67 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

13. CONFIDENTIAL MATTERS:

There were no confidential matters.

14. ADJOURNMENT:

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

That, this Council meeting does now adjourn at the hour of 10:47 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