



**THE CORPORATION OF THE TOWNSHIP  
OF WEST LINCOLN**

**COUNCIL MINUTES**



**MEETING NO. TWO HELD:** Monday, February 23, 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

**Others:** Mike Firmin \*  
Raymond Hartman \*  
Stephen Kaiser \*  
2 Other Member of the Public \*

**Media:** Marcel VanderWier, Grimsby-Lincoln News\*  
Stephanie Sisler, West Niagara News\*  
William Kelly, Cogeco \*

\* IN ATTENDANCE PART TIME

1. **INVOCATION:** Alderman Douglas Joyner

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

1. **Alderman Douglas Joyner**

Alderman Douglas Joyner declared a conflict of interest/disclosure of pecuniary interest with respect to Item A17-09, being a "Legal Matter-Drainage Issue" as contained in the of the February 17, 2009 Administration/Finance/Fire Committee "Open Session and Confidential" minutes - Set 2, as the matter pertained to a relative. Alderman Joyner was not in attendance at that meeting and did not take part in discussion nor voting relating to these matters.

2. **Alderman Mary Dinga:**

(a) Alderman Mary Dinga declared a conflict of interest/disclosure of pecuniary interest with respect to the Growth Management Strategy presentation as her husband owned land in that designated area. Alderman Dinga did not take part in discussion nor voting with respect to the Growth Management Strategy.

- (b) Alderman Mary Dinga declared a conflict of interest/disclosure of pecuniary interest with respect to Item PW12-09(b) being the Townline Road Project (Regional Road # 20 to Regional Road # 14) as contained in report RFD-PW-07/2009 (Five-Year Capital Road Program) due to the fact that her husband owns property on Townline Road. Alderman Dinga did not partake in discussion nor voting with respect to this matter.

**3. Alderman Mike Rehner:**

Alderman Mike Rehner declared a conflict of interest/disclosure of pecuniary interest with respect to Item PW12-09(c) being the Caistor Centre Road Project (Conc. # 3 – Conc. # 2 Road) as contained in report RFD-PW-07/2009 (Five-Year Capital Road Program) due to the fact that he and his wife own property on Caistor Centre Road. Alderman Rehner did not partake in discussion nor voting with respect to this matter.

**3. COMMENTS FROM THE PUBLIC:**

There were no comments from the public.

**4. CONFIRMATION OF MINUTES:**

- (a) Council Minutes – Regular  
January 26, 2009

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

That, the minutes of the open session portion of the January 26, 2009 regular Council meeting be accepted without errors or omissions; and,

That the minutes of the closed session portion of the January 26, 2009 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 Meetings under the Planning Act  
February 9, 2009 Minutes

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

That, the minutes of a public meeting held on February 9, 2009, under Section 34 of the Planning Act, with respect to:

- (a) a Zoning By-law Amendment – Ross Bush  
(b) a Zoning By-law Amendment - Neil McCollum Ltd.  
(c) a Zoning By-law Amendment – Phelps Homes Ltd. for Brookside Plan of Subdivision – Phase II

be accepted.

- Carried

5. **COMMUNICATIONS:**

There were no communications.

6. **APPOINTMENTS/PRESENTATIONS:**

There were no appointments or presentations.

7. **REPORT OF COMMITTEE:**

- (a) Planning/Building/Environmental Committee  
Re: February 9, 2009 Minutes  
NOTE: CONFIDENTIAL MINUTES (**SET 1 & 2**) UNDER SEPARATE COVER

**SUMMARY OF RECOMMENDATIONS:**

- (a) ITEM P09-09  
The Planning/Building/Environmental Committee hereby approve the following Consent Agenda Items:
1. Items 1 & 2 are hereby received for information; and,
  2. Items 3, 4 & 5 are hereby approved and the recommendations contained therein are adopted.
- with the exception of Item # (3).  
(ITEM P09-09)
- (1) Communication - Smithville Phase IV Bedrock Remediation Site Operations Summary Report – July 1, 2008 to September 30, 2008
  - (2) Information Report – Building Permit Report – January 2009
  - (3) Information Report No. PD-022-09 – Niagara Regional Housing: Draft Affordable Housing Municipal Profile
  - (4) Information Report No. PD-023-09 – Niagara Workforce Planning Board – A Vision in Action Meeting
  - (5) Information Report No. PD-017-09 – 2008 Planning Department Activity Summary and Proposed and Upcoming Projects)
- (b) ITEM P12-09
- (1) That, Report No. PD-019-09, dated February 9, 2009, relating to Smithville on the Twenty – South Community (Smithville Estates - Brookside) proposed redline revisions, BE RECEIVED;
  - (2) That, the proposed redline revisions to the draft approved plan of subdivision, File 2T-98001, Township of West Lincoln, as per Attachment No. 2 to this report in accordance with the provisions of the *Planning Act* and regulations there under subject to the conditions contained in Attachment No. 4 as amended through PD-019-09, BE APPROVED;
  - (3) That, no notice be required as the change in conditions is considered minor in nature;

- (4) That, the Director of Planning, or the Township Clerk, be authorized to endorse the proposed redline revisions to the draft approved plan of subdivision; and
  - (5) That, the applicant be advised that the Township's draft approval of this plan of subdivision will lapse on October 13, 2011 unless Township Council grants an extension of the approval period. If an extension is requested, an updated review and revisions to the conditions of approval may be necessary at that time.
- (c) ITEM P14-09
- (1) That Report No PD-021-09, dated February 9, 2009, relating to an Authorizing By-law for a Subdivision Agreement between the Township of West Lincoln and Phelps Homes Ltd., Henry Dyck and Justina Dyck, and Meridian Credit Union Limited, BE RECEIVED; and
  - (2) That a By-law authorizing the Mayor and Clerk to enter into a Subdivision Agreement between the Township of West Lincoln and Phelps Homes Ltd., Henry Dyck and Justina Dyck, and Meridian Credit Union Limited, BE APPROVED.
- (d) ITEM P15-09
- (1) That, Report PD-028-09, dated February 9, 2009 regarding Proposed Street Naming under the Municipal Act, 2001 for Wes-Li Gardens Extension, BE RECEIVED; and,
  - (2) That, in accordance with the amended recommendation of Report PD-082-06, Council accepts the proposed street names of:
    1. Dove Lane
    2. Jenny Crescent
    3. Riverside Circle
  - (3) That, Staff provide notice of proposed street names in accordance with the Township Procedural By-law with opportunity to comment on March 9, 2009 at the Planning/Building/Environmental Committee meeting.
- (e) ITEM P16-09
- (1) That, Report PD-027-09, dated February 9, 2009, regarding a Street Naming Procedure, BE RECEIVED; and,
  - (2) That, the Street Naming Policy attached as Attachment 1 to this report be adopted as the Street Naming Procedure of the Township of West Lincoln; and,
  - (3) That, previous street naming policy as contained in Report PD-082-06 dated June 5, 2006, be and is hereby repealed.

- (f) ITEM P17-09  
That, Report PD-025-09, dated February 9, 2009, relating to an Update on Niagara 2031 Regional Growth Strategy Process, BE RECEIVED for information.
  
- (g) ITEM P09-09 (3)  
That, Item P09-09(3) (extracted from the Consent Agenda section) be received for information.  
(Item P09-09(3)  
That, Report No. PD-022-09, dated February 9, 2009, relating to Niagara Regional Housing: Draft Affordable Housing Municipal Profile, be RECEIVED for information.)
  
- (h) ITEM P10-09  
That, Report No. PD-016-09, dated February 9, 2009, relating to Zoning By-law Amendment application 1601-020-08 in the name of Ross Bush, be APPROVED.
  
- (i) ITEM P11-09
  - (1) That, Report No. PD-018-09, dated February 9, 2009, relating to Zoning By-law Amendment application 1601-001-09 in the name of Neil McCollum Ltd., BE RECEIVED; and,
  
  - (2) That for reasons outlined in this report it is hereby recommended that Zoning By-law Amendment application 1601-001-09 in the name of Neil McCollum Ltd., BE APPROVED.
  
- (j) ITEM P13-09  
That, Report No. PD-020-09, dated February 9, 2009, relating to a Zoning By-law Amendment for Smithville on the Twenty – South Community (Smithville Estates - Brookside), BE APPROVED.
  
- (k) ITEM P19-09
  - (1) That, Report PD-001-09, dated February 9, 2009, regarding Contracted Service for Sewage System Inspection in accordance with the Ontario Building Code, BE RECEIVED; and,
  
  - (2) That, the contract with Mr. Lyle Killins for sewage system inspections be extended to the end of December 2010, and continue on a monthly basis thereafter; and,
  
  - (3) That, a by-law be passed to authorize the Mayor and Clerk to sign the contract with Lyle Killins.
  
- (l) ITEM P20-09
  - (1) That, Report No. PD-024-09, dated February 9, 2009, regarding a Legal Matter relating to an OMB Appeal, BE RECEIVED; and,

- (2) That, staff BE AUTHORIZED to proceed as directed in closed session.

**February 9, 2009 Planning/Building/Environmental Committee - Open Session + Confidential Minutes-Set 1:**

Alderman Merritt advised that she did **not** have a pecuniary interest relating to Item P19-09 (Recommendation Report No. PD-001-09 - Personnel Matter - Sewage System Inspection) as was noted in the February 9<sup>th</sup>, 2009 Planning/Building/Environmental Committee open session minutes (and confidential minutes –Set 2) and confirmed that she only had a “perceived” conflict of interest due to a friendship with the individual in question.

The Clerk advised that a notation could be made in these minutes clarifying that Alderman Merritt did not have a pecuniary interest but had made her declaration due to a perceived conflict because of her friendship with the individual in question.

Alderman Merritt concurred with the Clerk’s suggestion provided that a notation in that regard was included in official copy of the February 9<sup>th</sup>, 2009 Planning/Building/Environmental Committee minutes.

The Clerk confirmed that she would make the appropriate notation in the minutes referencing this clarification.

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

That, the minutes relating to the open session portion of the Planning/Building/Environmental Committee meeting held on February 9, 2009, be received and that the recommendations contained therein, be approved, with the exception of Items no. P12-09 and P19-09.

That the confidential minutes of the closed session portion – **Set 1** - of the February 9, 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 P12-09 – Report PD-019-09 - Smithville on the Twenty – South Community (Smithville Estates - Brookside) - proposed redline revisions**

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

That, Item P12-09 from the February 9, 2009 Planning/Building/Environmental Committee minutes be approved.

(ITEM P12-09

- (1) That, Report No. PD-019-09, dated February 9, 2009, relating to Smithville on the Twenty – South Community (Smithville Estates - Brookside) proposed redline revisions, BE RECEIVED;
- (2) That, the proposed redline revisions to the draft approved plan of subdivision, File 2T-98001, Township of West Lincoln, as per Attachment No. 2 to this report in accordance with the provisions of the *Planning Act* and regulations there under subject to the conditions contained in Attachment No. 4 as amended through PD-019-09, BE APPROVED;
- (3) That, no notice be required as the change in conditions is considered minor in nature;
- (4) That, the Director of Planning, or the Township Clerk, be authorized to endorse the proposed redline revisions to the draft approved plan of subdivision; and
- (5) That, the applicant be advised that the Township's draft approval of this plan of subdivision will lapse on October 13, 2011 unless Township Council grants an extension of the approval period. If an extension is requested, an updated review and revisions to the conditions of approval may be necessary at that time.)

- Carried AS AMENDED (see below)

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

That, Attachment 4 of Report PD-019-09 be amended as follows to provide for minor changes required to the conditions listed in Attachment 4:

1. Add the following words to condition 1 following the word "Creek" on the ninth line:  
"and the 100 year floodline of the Twenty Mile Creek".
2. Replace the number "17" on the sixth line of condition 17 with:  
"16".
3. Replace the numbers "21 and 22" on the fourth line of Condition 23 (b) with:  
"20 and 21".

- Carried

**ITEM P19-09 – Report PD-001-09, dated February 9, 2009, regarding Contracted Service for Sewage System Inspection**

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

That, Item P19-09 from the February 9, 2009 Planning/Building/Environmental Committee minutes be approved.

(ITEM P19-09

- (1) That, Report PD-001-09, dated February 9, 2009, regarding Contracted Service for Sewage System Inspection in accordance with the Ontario Building Code, BE RECEIVED; and,
- (2) That, the contract with Mr. Lyle Killins for sewage system inspections be extended to the end of December 2010, and continue on a monthly basis thereafter; and,
- (3) That, a by-law be passed to authorize the Mayor and Clerk to sign the contract with Lyle Killins.)

- Carried

**Feb 9, 2009 Planning/Building/Environmental Cmty–Confidential Minutes-Set 2:**

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

That the confidential minutes of the closed session portion - **Set 2** - of the February 9, 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

(b) Administration/Finance/Fire Committee

Re: February 17, 2009 Minutes

NOTE: CONFIDENTIAL MINUTES (**SET 1 & 2**) UNDER SEPARATE COVER

**SUMMARY OF RECOMMENDATIONS:**

(a) ITEM A08-09

That, the Township of West Lincoln hereby consents to the passage of a Private Bill to amend *The Young Men's Christian Association of St. Catharines Act, 1928*:

- (1) To provide that the area in which YMCA of Niagara may establish branch offices and acquire and hold real property or any estate or interest therein shall be The Regional Municipality of Niagara; and
- (2) To exempt lands and buildings owned or occupied by YMCA of Niagara in the Regional Municipality of Niagara from taxation for municipal and school purposes, except for local improvement rates provided that such lands and buildings are used solely for the purposes of the YMCA of Niagara generally in accordance with the proposed Bill attached as Schedule A.

(b) ITEM A11-09

The Administration/Finance/Fire Committee approve the following Consent Agenda Items:

1. Item 1 & 2 be hereby received for information; and,

2. Items 3 & 4 be hereby approved and the recommendations contained therein are adopted; and,
3. Item 5 be hereby received and referred to staff for report and recommendation,  
with the exception of Item A11-09 (3) and (4).

(ITEM A11-09)

1. Communication – Grant Thornton – Report to Council – Initial communication on audit planning
2. West Lincoln Cemetery Board Minutes – January 7, 2009
3. See below
4. See below
5. Correspondence from College Street Public School – Requesting Extra Crossing Guards and various traffic and parking improvements.)

(c) ITEM A12-09

That, the correspondence dated January 30, 2009 from the City of Thorold requesting support of their resolution to petition the Province of Ontario to act immediately to restore annual property assessments, be received and supported.

(d) ITEM A13-09

1. THAT, RFD FD- 09-02, re: New Fire Hall dated February 17, 2009 be accepted; and,
2. THAT, staff be authorized to proceed with the next phase of the new fire hall, and complete a RFP for circulation to architectural firms for Design Build Criteria for the new fire hall and,
3. THAT, Council commit the “Investing in Ontario” funds in the amount of \$631,869 to the Fire Reserve in 2009 as a component of the funding for the New Fire Hall.

(e) ITEM A14-09

1. That, Report RFD-C-01-09, dated February 17, 2009, regarding “Application for Refreshment Cart License – Steve Bonham” be received and;
2. That, approval be granted to Steve Bonham for licensing of his refreshment cart to be located at 218 St. Catharines Street (Al’s Lube Service) conditional on receiving the required approval from the Regional Health Unit and West Lincoln Fire Chief prior to any sale of food/beverages.

(f) ITEM A11-09 (3)

That Item A11-09 (3) extracted from the Consent Agenda section be approved and the recommendations contained therein are hereby adopted.

Recommendation in Report RFD-C-02-09

That, Recommendation Report – RFD-C-02-09 – Summer (July & August 2009) and December, 2009 Meeting Schedule be approved and the recommendations contain therein be adopted.

(g) ITEM A11-09 (4)

RECOMMENDATION #1

That Item A11-09 (4) extracted from the Consent Agenda section be approved and the recommendations contained therein are hereby adopted.

Recommendation in Report RFD-C-03-09

That, Recommendation Report – RFD-C-03-09 – Housekeeping Revisions to Firearms By-law be referred to staff for clarification, specifically the definition of the term peace officer.

-Referred (see below)

RECOMMENDATION #2 (REFERRAL):

That Report RFD-C-03-09 be referred back to determine if the definition of Peace Officer includes SPCA Officers.

**February 17, 2009 Administration/Finance/Fire Committee - Open Session + Confidential Minutes-Set 1:**

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

That, the minutes of the open session portion of the Administration/Finance/Fire Committee meeting held on February 17, 2009, be received and that the recommendations contained therein, be approved, with the exception of Item no(s). A17-09 (DRAINAGE ISSUE), A11-09(3) and A12-09.

That the confidential minutes of the closed session portion - **Set 1** - of the February 17, 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

**ITEM A17-09 – Legal Matter – Drainage Issue**

Alderman Merritt noted that due to her absence at last week's meeting, she should not have voted on the minutes and would be refraining from voting on this matter.

Alderman Douglas Joyner declared a conflict of interest/disclosure of pecuniary interest with respect to Item A17-09, being a "Legal Matter-Drainage Issue" as contained in the of the February 17, 2009 Administration/Finance/Fire Committee "Open Session and Confidential" minutes - Set 2, as the matter pertained to a relative. Alderman Joyner was not in attendance at that meeting and did not take part in discussion nor voting relating to these matters.

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

That, Item A17-09 from the February 17, 2009 Administration/Finance/Fire Committee minutes be approved.

(ITEM A17-09 -DRAINAGE ISSUE  
CAO  
Re: Legal Matter – Drainage Issue  
Council rose without reporting.)

- Carried

**ITEM A11-09(3) – Report RFD-C-02-09-Summer & December Mtg Schedule**

Alderman Johnson put forward a number of options regarding alternate meeting schedules which he felt would be more practical.

There was much discussion regarding this matter and it was agreed that it should be referred back to staff for further consideration of the different options discussed.

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

That Item A11-09 (3) extracted from the Consent Agenda section be approved and the recommendations contained therein are hereby adopted.

Recommendation in Report RFD-C-02-09

That, Recommendation Report – RFD-C-02-09 – Summer (July & August 2009) and December, 2009 Meeting Schedule be approved and the recommendations contain therein be adopted.

- REFERRED (see below)

Moved by Alderman Norm Johnson and seconded by Alderman John Glazier

That, Item A11-09 (3) relating to Report – RFD-C-02-09 – Summer (July & August 2009) and December, 2009 Meeting Schedule, be referred to staff for further review and presentation at the March, 2009 Administration/Finance/Fire Committee meeting.

- Carried

**ITEM A12-09 – City of Thorold regarding Annual Property Assessment**

Alderman Johnson advised that he had extracted this item due to the fact that two Members of Council were absent during consideration of this matter and to reiterate his concerns and confirmed that he did not support this item.

Alderman Johnson explained his position and reiterated that there was no need to do yearly re-assessment if the assessment was fair.

There was much discussion regarding this matter and it was agreed that a representative from MPAC be invited to attend the next Administration Committee meeting along with the Treasurer to explain the impact of annual re-assessment versus the current re-assessment practice.

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

That, Item A12-09 from the February 17, 2009 Administration/Finance/Fire Committee minutes be approved.

(ITEM A12-09

That, the correspondence dated January 30, 2009 from the City of Thorold requesting support of their resolution to petition the Province of Ontario to act immediately to restore annual property assessments, be received and supported.)

- REFERRED (see below)

Moved by Alderman Mike Rehner and seconded by Alderman John Glazier

That, Item A12-09 relating to the correspondence from the City of Thorold regarding annual property assessment be referred to the March, 2009 Administration/Finance/Fire Committee meeting with a request to MPAC to attend with the Treasurer to clarify and respond to questions.

- Carried

**Set 2–Confidential Minutes–Feb. 17, 2009 Administration/Finance Fire Committee**

Alderman Douglas Joyner declared a conflict of interest/disclosure of pecuniary interest with respect to Item A17-09, being a “Legal Matter-Drainage Issue” as contained in the of the February 17, 2009 Administration/Finance/Fire Committee “Open Session and Confidential” minutes - **Set 2**, as the matter pertained to a relative. Alderman Joyner was not in attendance at that meeting and did not take part in discussion nor voting relating to these matters.

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

That the confidential minutes of the closed session portion - **Set 2** - of the February 17, 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: February 17, 2009 Minutes  
NOTE: CONFIDENTIAL MINUTES UNDER SEPARATE COVER

**SUMMARY OF RECOMMENDATIONS:**

(a) ITEM PW07-09

That, staff be authorized to work with Poultry Fest Niagara for the creation of a joint Poultry Fest/Canada Day celebration event.

(b) ITEM PW08-09

The Public Works/Recreation/Arena Committee approve the following consent agenda Items:

1. Item 1 & 2 be hereby received for information.
2. Item 3 be hereby approved and the recommendations contained therein are adopted.

(ITEM PW08-09

1. West Lincoln Public Library Board Minutes – January 8, 2009 & January 17, 2009
2. Information Report - RFI PW-05/2009 – Township of West Lincoln 2008 Water Quality Data Annual Report
3. Recommendation Report - RFD PW-13/2009 - Autism Fundraiser Bike Ride)

(c) ITEM PW09-09

- (1) That, Report PD-004-09, dated February 17, 2009, relating to Proposed Traffic & Parking Solutions for Margaret Street, Smithville, BE RECEIVED; and,
- (2) That, Staff consult with affected property owners in the area prior to presenting a recommendation report with proposed actions.

(d) ITEM PW10-09

- (1) That, Report PD-026-09, dated February 17, 2009, regarding Solutions to Parking Issues on Dufferin Street, Smithville, BE RECEIVED; and,
- (2) That, Staff consult with affected property owners in the area prior to presenting a recommendation report with proposed actions.

(e) ITEM PW11-09

- (1) THAT, RFD PW-06/2009, re; Installation of No Parking Signs- Bylaw 89-2000 Amendment- South Side Colver Street from Canborough Street to 70 metres west of Canborough Street, dated February 17, 2009, be adopted; and
- (2) THAT, Schedule "C", Township Consolidated Traffic Bylaw 89-2000 be amended to provide the following no parking signs:

COLUMN 1	COLUMN 2	COLUMN 3		COLUMN 4
HIGHWAY	SIDE	FROM	TO	TIMES/DAY
Colver Street	South	Canborough Street	70m west of Canborough Street	ANYTIME

(f) ITEM PW12-09 – Recommendation (a-1)

- (1) THAT, Report RFD PW-07/2009, re: 2009 Five-Year Capital Road Program, dated February 17, 2009, be received; and,
  - (2) THAT, the 2009 Five-Year Capital Road Program be submitted to the Budget Committee.
- Carried AS AMENDED (See Below)

ITEM PW12-09 – Recommendation (a-2):

That the recommendation in Report RFD PW-07/2009 be amended by adding the following new section (3) to segregate issues affected by conflicts of interest:

- “(3) With the exception of 1) the Townline Road project, and 2) the Caistor Centre Road Project, as contained in Report RFD PW-07/2009 - 2009 Five-Year Capital Road Program.”

ITEM PW12-09 – Recommendation (b)

That, the Townline Road project under Item PW12-09 as outlined in Report RFD-PW-07/2009 (Five Year Capital Road Program), be approved and submitted to the Budget Committee Meeting.

ITEM PW12-09 – Recommendation (c)

That, the Caistor Centre Road project under Item PW12-09, as outlined in Report RFD-PW-07/2009 (Five Year Capital Road Program), be approved and submitted to the Budget Committee Meeting.

- (g) ITEM PW13-09
- (1) THAT, Report RFD PW-08/2009, re: 2009 Five-Year Capital Bridge Program, dated February 17, 2009, be received; and,
  - (2) THAT, the 2009 Five-Year Capital Bridge Program be submitted to the Budget Committee meeting for consideration.
- (h) ITEM PW14-09
- (1) THAT, Report RFD PW-09/2009, re: 2009 Five-Year Capital Sidewalk Program, dated February 17, 2009, be received; and,
  - (2) THAT, the 2009 Five-Year Capital Sidewalk Program be submitted to the Budget Committee meeting for consideration.
- (i) ITEM PW15-09
- (1) THAT, Report RFD PW-10/2009, re: 2009 Five-Year Capital Facilities Program, dated February 17, 2009, be received; and,
  - (2) THAT, the 2009 Five-Year Capital Facilities Program be submitted to the Budget Committee meeting for consideration.
- (j) ITEM PW16-09
- (1) THAT, Report RFD PW-11/2009, re: 2009 Five-Year Capital Sanitary Sewer Program, dated February 17, 2009, be received; and,
  - (2) THAT, the 2009 Five-Year Capital Sanitary Sewer Program be submitted to the Budget Committee meeting for consideration.
- (k) ITEM PW17-09
- (1) THAT, Report RFD PW-12/2009, re: 2009 Five-Year Equipment Replacement Schedule, dated February 17, 2009, be received; and,
  - (2) THAT, the 2009 Five-Year Equipment Replacement Schedule be submitted to the Budget Committee meeting for consideration

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

That, the minutes relating to the open session portion of the Public Works/Recreation/Arena Committee meeting held on February 17, 2009, be received and that the recommendations contained therein, be approved, with the exception of Items no. PW12-09(b), PW12-09(c) and PW17-09.

That the confidential minutes of the closed session portion of the February 17, 2009 Public Works/Recreation/Arena 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 PW12-09-Recommendation b:**

Alderman Mary Dinga declared a conflict of interest/disclosure of pecuniary interest with respect to Item PW12-09(b) being the Townline Road Project (Regional Road # 20 to Regional Road # 14) as contained in report RFD-PW-07/2009 (Five-Year Capital Road Program) due to the fact that her husband owns property on Townline Road. Alderman Dinga did not partake in discussion nor voting with respect to this matter.

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

That, Item PW12-09(b) from the February 19, 2009 Public Works/Recreation/Arena Committee minutes be approved.

(ITEM PW12-09(b) (Townline Rd - Regional Rd #20 to Regional Rd #14)

That, the Townline Road project under Item PW12-09 as outlined in Report RFD-PW-07/2009 (Five Year Capital Road Program), be approved and submitted to the Budget Committee Meeting.)

- Carried

**ITEM PW12-09-Recommendation c:**

Alderman Mike Rehner declared a conflict of interest/disclosure of pecuniary interest with respect to Item PW12-09(c) being the Caistor Centre Road Project (Conc. # 3 – Conc. # 2 Road) as contained in report RFD-PW-07/2009 (Five-Year Capital Road Program) due to the fact that he and his wife own property on Caistor Centre Road. Alderman Rehner did not partake in discussion nor voting with respect to this matter.

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

That, Item PW12-09(c) from the February 19, 2009 Public Works/Recreation/Arena Committee minutes be approved.

(ITEM PW12-09(c) - Caistor Centre Road (Conc. # 3 Road – Conc. # 2 Road)

That, the Caistor Centre Road project under Item PW12-09, as outlined in Report RFD-PW-07/2009 (Five Year Capital Road Program), be approved and submitted to the Budget Committee Meeting.)

- Carried

**ITEM PW17-09 - Report RFD PW-12/2009, re: 2009 Five-Year Equipment Replacement Schedule,**

There was much concern raised regarding the inclusion of two new trucks in the 2009 Five Year Equipment Replacement Schedule and it was noted that the CAO had alternate proposals relating to this matter that would be presented at the March 3<sup>rd</sup> Budget meeting.

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

That, Item PW17-09 from the February 19, 2009 Public Works/Recreation/Arena Committee minutes be approved.

(ITEM PW17-09

(1) THAT, Report RFD PW-12/2009, re: 2009 Five-Year Equipment Replacement Schedule, dated February 17, 2009, be received; and,

(2) THAT, the 2009 Five-Year Equipment Replacement Schedule be submitted to the Budget Committee meeting for consideration.)

- Carried

**8. RECONSIDERATION:**

There were no items for reconsideration.

**9. NOTICE OF MOTION:**

There were no notices of motion.

**10. OTHER BUSINESS:**

- (a) Mayor Katie Trombetta  
Re: Appointment of Acting Mayor (Alderman John Glazier)

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

That, Alderman John Glazier be and the same is hereby appointed Acting Mayor from March 1, 2009 to September 30, 2009 or until his successor is appointed.

- Carried

- (b) Mayor Katie Trombetta  
Re: Rotation of Chairs-Standing Committees

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



In response to Alderman Johnson's inquiry regarding the breakdown of the proposed expansion on a hectare basis, between commercial/industrial versus residential, Mayor Trombetta advised that she did not recall the breakdown however, would get the information and forward it to Alderman Johnson.

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

Notwithstanding previous direction relating to the Growth Management Strategy, Council hereby authorizes, ratifies and confirms the amendment to the application submitted to the Region of Niagara for an amendment to the Official Plan for the Township of West Lincoln to include all of the 402 hectares in the boundary expansion, as per the email sent by Brian Treble to Drew Semple, Region of Niagara Planning Department, on February 19, 2009.

- Carried

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

- (a) Alderman Sue-Ellen Merritt  
Re: Update on City of Hamilton – Proposed Roundabouts

Alderman Merritt requested an update at the next Public Works Committee meeting on the roundabouts proposed by the City of Hamilton.

- (b) Alderman Mike Rehner  
Re: Update from Staff Sergeant Bleich

In response to Alderman Rehner's inquiry regarding when Staff Sergeant Bleich would be coming to Committee to provide an update, Mayor Trombetta stated that staff would report back on this matter at the next Administration Committee meeting.

- (c) Alderman Norm Johnson  
Re: Willows and Flooding in Creek in Smithville

In response to a previous inquiry from Alderman Glazier, Alderman Johnson advised that small trees could be removed from the creek with an ATV however, if a tractor or backhoe was required, they should contact Mr. Ian Berrett at the Niagara Peninsula Conservation Authority.

- (d) Mayor Katie Trombetta  
Re: New Item of Business – Legal Matter

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

That, leave be granted to introduce a new item of business, being a confidential matter regarding a possible legal matter.

- Carried

- (e) Clerk  
Re: Request for Referral of By-law 2009-13 – Amendment to Traffic and Parking By-law 89-2000

The Clerk requested that By-law 2009-13 be extracted and referred to staff due to a correction that was required to the by-law.

11. **BY-LAWS:**

**By-law 2009-08, 2009-09, 2009-10, 2009-11, 2009-12 - Extracted 2009-13**

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

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

- (a) By-law 2009-08 To confirm proceedings of January 26, 2009 regular Council meeting.
- (b) By-law 2009-09 To authorize a Subdivision Agreement with Phelps Homes Ltd., Henry Dyck & Justina Dyck and Meridian Credit Union Limited
- (c) By-law 2009-10 Zoning By-law Amendment – Ross Bush
- (d) By-law 2009-11 Zoning By-law Amendment - Neil McCollum Ltd.
- (e) By-law 2009-12 Zoning By-law Amendment - Phelps Homes Ltd. (Smithville on the Twenty – South Community – formerly Smithville Estates - Brookside)
- (f) By-law 2009-13 To amend Consolidated Traffic & Parking By-law 89-2000 – Schedule C (No parking signs – South Side of Colver Street from Canborough Street to 70 Metres West of Canborough Street)

- Carried

**NOTE:** By-law 2009-13 was extracted from second reading as requested by the Clerk in order to correct an error in the by-law and represent it at a later date.

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

That, By-laws 2009-08, 2009-09, 2009-10, 2009-11 and 2009-12 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

**By-law 2009-13 – Referred**

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

That, By-law 2009-13 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.

- REFERRED (see below)

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

That, By-law 2009-13 be referred back to staff to correct an error in the by-law.

- Carried

**By-law 2009-14**

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

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

By-law 2009-14            To authorize an Agreement with Lyle Killins for the provision of  
Sewage System Inspection Services

- Carried

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

That, By-law 2009-14 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

**12. CONFIDENTIAL MATTERS:**

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

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

1. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

- Carried (9:22 p.m.)

The Mayor declared a five minute recess at approximately 9:22 p.m. before proceeding with closed session discussion.

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

That, this Council meeting does now resume in open session at 10:10 p.m.

- Carried

- (a) Mayor Trombetta  
Re: Legal Matter – Potential Insurance/Litigation Matter

Council rose without reporting.

**13. ADJOURNMENT:**

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

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

- Carried

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**CAROLYN LANGLEY, CLERK**

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**MAYOR KATIE TROMBETTA**