

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

**COUNCIL MINUTES**

**MEETING NO. EIGHT**

**May 25, 2021, 6:15 p.m.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

**Council:** Mayor Dave Bylsma  
Councillor Cheryl Ganann  
Councillor Harold Jonker  
Councillor Mike Rehner\* (refer to page 5)  
Councillor William Reilly  
Councillor Jason Trombetta  
Councillor Shelley Bradaric

**Staff:** Joanne Scime, Clerk  
Bev Hendry, CAO  
Donna DeFilippis, Treasurer/Director of Finance\*  
Brian Treble, Director of Planning and Building\*  
Roberta Keith, IT Manager

**Others:** David Willer, Sullivan Mahoney\*  
Steven Soos\*

\* IN ATTENDANCE PART-TIME

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**1. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST (CONFIDENTIAL MATTERS)**

There were no Members of Council that declared a pecuniary interest and/or conflict of interest with respect to the closed session item.

**2. CONFIDENTIAL MATTERS**

All Members of Committee noted as present as well as the Township's Solicitor, Mr. David Willer, the CAO, the Treasurer/Director of Finance and Clerk were in attendance during discussion of the above noted closed session item.

**NOTE:** Before proceeding into closed session deliberations, all members in attendance including the Township Solicitor, Mr. David Willer, the CAO, and the

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Treasurer/Director of Finance stated their name and confirmed that they understood and affirmed to the following statement:

"You understand and will ensure that all matters discussed in the confidential portion of this meeting will be and will remain confidential; there is no one else present with you; and, that there is no one else who can hear the closed session discussion. Also, please confirm that you are not using any electronic devices other than your tablet or computer and that it is being used for the purpose of the video conferencing only and not to record any portion of this meeting. As well you have not shared or forwarded the link to the confidential ZOOM invitation to anyone."

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Cheryl Ganann

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:

(a) Township Solicitor (David Willer), CAO (Bev Hendry) & Treasurer/Director of Finance (Donna DeFilippis)

Re: Legal Matters - Niagara Peninsula Energy Incorporated and Peninsula West Power Incorporated

**Applicable closed session exemption(s):**

- The security of the property of the municipality;
- Personal matters about an identifiable individual, including municipal employees;
- Information (e.g., a trade secret or scientific, technical, commercial, or financial information) that belongs to the municipality and has monetary value. (6:15 pm)

**Carried**

**Moved By** Councillor Cheryl Ganann

**Seconded By** Councillor Mike Rehner

That, this Council meeting does now resume in open session at the hour of 7:25 p.m.

**Carried**

- 2.1 Township Solicitor (David Willer), CAO (Bev Hendry) & Treasurer/Director of Finance (Donna DeFilippis)  
Re: Legal Matters - Niagara Peninsula Energy Incorporated and Peninsula West Power Incorporated

**Moved By** Councillor William Reilly

**Seconded By** Councillor Harold Jonker

That, the Township's Solicitor be and is hereby authorized to proceed as directed in closed session with respect to a legal matter relating to Peninsula West Power Inc.

**Carried**

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### **3. SINGING OF "O CANADA"**

Prior to commencing with the Council meeting, Mayor Bylsma made the following announcements:

1. Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber will not be open to the public to attend Standing Committee and Council meetings until further notice.
2. The public could submit comments for matters that are on the agenda to [jscime@westlincoln.ca](mailto:jscime@westlincoln.ca) before 4:30 pm. today. Any comments submitted would be considered as public information and read into public record.
3. The meeting was being recorded and will be available on the Township's website within 48 hours of the meeting, unless otherwise noted.

### **4. OPENING PETITION - Councillor Cheryl Ganann**

Following the reading of the Opening Petition, Councillor Ganann stated that as we come to the end of May, Council wished to acknowledge that the month of June has been proclaimed Pride Month. Councillor Ganann advised that all municipalities in Niagara, including West Lincoln, will be raising the Pride Flag on June 1st, 2021 and that the Township of West Lincoln values being able to live in such a warm, caring and inclusive community and that we sincerely hope that all who reside or visit here will feel welcomed, supported and valued.

### **5. CHANGE IN ORDER OF ITEMS ON AGENDA**

There were no changes in order of items on the agenda.

### **6. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

There were no Members of Council that declared a pecuniary interest and/or conflict of interest.

### **7. REQUEST TO ADDRESS ITEMS ON THE AGENDA**

The Chair inquired if the IT Manager was aware if there were any members of the public in attendance virtually on the Zoom meeting call that wished to address a specific item on tonight's agenda as permitted under Section 6.7 of the Procedural By-law, for which the IT Manager confirmed there were not.

Additionally, the Chair asked the Clerk if she had received any emails or correspondence from a member of the public prior to 4:30 p.m. today to read into the record, for which the Clerk confirmed she had not.

### **8. APPOINTMENTS/PRESENTATIONS**

#### **8.1 Steven Soos**

Re: Petition e-3351 - Study on national mental health emergency

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Mr. Steven Soos advised that he was in attendance this evening to present Petition e-3351, which is a Federal Petition that he had authored and was supported by MPP Dean Allison, MPP - Niagara West. Mr. Soos read the petition into the record as follows:

**Whereas:**

Several provinces have declared emergencies on various circumstances over time;

Canada is allowed to declare national emergencies under the Emergencies Act, 1985;

Approximately 1 in 5 Canadians will experience a mental health problem or illness;

The economic burden of mental illness in Canada is estimated at 51 billion dollars per year (including healthcare costs, lost productivity, and reductions in health-related quality of life) (CAMH);

Not addressing mental health issues/illness is costly in the long-term to Canada's economy; and

According to a recent Morneau Shephard poll, 50% of Canadians reported that their mental health has worsened with the COVID-19 pandemic, with mental health related hospitalizations, crisis-line use, and addiction rates skyrocketing.

We, the undersigned, citizens of Canada, call upon the House of Commons to launch a study in the Standing Committee on Health (HESA) on the merits of declaring a national emergency on mental health.

Mr. Soos advised that with the COVID-19 pandemic there has been a significant increase with respect to mental health issues that has resulted in an increased use of the Kids Help Phone from 1.9 Million Calls to 4 Million Calls as well as an increase in hospitalizations, including the number of mental health cases tripling at McMaster University Hospital. Mr. Soos advised that he was in attendance this evening to request the Township of West Lincoln to endorse Petition e-3351 and to sign the petition and forward the link to others to do the same.

Mr. Soos stated that the link to the petition could be found online at <https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-3351>.

Mr. Soos requested that all Niagara area MP's, the Prime Minister of Canada, the Federal Minister of Health, and all members of the Federal HESA (Standing Committee on Health), Niagara Area MPP, the Premier of Ontario, the local area municipalities including Niagara Region and the President of AMO be copied on this motion as this is a very serious issue that needs to be brought to the forefront and addressed nationally. Mr. Soos advised that, to date, the Town of Pelham and the City of Thorold had unanimously supported the endorsement of Petition e-3351.

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The mover and seconder of the motion with respect to Petition e-3351 supported that a friendly amendment be made to include that a copy of the Township's resolution be sent as requested by Mr. Soos as noted above.

Following Mr. Soos presentation, it was also suggested by Councillor Reilly that the Township should also adopt a resolution to endorse, as a number of municipalities have done, the three digit 988 crisis line initiative to ensure critical barriers are removed to those in a crisis and seeking help.

Councillor Bradaric advised that she supported a three-digit crisis line initiative which she felt would be much easier for people to remember the phone number and access; however, she noted currently that the only access to mental health assistance and support in Niagara was by calling a 1-800 phone number, being the Crisis Outreach and Support Team (COAST) whose phone number is 1-866-550-5205. In closing, Councillor Bradaric thanked Mr. Soos for his dedication and hard work to bring forward the growing need for mental health and crisis support.

At a point during the meeting, Councillor Rehner left the meeting for a few minutes due to issues with his back and was not in attendance for the recorded vote requested by Councillor Reilly with respect to Petition e-3351; however, prior to the recorded vote taken, as requested by Councillor Reilly, for the motion relating to the three digit 988 Crisis Line initiative, Councillor Rehner had returned back to the meeting.

It was noted that both motions as noted below were supported unanimously by Township Council.

**Moved By** Councillor Harold Jonker

**Seconded By** Councillor Cheryl Ganann

1. That, the Township of West Lincoln endorse Petition e-3351 calling upon the House of Commons to Launch a Federal study in the Standing Committee on Health (HESA) on the merits of declaring a national emergency on mental health; and,
2. That, all Niagara area MP's, the Prime Minister of Canada, the Federal Minister of Health, and all members of the Federal HESA (Standing Committee on Health), Niagara Area MPP, the Premier of Ontario, the local area municipalities, Niagara Region and the President of AMO, be copied on this motion.

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	For	Against
Mayor Dave Bylsma	X	
Councillor Cheryl Ganann	X	
Councillor Harold Jonker	X	
Councillor Mike Rehner	Absent	
Councillor William Reilly	X	
Councillor Jason Trombetta	X	
Councillor Shelley Bradaric	X	
<b>Results</b>	<b>6</b>	<b>0</b>
		<b>Carried (6 to 0)</b>

**Moved By** Councillor Harold Jonker  
**Seconded By** Councillor William Reilly

**WHEREAS** the Federal government has passed a motion to adopt 988, a National three-digit suicide and crisis hotline; and

**WHEREAS** the ongoing COVID-19 pandemic has increased the demand for suicide prevention services by 200%; and

**WHEREAS** existing suicide prevention hotlines require the user to remember a 10-digit number and go through directories or be placed on hold;

**THEREFORE BE IT RESOLVED THAT** Township Council endorses the 988 crisis line initiative to ensure critical barriers are removed to those in a crisis and seeking help; and

**THAT**, a letter demonstrating Township of West Lincoln Council's support be sent to the Honourable Patty Hajdu, Federal Minister of Health, the Honorable Dean Allison MP Niagara West, the Honourable Sam Oosterhoff MPP Niagara West, Ian Scott Chairperson and Chief Executive Officer, Canadian Radio- Television and Telecommunications and all municipalities in Ontario.

	For	Against
Mayor Dave Bylsma	X	
Councillor Cheryl Ganann	X	
Councillor Harold Jonker	X	
Councillor Mike Rehner	X	
Councillor William Reilly	X	
Councillor Jason Trombetta	X	
Councillor Shelley Bradaric	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**Carried (7 to 0)**

**9. REGIONAL COUNCILLOR'S REMARKS**

Mayor Bylsma advised that Regional Councillor Albert Witteveen had advised that he would not be able to attend this evening's Council Meeting and had sent his regrets accordingly.

On behalf of Regional Councillor Witteveen, Mayor Bylsma provided comments with respect to an important initiative that is being undertaken by Niagara Region being a new Official Plan that reflects where the Region is today, and where it will be in 30 years. Mayor Bylsma advised that the current Official Plan was adopted when the Regional Municipality of Niagara was formed over 50 years ago, which has remained in effect with amendments being made from time to time to update policies and mapping as well as facilitate individual development applications.

Mayor Bylsma advised that the deadline set by Niagara Region to complete their new Comprehensive Official Plan is the end of 2021. Mayor Bylsma stated that there has been much discussion relating to land-use policies that cover topics such as Niagara's natural environment and heritage as well as land needs, growth allocations and housing which will be included as part of Niagara Region's new Comprehensive Official Plan. Mayor Bylsma advised that a series of virtual public information centres will be held over the next few weeks to learn about draft policies and section updates to the Region's Official Plan.

**10. CONFIRMATION OF MINUTES**

- 10.1 Council Minutes – Regular  
Re: April 26, 2021

**Moved By** Councillor William Reilly

**Seconded By** Councillor Cheryl Ganann

That, the minutes of the open session portion of the April 26, 2021 regular Council meeting be accepted; and,

That, the confidential minutes relating to the closed session portion of the April 26, 2021 regular Council meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided Section 239 of the Municipal Act.

**Carried**

- 10.2 Council Minutes – Special  
Re: May 20, 2021

**Moved By** Councillor Mike Rehner

**Seconded By** Councillor Jason Trombetta

That, the minutes of the open session portion of the May 20, 2021 regular Council meeting be accepted; and,

That, the confidential minutes relating to the closed session portion of the

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May 20, 2021 regular Council meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided Section 239 of the Municipal Act.

**Carried**

### **10.3 Public Meeting Under the Planning Act**

Re: May 10, 2021

**Moved By** Councillor Jason Trombetta

**Seconded By** Councillor Shelley Bradaric

That, the minutes of the public meeting held on May 10, 2021 under Section 34 of the Planning Act, with respect to:

(a) Zoning By-law Amendment - Michael Carlton & Assylgul Kalmukhanova - 6696 Canborough Road (File No. 1601-004-21); be accepted.

**Carried**

## **11. COMMUNICATIONS**

### **11.1 Niagara Region Waste Management Services**

Re: Memorandum - PWC-C 19-2021 - Every Other Week (EOW)

Garbage Collection Diversion Impact Analysis

**RECEIVED FOR INFORMATION**

## **12. MAYOR'S REMARKS**

Mayor Bylsma provided a brief statement and advised that he as well as many others had enjoyed a beautiful Victoria Day Weekend which included the opening of the Township's skatepark and splash pad, which had been enjoyed by many people over the long weekend as well as today with the high temperatures that were being experienced in the Golden Horseshoe and he thanked staff for their hard work in getting these facilities operating so quickly for our residents to enjoy.

## **13. REPORT OF COMMITTEE**

### **13.1 Planning/Building/Environmental Committee**

Re: Minutes of May 10, 2021

**Moved By** Councillor William Reilly

**Seconded By** Councillor Cheryl Ganann

That, the minutes of the open session portion of the May 10, 2021 Planning/ Building/Environmental Committee meeting, be accepted, and the recommendations contained therein, be approved with the exception of Item # P66-21; and,

That, the confidential minutes relating to the closed session portion of the May 10, 2021 Planning/Building/Environmental Committee meeting be



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accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with Section 239 of the Municipal Act.

**Carried**

### **ITEM P66-21 - Recommendation Report No. PD-62-2021 - Building Fees By-law Review and Building Department Operational Review**

**Moved By** Councillor William Reilly

**Seconded By** Councillor Cheryl Ganann

That, Item P66-21 (Recommendation Report No. PD-62-2021 - Building Fees By-law Review and Building Department Operational Review – AMENDMENT TO BUDGET) of the May 10, 2021

Planning/Building/Environmental Committee Minutes be approved.

**Carried AS AMENDED (see below)**

**Moved By** Councillor William Reilly

**Seconded By** Councillor Cheryl Ganann

That, Item P66-21 of the May 10, 2021 Planning/Building/Environmental Committee Meeting regarding Recommendation Report No. PD-62-2021 - Building Fees By-law Review and Building Department Operational Review – AMENDMENT TO BUDGET be amended by removing the amount \$14,000 in Recommendation #4 and replacing it with the amount of \$17,000.

**Carried**

#### 13.2 Administration/Finance/Fire Committee

Re: Minutes of May 17, 2021

Councillor Rehner suggested that staff should tender/RFP for banking services every five years to insure that the Township was receiving the best interest rates, borrowing rates, service fees/rates and good customer service.

The CAO advised that the matter before Council's consideration was a line of credit if borrowing of funds was needed in an emergency situation and that the Treasurer/Director of Finance was being proactive in this regard and that the funds would only be used if there was an urgent need. The CAO advised that tendering for full corporate banking services would be a large undertaking and that at no time has the Treasurer/Director of Finance nor the Township's Auditors raised concern with respect to the Township using the CIBC for our banking services.

Councillor Reilly noted the issue before Council was to authorize a line of credit with the CIBC and he encouraged Councillor Rehner to address the issue of bank services for the Township at a future Administration/Finance/Fire Committee meeting.

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**Moved By** Councillor Jason Trombetta

**Seconded By** Councillor Shelley Bradaric

That, the minutes of the Administration/Finance/Fire Committee meeting held on May 17, 2021 be accepted and that the recommendations contained therein, be approved with the exception of Item# A40-21; and That, the confidential minutes relating to the closed session portion of the May 17, 2021 Administration/Finance/Fire Committee meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with Section 239 of the Municipal Act.

**Carried**

**Moved By** Councillor Mike Rehner

**Seconded By** Councillor Jason Trombetta

That, Item A40-21 (Treasurer/Director of Finance Recommendation Report T-15-2021 – Temporary Borrowing By-law) of the May 17, 2021 Administration/ Finance/ Fire Committee Minutes be approved.

**Carried**

### **13.3 Public Works/Recreation/Arena Committee**

Re: Minutes of May 17, 2021

**Moved By** Councillor Mike Rehner

**Seconded By** Councillor William Reilly

That, the minutes of the Public Works/Recreation/Arena Committee meeting held on May 17, 2021 be accepted and that the recommendations contained therein, be approved.

**Carried**

## **14. RECONSIDERATION**

There were no items put forward for reconsideration.

## **15. NOTICE OF MOTION TO RESCIND**

There were no motions to rescind put forward by any Member of Council.

## **16. OTHER BUSINESS**

### **16.1 Members of Council**

Re: Council Remarks

#### **(1) Councillor Harold Jonker**

Re: Special Meeting of Council - May 20, 2021

Councillor Jonker advised of his concerns with respect to the short notice that he was given with respect to the May 20, 2021 Special Meeting of Council as he may have been able to change his work

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commitments and attend if he had been provided more than two hours notice. Councillor Jonker requested that due to his work commitments that should a Special Meeting of Council be discussed that all Members of Council be contacted to provide notice of the possibility of a meeting so arrangements could be made with respect to work commitments and/or other matters.

Councillor Ganann explained the circumstances that happened the evening before the Special Council Meeting had been called on the morning of May 20th, 2021 and her inability to speak to the Clerk that evening once having received consensus from the majority of Council for a Special Council Meeting to be called either in the morning or early afternoon of May 20th, 2021. Councillor Ganann assured Councillor Jonker there was nothing malicious in not contacting him sooner with respect to the calling of the Special Meeting of Council.

Councillor Jonker requested that in the future if a Special Meeting of Council is being considered that all Members of Council be contacted so they are aware of the possibility of a meeting with confirmation to follow.

(2) Councillor Jason Trombetta

Re: Pride Month and Senior Month - June

Councillor Trombetta noted that June has been designated as Pride Month as well as Seniors Month with both the Pride Flag and Age Friendly Flag being raised at the West Lincoln Community Centre.

(3) CAO (Bev Hendry)

Re: Update Issue of Plastic Advertising Bags and Litter

The CAO advised that the Township's Green Team met earlier today and discussed the issue which was raised in March with respect to newspapers and advertisements being delivered in plastic bags that are left at the end of driveways of homes and businesses in the municipality. The CAO advised that contact information will be posted on the Township's website that would provide opportunity to report if they see newspapers and/or advertising flyers, whether in plastic bags or not, along the road allowance and/or ditches, to contact the companies that are hired to deliver the flyers and newspapers. The CAO advised that since this issue was raised, Public Works has noticed a decrease of littering along the road allowances and ditches.

(4) Councillor Cheryl Ganann

Re: Upcoming Flag Raisings

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Councillor Ganann stated that there will be two flag raisings coming up at the West Lincoln Community Centre, with the first being the raising of the Pride Flag on Tuesday, June 1st, 2021 at 2:30 p.m. and the raising of the Age Friendly Flag of Niagara being raise on Monday, June 7th, 2021 at 1:30 p.m.

(5) Councillor Shelley Bradaric

Re: Smithville Foodland - Application to Carry Wine and Beer

Councillor Bradaric advised that with the closing of the Beer Store in Smithville she was contacted by the owners/operators of Smithville Foodland that they have made application to sell beer and wine and are waiting to hear back, hopefully with a positive response.

### **17. NEW ITEMS OF BUSINESS**

There were no new items of business brought forward by any Member of Council in attendance.

### **18. BY-LAWS**

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Harold Jonker

That, leave be granted to introduce By-laws # 2021-43, 2021-44, 2021-45, 2021-46, 2021-47, 2021-48, 2021-49, 2021-50, 2021-51, 2021-52, 2021-53, 2021-54 and 2021-55; and that the same shall be considered to have been read a first, second, and third time with one reading, and are hereby adopted; and, That, the Mayor and Clerk be and are hereby authorized to sign and affix the Corporate Seal thereto, any rule of this Council to the contrary notwithstanding.

**Carried**

18.1 BY-LAW 2021-43

To Confirm the proceedings of the Council of the Corporation of the Township of West Lincoln at its Regular Meeting held on the 26th day of April, 2021 and its Special Meeting held on the 20th day of May, 2021.

18.2 BY-LAW 2021-44

To adopt the estimates for the year 2021 and to set the Rates of Taxation for the year 2021.

18.3 BY-LAW 2021-45

To authorize the borrowing of money to meet the current expenditures of the Council of the Corporation of the Township of West Lincoln

18.4 BY-LAW 2021-46

To amend By-law 2011-28 which prescribes a Tariff of Fees for the

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processing of applications made with respect to Planning Matters, as amended.

**18.5 BY-LAW 2021-47**

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.

**18.6 BY-LAW 2021-48**

To amend By-law 2019-83, as amended, under the Building Code Act respecting Construction, Demolition, Change of Use, Occupancy Permits, Transfer of Permits, Inspections and Associated Fees.

**18.7 BY-LAW 2021-49**

To amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln. (P. Budd Developments Inc.)

**18.8 BY-LAW 2021-50**

To authorize a Site Plan agreement between the Corporation of the Township of the West Lincoln and Ronald Daniel Hlywka for lands described for lands describes as Lot 28 on Plan M-92, in the former Township of South Grimsby, now in the Township of West Lincoln. (103 McMurchie Lane)

**18.9 BY-LAW 2021-51**

A By-law to authorize an amending Site Plan Agreement with Riverview Poultry Limited., and any Mortgagees, if applicable, on lands described as Concession 8 Part Lot 6, Part of Part 1 of Plan 30R867 and Part 1 of Plan 30R8956; Township of West Lincoln

**18.10 BY-LAW 2021-52**

A By-law to name a Public Highway in the Township of West Lincoln in the Regional Municipality of Niagara being Regional Road 14 (from Canborough Street to the St. Catharine Street intersection) as Griffin Street South and Regional Road 20 (from CIBC parking lot to the West Street/Station Street Intersection) as Griffin Street North

**18.11 BY-LAW 2021-53**

A By-law to authorize a Site Plan Agreement between the Corporation of the Township of West Lincoln and Vuckovic Farms Inc. on behalf of XplorNet for lands describes as Concession 8, Part Lot 36 and 37, in the former Township of South Grimsby, now in the Township of West Lincoln.

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### **18.12 BY-LAW 2021-54**

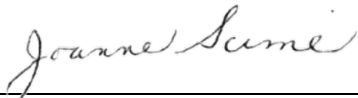
To authorize an agreement between the Corporation of the Township of West Lincoln and Brandt Ltd. for the supply of a Backhoe Loader.

### **18.13 BY-LAW 2021-55**

To authorize an agreement between the Corporation of the Township of West Lincoln and Rush Truck Centres for the supply of One Single Axle and Two Tandem Plow Trucks

## **19. ADJOURNMENT**

The Mayor declared the meeting adjourned at the hour of 8:41 p.m.



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**JOANNE SCIME, CLERK**

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**MAYOR DAVE BYLSMA**