



## THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN COUNCIL AGENDA

### MEETING NO. ELEVEN

Monday, October 23, 2023, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

**NOTE TO MEMBERS OF THE PUBLIC:** All Cell Phones, Pagers and/or PDAs to be turned off. Members of the public who are attending and participating virtually are reminded to keep their microphones muted until they are acknowledged to speak. Additionally, for your information, please be advised that this meeting will be livestreamed as well as recorded and will be available on the Township's website.

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### Pages

#### 1. **SINGING OF "O CANADA" - Smithville Christian High School**

Prior to commencing with the Council meeting, Mayor Ganann will provide the following announcements:

1. Comments from the public for a matter that is on the agenda may be provided in person by attending the meeting and advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. For those individuals that are unable to attend the meeting in person, you may  
  
submit comments for matters that are on the agenda by either
  - a. emailing [jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca) before 4:30 pm. on the day of the meeting. Comments submitted will be considered as public information and read into public record; OR,
  - b. by contacting the Clerk's Department to request a Zoom Link to attend the meeting virtually.
3. Tonight's Council Meeting will be livestreamed as well as recorded and available on the Township's website by visiting [events.westlincoln.ca/meetings](https://events.westlincoln.ca/meetings)

#### 2. **LAND ACKNOWLEDGEMENT STATEMENT**

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no-

SHOW-nee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

**3. OPENING PETITION - Councillor Mike Rehner**

**4. CHANGE IN ORDER OF ITEMS ON AGENDA**

**5. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

5.1 October 16, 2023 - Administration/Finance/Fire Committee Meeting (Confidential Matters) - Item 12.1 Re: Citizen Appointments on Boards and Committees

Councillor Reilly declared a conflict of interest due to a family member applying to sit as a member on the Mayor's Youth Advisory Committee.

**6. CONFIDENTIAL MATTERS**

Moved By Councillor Joann Chechalk

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:

6.1 Acting Fire Chief (Tim Hofsink) and CAO (Bev Hendry)

Re: Fire Station 2 Building - Deficiency List Request from Council

**FOR INFORMATION**

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

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to Solicitor-client privilege, including communications necessary for that purpose.

Moved By Councillor Terry Bell

That, this Council meeting now resume in open session at the hour of \_\_\_\_\_ p.m.

6.1 Acting Fire Chief (Tim Hofsink) and CAO (Bev Hendry)

Re: Fire Station 2 Building - Deficiency List Request from Council

**FOR INFORMATION**

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

**NOTE:** Requests to address items on the agenda are restricted to specific items as follows per Section 6.7 of the Procedural By-law:

**6.7 Public Comment at Council**

There shall be no comments from the public permitted at Council unless:

- (a) a specific appointment has been scheduled; or,
- (b) an item is included under the “Other Business” or “Communications” or “Appointments” section of the agenda and relates to a matter which would normally be dealt with at Committee.

- 1. The Mayor to inquire if the IT Help Desk Analyst was aware if there were any members of the public who were in attendance virtually on the Zoom meeting call who wished to address a specific item on tonight's Council agenda, as permitted under Section 6.7 of the Procedural By-law.
- 2. The Mayor to inquire if the Director of Legislative Services/Clerk had received any emails or correspondence from a member of the public prior to 4:30 p.m. today who wished to address a specific item on tonight's Council agenda, as permitted under Section 6.7 of the Procedural By-law.

8. **APPOINTMENTS/PRESENTATIONS**  
There are no appointments/presentations.

9. **REGIONAL COUNCILLOR’S REMARKS**

10. **CONFIRMATION OF MINUTES**

- 10.1 Public Meeting Under the Planning Act 8  
Re: Minutes of October 10, 2023

Moved By Councillor William Reilly  
That, the minutes of the public meeting held on October 10, 2023 under Section 34 of the Planning Act, with respect to Township of West Lincoln Housekeeping Amendments No. 7, be accepted.

- 10.2 Council Minutes - Regular 12  
Re: September 25, 2023

Moved By Councillor Mike Rehner  
That, the minutes of the September 25, 2023 Council meeting be accepted.

11. **COMMUNICATIONS**

- 11.1 Declaration of Intimate Partner Violence as an Epidemic 26  
Re: Niagara Region - Motion Respecting Recommendations from the Renfrew County Inquest and Declaration of Intimate Partner Violence as an Epidemic

Moved By Councillor Shelley Bradaric  
1. That, the correspondence received from the Regional Municipality of Niagara regarding the Motion Respecting

Recommendations from the Renfrew County Inquest and Declaration of Intimate Partner Violence as an Epidemic, as attached as Schedule A, be received and supported; and,

- 2. That, the Township of West Lincoln recognize the issues of gender-based violence and intimate partner violence in Niagara as serious to the health and wellness of local residents and their families; and,
- 3. That, the Township of West Lincoln commit to engaging with community partners to educate and support our residents about the seriousness and long-term danger of violence in our communities; and,
- 4. That, the Township of West Lincoln declare, in accordance with Recommendation #5 of the Niagara Region request, that intimate partner violence and gender-based violence are an epidemic; and,
- 5. That, a copy of this motion be sent to each of Niagara’s 12 Local Area Municipalities; The Honourable Arif Virani, Minister of Justice; The Honourable Doug Ford, Premier of Ontario; The Honourable Charmaine A. Williams, Associate Minister of Women’s Social and Economic Opportunity; The Honourable Parm Gill, Minister of Red Tape Reduction; Niagara four MPs; Niagara’s four MPPs; the Association of Municipalities of Ontario (AMO); the Federation of Canadian Municipalities (FCM); Mayors and Regional Chairs of Ontario (MARCO); and Ontario’s Big City Mayors (OBCM).

**12. MAYOR'S REMARKS**

**13. REPORT OF COMMITTEE**

- 13.1

Planning/Building/Environmental Committee  
Re: Minutes - October 10, 2023  
  
Moved By Councillor William Reilly  
That, the minutes of the October 10, 2023  
Planning/Building/Environmental Committee meeting, be accepted, and  
the recommendations contained therein, be approved;  
with the exception of Item#(s) \_\_\_\_\_

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- 13.2

Public Works & Recreation Committee  
Re: Minutes - October 16, 2023  
  
Moved By Councillor Mike Rehner  
That, the minutes of the October 16, 2023 Public Works & Recreation

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Committee meeting, be accepted, and the recommendations contained therein, be approved;  
with the exception of Item#(s) \_\_\_\_\_.

13.3 Administration/Finance/Fire Committee  
Re: Minutes - October 16, 2023

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Councillor William Reilly declared a conflict on this item. (Councillor Reilly declared a conflict of interest due to a family member applying to sit as a member on the Mayor's Youth Advisory Committee.)  
Moved By Councillor Jason Trombetta

1. That, the minutes of the October 16, 2023 Administration/Building/Environmental Committee meeting, be accepted, and the recommendations contained therein, be approved;  
  
with the exception of Item#(s) \_\_\_\_\_; and
2. That, the confidential minutes relating to the closed session portion of the October 16, 2023 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.

14. **RECONSIDERATION**

**("Definition")** This section is for a Member of Council to introduce a motion to reconsider action taken at this Council Meeting or the previous regular Council meeting. A motion to reconsider must be made by a Council Member who voted in the majority on the matter to be reconsidered. The Chair may rule that a motion to reconsider will be dealt with at the next following Council Meeting if for some reason it cannot be dealt with at this meeting.

15. **NOTICE OF MOTION TO RESCIND**

**("Definition")** This section is for Council Members to serve notice of intent to introduce a motion to rescind action taken previously by Council. Notice served at this meeting will be for a motion to rescind at the next regular meeting.

16. **OTHER BUSINESS**

16.1 TABLED ITEM (March 28, 2022 Council Meeting)  
Director of Planning & Building (Brian Treble)  
Re: Recommendation Report No. PD-36-2022 - Smithville Landowners Group request for support of Minister's Zoning Order (MZO)

16.2 Consent Agenda Items

Moved By Councillor Joann Chechalk

That, Council hereby approves the following Consent Agenda Items:

1. Items 1,2, be and are hereby received for information, and;

2. Item 3 be and is hereby received and the recommendations contained therein be adopted.  
with the exception of Item # \_\_\_\_\_

- |    |   |    |
|----|---|----|
| 1. | Memorandum - Amendment to Noise By-law and Non-Parking AMPA By-law                                  | 64 |
| 2. | Memorandum - Information regarding warning clause added to real estate purchase and sale agreements | 65 |
| 3. | Recommendation Report HR-05-2023 - CAO Performance Review Policy                                    | 66 |

16.3 Members of Council  
Re: Council Remarks

**17. NEW ITEMS OF BUSINESS**

**NOTE:** Only for items that require immediate attention/direction from Council and must first approve a motion to introduce a new item of business.

**18. BY-LAWS**

Moved By Councillor Terry Bell

- |      |  |    |
|------|--|----|
| 1.   | That, leave be granted to introduce By-law #s 2023-72, 2023-73, 2023-74, 2023-75, 2023-76, 2023-77, 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, |    |
| 2.   | 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.   |    |
| 18.1 | BY-LAW 2023-72<br>A By-law to confirm the proceedings of the Council of the Corporation of the Township of West Lincoln at its regular meeting held on the 25th day of September, 2023.  | 75 |
| 18.2 | BY-LAW 2023-73<br>A By-law to amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln.  | 76 |
| 18.3 | BY-LAW 2023-74<br>A By-law to amend By-law 2013-50, being a By-law to prohibit and regulate noise in the Township of West Lincoln.   | 79 |
| 18.4 | BY-LAW 2023-75<br>Being a By-law to amend 2021-84, as amended, a system of Administrative Penalties for Non-Parking Offences with the Township of West Lincoln.  | 81 |
| 18.5 | BY-LAW 2023-76   | 84 |

A By-law to authorize an agreement between the Corporation of the Township of West Lincoln, the Corporation of the Town of Grimsby, the Corporation of the Town of Lincoln, the Corporation of the Town of Niagara On-The-Lake, the Corporation of the Town of Pelham, the Corporation of the City of Thorold, and the Corporation of the City of Port Colborne and the Herrington Group LTD.

18.6 BY-LAW 2023-77

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A By-law to establish Part 2 on Reference plan No.30R-16151 on Concession 4 Road as Public Highway.

19. ADJOURNMENT

The Mayor to declare this meeting adjourned at the hour of \_\_\_\_\_.



**TOWNSHIP OF WEST LINCOLN**  
**PUBLIC MEETING UNDER THE PLANNING ACT MINUTES**  
**AMENDMENT TO TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW**

**October 10, 2023, 6:30 p.m.**  
**Township Administration Building**  
**318 Canborough Street, Smithville, Ontario**

Council: Mayor Cheryl Ganann (Presiding Chair)  
Councillor Shelley Bradaric  
Councillor Jason Trombetta  
Councillor Mike Rehner  
Councillor Terry Bell  
Councillor Joann Chechalk

Staff: Bev Hendry, CAO  
Brian Treble, Director of Planning and Building  
Justin Paylove, Deputy Clerk  
Kevin Geoghegan, IT Help Desk Analyst

Absent: Councillor William Reilly

Other Members: Regional Councillor Albert Witteveen  
Bruce Harris, WeeStream

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**1. Application for Zoning By-law Amendment**

The Chair advised that this public meeting for rezoning was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34 of the Planning Act as submitted for the Township of West Lincoln Housekeeping Amendments No. 7 (File No. 1601-007-23).

**EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:**



The Township of West Lincoln is undertaking amendments to the Townships Zoning By-law 2017-70, as amended, to address a number of issues that have become apparent since the By-law first past. The proposed amendments under consideration include:

- Update the definition of the term 'salvage yard'
- Addition of a definition and permitted use for truck transport terminal
- Adjustments to the R2, R3, R4, RM2, RM3, and RM4 zones for back to back and stacked back to back townhouses as per review completed on our behalf as a commitment to the P. Budd Development appeal of Housekeeping No. 6, done by a consultant (GSP Group)
- Changes to accessory dwelling provisions as per Bill 23

## **2. Purpose of the Public Meeting**

The Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendment.

The Chair stated that the purpose of this meeting was to give an opportunity for the public and Council Members to provide comments and/or ask questions regarding the amendment to the Township of West Lincoln's Zoning By-law submitted for the Township of West Lincoln Housekeeping Amendments No. 7 (File No. 1601-007-23).

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires in Section 34(14) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Land Tribunal (OLT).

## **3. Public Meeting**

The Chair requested that the Deputy Clerk advise of the method and dates by which notice of the public meeting was given.

The Deputy Clerk advised that proper notice was given by way of advertising in the local newspaper on September 14, 2023, as well as mail circulation to all property owners where there are site-specific zone changes proposed and e-mail circulation to all relevant agencies and departments on September 18, 2023.

The Chair advised that this was a public meeting to consider a Zoning By-law Amendment application submitted for the Township of West Lincoln Housekeeping Amendments No. 7 (File No. 1601-003-22).

The Chair asked the Director of Planning and Building, Brian Treble, to explain the purpose and reason for the proposed Zoning By-law Amendment.

The Director of Planning and Building, Brian Treble, provided an overview of the application and Technical Report PD-54-2023.

The Chair asked if there were any oral or written submissions from any members of the public present as part of the Zoom meeting that wished to provide comments at this time with respect to the Zoning By-law Amendment. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as the OLT may not consider comments made during any other Council and/or Committee meetings.

There were no oral or written submissions from any members of the public that wished to provide comments with respect to the Zoning By-law Amendment.

The Chair asked if any Members of the Committee had any oral or written submissions on the proposed Zoning By-law Amendment. The Chair advised that this may be the only Public Meeting being held with respect to this application; therefore, he noted that if any Members of the Committee has any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

There were no oral or written submissions from any Members of the Committee on the proposed Zoning By-law Amendment.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Committee meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Jessica Dyson at [jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca).

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The

Chair advised that agendas for meetings are posted on the Township's website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with their mailing address and phone number.

**4. Adjournment**

The Chair advised that this public meeting with respect to the proposed Zoning By-law Amendment is concluded at the hour of 6:54pm.

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JUSTIN PAYLOVE,  
DEPUTY CLERK

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MAYOR CHERYL GANANN,  
PRESIDING CHAIR

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN  
COUNCIL MINUTES**

**MEETING NO. FIFTEEN**

**September 25, 2023, 6:30 p.m.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

Council: Mayor Cheryl Ganann  
Councillor Shelley Bradaric  
Councillor Mike Rehner  
Councillor William Reilly  
Councillor Jason Trombetta  
Councillor Terry Bell  
Councillor Joann Chechalk

Staff: Bev Hendry, CAO  
Jessica Dyson, Director of Legislative Services/Clerk  
Brian Treble, Director of Planning and Building  
Kevin Geoghegan, IT Help Desk Analyst

Other Members: Bruce Harris, WeeStreem

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**1. SINGING OF "O CANADA" - Cairn Christian School**

Prior to commencing with the Council meeting, Mayor Ganann provided the following announcements:

1. Comments from the public for a matter that is on the agenda may be provided in person by attending the meeting and advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. For those individuals that are unable to attend the meeting in person, you may submit comments for matters that are on the agenda by either
  - a. emailing [jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca) before 4:30 pm. on the day of the meeting. Comments submitted will be considered as public information and read into public record OR
  - b. by contacting the Clerk's Department to request a Zoom Link to attend the meeting virtually.

3. Tonight's Council Meeting will be livestreamed as well as recorded and available on the Township's website by visiting [events.westlincoln.com/meetings](https://events.westlincoln.com/meetings)

**2. LAND ACKNOWLEDGEMENT STATEMENT**

Mayor Ganann read the following Land Acknowledgement statement:

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hattiwendaronk (Hat-i-wen-DA-rong), the Haudenosaunee (Hoe-den-no-SHOW-nee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

**3. OPENING PETITION - Councillor Joann Chechalk**

**4. CHANGE IN ORDER OF ITEMS ON AGENDA**

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

**5. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

- 5.1 September 11, 2023 - Planning/Building/Environmental Committee Meeting (Appointments) - Item P59-23 - Waiving of Development Fees for Legion Villa

Councillor Bell declared a conflict of interest/pecuniary interest with respect to Item P59-23 - Waiving of Development Fees for Legion Villa, as he sits on the Legion Villa Board.

**6. REQUEST TO ADDRESS ITEMS ON THE AGENDA**

There were no requests to address items that were on the agenda.

**7. APPOINTMENTS/PRESENTATIONS**

There were no appointments/presentations.

**8. REGIONAL COUNCILLOR'S REMARKS**

Regional Councillor Witteveen provided notice that he was not able to attend the September 25th Council meeting; therefore, an update was not provided this month.

**9. CONFIRMATION OF MINUTES**

- 9.1 Special Council - Joint Special Meeting of the Councils of: Township of West Lincoln, Town of Lincoln and Town of Grimsby  
Re: Minutes - August 9, 2023

**RECOMMENDATION:**

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Joann Chechalk

That, the minutes of the August 9, 2023 Special Council Meeting (Joint Special Council Meeting of the Councils of: Township of West Lincoln, Town of Lincoln and Town of Grimsby), be accepted.

**Carried**

- 9.2 Council (All Committee) Minutes – Regular  
Re: August 14, 2023

**RECOMMENDATION:**

**Moved By** Councillor Joann Chechalk

**Seconded By** Councillor William Reilly

That, the minutes of the open session portion of the August 14, 2023 regular Council (All Committees) meeting be accepted.

**Carried**

- 9.3 Public Meeting Under the Planning Act  
Re: September 11, 2023

**RECOMMENDATION:**

**Moved By** Councillor Terry Bell

**Seconded By** Councillor Mike Rehner

That, the minutes of the public meeting held on September 11, 2023 under Section 34 of the Planning Act, with respect to Zoning Bylaw Amendment - Henry and Lisa Van Ryn - 8248 Concession 3 Road (File No. 1601-006-23), be accepted.

**Carried**

**10. COMMUNICATIONS**

- 10.1 Heather Vitucci, Business and Support Services (City of Hamilton)  
Re: City of Hamilton Notification Letter to Launch 311 Telecom Service

Councillor Trombetta inquired to the Director of Legislative Services, in regards to what the 311 number entails. In response to the inquiry from Councillor Trombetta, the Director of Legislative Services stated that the 311 number would patch citizens in directly to the City of Hamilton's customer service line.

In response to the inquiry made by Councillor Trombetta regarding if number would be a new area code used alongside 905 and 289, the Director of Legislative Services clarified that this would not be a new area code, but a standalone telephone number that would patch citizens through directly to the City of Hamilton's customer service line.

Councillor Reilly inquired about the reason why it was required that the council support the City of Hamilton in adopting the 311 customer service line and what supporting it entailed of the Township of West Lincoln. In response to Councillor Reilly, the Director of Legislative Services clarified that this would have no financial implications for the Township of West Lincoln, but that support was required due to the potential for confusion for residents of West Lincoln, particularly those living on or near the boundary shared with the City of Hamilton.

In response to the inquiry made by Councillor Chechalk regarding the potential confusion that may arise amongst residents who may call 311 and receive information pertaining to the City of Hamilton and not the Township of West Lincoln, the CAO clarified that the 311 line would direct citizens to customer service to ask about social services and non-emergency services, which is common across larger municipalities like the City of Hamilton.

**RECOMMENDATION:**

**Moved By** Councillor Jason Trombetta

**Seconded By** Councillor Terry Bell

That, the correspondence received from Heather Vitucci, Business and Support Services from the City of Hamilton regarding the City of Hamilton's Notification Letter to Launch 311 Telecom Service, dated September 14, 2023, be received and supported.

**Carried**

**11. MAYOR'S REMARKS**

Mayor Ganann read from a prepared letter attached to the minutes as Schedule A.

## 12. REPORT OF COMMITTEE

### 12.1 Planning/Building/Environmental Committee

Re: Minutes - September 11, 2023

Confidential Minutes Provided Under Separate Cover

Councillor Terry Bell declared a conflict on this item. (Councillor Bell declared a conflict of interest/pecuniary interest with respect to Item P59-23 - Waiving of Development Fees for Legion Villa, as he sits on the Legion Villa Board.)

#### **RECOMMENDATION:**

**Moved By** Councillor William Reilly

**Seconded By** Councillor Joann Chechalk

1. That, the minutes of the open session portion of the September 11, 2023 Planning/Building/Environmental Committee meeting, be accepted, and the recommendations contained therein, be approved; with the exception of Item#(s) \_\_\_\_\_; and,
2. That, the confidential minutes relating to the closed session portion of the September 11, 2023 Planning/Building/Environmental 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**

### 12.2 Public Works & Recreation Committee

Re: Minutes - September 18, 2023

#### **RECOMMENDATION:**

**Moved By** Councillor Mike Rehner

**Seconded By** Councillor Shelley Bradaric

That, the minutes of the September 18, 2023 Public Works & Recreation Committee meeting, be accepted, and the recommendations contained therein, be approved;  
with the exception of Item#(s) \_\_\_\_\_.

**Carried**

### 12.3 Administration/Finance/Fire Committee

Re: Minutes - September 18, 2023

Confidential Minutes Provided Under Separate Cover



**Moved By** Councillor Jason Trombetta

**Seconded By** Councillor Terry Bell

1. That, the minutes of the open session portion of the September 18, 2023 Administration/Finance/Fire Committee meeting, be accepted, and the recommendations contained therein, be approved; with the exception of Item#(s) \_\_\_\_\_; and,
2. That, the confidential minutes relating to the closed session portion of the September 18, 2023 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**

**13. RECONSIDERATION**

There were no items put forward for reconsideration.

**14. NOTICE OF MOTION TO RESCIND**

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

**15. OTHER BUSINESS**

**15.1 TABLED ITEM (March 28, 2022 Council Meeting)**

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-36-2022 - Smithville Landowners Group request for support of Minister's Zoning Order (MZO)

**15.2 Director of Planning & Building (Brian Treble)**

Re: Recommendation Report PD-47-2023 - 167 St. Catharine Street Draft Plan of Condominium Extension Approval - 1 Year (File No. 2100-086-17)

**Referred Item from September 11, 2023**

**Planning/Building/Environmental Committee Meeting**

The Director of Planning and Building explained how staff reached out to the applicant and discussed their intentions for this project. The Director of Planning and Building shared that the applicant expressed their interest in building within the Township of West Lincoln, but that at the current interest rate, they could not put the money up that is necessary for the project, and so he requested a two year extension.

The Director of Planning and Building then recommended to council that they approve the report as presented, which would give the applicant until May 2024, while also not forcing him to build until then.

The Director of Planning and Building stated that at that point, it would be the applicants responsibility, not Council's, which was suggested would be preferable given the political climate in the province towards housing construction projects.

Councillor Reilly inquired to the Director of Planning and Building about the construction site and previous extensions that have been granted to previous owners. In response to Councillor Reilly's inquiry, the Director of Planning and Building confirmed that an extension had been given to the previous owner of the site, and that this was the first extension under the current owner/applicant.

Councillor Reilly further inquired to the Director of Planning and Building about how declining the extension request now would reflect poorly on the Township of West Lincoln politically, given that the site has received a previous extension already. In response to Councillor Reilly's inquiry the Director of Planning and Building explained that this extension would give the current applicant the ability to begin construction and invest in the Township of West Lincoln ahead of May 2024.

In response to Councillor Chechalk's inquiry regarding the applicant's current involvement in another development within another municipality, Director of Planning and Building, Brian Treble clarified that the applicant is currently involved in another construction project in the City of London, and is looking to remain focused on only one project at a time. However, he further explained that the applicant was willing to move forward on the Township of West Lincoln project when it was more economically favourable.

Councillor Chechalk further commented on the extension request sent by the applicant and suggests that the request outlines the reasons why the applicant has not moved forward and is requesting an extension at this time and that it is not due to the actions of the Township of West Lincoln but larger market pressures. Councillor Chechalk suggested that the request be sent to the Association of Municipalities of Ontario, as it explains the difficulties faced by small municipalities in courting development while also contradicting claims made by the provincial government suggesting that Councils are obstructing development projects.

Mayor Ganann inquired to the Director of Planning and Building about the nature of this extension request and if there is anything abnormal about it.

In response to Mayor Ganann's inquiry, Director of Planning and Building, Brian Treble responded that he does not anticipate that this extension request is abnormal or indicative of a previous development project that was extended numerous times.

Mayor Ganann inquired further to the Director of Planning and Building about the extension and the impact on the applicant if the extension is not provided. In response to Mayor Ganann's inquiry, Director of Planning and Building, Brian Treble explained that the applicant would only be able to build rental units and not condominiums without the extension, which is not preferable for the applicant. Without the extension the applicant would be required to re-file and it would then have to be approved by Council again, which the Director of Planning and Building predicts would be all but guaranteed, and so it would simply take up time and resources.

Mayor Ganann then inquired with Director of Planning and Building, Brian Treble, if his recommendation to council was still to provide an extension to May 2024 for the applicant.

In response to Mayor Ganann's question regarding whether or not it was still the Director of Planning and Building's recommendation to Council to provide an extension to May 2024 for the applicant, the Director of Planning and Building confirmed that this was still his recommendation.

Councillor Bradaric noted their support for providing the extension, recognizing the economic pressures felt by a smaller scale developer, and that declining the extension will only create greater work for council and support staff down the line when they do approve the applicant as economic conditions improve.

Mayor Ganann inquired to Director of Planning and Building about what the cost of the deposit would be for the applicant to provide, which had been referenced by Councillors Reilly and Bell. In response to Mayor Ganann's inquiry, Director of Planning and Building, Brian Treble clarified that the security deposit would be one million dollars.

Mayor Ganann further inquired to Director of Planning and Building, Brian Treble if the applicant's extension request could be forwarded to the Association of Municipalities of Ontario, as had been suggested by Councillor Chechalk, and if that could be done without requiring a motion because the document is now publicly available. In response to Mayor Ganann's inquiry, the Director of Legislative Services clarified that the extension request document was not included in the agenda and so it was

not yet public, and thus the applicant should be contacted before forwarding the extension request to the Association of Municipalities of Ontario.

CAO Bev Hendry clarified to Mayor Ganann that in order to direct staff to send the extension request to the Association of Municipalities of Ontario, it will have to be introduced under new business, because the vote was already carried on the extension request itself, where releasing the extension request could have been introduced as a new amendment prior to the vote.

**RECOMMENDATION:**

**Moved By** Councillor William Reilly

**Seconded By** Councillor Shelley Bradaric

1. That, report PD-47-2023, regarding “Recommendation Report, 167 St. Catharine Street Draft Plan of Condominium Extension Approval, File No. 2100-086-17” dated September 11, 2023, be received; and,
2. That, the Draft Plan approval for 167 St. Catharine Street BE EXTENDED for a period of one year, to expire on May 25, 2024, subject to the conditions found at Attachment 2 to this report; and,
3. That, a notice of extension be circulated to relevant agencies and departments.

**Carried**

15.3 Members of Council

Re: Council Remarks

1. Councillor Rehner  
Re: Road work on Concession 3 Road  
Councillor Rehner remarked that he was happy to see Concession Road 3 had been completed.
2. Councillor Chechalk  
Re: Community and Business Awards  
Councillor Chechalk shared that she was happy to see the community working together to fund charities and charitable projects, open and manage recreation facilities, and more. Councillor Chechalk then encouraged nominations for the West Lincoln Chamber of Commerce's Business Awards.

3. Councillor Bradaric Re: Vehicle Break-Ins Councillor Barbaric remarked about a recent uptick in vehicle break-ins, as well as the Niagara Regional Police's Lock It or Lose It campaign, meant to highlight precautions that can be taken to protect vehicle owners from theft.

## 16. NEW ITEMS OF BUSINESS

### RECOMMENDATION:

**Moved By** Councillor Joann Chechalk

**Seconded By** Councillor Mike Rehner

That, a new item of business be introduced regarding issues and constraints brought forward to Townships Council with respect to development within the Community.

### **Carried**

#### 16.1 Councillor Joann Chechalk

Re: Issues and constraints with respect to development within the Community.

Councillor Chechalk brought forward a New Item of Business as it relates to the difficulties faced by small municipalities in courting development while also contradicting claims made by the provincial government suggesting that Councils are obstructing development projects. Councillor Chechalk suggested that this request, or a similar letter from the Township, be sent to the Association of Municipalities of Ontario outlining these challenges.

Councillor Rehner commented that he was happy to see the vote on the extension request was close, as he hopes it will send a message to the applicant that support on Council is limited and that they will have to move quickly on development to maintain support of Council.

**Moved By** Councillor Joann Chechalk

**Seconded By** Councillor Terry Bell

That, a letter be drafted for signature by the Mayor and that the letter be forwarded to the Minister of Municipal Affairs, Associations of Municipalities of Ontario (AMO) and its member municipalities, outlining the issues and constraints brought to the Township Council's attention with respect to holding back development applications of new homes within the community.

## 17. BY-LAWS

### RECOMMENDATION:

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Jason Trombetta

1. That, leave be granted to introduce By-law #s 2023-65, 2023-66, 2023-67, 2023-68, 2023-69, 2023-70, and 2023-71 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,
2. 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

#### 17.1 BY-LAW 2023-65

A By-law to confirm the proceedings of the Council of the Corporation of the Township of West Lincoln at its Special Council held on the 9th day of August, 2023 and at its regular meeting held on the 14th day of August, 2023.

#### 17.2 BY-LAW 2023-66

Being a By-law to amend By-law 2023-03 which confirmed various appointments and/or recommendations for appointments to Boards, Committees & Municipal positions.

#### 17.3 BY-LAW 2023-67

Being a By-law to amend schedule A of By-law 2023-05 which provided for appointments to the Township of West Lincoln Public Library Board.

#### 17.4 BY-LAW 2023-68

A By-law to amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln.

#### 17.5 BY-LAW 2023-69

A By-law to authorize the removal of the previously registered development agreement (RO697920) from title on lands legally described as PT of North half of Lot 31, Conc. 6, Gainsborough as in RO818154, (pin 46077-0291) in the former Township of Gainsborough, now in the Township of West Lincoln.

17.6 BY-LAW 2023-70

A By-law to amend By-law 97-2020, as amended, being a by-law to authorize certain parking, standing or stopping of vehicles operated by or conveying physically handicapped persons on any highway and to authorize and require the provision of designated parking spaces for the sole use of vehicles operated by or conveying physically handicapped persons.

17.7 BY-LAW 2023-71

A By-law to authorize an agreement between the corporation of the Township of West Lincoln and Ontario Construction Inc. for the East Chippawa Road Slope Failure and Concrete Box Culvert emergency repair.

**18. CONFIDENTIAL MATTERS**

There were no confidential matters.

**19. ADJOURNMENT**

The Mayor declared the meeting adjourned at the hour of 7:48 p.m.

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**JESSICA DYSON, DIRECTOR OF  
LEGISLATIVE SERVICES/CLERK**

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**MAYOR CHERYL GANANN**

**Mayor's Remarks - September 25, 2023 Council Meeting**

It is hard to believe that since our last All-Committee/Council meeting on August 14, 2023, not only has a great deal happened in our municipality, but Summer of '23 is actually over!

I will start by thanking our Recreation Staff for the great job that they have done in organizing and operating several weeks of Summer Day Camp opportunities that entertained a great many children. Additionally they organized 6 Music in the Park and 4 Movie in the Park events that were enjoyed by many families and individuals. I would also like to acknowledge the partnership between Recreation Staff and the Kiwanis Club to provide snacks and drinks at these special events. Partnerships of these types continue to work well for each group or organization.

On the morning of August 24th, our CAO Bev Hendry, Councillor Reilly and I were able to attend a funding announcement at Niagara Pallets made by the Provincial Minister of Natural Resources and Forestry, Graydon Smith, in recognition of their sustainable growth plans for the future.

On August 30th, I was pleased to attend Regional Headquarters for a FedDev funding announcement by Filomena Tassi, the Federal MP responsible for the Federal Economic Development Agency for Southern Ontario. This was a grant to the Region of Niagara to enable them to pursue work related to the EV sector. I was also in attendance at the Regional Headquarters flag-raising for Big Brothers/Big Sisters as they celebrated becoming one organization aimed at supporting the youth of Niagara with dedicated mentoring, guidance and personal relationship-building.

As September rolled out, I have represented West Lincoln and in some situations brought, as requested, words of official greetings from the Municipality, to the NPEI AGM, The Grape Growers of Ontario Luncheon, the starting ceremony of the Terry Fox Run, a Celebration Tea for Long-time Ladies Guild Members of St. Luke's Church, the Tour of Niagara Pallets and follow-up meeting of the Grand Erie Business Centre Board, held in West Lincoln, the Official Opening of the combined Township, Smithville Christian High School and Kiwanis pickleball/tennis and beach volleyball courts project. I also made a presentation to the West Lincoln Historical Society regarding the Aspiring UNESCO Niagara GeoPark project. I will mention how pleased I am that CAO Hendry and Councillor Chechalk also represented West Lincoln at some of these named events.

Councillor Rehner was, as our representative, part of the NPEI AGM.

I volunteered, as I have done for some time now, to run the Spelling Bee on Friday night of the West Niagara Fair and also sold tickets, along with other Kiwanis members, to help 4H with raising funds for their roof project.. Additionally on Saturday, I took part along with Lincoln Mayor Sandra Easton Grimsby Mayor Jeff Jordan. Regional Councillor Albert Witteveen, MPP Sam Oosterhoof and Fair Vice President Ron Murre, in a pie-eating contest where the person feeding us the pie was themselves wearing a blindfold! Messy for sure, but fun for a good cause! Thanks to Councillor Reilly for MCing that event. Councillor Chechalk and her family members are extremely involved in all aspects of the Fair and I can attest to the fact that the councillor spent most of her weekend at the fair doing one job or another. John and I also volunteered as we have for many years, at the Silverdale Chili and Corn Roast fundraising dinner. There is a very hard-working group of volunteers at all of the Silverdale events and it is our pleasure to regularly help them with their efforts to keep that hall in good repair.

I want to take this opportunity to inform Council and the public that Councillors Reilly, Chechalk and I, along with Administrative Assistant Jacquie Thrower have continued to have meetings throughout the summer regarding our Community Recognition Awards. The nomination period which opened on Canada Day, closed on September 8th. Redacted nominations, labelled only A, B, C etc. were sent to each of the



5 judges who were also unknown to each other. They were asked to judge the nominations based on weighted criteria that we had compiled and sent to them. As of Friday, I now have all of the score sheets back from each independent judge and at the October Administration/Finance/Fire Committee, I am pleased to say, the winners will be announced. All nominees and their family members will be invited to a Celebration Event to be held in the Library Programme Room at the West Lincoln Community Centre, on October 26 at 7:00 PM. We are very pleased with the number of nominations for this first-time event and hope to see it grow over time.

This past Saturday I had the pleasure of attending the West Lincoln Fire Department Open House, which although held at Station 1, had equipment and firefighters from both stations. It was an extremely well-organized event with lots to see and do for all. I would like to thank all members of both stations for the work that they put into organizing and running this event for the public. On a personal note, I want to say how proud I am of the many volunteers currently on the department who were once my JK/SK Kindergarten students. All grown-up, responsible citizens and community-minded volunteers - for a former teacher to be able to see those outcomes, it doesn't get much better!

And finally, this morning I had the pleasure of raising the United Way Flag, marking our community's appreciation for the great work that this organization does to support Niagara residents.

As this up-coming Saturday, September 30th is the 10th Anniversary of Orange Shirt Day, which in the past couple of years has also officially become the Day of Truth and Reconciliation, I want to point out that at 1:00 PM on Friday, September 29th, we will be raising a community flag to commemorate this occasion. I hope that some members of Council, staff and the public might be available to put on their own orange shirts and come out to help raise this "Every Child Matters" flag.

Our annual Harvest Routes also takes place this up-coming Friday and Saturday with things to do for all ages, taking place in our community centres and library branches.

It was a busy month and I am certain that I missed some things in my report, but I want to say how wonderful it is to see that so many opportunities for gathering, celebrating and socializing with each other are being provided by various groups, churches and organizations in our community. Thank you to all who are involved in trying to engage our community by providing these opportunities.

October 5, 2023

**CL 13- 2023, September 21, 2023**

***DISTRIBUTION LIST***

***SENT ELECTRONICALLY***

**Motion - Recommendations from the Renfrew County Inquest and Declaration of Intimate Partner Violence as an Epidemic and Declaration of Intimate Partner Violence as an Epidemic**

Regional Council, at its meeting held on September 21, 2023, passed the following recommendation:

WHEREAS the jury that adjudicated the Carol Culleton, Anastasia Kuzyk, and Nathalie Warmerdam Inquest (The Renfrew County Inquest) issued 86 recommendations to the Province of Ontario on Intimate Partner Violence;

WHEREAS Recommendation #1 of the Inquest is for the Province of Ontario to declare Intimate Partner Violence an epidemic;

WHEREAS every six days in Canada a woman is killed by her intimate partner;

WHEREAS on any given night in Canada, more than 6,000 women and children sleep in shelters because it is not safe for them at home;

WHEREAS this past year in Ontario, 52 women or one every week, were victims of femicide;

WHEREAS violence against Indigenous women (including but not restricted to intimate partner violence) is a national crisis, as evidenced by the findings of the National Inquiry into Missing and Murdered Indigenous Women and Girls, with Indigenous women (61%) experiencing some form of intimate partner violence in their lifetime compared with non-Indigenous women (44%);

WHEREAS gender- and sexually-diverse Indigenous women are particularly at risk, being five times more likely than non-Indigenous gender- and sexually-diverse women to experience intimate partner violence in their lifetime;

WHEREAS in Niagara Region in 2022, there were 5,160 Intimate Partner Violence calls for service made to Niagara Regional Police Service and 1,143 of those calls involved criminal investigations;

WHEREAS for the 2022-2023 fiscal year, Victim Services Niagara provided service to 749 victims of intimate partner violence, including 31 children; developed 91 safety plans for victims and had to revise 55 of those safety plans due to breaches;

WHEREAS for the 2022-2023 fiscal year, Victim Services Niagara provided service to 227 victims of sexual violence;

WHEREAS for the 2022-2023 fiscal year, Birchway Niagara received 2,571 crisis calls; supported 575 women through outreach services; 233 women and children stayed in shelter; and 278 women were turned away due to a lack of space;

WHEREAS for the 2022-2023 fiscal year, Gillian's Place received 10,383 crisis calls; supported 2,017 people through outreach services; 166 adults and 127 children lived in shelter; and 431 people were turned away due to lack of space;

WHEREAS violence against women costs the national justice system, health care systems, social service agencies, and municipalities nearly \$10 billion dollars per year; and municipalities are on the front lines in addressing gender-based violence;

WHEREAS more than 40 municipalities and regions across Ontario have declared a gender-based violence and/or intimate partner violence epidemic;

WHEREAS on August 16, 2023, Justice Minister Arif Virani described gender-based violence as an epidemic and stated this his government is committed to ending the gender-based violence epidemic "in all its forms, and is working to address any gaps in the Criminal Code to ensure a robust justice system response;"

WHEREAS on August 20, 2023, Ontario Big City Mayors (OBCM) and Mayors and Regional Chairs of Ontario (MARCO) passed a motion declaring intimate partner violence and gender-based violence epidemic; called on the Federation of Canadian Municipalities (FCM), the Association of Municipalities of Ontario (AMO), and all municipalities and regions in Ontario and Canada to do the same; and called for changes to the Criminal Code; and

WHEREAS Niagara Regional Council recognizes that issues of gender-based violence and intimate partner violence are matters of local importance, including public health, EMS, community services, and community safety, in all of our communities.

NOW THEREFORE BE IT RESOLVED:

1. That Niagara Region **RECOGNIZE** the issues of gender-based violence and intimate partner violence in Niagara as serious to the health and wellness of local residents and their families;
2. That Niagara Region **COMMIT** to engaging with community partners to educate and support our residents about the seriousness and long-term danger of violence in our communities;
3. That Niagara Regional Council **DECLARE**, in accordance with Recommendation #1 of the Renfrew County Inquest, that intimate partner violence and gender-based violence are an epidemic;

4. That the Regional Chair **WRITE** a letter to The Honourable Doug Ford, Premier of Ontario, requesting that the Province of Ontario re-consider their previous decision and declare intimate partner violence and gender-based violence as epidemic and act on all of 86 Recommendations from The Renfrew County Inquest;
5. That a copy of this motion **BE SENT** to each of Niagara's 12 Local Area Municipalities requesting they endorse the declaration of intimate partner violence and gender-based violence as an epidemic; and
6. That a copy of this motion **BE SENT** to The Honourable Arif Virani, Minister of Justice; The Honourable Doug Ford, Premier of Ontario; The Honourable Charmaine A. Williams, Associate Minister of Women's Social and Economic Opportunity; The Honourable Parm Gill, Minister of Red Tape Reduction; Niagara four MPs; Niagara's four MPPs; the Association of Municipalities of Ontario (AMO); the Federation of Canadian Municipalities (FCM); Mayors and Regional Chairs of Ontario (MARCO); and Ontario's Big City Mayors (OBCM).

Yours truly,



Ann-Marie Norio  
Regional Clerk

:kl

CLK-C 2023-117

Distribution List:

Local Area Municipalities  
Premier of Ontario  
Minister of Justice  
Associate Minister of Women's Social and Economic Opportunity  
Minister of Red Tape Reduction  
Local Members of Parliament  
Local Members of Provincial Parliament  
Association of Municipalities of Ontario (AMO)  
Federation of Canadian Municipalities (FCM)  
Mayors and Regional Chairs of Ontario (MARCO)  
Ontario Big City Mayors (OBCM)



**TOWNSHIP OF WEST LINCOLN  
PLANNING/BUILDING/ENVIRONMENTAL  
COMMITTEE MINUTES**

**MEETING NO. EIGHT**

**October 10, 2023, 6:30 p.m.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

Council: Mayor Cheryl Ganann (Presiding Chair)  
Councillor Shelley Bradaric  
Councillor Jason Trombetta  
Councillor Mike Rehner  
Councillor Terry Bell  
Councillor Joann Chechalk

Staff: Bev Hendry, CAO  
Brian Treble, Director of Planning and Building  
Justin Paylove, Deputy Clerk  
Kevin Geoghegan, IT Help Desk Analyst

Absent: Councillor William Reilly

Other Members: Regional Councillor Albert Witteveen

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**1. PROCEDURAL BY-LAW MATTER**

Prior to commencing with the Planning/Building/Environmental Committee meeting, the Clerk advised that the Chair of the Planning/Building/Environmental Committee meeting, being Councillor William Reilly, was unable to attend this evening's meeting. Additionally, Councillor Bell, who is the Vice Chair, advised that he was unable to chair the meeting due to the fact he was unable to attend Pre-agenda; therefore, a Presiding Chair will need to be appointed and the following resolution was put forward to appoint Mayor Ganann as Presiding Chair for this evening's meeting:

### **1.1 ITEM P70-23**

Deputy Clerk (Justin Paylove)  
Re: Appointment of Presiding Chair

**Moved By** Councillor Mike Rehner

**Seconded By** Councillor Joann Chechalk

That, in accordance with Section 4.3 of the Township's Procedural By-law, Mayor Ganann be appointed as the Presiding Chair for the Planning/Building/Environmental Committee Meeting of Tuesday, October 10th, 2023 due to the absence of the Chair (Councillor Reilly) and the Vice Chair (Councillor Bell) being unable to chair the meeting.

**Carried**

## **2. PRESIDING CHAIR - Mayor Cheryl Ganann**

Prior to commencing with the Planning/Building/Environmental Committee meeting agenda, Presiding Chair Cheryl Ganann will provide the following announcements:

1. Comments can be made from members of the public for a matter that is on the agenda by advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. The public may submit written comments for matters that are on the agenda to [jpaylove@westlincoln.ca](mailto:jpaylove@westlincoln.ca) before 4:30 pm on the day of the meeting. Comments submitted will be considered as public information and will be read into the public record.
3. This meeting will be livestreamed as well as recorded and available on the Township's website.

## **3. LAND ACKNOWLEDGEMENT STATEMENT**

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no-SHOW-nee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all

Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

**4. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

**5. PUBLIC MEETING(S)**

**5.1 Zoning By-law Amendment - Township of West Lincoln Housekeeping Amendments No. 7**

Re: The Township of West Lincoln is undertaking amendments to the Township zoning bylaw, 2017-70, as amended, to address a number of issues that have become apparent since the bylaw was first passed. The proposed amendments under consideration include:

- Update the definition of the term 'salvage yard'
- Addition of a definition and permitted use for truck transport terminal
- Adjustments to the R2, R3, R4, RM2, RM3 and RM4 zones for back to back and stacked back to back townhouses as per review completed on our behalf as a commitment to the P. Budd Development appeal of Housekeeping No. 6, done by a consultant (GSP Group).
- Changes to accessory dwelling provisions as per Bill 23.

**6. CHANGE IN ORDER OF ITEMS ON AGENDA**

**7. APPOINTMENTS**

There were no appointments.

**8. REQUEST TO ADDRESS ITEMS ON THE AGENDA**

**NOTE: Section 10.13 (5) & (6) – General Rules**

One (1) hour in total shall be allocated for this section of the agenda and each individual person shall only be provided with **five (5) minutes** to address their issue (some exceptions apply). A response may not be provided and the matter may be referred to staff. A person who wishes to discuss a planning application or a matter that can be appealed, will be permitted to speak for ten (10) minutes.

Chair to inquire if there are any members of the public present who wish to address any items on the Planning/Building/Environmental Committee agenda.

## 9. **CONSENT AGENDA ITEMS**

All items listed below are considered to be routine and non-controversial and can be approved by one resolution. There will be no separate discussion of these items unless a Council Member requests it, in which case the item will be removed from the consent resolution and considered immediately following adoption of the remaining consent agenda items.

### 9.1 **ITEM P71-23**

#### **CONSENT AGENDA ITEMS**

**Moved By** Councillor Terry Bell

**Seconded By** Councillor Shelley Bradaric

That the Planning/Building/Environmental Committee hereby approve the following Consent Agenda items:

1. Items 1 & 2 be and are hereby received for information.
2. Item 3 be and is hereby received and the recommendation contained therein be approved.

with the exception of Item no.(s)1 and 3

#### **Carried**

1. Information Report PD-49-2023 - West Lincoln's Top 5 Recommendations from the Housing Affordability Task Force

Councillor Chechalk remarked that housing development across Ontario is slower than desired not because of a lack of willingness from municipalities to approve projects and to remove hurdles to development, but because of the high upfront costs of development.

Mayor Ganann remarked that the information report PD-49-2023 was brought forward to provide further information to Council, but noted that Council support is not required on the Township's Top 5 Recommendations from the Housing Affordability Task Force response. While the response is not yet completed, it will largely support and mirror the response put forward by the Association of Municipalities of Ontario (AMO).



Councillor Trombetta expressed his agreement with Councillor Chechalk, and further remarked that the support of the provincial government is required in order to allow for affordable housing development, specifically investment into infrastructure.

Councillor Chechalk remarked that the five recommendations included in Information Report PD-49-2023, are no more or less important than those chosen by AMO, and are no more or less important than all of the recommendations chosen by the task force.

**Moved By** Councillor Joann Chechalk

**Seconded By** Councillor Terry Bell

That, Information Report PD-49-2023, regarding "2023 West Lincoln's Top 5 Recommendations from the Housing Affordability Task Force", dated October 10, 2023 be received for information.

### **Carried**

2. Technical Report PD-54-2023 – Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendment No. 7 (File No. 1601-007-23)
3. Recommendation Report PD-50-2023 - Service Level Agreement (Planning) with the Region of Niagara

Councillor Chechalk inquired to the Director of Planning and Building, Brian Treble, to explain the colour coding included in Recommendation Report PD-50-2023.

In response to Councillor Chechalk's inquiry, Director of Planning and Building, Brian Treble, explained that the colour coding of the first included figure from Recommendation Report PD-50-2023, and that it outlines services that all municipalities would want provided by the regional government of Niagara.

In further response to Councillor Chechalk's inquiry, CAO Bev Hendry explained that because the Niagara region is no longer going to be officially responsible for providing planning services, this figure shows what services the Township will continue to

procure from the region, as they would be complicated and expensive to provide independently.

Councillor Chechalk further remarked that the cost of this service agreement may increase when it is reviewed in six months, and questioned the fairness of having the region provide these services to such a small number of smaller Niagara municipalities, including the Township. Councillor Chechalk argued that this agreement may be giving Township authority over to the region, and inquired if that authority should be maintained within the Township instead.

Director of Planning & Building, Brian Treble, clarified that other municipalities are still deliberating this agreement, and so to have further deliberations would not put us behind schedule in comparison to other municipalities.

Councillor Chechalk requested that a motion be put forward to send this agreement back to staff for review of the reports of Pelham and Niagara-on-the-Lake on this agreement, and to lay out the cost of hiring consultants or additional staff, versus the cost of this service agreement with the region.

CAO, Bev Hendry, requested that the Township reach out to the provincial government to suggest that they reconsider removing the region's planning responsibilities due to the fact that it has been quite disruptive to not only the municipalities but also the region.

1. That, Report PD-50-2023, regarding “”, dated October 10, 2023 be received; and,
2. That, Council receives and endorses the Planning Service Level Agreement, found at Attachment 1, between the Township of West Lincoln and the Regional Municipality of Niagara ("Niagara Region"); and,
3. That, the CAO be authorized to sign the Agreement on behalf of the Township upon the date of provincial proclamation for the amendments to the Planning Act related to upper-tier municipal planning responsibilities.

### **Referred**

**Moved By** Councillor Joann Chechalk

**Seconded By** Councillor Terry Bell

That, Recommendation Report PD-50-2023 regarding “Service Level Agreement (Planning) with the Region of Niagara”, be referred back to staff to report back at a future Planning/Building/Environmental Committee meeting in order for staff to do a further cost analysis of the services offered by the Region, compared to the potential lack of participation by neighbouring municipalities or third party consulting.

**Carried**

**10. COMMUNICATIONS**

**11. STAFF REPORTS**

**11.1 ITEM P72-23**

Director of Planning & Building (Brian Treble)  
Re: Recommendation Report PD-53-2023 – Draft Official Plan  
Amendment No. 66 – Cost Sharing Policy

**Moved By** Councillor Joann Chechalk

**Seconded By** Councillor Jason Trombetta

1. That, Report PD-53-2023, regarding “”, dated October 10, 2023 be received; and,
2. That, staff be authorized to circulate Draft Official Plan Amendment No. 66 for input from land owners and agencies and then to present a recommendation report to Committee at a later date.

**Carried**

**11.2 ITEM P73-23**

Susan Smyth (Senior Planner) and Brian Treble (Director of Planning & Building)  
Re: Recommendation Report PD-51-2023 – Applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment – Abingdon Road and Regional Road 65 (Silver Street) (ZBA File No. 1601-016-22 & CDM File No. 2000-91-22)

Councillor Rehner inquired to the Director of Planning and Building, Brian Treble, if there had been a public meeting held previously in regards to this application.

In response to Councillor Rehner's inquiry, Director of Planning and Building, Brian Treble, confirmed that there had been a public meeting held in regards to this application.

Councillor Rehner further inquired to the Director of Planning and Building, Brian Treble, if the issues that had been raised at the public meeting had been rectified.

In response to Councillor Rehner's further inquiry, Director of Planning and Building, Brian Treble, stated that the issues had been addressed in the application and conditions of approval.

Councillor Trombetta inquired to the Director of Planning and Building, Brian Treble, if the farmer neighbouring the site had expressed their concerns at the public meeting regarding this development and the potential for conflict and complaints from future residents regarding them and their farm.

In response to Councillor Trombetta's inquiry, Director of Planning and Building, Brian Treble, confirmed that the farmer had expressed their concerns at the public meeting and that, based on the outcome of another similar development, it was noted by Council that it has been well documented that his farming practice has been established, and buyers in the area should be made aware of such practices.

Councillor Bradaric inquired to the Director of Planning and Building, Brian Treble, about the issue of drainage that had been raised at the public meeting regarding this application.

In response to Councillor Bradaric's inquiry, Director of Planning and Building, Brian Treble, explained that the issues of drainage, as well as septic, have been resolved enough that this can be moved forward with conditions of approval to ensure that the Region and our inspectors are satisfied.

Councillor Bradaric further inquired to the Director of Planning and Building, Brian Treble, about details of the drainage and septic issues that were raised with regards to this application.

In response to Councillor Bradaric's further inquiry, Director of Planning and Building, Brian Treble, explained that while he cannot provide as specific detail as the Public Works department may be able to, he

explained that they have reviewed the plan and have come up with a solution to address these concerns adequately, with conditions.

Councillor Rehner inquired to the Director of Planning and Building, Brian Treble, about further drainage issues in the area raised by residents and if they would or have been addressed.

In response to Councillor Rehner's inquiry, Director of Planning and Building, Brian Treble, explained that while he is not a drainage expert, he does not believe those drainage issues, separate of this application, have been or will be addressed now. However, he did also note that this project will not make any current drainage issues worse anywhere else.

Councillor Chechalk inquired to the Director of Planning and Building, Brian Treble, if the conditions/warning clauses will be put on title or in the purchase and sale agreement.

In response to Councillor Chechalk's inquiry, he explained that he does not have the answer to that, but will get that answer prior to the next Council meeting. The conditions would be in the real estate language on the listing, and he would expect that they would be on title as well, but will have to find out if that is the case.

Councillor Chechalk further inquired to the Director of Planning and Building, Brian Treble, if consistent names of streets could be used within reports.

In response to Councillor Chechalk's further inquiry, Director of Planning and Building, Brian Treble, suggested that officially making street names consistent is a bigger issue than just asking to change it.

**Moved By** Councillor Jason Trombetta

**Seconded By** Councillor Mike Rehner

1. That, Report PD-51-2023, regarding "Recommendation Report – Applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment – Abingdon Road and Regional Road 65 (Silver Street) (ZBA File No. 1601-016-22 & CDM File No. 2000-91-22)", dated October 10, 2023, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, application for Zoning By-law Amendment File No. 1601-016-22 to change the Development (D) zone to Residential Low Density

R1A-229 zone with site-specific provisions contained in Attachment 3, be APPROVED; and,

4. That, application for Draft Plan of Vacant Land Condominium File No. CDM 2000-91-22, be APPROVED, in accordance with the provisions of the Planning Act, R.S.O., 1990, Chapter P.13, and regulations thereunder, subject to draft plan approval conditions contained in Attachment 4 to PD-51-2023; and,
5. That, the Applicant be advised the Township's draft approval of this Plan of Vacant Land Condominium will lapse three years from the date of approval unless Township Council grants an extension of the approval period prior to the lapsing date. If an extension is requested, an updated review will occur and revisions to the conditions of draft plan approval may be necessary at that time.

### **Carried**

#### **11.3 ITEM P74-23**

Brian Treble (Director of Planning & Building)

Re: Recommendation Report PD-52-23 - Amendments to Noise By-law

Councillor Chechalk inquired to Director of Planning and Building, Brian Treble, about the nature of enforcement of the noise by-law.

Director of Planning and Building, Brian Treble, read aloud questions and comments provided in writing by residents, Kim and Ed Wrzosek, who had brought the issue of the noise by-law forward in the first place. First, the residents thanked council and staff for their help in addressing their concerns. They then asked about how it will be enforced, if noises can be reported to by-law enforcement, and if they will be informed if an individual who they have reported has been ticketed.

In response to the Wrzosek's written inquiries, as well as Councillor Chechalk's inquiry, Director of Planning and Building, Brian Treble, explained that enforcement of the by-law, if approved, will be complaint-driven, meaning that a written complaint will need to be provided to the Township to instigate enforcement. Second, enforcement can occur outside of regular Township hours as necessary. Lastly, the issuing of a ticket is a confidential matter, however, the Township can make it known

that the complaint has been received and that they are acting on it, but not if a ticket has been issued and who it has been issued to.

Councillor Chechalk expressed her support for the amended noise by-law. However, she is concerned about the necessary cost to adequately enforce this by-law, and inquired to the Director of Planning and Building, Brian Treble, if that will be considered.

In response to the Councillor's inquiry, the Director of Planning and Building, Brian Treble, noted that this by-law can only be enforced on municipal roads, and that the rest will be considered.

Councillor Trombetta inquired to the Director of Planning and Building, Brian Treble, about how this noise by-law will impact loud mufflers on vehicles.

In response to Councillor Trombetta's inquiry, the Director of Planning and Building, Brian Treble, explained that the by-law is focused on the impact of the noise on individuals who may wish to submit a written complaint, not the existence of loud noises in general. The by-law is also written to exempt manufacturer standard equipment. So if a vehicle is sold with a loud muffler by the manufacturer, that is exempt from the noise by-law. If the Township received a complaint and a ticket was issued, it would be the responsibility of the ticket recipient to prove that their vehicle has not been modified, or if the modification can be justified as necessary, then the ticket could be waived.

Councillor Trombetta further inquired to Director of Planning and Building, Brian Treble, about what would constitute a noise complaint worthy of by-law enforcement to issue a ticket.

In response to Councillor Trombetta's further inquiry, Director of Planning and Building, Brian Treble, explained that the sounds associated with starting up a vehicle may bring about complaints, but it would be up to the Township's discretion to actually issue tickets in such instances, which they would not do unless, after investigation, it was determined to be a persistent problem beyond simply starting the vehicle.

Councillor Bell noted the potential for additional cost as a result of enforcement against law-abiding vehicle owners who have made legal modifications to their vehicles.

Councillor Bradaric inquired to the Director of Planning and Building, Brian Treble, about the penalty imposed on those who would receive tickets under the noise by-law.

In response to Councillor Bradaric's inquiry, Director of Planning and Building, Brian Treble, noted that the financial penalty was not included with the recommendation report, but that it would be approximately \$200 dollars. Additionally, he expressed that enforcement would be restrained due to the resources necessary to enforce such a by-law and issue tickets.

Councillor Chechalk inquired to the Director of Planning and Building, Brian Treble, about the equipment used in enforcement of the noise by-law.

In response to Councillor Chechalk's inquiry, Director of Planning and Building, Brian Treble, explained that technology like decibel readers are not ready to be used in the Township, as there are not trained staff in place to use it. The approach used in this by-law, by responding to complaints rather than regulating noise sources, is used elsewhere and as far as the Director can gather, has been successful without the need for decibel readers.

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Mike Rehner

1. That, Recommendation Report PD-52-2023, regarding "Amendments to Noise By-law", dated October 10, 2023 be received; and,
2. That, an amending by-law such as the one attached to this report, be passed to update and modernize the Township of West Lincoln Noise By-law; and,
3. That, Mr. and Mrs. Wrzosek be notified of the changes accordingly.

**Carried**

## **12. OTHER BUSINESS**

### **12.1 ITEM P75-23**

Members of Committee

Re: Other Business Matters of an Informative Nature



Councillor Chechalk  
Re: Gainsborough Plowing Match

The Gainsborough Plowing Match took place today, and it was a very full event with a number of participants who enjoyed the day, and several winners went home happy.

Mayor Ganann  
Re: NPEI Appointment Process

Mayor Ganann provided an overview of the NPEI appointment process, as well as the correspondence received by the NPEI Board of Directors. Mayor Ganann noted that the Hiring Matrix is a solid foundation for the hiring process, and was made generic to be applicable to capture numerous positions.

**13. NEW BUSINESS**

**NOTE:** Only for items that require immediate attention/direction and must first approve a motion to introduce a new item of business (Motion Required).

**14. CONFIDENTIAL MATTERS**

There were no confidential items.

**15. ADJOURNMENT**

The Chair declared the meeting adjourned at the hour of 8:19pm.

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JUSTIN PAYLOVE,  
DEPUTY CLERK

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MAYOR CHERYL GANANN,  
PRESIDING CHAIR

**TOWNSHIP OF WEST LINCOLN  
PUBLIC WORKS & RECREATION COMMITTEE  
MINUTES**

**MEETING NO. SEVEN**

**October 16, 2023, 6:30 p.m.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

Council: Councillor Mike Rehner (Chair)  
Mayor Cheryl Ganann  
Councillor Shelley Bradaric  
Councillor William Reilly  
Councillor Jason Trombetta  
Councillor Joann Chechalk  
Councillor Terry Bell

Staff: Bev Hendry, CAO  
Jessica Dyson, Director of Legislative Services/Clerk  
Mike DiPaola, Director of Public Works & Recreation  
Donna DeFilippis, Director of Finance/Treasurer  
Tim Hofsink, Acting Fire Chief  
Kevin Geoghegan, IT Help Desk Analyst  
John Bartol, Chief Building Official

Other Members: Bruce Harris, WeeStreem

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**1. CHAIR - Councillor Mike Rehner**

Prior to commencing with the Public Works & Recreation Committee meeting agenda, Chair Rehner provided the following announcements:

1. Comments from the public for a matter that is on the agenda may be provided in person by attending the meeting and advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. For those individuals that are unable to attend the meeting in person, you may submit comments for matters that are on the agenda by either
  1. emailing [jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca) before 4:30 pm. on the day of the meeting. Comments submitted will be considered as public information and read into public record; OR,

2. by contacting the Clerk's Department to request a Zoom Link to attend the meeting virtually.
3. This meeting will be livestreamed as well as recorded and available on the Township's Website.

## **2. LAND ACKNOWLEDGEMENT STATEMENT**

Chair Rehner read the following Land Acknowledgement Statement:

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no-SHOW-nee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

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

There were no requests to change the order of the items on the agenda.

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

There were no disclosure of pecuniary interest and/or conflict of interest.

## **5. APPOINTMENTS**

There were no appointments/presentations.

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

There were no members of the public present who wished to address any items on the Public Works & Recreation Committee agenda.

## **7. CONSENT AGENDA ITEMS**

**NOTE:** All items listed below are considered to be routine and non-controversial and can be approved by one resolution. There will be no separate discussion of these items unless a Council Member requests it, in which case the item will be removed from the consent resolution and considered immediately following adoption of the remaining consent agenda items.

### **7.1 ITEM PW20-23**

#### **CONSENT AGENDA ITEMS**

**RECOMMENDATION:**

**Moved By** Councillor Jason Trombetta

**Seconded By** Mayor Cheryl Ganann

That the Public Works & Recreation Committee hereby approves the following Consent Agenda Items:

1. Items 1 and 2 be and are hereby received for information with the exception of Items #(s) 2

**Carried**

**SUMMARY OF CONSENT AGENDA ITEMS APPROVED:**

1. West Lincoln Public Library Board Minutes - August 15, 2023
2. West Lincoln Public Library Board Minutes - September 19, 2023

Councillor Reilly congratulated the Library Board and the Library-Councillor Liaison, Councillor Bradaric, for starting discussion on what shared services may look like amongst libraries in the Township. In response to Councillor Reilly comments, Library-Councillor liaison, Councillor Bradaric, shared that the development regarding shared services took place during the West Lincoln Public Library Board meeting on September 19, 2023. In addition, Mayor Ganann commented on the five-year anniversary of the re-opening of the renovated Smithville Public Library.

**RECOMMENDATION:**

**Moved By** Councillor William Reilly

**Seconded By** Councillor Joann Chechalk

That, the West Lincoln Public Library Board Minutes of September 19, 2023 be received for information.

**Carried**

**8. COMMUNICATIONS**

There were no communications.

**9. STAFF REPORTS**

**9.1 ITEM PW21-23**

Coordinator of Engineering Services (Jennifer Bernard) & Director of Public Works and Recreation (Mike DiPaola)

Re: Recommendation Report PW-25-2023 - Land Transfer Declaration as a Public Highway, 7005 Concession 4 Road

**RECOMMENDATION:**

**Moved By** Councillor Joann Chechalk

**Seconded By** Councillor William Reilly

1. That, Recommendation Report PW-25-2023, re: Land Transfer Declaration as a Public Highway, Concession 4 Road, dated October 16, 2023, be received; and,
2. That, a By-law be passed to declare Part 2 on Reference Plan No. 30R-16151 on Concession 4 Road as Public Highway.

**Carried**

**9.2 ITEM PW22-23**

Director of Public Works & Recreation (Mike DiPaola)

Re: Recommendation Report REC-06-2023 - Conceptual Design of Wellandport Community Park and Shoreline Enhancements

Councillor Bradaric inquired to the Director of Public Works & Recreation about the direction of this project and how it may be more receptive to additional funding opportunities as a result of the nature of the project itself. In response to Councillor Bradaric's inquiry, Director of Public Works & Recreation, Mike DiPaola, explained that this report outlines the process that the staff went through with the NPCA and a consultant in designing this community park. It then outlines, if it is endorsed by the Committee, how the NPCA will reach out to the OPG to see what parts of this project will be eligible for funding from OPG for shoreline protection. Then, in order to get this project into the 10-year capital budget forecast, staff will create a more detailed plan for the execution of this project, so that it is "shovel-ready" and so they can apply for additional funding when such opportunities arise. Councillor Bradaric further commented to the Director of Public Works & Recreation that she was happy to see that the project is multifaceted, and could be completed in parts or phases over time, as well as the fact that it appears that the park will be accessible.

Councillor Chechalk expressed her pleasure in seeing this plan moving forward, and supported the plan itself, but Councillor Chechalk also inquired to the Director of Public Works & Recreation about why this plan was not presented to the public prior to bringing it forward to Committee. In response to Councillor Chechalk's inquiry, Director of Public Works & Recreation, Mike DiPaola, explained that the NPCA put out the RFP and

hired the consultant, which Township staff went along with. He noted that they did discuss having public input on the conceptual design, but that they decided instead to keep this stage to the NPCA and the Township, but will have public meetings during the detailed design stage.

Councillor Chechalk further inquired to the Director of Public Works & Recreation about the plan and timeline to reach out to the public and make them aware of this project. Councillor Chechalk suggested that shortly following this meeting, the public should be made aware of this project. In response to Councillor Chechalk's further inquiry, the Director of Public Works & Recreation suggested that once this conceptual design is approved by the Committee, it could be put on their website, or included in a mail out to members of the public.

Mayor Ganann commented on another project for revitalizing a roadway in the community of Wellandport, and how that project, alongside this project, will complement each other well and are much anticipated and appreciated by the members of public in Wellandport.

**RECOMMENDATION:**

**Moved By** Councillor Joann Chechalk

**Seconded By** Councillor Shelley Bradaric

1. That, Recommendation Report REC-06-2023 regarding “Conceptual Design of Wellandport Community Park and Shoreline Enhancements”, dated October 16, 2023, be received; and
2. That, Council endorse the recommended Conceptual Design (Play in Nature) as presented in Appendix D and Appendix E; and
3. That, Township staff direct NPCA to pursue the OPG Welland River Fluctuation Mitigation Fund to see what elements of the conceptual design would be eligible; and
4. That, staff introduce this project in the 10-year capital budget forecast and continue to seek other potential funding opportunities.

**Carried**

**10. OTHER BUSINESS**

**10.1 ITEM PW23-23**

Members of Council

Re: Other Business Items of an Informative Nature

There were no Members of Committee that brought forward any other business items of an informative nature.

**11. NEW BUSINESS**

There were no new business items brought forward from Members of Committee.

**12. CONFIDENTIAL MATTERS**

There were no confidential matters.

**13. ADJOURNMENT**

The Chair declared the meeting adjourned at the hour of 6:54p.m.

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**JESSICA DYSON, DIRECTOR OF  
LEGISLATIVE SERVICES/CLERK**

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**COUNCILLOR MIKE REHNER,  
CHAIR**

**TOWNSHIP OF WEST LINCOLN  
ADMINISTRATION/FINANCE/FIRE COMMITTEE  
MINUTES**

**MEETING NO. SEVEN**

**October 16, 2023, To commence immediately following the Public Works & Recreation Committee Meeting.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

Council: Councillor Jason Trombetta (Chair)  
Mayor Cheryl Ganann  
Councillor Shelley Bradaric  
Councillor Mike Rehner  
Councillor William Reilly  
Councillor Terry Bell  
Councillor Joann Chechalk

Staff: Bev Hendry, CAO  
Jessica Dyson, Director of Legislative Services/Clerk  
Donna DeFilippis, Treasurer/Director of Finance\*  
Tim Hofsink, Acting Fire Chief\*  
Kevin Geoghegan, IT Help Desk Analyst  
Cassandra Carey, Human Resource Coordinator\*  
John Bartol, Chief Building Official\*

Other Members: Bruce Harris, WeeStreem

**\*IN ATTENDANCE PART-TIME**

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**1. CHAIR - Councillor Jason Trombetta**

Prior to commencing with the Administration/Finance/Fire Committee meeting agenda, Chair Trombetta provided the following announcements:

1. Comments can be made from members of the public for a matter that is on the agenda by advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. The public may submit written comments for matters that are on the agenda to [jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca) before 4:30 pm on the day of the meeting. Comments submitted will be considered as public information and will be read into the public record.



3. This meeting will be livestreamed as well as recorded and available on the Township's website.

**2. LAND ACKNOWLEDGEMENT STATEMENT**

Chair Trombetta read the following Land Acknowledgement Statement:

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no-SHOW-nee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

**3. CHANGE IN ORDER OF ITEMS ON AGENDA**

There were no requests to change the order of the items on the agenda.

**4. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

4.1. Confidential Matter Re: Citizen Appointments on Boards and Committees  
Councillor Reilly declared a conflict of interest with respect to the above noted matter due to a family member applying to sit as a member on the Mayor's Youth Advisory Committee.

**5. APPOINTMENTS**

There were no appointments/presentations.

**6. REQUEST TO ADDRESS ITEMS ON THE AGENDA**

There were no members of the public present who wished to address any items on the Administration/Finance/Fire Committee agenda.

**7. CONSENT AGENDA ITEMS**

**7.1 ITEM A55-23**

CONSENT AGENDA ITEMS

**RECOMMENDATION:**

**Moved By** Councillor William Reilly

**Seconded By** Mayor Cheryl Ganann

That the Administration/Finance/Fire Committee hereby approves the following Consent Agenda Items:

1. Items 1, 2, 3 & 4 be and are hereby received for information  
**Carried**

1. West Lincoln Age Friendly Advisory Committee - Minutes of June 9th, 2023
2. West Lincoln Age Friendly Advisory Committee - Minutes of September 29, 2023
3. Mayor's Youth Advisory Committee (MYAC) - Minutes of September 6, 2023
4. Information Report WLFD-15-2023 - Monthly Update - September 2023

**8. COMMUNICATIONS**

There were no communications.

**9. STAFF REPORTS**

**9.1 ITEM A56-23**

Director of Finance and Treasurer (Donna DeFilippis)

Re: Information Report T-27-2023 - Financial Update as of September 30, 2023

**RECOMMENDATION:**

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Joann Chechalk

That, Information Report T-27-2023 regarding the “Financial Update as of September 30, 2023”, dated October 16, 2023, be received for information.

**Carried**

**9.2 ITEM A57-23**

Director of Legislative Services/Clerk (Jessica Dyson)

Re: Recommendation Report C-09-2023 - Renewal of Consultant Agreement with The Herrington Group Ltd. and continued participation in the Joint Accessibility Advisory Committee

**RECOMMENDATION:**

**Moved By** Councillor Joann Chechalk

**Seconded By** Councillor Terry Bell

1. That, Recommendation Report C-09-2023, dated October 16, 2023, regarding “Renewal of Consultant Agreement with The

- Herrington Group Ltd., and continued participation in the Joint Accessibility Advisory Committee”, be received; and,
2. That, the Township renew its agreement with The Herrington Group Ltd. to provide consulting services for a two-year period to ensure compliance with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) and Ontarians with Disabilities Act, 2001 and to coordinate the activities of the JAAC; and,
  3. That, a by-law be passed authorizing the Mayor and Director of Legislative Services/Clerk to enter into an agreement with The Herrington Group Ltd. for consulting services for a two-year period from February 1, 2024 to January 31, 2026, along with the other six (6) participating municipalities; and,
  4. That, the Township of West Lincoln continue to participate as a member of the JAAC at a yearly cost of \$10,000.00; and,
  5. That, the 2024 Operating Budget includes the membership cost of the Township of West Lincoln participating in the JAAC in the amount of \$10,000, which is consistent with the 2023 budget, resulting in no budget increase.

**Carried**

**9.3 ITEM A58-23**

Director of Legislative Services/Clerk (Jessica Dyson)

Re: Recommendation Report C-08-2023 - Appointment of Integrity Commissioner

Councillor Chechalk inquired about the decision to hire ADR Chambers Inc., a mediation company, over a law firm, which had been utilized up until now. Councillor Chechalk inquired to the Director of Legislative Services/Clerk, if they would still be able to provide legal advice to the Township and/or Council if necessary. In response to Councillor Chechalk's inquiry, the Director of Legislative Services/Clerk, explained that ADR Chambers' and their employee's expertise is in fulfilling the service requirements of an Integrity Commissioner for municipalities, noting that should the Township require legal advice outside of the Integrity Commissioner services, that these services would be completed by legal counsel and would not be done under the Integrity Commissioner services.

The Director of Legislative Services/Clerk provided clarification to Councillor Bell's inquiry regarding having legal and integrity commissioner services in one current appointment of integrity commissioner services, by explaining that despite the current Integrity Commissioner working with a

law firm, the current contract only covers their Integrity Commissioner services, meaning that it does not save them any money in legal services.

Councillor Reilly inquired to the Director of Legislative Services/Clerk, about any potential risk that the Township may be open to by contracting a mediation firm instead of a law firm to provide Integrity Commissioner services. In response to Councillor Reilly's inquiry, Director of Legislative Services/Clerk, explained the services that would be provided applies to Codes of Conduct and the Conflict of Interest Act, noting that that there would be no change to legal risk associated with this proposed change to the Integrity Commissioner.

In response to Chair Trombetta's inquiry regarding any open files with the current Integrity Commissioner, the Director of Legislative Services/Clerk, explained that this would have to be addressed prior to a new Integrity Commissioner being contracted, but that the expectation would be that the issue would be transferred to the new Integrity Commissioner at the beginning of their contract if the Committee were to accept the staff recommendation in this instance, as per the agreement signed by the Integrity Commission when appointed.

Chair Trombetta further inquired to the CAO, Bev Hendry, if this could be answered definitively so the Committee will know if this investigation will be handled by the current Integrity Commissioner until it is completed, or if it will be transferred to the next Integrity Commissioner if the Committee were to accept this staff recommendation and if that investigation was still ongoing at the beginning of the new Integrity Commissioner's contract. In response to Chair Trombetta's further inquiry, CAO, Bev Hendry, suggested that she could provide an answer to this inquiry by next week.

Mayor Ganann provided further comment, explaining that the recommended Integrity Commissioner and ADR Chambers Inc., provides Integrity Commissioner services to the Niagara Region and other municipalities within the region, and therefore they do have familiarity with ongoing investigations, which could make the transition easier.

**RECOMMENDATION:**

**Moved By** Councillor William Reilly

**Seconded By** Councillor Terry Bell

1. That, Recommendation Report C-08-2023 regarding "Appointment of Integrity Commissioner", dated October 16, 2023 be received; and,

2. That, Council appoint Michael L. Maynard of ADR Chambers Inc., as the Integrity Commissioner for the Township of West Lincoln; and
3. That, John Mascarin of Aird & Berlis LLP retain authority as an Integrity Commissioner for the purpose of completing and reporting on any investigations initiated prior to the expiration of their contract, after which this appointment will be removed; and,
4. That, a By-law be passed to authorize the Mayor and Clerk to prepare and execute the necessary agreement.

**Carried**

**9.4 ITEM A59-23**

Deputy Clerk (Justin Paylove) and Director of Legislative Services/Clerk (Jessica Dyson)

Re: Recommendation Report C-07-2023 - School Crossing Guard Operational Staffing Update

Councillor Rehner inquired to the Director of Finance/Treasurer about the impact on the budget that this increase to the crossing guard wages would have. In response to Councillor Rehner's inquiry the Director of Finance/Treasurer confirmed that this increase in wages would amount to 0.5 per cent of the budget.

Councillor Bradaric thanked the Clerk's department for putting this report together so quickly and providing some options to address the crossing guard capacity and retention issue the Township is facing. Councillor Bradaric also expressed hope that other members of the Committee would be supportive of this recommendation.

Councillor Bell inquired to the Director of Finance/Treasurer about when this wage increase would come into effect. In response to Councillor Bell's inquiry the Director of Finance/Treasurer stated that the standard procedure is to present all budget request to Council, and explained that this would come into effect when the budget is ratified in February 2024, but could be made to be retroactive to January 1st, 2024.

Councillor Rehner commented on previous discussions on this issue by this Committee wherein they discussed making a wage increase retroactive to the beginning of the school year, September 1st, 2023. In response to Councillor Rehner's comment, the Director of Finance/Treasurer explained that the issue regarding retroactive pay would be best addressed by Council during 2024 budget deliberations.

The Director of Finance/Treasurer suggested that should Members of Committee wish to proceed with the September 2023 retroactive pay, that the change to include retroactive pay increases for crossing guards up to September 1st, 2023 could be addressed through a fairly straightforward amendment to the motion by removing the second point of the recommendation, and adding to the first point that this pay increase be made effective September 1st, 2023.

Councillor Chechalk commented that reserve funds have been used before to pay for wage increases, and so to do that in this instance would not be outside of the norm nor would it be precedence setting.

Mayor Ganann suggested that the resolution explain why the Committee is addressing crossing guard pay after the start of the school year, being the need to address retention issues.

Councillor Chechalk inquired about the wording of the resolution, which says that crossing guards will work 40 minutes and be paid for 60 minutes. Councillor Chechalk requested clarification of this distinction and if it is necessary or if it could perhaps be problematic in the future. In response to Councillor Chechalk's inquiry, the Director of Legislative Services/Clerk, explained that while crossing guard shifts vary from location to location, no shift exceeds 40 minutes, and that is not going to change. That is why it was decided that it would be fair to make all crossing guard shifts 40 minutes and to pay all crossing guards the same amount for 60 minutes, despite the shift and job requirement only ever being to stay for 40 minutes.

**RECOMMENDATION:**

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Terry Bell

1. That, Recommendation Report C-07-2023 regarding "School Crossing Guard Operational Staffing Update" dated October 16, 2023 be received; and,
2. That, Council direct staff to include Option No. 2 contained within this report C-07-2023, in the 2024 budget, which generally recommends that:
  - Amend the current School Crossing Guard hour structure to make each shift 40 minutes in length, but pay each shift for a full hour. This would result in a Full-Time School Crossing Guard being paid for two hours each day.

- Option No. 2 would result in a 2024 Crossing Guard Wages and Benefits budget of \$113,910, which represents an increase of \$49,620 to the 2024 Operating budget compared to using the 2023 compensation structure.

**Carried as Amended (see below)**

**RECOMMENDATION:**

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor William Reilly

1. That, recommendation 2 of Report C-07-2023 regarding the School Crossing Guard Operational Staffing Update be amended to remove the second bullet being “Option No. 2 would result in a 2024 Crossing Guard Wages and Benefits budget of \$113,910, which represents an increase of \$49,620 to the 2024 Operating budget compared to using the 2023 compensation structure.”; and,
2. That, the words “implemented retroactively to September 2023” be included in the first bullet of recommendation number 2 for retention and attraction purposes

**Carried**

#### **9.5 ITEM A60-23**

CAO (Bev Hendry)

Re: Information Report CAO-05-2023 - CAO ICMA Conference  
Information Report

CAO, Bev Hendry, explained the nature of the report and her experience at the ICMA Conference. She noted that it includes valuable information from colleagues from around the world.

Councillor Reilly inquired to the CAO, if she would provide reports like this, detailing what took place and what information she found valuable, from all conferences she attends in her capacity as CAO. In response to Councillor Reilly's inquiry the CAO clarified that she would provide reports like this to Council on all professional development conferences she attends in an official capacity, not more public conferences like AMO, for instance.

Mayor Ganann commented on the value of having information reports presented to Council following conferences, as well as from members of Council following meetings that they attend in their official capacity outside of Council and Committee meetings, such as on the public library board or regional transit commission, and that ensuring this happens has been a

focus for her, as it was not done when she was first elected to Council under a previous Mayor and CAO.

**RECOMMENDATION:**

**Moved By** Mayor Cheryl Ganann

**Seconded By** Councillor Joann Chechalk

That, Information Report CAO-05-2023, regarding “CAO ICMA Conference Information Report”, dated October 16, 2023, be received for information.

**Carried**

**10. OTHER BUSINESS**

**10.1 ITEM A61-23**

Mayor Cheryl Ganann

Re: West Lincoln Community Recognition Awards

**VERBAL UPDATE**

Mayor Cheryl Ganann announced the recipients of the 2023 West Lincoln Community Recognition Awards, and briefly explained the impartial selection process.

Mayor Ganann congratulated Marcus Bousfield, who won in the Ages 14 and under category, Scott Antonides, who won in the Ages 55 and under category and Kathy Wetselaar, who won in the Over 55 category. Mayor Ganann also shared that families and friends of the winners, along with all members of the public, are invited to help congratulate the winners at a celebratory event on Thursday, October 26, at 6:30 p.m., in the Library Community Room at 177 West Street, in Smithville.

Councillor Bradaric inquired to Mayor Ganann if the recipients of the 2023 West Lincoln Community Recognition Awards were made aware that they had won the awards prior to this Committee meeting. In response to Councillor Bradaric's inquiry, Mayor Ganann explained that she had called the award recipients last week to tell them that they had won and to swear them to secrecy until the news would be made public.

**10.2 ITEM A62-23**

Members of Committee

Re: Verbal Updates from Members of Boards and Committees - If required



1. Councillor Bradaric  
Re: West Lincoln Heritage Committee  
Councillor Bradaric commented that she and the rest of the Heritage Committee will be going through old documents at their next meeting, which is scheduled for November 30th, 2023.
2. Councillor Rehner  
Re: Niagara Peninsula Energy Inc., Board  
Councillor Rehner shared that he attended the recognition luncheon for employees of NPEI who have worked there for over five years.
3. Councillor Reilly  
Re: West Lincoln Santa Claus Parade Committee  
Councillor Reilly commented that the Santa Clause Parade Committee, which he is a part of, is now meeting weekly, and is in the end stages of planning as they look for some additional sponsors to try and expand on some of the entertainment offerings.
4. Councillor Chechalk  
Re: West Lincoln Chamber of Commerce  
Councillor Chechalk commented on all of the community award recipients, as well as all nominees, and commended them for all the work that they do in the community. Councillor Chechalk also mentioned the West Lincoln Chamber of Commerce Outstanding Business Achievement Awards coming up this week and the retirement of the Chamber's Executive Director Denise Potter.
5. Mayor Ganann  
Re: West Lincoln Age Friendly Advisory Committee  
Mayor Ganann shared the Age Friendly Advisory Committee's upcoming Senior's Seminar, which will be this Friday, October 20th, 2023 at the West Lincoln Community Centre.
6. Chair Councillor Trombetta  
Re: Niagara Peninsula West Inc.  
Councillor Trombetta commented that Peninsula West Utilities President Brian Walker will be retiring in December, 2023. A successor has yet to be named by the Board of Directors. More news will come from that from Chair Trombetta and Mayor Ganann before the end of the year.

**10.3 ITEM A63-23**

Members of Council

Re: Other Business Items of an Informative Nature

1. CAO, Bev Hendry

Re: Local Government Week

CAO, Bev Hendry, highlighted that this week is Local Government Week, which Communications Specialist, Beth Audet, is celebrating on the Township's social media pages by posting about all the different departments within the Township and what it is they do.

2. Councillor Bradaric

Re: ECE Appreciation Day

Councillor Bradaric highlighted that ECE Appreciation Day is this week, and that time should be taken to recognize the contributions that ECE's make to schools, and to the lives of the children that they work with.

3. Chair Trombetta

Re: Staff Recognition

Councillor Trombetta recognized John Bartol, the new Chief Building Official for the Township of West Lincoln, who was in attendance at the meeting for the first time in his new role.

**11. NEW BUSINESS**

**Moved By** Councillor Joann Chechalk

**Seconded By** Councillor Shelley Bradaric

That, a New Item of Business be introduced regarding the Old Fire Station 2 Building

**Carried**

**11.1 ITEM A67-23**

Councillor Joann Chechalk

Re: Old Fire Station 2 Building

Councillor Bell inquired to the Acting Fire Chief, Tim Hofsink, about whether there is a contract in place for the demolition of the old Fire Station 2 Building. In response to Councillor Bell's inquiry, Acting Fire Chief, Tim Hofsink, explained that there is a contract in place for the construction of the new Fire Station 2 Building, but not a contract in place for the demolition of the old Fire Station 2 Building.

Councillor Bell commented that the laying of the top asphalt, which is scheduled for two weeks from now, should be postponed, so as to not ruin the asphalt with the future demolition of the old Fire Station 2 Building. The Acting Fire Chief, commented that the intent is to put the top coat of the asphalt on in two weeks, due to the time of the year and in order to close out the project. The Acting Fire Chief noted that it is believed that deferring putting the top coat of asphalt on to the new year would cost more money.

Councillor Reilly inquired to the Acting Fire Chief about why no tenders are in place for the demolition project. In response to Councillor Reilly's inquiry, the Acting Fire Chief, explained that in order to provide the same information to all three potential demolition contractors, the prospective RFP was not able to be prepared in time for this Committee meeting. The CAO also explained that there were several inter-departmental staff meetings regarding this project, and that work is ongoing and data is being collected, but it was not yet ready.

Mayor Ganann inquired to the Acting Fire Chief if the laying of the top asphalt is the last thing to be done in terms of construction. In response to Mayor Ganann's inquiry, the Acting Fire Chief explained that delays in getting other jobs completed means that while on paper the laying of the top asphalt is the final thing to be completed on the new Fire Station 2 Building, in practice this is not exactly the case.

Councillor Bell inquired to the Acting Fire Chief, about the project status of the new Fire Station 2 Building. In response to Councillor Bell's inquiry, Acting Fire Chief, Tim Hofsink, explained that the new Fire Station 2 Building is very close to completion. What is holding it up is that the gas supply from the road to the building, which is fed through a specific PSI station, is still to come. Because of this, HVAC cannot be completed. This is one of the major blockages slowing completion.

The Acting Fire Chief explained that there is a project manager who is overseeing the entire project, and the site supervisor, who spends some of his time at the site coordinating the tradespeople. Every two weeks, the Acting Fire Chief meets with the Project Manager, Site Supervisor, and a representative from the contracted firm, noting that they go over progress and provide a schedule for the next two weeks. This PSI station from the gas company is a massive delay that has been going on for weeks and weeks.

Councillor Bradaric inquired to the Acting Fire Chief, regarding contractual obligations to the contractor and how the Township is restrained in how they can respond to slow progress on this project. In response to Councillor Bradaric's inquiry, Acting Fire Chief, Tim Hofsink, explained that due to the supply of materials and labour since the pandemic this has meant that penalties for delays could not be included in the contract for this project without creating much greater costs and deterring bids.

Councillor Bradaric further inquired to the Acting Fire Chief if the Township is able to delay the laying of the top asphalt or if the Township has any other mechanisms at their disposal to hold the contractor accountable for the delays. In response to Councillor Bradaric's further inquiry, Acting Fire Chief, Tim Hofsink, explained that the Township does have mechanisms to hold the contractor to account, including holding back payment when work is incomplete. Regarding the asphalt, it could be delayed or removed from the project so that the cost of laying it could be credited back to the Township.

CAO, Bev Hendry, reminded the Committee that staff are working on a report back to this Committee for more information on the old Fire Station 2 Building, as they had been directed to following the last Committee meeting. Additionally, CAO, Bev Hendry, requested that any further discussion of legal strategy in regards to working with contractors be discussed in-camera.

Councillor Chechalk commented that the RFP for demolition of the old Fire Station 2 Building should have been done previously, but since staff recommended against it, they did not previously, and so they should do that in a motion at this meeting.

Councillor Reilly inquired to the CAO as to why this issue was not originally on the agenda for tonight's meeting and why it had to be brought forward by Councillor Chechalk. In response to Councillor Reilly's inquiry, CAO, Bev Hendry, suggested that this issue be brought forward because while it was not on the agenda, this was only due to the fact that the report that was supposed to be ready for the Committee for this meeting was not going to be ready.

Mayor Ganann further praised the Acting Fire Chief, Tim Hofsink, for making everyone aware of the issues with the old and new Fire Station 2 Buildings in his monthly reports and encouraged all to read and pull reports diligently to stay on top of projects, like this, as necessary.

**RECOMMENDATION:**

**Moved By** Councillor Joann Chechalk

**Seconded By** Councillor Mike Rehner

1. That, the Acting Fire Chief negotiate the top coat of asphalt out of the existing contract and that this negotiation be brought forward to Members of Council; and,
2. That, staff be directed to conduct a formal Request for Proposal (RFP) process for the full and partial demolition of the Old Fire Station 2 Building prior to ratification at Council; and,
3. That, a deficiency list be brought forward to Council during confidential matters, should it be required, at the Council October 23<sup>rd</sup>, 2023 Council meeting; and,
4. That the award of the contract, not be done until the RFP has been brought forward to Members of Council.

**Carried**

**12. CONFIDENTIAL MATTERS**

**RECOMMENDATION:**

**Moved By** Mayor Cheryl Ganann

**Seconded By** Councillor Shelley Bradaric

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:

12.1 Director of Legislative Services/Clerk (Jessica Dyson)

Re: Citizen Appointments on Boards and Committees

1. Mayor's Youth Advisory Committee

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

- personal matters about an identifiable individual, including municipal or local board employee

12.2 Cassandra Carey (Human Resource Coordinator) and Director of Legislative Services/Clerk (Jessica Dyson)

Re: Confidential Recommendation Report HR-04-2023 - CAO Performance Review Policy & Update

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

- personal matters about an identifiable individual, including municipal or local board employees

12.3 Director of Legislative Services/Clerk (Jessica Dyson)

Re: Nomination of Appointment to Niagara Peninsula Energy Inc.

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

- personal matters about an identifiable individual, including municipal or local board employees

**Carried**

**RECOMMENDATION:**

**Moved By** Mayor Cheryl Ganann

**Seconded By** Councillor Terry Bell

That, this Committee meeting now resume in open session at the hour of 10:53 p.m.

**Carried**

**12.1 ITEM A64-23**

Director of Legislative Services/Clerk (Jessica Dyson)

Re: Citizen Appointments on Boards and Committees

1. Mayor's Youth Advisory Committee

**RECOMMENDATION:**

**Moved By** Mayor Cheryl Ganann

**Seconded By** Councillor Terry Bell

1. That, the following person(s) be and are hereby appointed to serve on the Mayor's Youth Advisory Committee until their successors are appointed:
  - a. Joshua Reilly; and,
2. That, a By-law be presented at the October 23, 2023 Council Meeting to amend By-law 2023-03, being the appointment bylaw for Boards and Committees, specifically Schedule D – Mayor's Youth Advisory Committee.

**Carried**

**12.2 ITEM A65-23**

Cassandra Carey (Human Resource Coordinator) and Director of Legislative Services/Clerk (Jessica Dyson)

Re: Confidential Recommendation Report HR-04-2023 - CAO Performance Review Policy & Update

**RECOMMENDATION:**

**Moved By** Mayor Cheryl Ganann

**Seconded By** Councillor Joann Chechalk

1. That, Recommendation Report HR-04-2023, regarding “CAO Performance Review Policy and Update”, dated October 16, 2023, be received; and,
2. That, the CAO Performance Review Policy be brought forward to Council at the upcoming October 23<sup>rd</sup>, 2023 Council Meeting for final approval.

**Carried**

**12.3 ITEM A66-23**

Director of Legislative Services/Clerk (Jessica Dyson)

Re: Nomination of Appointment to Niagara Peninsula Energy Inc.

**RECOMMENDATION:**

**Moved By** Councillor Terry Bell

**Seconded By** Councillor Joann Chechalk

1. That, the email received from Mr. Brian Walker, President, Peninsula West Power Inc., dated July 24, 2023, requesting the Township of West Lincoln to nominate a representative to sit on the Board of Directors of Niagara Peninsula Energy Inc. for a three year term be received; and,
2. That, Councillor Rehner be recommend for appointment on the Board of Directors of Niagara Peninsula Energy Inc. for a three-year term (per by-law) effective January 1, 2024 and expiring on December 31, 2026.

**Carried**

**13. ADJOURNMENT**

The Chair declared the meeting adjourned at the hour of 10:56 p.m.

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**JESSICA DYSON, DIRECTOR OF  
LEGISLATIVE SERVICES/CLERK**

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**COUNCILLOR JASON  
TROMBETTA, CHAIR**

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**PLANNING & DEVELOPMENT DEPARTMENT  
MEMORANDUM**

**To:** Council & Clerk

**From:** Brian Treble, Director of Planning and Building

**Date:** October 23, 2023

**Subject:** Amendment to Noise By-law 2013-50 and Amendment to Non-Parking AMPS By-law 2021-84

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Dear Council,

Planning, Building and By-law staff brought forward recommendation report PD-52-2023 at the October 10<sup>th</sup> Planning, Building, Environmental Committee Meeting regarding proposed amendments to the Township Noise By-law 2013-50.

The draft by-law that was attached to the recommendation report has had minor but necessary changes to ensure consistency and clarity within the Township Noise By-law. This amending by-law is attached to the Council agenda as By-law 2023-74.

Staff would also like to make Council aware that the fine related to a Noise By-law Infraction will be \$250.00. To impose this fine, as well as other noise related fines, a new Schedule, Schedule "I" will be added to the Non-Parking AMPS of By-law 2021-84. This amending by-law is attached to the Council agenda as By-law 2023-75.

Respectfully Submitted,



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Brian Treble, MCIP, RPP  
Director of Planning and Building



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**PLANNING & DEVELOPMENT DEPARTMENT  
MEMORANDUM**

**To:** Council & Clerk

**From:** Brian Treble, Director of Planning and Building

**Date:** October 23, 2023

**Subject:** Information Re: Warning Clauses being added to real estate purchase and sale agreements

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Dear Council,

Planning Staff brought forward recommendation report PD-51-2023 – Applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment – Abingdon Road and Regional Road 65 (Silver Street) (ZBA File No. 1601-016-22 and CDM File No. 2000-91-22) at the October 10<sup>th</sup>, 2023 Planning, Building, Environmental Committee Meeting.

At this meeting, a question was raised regarding the potential to add warning clauses to real estate purchase and sale agreements regarding the possibility for smell/odor (etc). Staff reached out to Township Legal Counsel and the below response was received:

*“I think it is best if the warning clauses are contained in a site plan agreement or subdivision agreement. Most of those clauses could probably not be registered alone as Restrictive Covenants. In order to register Restrictive Covenants, they need to be covenants not to do something (i.e. negative) as opposed to a promise to do something or just a warning about something. A lot of these clauses are just for fyi purposes, in which case they are more properly contained in an agreement.”*

Respectfully Submitted,



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Brian Treble, MCIP, RPP  
Director of Planning and Building

**DATE:** October 23, 2023  
**REPORT NO:** HR-05-2023  
**SUBJECT:** **CAO Performance Review Policy**  
**CONTACT:** Cassandra Carey, HR Coordinator  
Jessica Dyson, Director of Legislative Services/Clerk

**OVERVIEW:**

- This Staff Report provides Township Council with a new policy to annually assess the performance of the Chief Administrative Officer (CAO).

**RECOMMENDATION:**

1. That, Recommendation Report HR-05-2023, regarding “CAO Performance Review Policy”, dated October 23, 2023, be received; and,
2. That, POL-ADMIN-04-2023 - CAO Performance Review Policy, as attached as Schedule A, be approved.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #4**

- **Advance** - Organizational Capacity and Effectiveness

**BACKGROUND:**

A key responsibility of Council is ensuring the effective management of the affairs of the municipality through the position of the Chief Administrative Officer (CAO). The CAO’s role acts as the link between Council and municipal operations and is expected to facilitate the development, implementation and delivery of municipal programs and services in accordance with Council’s direction. Being the sole position that Council is directly responsible for hiring, Council is also responsible for measuring the performance of the CAO.

A policy or procedure does not currently exist that defines the CAO performance review process. In order to ensure that the CAO’s performance is measured in a consistent and equitable manner, it is important that a formal review is completed annually, which promotes accountability and results in-line with Council priorities, and Corporate Strategic Goals.

Historically, CAO performance reviews have been completed informally. The last performance review that was completed was in 2021. Feedback was given to the CAO from the Mayor, reflecting Council's collective thoughts.

**CURRENT SITUATION:**

As there is currently no procedure or policy in place, a policy was created to reflect core competencies important to the role of a Chief Administrative Officer. The policy reflects the purpose and importance of performance reviews, an outlined approach and the duties of Council, Human Resources and the Chief Administrative Officer through a time lined process.

The annual performance review is part of an ongoing performance management process, by which Council and the CAO work together to plan, monitor and review the work objectives and overall contribution to the organization. The Human Resource Coordinator has implemented important elements and timelines that will guide the annual review process, which have been included in the CAO Performance Review Policy.

**FINANCIAL IMPLICATIONS:**

The CAO Performance Review process will be administered by the Township's Human Resource Coordinator, therefore there will be no costs directly associated with this process.

**INTER-DEPARTMENTAL COMMENTS:**

There were no inter-departmental comments for this process or report.

**CONCLUSION:**

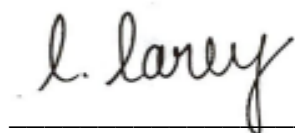
The CAO performance review is a valuable instrument to ensure the CAO is provided with accurate and appropriate feedback with the goals of enabling the achievement of corporate objectives, improving municipal performance and allowing for personal and professional development.

Staff recommends that Council approve the CAO Performance Review Policy, attached as **Schedule A** to this report.

**ATTACHMENTS:**

Schedule A – POL-ADMIN-04-2023 - CAO Performance Review Policy

**Prepared & Submitted by:**



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**Cassandra Carey,**  
Human Resource Coordinator

**Approved by:**



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**Bev Hendry,**  
CAO



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**Jessica Dyson,**  
**Director of Legislative Services/Clerk**

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**POLICY NO:** POL-ADMIN-04-2023  
**APPROVAL DATE:** October 23, 2023  
**EFFECTIVE DATE:** October 23, 2023  
**AMENDMENT DATE:**

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### **POLICY STATEMENT**

The Township of West Lincoln (“The Township”) believes that regular performance reviews ensure that the Chief Administrative Officer (CAO) is provided with accurate and appropriate feedback with the goals of enabling the achievement of corporate objectives, improving municipal performance and allowing for the personal and professional development of the CAO. The CAO performance review is a valuable instrument which can serve any or all of the following purposes:

- To formally discuss the relationship between Council and the CAO;
- To ensure that there is clarity with regard to the position expectations of the CAO;
- To provide an assessment of the performance of the role, responsibilities and authority as set out in legislation, Township policy and the job description;
- To set objectives and criteria for future evaluation; and
- To serve as the basis for salary adjustments.

### **PURPOSE**

The Township of West Lincoln will conduct an annual review of the performance of the Chief Administrative Officer before year end. The review process is to be a collaborative exercise, the aim of which is to provide the CAO with feedback that contributes to their professional and personal development. It is important that Council and the CAO are using a process that everyone sees the value of and has confidence in its effectiveness.

The annual review of the CAO’s performance is to be based on the following:

- Implementation of Council’s Strategic objectives and priorities;
- Accomplishment of mutually agreed goals for the year;
- CAO’s role as Council’s principle advisor; and
- The leadership that the CAO provides.

Township Council is responsible for implementing this policy supported by the CAO and Administration. This policy is to be reviewed every four years in the third year of a Council's term. The appraisal system for the CAO is to be a separate process from that applied to the rest of the staff.

The annual performance review is part of an ongoing performance management process by which Council and the CAO work together to plan, monitor and review the work objectives and overall contribution to the organization. Council will support the use of a third party advisor to assist the CAO in successfully fulfilling the roles and responsibilities of the position. This is part of a continuous process of setting objectives, assessing progress and providing on-going feedback. The annual review of the CAO's performance should include the development of measurable criteria that:

Align with the organization's strategic direction and culture;

- Are practical and easy to understand and use;
- Provide an accurate picture of expectation and performance;
- Include a collaborative process for setting goals and reviewing performance based on two-way communication between the Council and CAO;
- Monitor and measure results (what) and behaviours (how);
- Ensure that administrative work plans support the strategic direction of the organization;
- Identify and recognize accomplishments
- Support administrative decision-making

## **DEFINITIONS**

**Competencies:** are the attitudes and behaviours required at a high level of performance for an individual to be successful in a role.

**Goal:** A goal is a general statement about a desired outcome with one or more specific objectives that define in precise terms what is to be accomplished within a designated time frame. A goal may be performance-related, developmental, a special project, or some combination.

**Performance Management Program:** is the complete set of documents, tools and instructions for the performance review process.

**Performance Review:** is a key performance indicator of the effectiveness of the CAO's strategic management decisions and actions. This is executed through a standardized set of documents prepared by Human Resources as part of the Performance Management Program that allows for both the CAO and Council to document performance. The performance assessment and rating are then aligned to the Non-Union Compensation salary structure to determine any increase in annual compensation, or compensation as otherwise approved by Council.

**Performance Review Process:** is the standardized and approved methodology used to ensure a quality, equitable performance process is conducted. It entails a standard timeline, series of steps and evaluation methodology and tools.

## **GENERAL PROVISIONS AND GUIDELINES**

The Mayor and Council will conduct a formal performance review of the Chief Administrative Officer (CAO) on an annual basis before year end in partnership with Human Resources. During a provincially scheduled election year, the review will be completed not less than 90 days prior to the date of the election. The review will provide Council the opportunity to assess the CAO's performance for the prior year and to clarify goals and expectations for the upcoming year.

As part of the review, the Mayor and Council will ensure that the CAO receives recognition for satisfactory or outstanding performance and that the CAO is advised on areas needing improvement, where necessary.

The performance review process will include the Mayor and Council's assessment of the CAO's performance in meeting the annual goals of the Township.

The annual goals are to be based on the corporate goals set by the Mayor and Council for the year and may include the CAO's personal learning and development plans. Performance standards are to be defined within the Mayor and Council's goal setting process or defined through the corporate performance measurement process.

The CAO will provide a self-assessment on both accomplishments and performance sections of the annual review process as a confidential report to Council prior to the formal performance review.

Results of the annual performance review are determined by Council and reported to the CAO in confidence with due respect for privacy, fairness, and dignity.

## **PERFORMANCE REVIEW TIMELINE**

The CAO Performance Review is scheduled in the fourth quarter of the year November of each year. All components of the review, including any salary adjustment, will be completed by December 31.

## **REVIEW PROCESS**

### **Step 1: Discussing objectives**

The purpose of this step is for the CAO and Council to jointly decide on any personal development goals and establish key performance objectives that are tied to the annual performance review feedback. These objectives should be established within the overall context of the Strategic Plan for the Township. Goal setting will be completed every January.

### **Step 2: Mid-Year Check In**

Council and the CAO will meet to discuss progress on the achievement of key objectives and determine if there are any impediments to success or if objectives need to change as a result of a shift in strategic direction or priority.

### **Step 3: CAO Performance Presentation**

The CAO will prepare a self-assessment of goals, key performance objectives and accomplishments for the year as well as gather data from community surveys/feedback. This information will be presented to Council during Confidential matters as allowed under the Municipal Act. The annual performance review will take place in October, annually.

#### **The Mayor/Council**

Each Council member completes the CAO Performance Review form individually and forwards it to the Human Resources.

#### **Human Resources**

Human Resources will conduct a confidential survey with Senior Leadership to be used in the Performance Review from Senior Leadership Team to receive feedback that reflect current competency factors of the CAO. Human Resources will coordinate the process flow of the annual performance review procedure. Human Resources then collates all feedback into a summary document. Results of these surveys will be provided directly to the Mayor and Council. Human Resources is responsible to maintain the policy that supports the CAO's annual performance review process.

### **Step 4: Performance Review Meeting**

Human Resources will collate all information gathered from the CAO, Council and Senior Leadership Team and present during a formal meeting to discuss the results of the review and the level of success in achieving the key objectives. Council feedback is documented for provision to the CAO. Council also determines any salary adjustment (step increase) based on overall performance. The performance review meeting will take place in November, annually.

### **Step 5: Performance Review Meeting**

The Mayor and Council will meet with the CAO to provide formal, documented feedback as gathered above and to communicate Council's compensation adjustment decision. The annual Performance Review meeting will take place in December, annually.

### **Step 6: Election Year Process**

In an election year, the annual performance review will be shortened to complete the process by the end of June. The mid-year check-in will be completed in March. The CAO will continue to provide quarterly updates to Council during the year in open session. All components of the review, including any salary adjustment will be completed by June 30.



**Detailed Annual Performance Review Schedule**

<b>Deliverable</b>	<b>Who</b>	<b>Due Date</b>
Send reminder of Chief Administrative Officer review timelines and advise to complete self-assessment	<b>Human Resources</b>	<b>October</b>
Meet with the Mayor to discuss components of evaluation survey from Senior Leadership team, as requested)	<b>Human Resources</b>	<b>October</b>
Attend formal Council meeting to discuss timeline and steps moving forward	<b>Human Resources</b>	<b>October</b>
The CAO will present their self-assessment of the performance year to Council	<b>CAO</b>	<b>November</b>
Advise Senior Leadership team to complete evaluation review document for CAO	<b>Human Resources</b>	<b>November</b>
Advise Council members to complete evaluation review document for CAO	<b>Human Resources</b>	<b>November</b>
Deadline to receive performance review documents from Senior Leadership team	<b>Senior Leadership Team</b>	<b>November</b>
Deadline to receive performance review documents from Council members	<b>Council Members</b>	<b>November</b>
Summarize all feedback from Council and Senior Leadership Team into performance review document	<b>Human Resources</b>	<b>November</b>
Performance report summary presented to Council and CAO, decide on salary adjustment	<b>Human Resources</b>	<b>December</b>
Meet with CAO to deliver feedback and advise of salary adjustment	<b>The Mayor</b>	<b>January</b>
Advise HR to process	<b>The Mayor</b>	<b>January</b>

<b>Deliverable</b>	<b>Who</b>	<b>Due Date</b>
salary adjustment		
Develop key performance objectives for the following year	<b>CAO</b>	<b>January</b>
Share and discuss key performance objectives with Council; finalize	<b>CAO</b>	<b>February</b>
Mid-year check in	<b>Council</b>	<b>June</b>

### **Supporting Documents**

- Annual Goal Setting Form
- Mid-year Check In List
- CAO Self-Assessment Tool
- Competency Rating Form- from Council
- Competency Rating Form- from Senior Leadership Team

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

**BY-LAW NO. 2023-72**

**A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL  
OF THE CORPORATION OF THE TOWNSHIP OF WEST  
LINCOLN AT ITS REGULAR MEETING HELD ON THE 25<sup>th</sup> DAY  
OF SEPTEMBER, 2023.**

**WHEREAS** the Municipal Act 2001, S.O. 2001, Chapter 25, as amended, Section 5(1), provides that the powers of a municipal corporation shall be exercised by its Council;

**AND WHEREAS** the Municipal Act 2001, S.O. 2001, Chapter 25, as amended, Section 5(3) provides that except where otherwise provided, the powers of any Council shall be exercised by by-law;

**AND WHEREAS** in many cases, action which is taken or authorized to be taken by Council does not lend itself to the passage of an individual by-law;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP  
OF WEST LINCOLN ENACTS AS FOLLOWS:**

1. That the minutes of the fifteenth, regular, held on the 25<sup>th</sup> day of, September, 2023, of the Municipal Council of the Corporation of the Township of West Lincoln, be and the same are hereby adopted.
2. That, where no individual by-law has been or is passed with respect to the taking of any action authorized in or by the above mentioned minutes or with respect to the exercise of any powers by the Council in the above mentioned minutes, then this By-law shall be deemed for all purposes to be the By-law required for approving and authorizing and taking of any action authorized therein or thereby, or required for the exercise of any powers therein by the Council.
3. That, the Mayor and the proper officers of the Corporation of the Township of West Lincoln are hereby authorized and directed to do all things necessary to give effect to the said action of the Council or to obtain approvals where required and, except where otherwise provided, the Mayor, Clerk, and/or the Administrator are hereby directed to execute all documents necessary on behalf of the Corporation of the Township of West Lincoln and to affix thereto the corporate seal of the Corporation of the Township of West Lincoln.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
23<sup>rd</sup> DAY OF OCTOBER, 2023.**

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**MAYOR CHERYL GANANN**

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**JESSICA DYSON, CLERK**

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN,  
BY-LAW NO. 2023- 73**

**A BY-LAW TO AMEND ZONING BY-LAW NO. 2017- 70, AS  
AMENDED, OF THE TOWNSHIP OF WEST LINCOLN**

**WHEREAS** The Township of West Lincoln Council is empowered to enact this by-law by virtue of the provisions of Section 34 of the Planning Act, 1990;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY ENACTS AS FOLLOWS:**

- 1. That, Schedule ‘A’ Map ‘C2’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 5, Part Lot 16, formerly in the Township of Caistor, now in the Township of West Lincoln, shown as the subject lands on Schedule ‘A’, attached hereto and forming part of this By-law.
  
- 2. That, Map ‘C2’ to Schedule ‘A’ to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule ‘A’, attached hereto and forming part of this By-law from a Development ‘D’ zone to a Residential Low Density– ‘R1A-229’ zone with a site specific exception.
  
- 3. That, Part 6 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:
  - 1. R1A-226
    - Permitted Uses:  
As per the parent zone.
  
    - Regulations:  
As per the parent zone, except
      - Minimum lot frontage    Lot 3: 41 metres
      - Lot 4: 16 metres
      - Lot 5: 17 metres
      - Lot 6: 23 metres
  
- 4. That, all other provisions of By-law 2017-70 continue to apply.
  
- 5. That, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
23<sup>rd</sup> DAY OF OCTOBER, 2023.**

\_\_\_\_\_  
**MAYOR CHERYL GANANN**

\_\_\_\_\_  
**JESSICA DYSON, CLERK**

**EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2023-73**

**Location:**

This By-law involves a parcel of land located at the north west corner of Abingdon Road and Regional Road 65, being legally described as Concession 5, Part Lot 16, formerly in the Township of Caistor, now in the Township of West Lincoln. As the property is vacant, it has no municipal address.

**Purpose & Effect:**

The subject lands were zoned Development ‘D’. The purpose of the Zoning By-law amendment is to zone the subject lands Residential Low Density ‘R1A-229’, with a site specific provision to recognize the deficient lot frontage proposed for Lots 3, 4, 5 and 6.

**Public Consultation:**

The Public Meeting was held on Monday February 13<sup>th</sup>, 2023. The Township received one written comment and zero oral comments from members of the public in regards to this application. All written and oral comments were considered in the making of the decision by Council.






File: 1601-016-22  
Applicant: 2854604 ONTARIO INC (Daniel Ciccone)

**Township Key Map**

A1	A2	A3	A4	A5					
B1	B2	B3	B4	B5	B6				
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
E1	E2	E3	E4	E5	E6	E7	E8	E9	
		F1	F2	F3	F4	F5	F6	F7	

### Smithville Key Map

S1	S2	S3
S4	S5	S6
S7	S8	S9

-  Settlement Area Boundary  
 Zone Boundary  
 EC  
 EP  
 Waste Management Facility Assessment Area

# Township of West Lincoln

## Schedule A

### Zoning By-law No.2017-70

Map

# C2

1:20,000

0 500 m

Last Updated: July 2019

# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

## BY-LAW NO. 2023-74

### A BY-LAW TO AMEND BY-LAW 2013-50, BEING A BY-LAW TO PROHIBIT AND REGULATE NOISE IN THE TOWNSHIP OF WEST LINCOLN

**WHEREAS** the Council of the Corporation of the Township of West Lincoln considers it desirable to amend By-law 2013-50, being a by-law to prohibit and regulate noise in the Township of West Lincoln;

**WHEREAS** Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, (the "Act") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** Section 10 of the Act authorizes Council to pass a by-law respecting the health, safety and well-being of persons, the economic, social and environmental well-being of the municipality;

**AND WHEREAS** Section 129 of the Act authorizes municipalities to pass by-laws to prohibit and regulate noise;

### **NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:**

1. That, Section 3 – General Prohibition, of By-law 2013-50, be deleted and replaced with the following:
  3. General Prohibition. No person shall, at any time, emit, cause or permit to be emitted or caused any noise created by:
    - (a) the persistent barking, calling or whining of any domestic pet or any animal, except an animal used for and located on the property of an agriculture, livestock based use as set out in the City's Zoning By-law;
    - (b) the squealing of motor vehicle tires while such vehicle is on property other than a highway as set out in the Highway Traffic Act, R.S.O. 1990, Chap. H.8, or any successor thereof;
    - (c) the use of a horn, whistle, alarm, bell, gong or the like, except for an auditory safety or warning device or chimes used in association with a religious establishment;
    - (d) the detonation of explosives;
    - (e) the operation of an air conditioner that does not meet the requirements of the Ministry of the Environment Publication NPC216, Residential Air Conditioning Devices or the operation of a pool pump or filter, heat pump or the like that is not in proper working order;
    - (f) the idling of a vehicle motor in excess of 10 minutes, except;
      - a. when such idling is recommended by the manufacturer of such vehicle and proof of such recommendation is provided by the vehicle operator upon the request of a police officer;
      - b. when such idling is necessary to the basic function of the equipment on a vehicle such as a concrete mixer on a concrete mixing truck, a lift platform, a refuse compactor or a heat exchange system; or
      - c. when the weather conditions require the vehicle to idle in order to keep in operation a heating or refrigeration system necessary for the welfare or preservation of the cargo of such vehicle;

- (g) the operation of a combustion engine without an effective exhaust muffling device in proper working order; or
  - (h) the operation of a vehicle radio, stereo or the like.
  - (i) yelling, shouting or the like.
- 2. That, Sentence (a) of Section 6 – Exemption of Traditional, Festival, Religious or Recreational Activities, of By- law 2013-50, be deleted and replaced with the following:
  - (a) to road or bicycle races, parades, circuses, entertainment activities in public parks or neighbourhood social activities when such events are approved by Council and such activity or event is in compliance with the conditions set by Council in approving such activity or event;
- 3. That, Section 6 – Exemption of Traditional, Festival, Religious or Recreational Activities, of By- law 2013-50, be amended by adding the following:
  - (k) to the operation of excavation equipment when used in a cemetery in conjunction with interment services.
- 4. That, Section 9 – Offences and Penalties, of By- law 2013-50, be amended by adding the following:
  - (c) To pay the Township an administrative penalty specified and in accordance with the applicable Schedule of the Township of West Lincoln's Administrative (Non- Parking) Penalty By-law, as amended from time to time.
- 5. That, By-law No. 2013-50, being a By-law to Prohibit and Regulate Noise in the Township of West Lincoln, be amended by adding the following section as Section 10:
  - 10. Any person who contravenes any provision of this By-law and each Owner, when given a Penalty Notice in accordance with the Township's Administrative (Non-Parking) Penalty By-law, is liable to pay the Township an administrative penalty in the amount specified in the applicable Schedule of the Township's Administrative (Non-Parking) Penalty By-law, as amended from time to time.
- 6. That, By-law 2013-50 be hereby amended by the renumbering of three Sections as follows:
  - 10. By-law Repealed – will be renumbered Section 11
  - 11. Short Title – will be renumbered Section 12
  - 12. Effect – will be renumbered Section 13
- 7. That, this by-law shall come into force and effect upon the passing of the by-law.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
23<sup>rd</sup> DAY OF OCTOBER, 2023**

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**MAYOR CHERYL GANANN**

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**JESSICA DYSON, CLERK**



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

**BY-LAW NO. 2023-75**

**BEING BY-LAW TO AMEND 2021-84, AS AMENDED, A  
SYSTEM OF ADMINISTRATIVE PENALTIES FOR NON-  
PARKING OFFENCES WITHIN THE TOWNSHIP OF WEST  
LINCOLN**

**WHEREAS** the Township of West Lincoln has adopted By-law 2021-84, as amended being a By-law as a System of Administrative Penalties for Non-Parking Offences within the Township of West Lincoln;

**AND WHEREAS** the Township of West Lincoln now deems it expedient to add Schedule “I” to By-law 2021-84 which sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions and implementation of the Township of West Lincoln Noise By-law .

**NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:**

1. That, By-law 2021-84, as amended, be further amended by adding Schedule “I” and inserting the attached new Schedule “I” in lieu thereof.
2. This by-law shall come into force upon the date of passing.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS 23<sup>rd</sup>  
DAY OF OCTOBER, 2023.**

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**CHERYL GANANN, MAYOR**

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**JESSICA DYSON, CLERK**

SCHEDULE “I”  
TO BY-LAW 2021-84

TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS

NOISE BY-LAW 2013-50

1.
- For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Noise By-law 2013-50, as amended, that are hereby designated for the purposes of this By-law.
2.
- Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3.
- Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty
1	Section 3 (a)	Persistent barking, calling, or whining of domestic pets or animals.	\$250.00
2	Section 3 (b)	Squealing of motor vehicle tires.	\$250.00
3	Section 3 (c)	Improper use of horn, whistle, alarm bell or similar.	\$250.00
4	Section 3 (d)	Detonation of explosives.	\$250.00
5	Section 3 (e)	Operation of service equipment that is not in proper working order.	\$250.00
6	Section 4 Ref. Schedule “A” Category 1	Discharge of firearms in an urban area	\$250.00
7	Section 4 Ref. Schedule “A” Category 2	Load, unload or delivery of items in an urban area outside permitted hours.	\$250.00
8	Section 4 Ref. Schedule “A” Category 3	Improper operation of bird scaring devices	\$250.00
9	Section 4 Ref. Schedule “A” Category 4	Selling or advertising by shouting, outcry, or amplification outside permitted hours.	\$250.00
10	Section 4 Ref. Schedule “A” Category 4 (i), (ii) and (iii)	Operation of a motorized model or toy outside permitted hours.	\$250.00

11	Section 4 Ref. Schedule “A” Category 4	Operation of construction equipment outside permitted hours.	\$250.00
12	Section 4 Ref. Schedule “A” Category 4	Operation of waste lift or compactor outside permitted hours.	\$250.00
13	Section 4 Ref. Schedule “A” Category 5	Operation of loudspeakers or transducers outside permitted hours.	\$250.00
14	Section 4 Ref. Schedule “A” Category 5	Improper operation of pressure relief valves, or similar outside permitted hours.	\$250.00
15	Section 4 Ref. Schedule “A” Category 5	Yelling, shouting, hooting, whistling or singing outside permitted hours.	\$250.00
16	Section 4 Ref. Schedule “A” Category 5	Operation of tools outside permitted hours.	\$250.00
17	Section 4 Ref. Schedule “A” Category 5	Operation of movement facilitating devices or equipment outside permitted hours.	\$250.00
18	Section 4 Ref. Schedule “A” Category 6	Emitting of sound due to motor vehicle racing.	\$250.00
19	Section 4 Ref. Schedule “A” Category 7	Emitting of sound resulting from motor vehicle revving	\$250.00

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

**BY-LAW NO. 2023-76**

**A BY-LAW TO AUTHORIZE AN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN, THE CORPORATION OF THE TOWN OF GRIMSBY, THE CORPORATION OF THE TOWN OF LINCOLN, THE CORPORATION OF THE TOWN OF NIAGARA ON-THE-LAKE, THE CORPORATION OF THE TOWN OF PELHAM, THE CORPORATION OF THE CITY OF THOROLD AND THE CORPORATION OF THE CITY OF PORT COLBORNE AND THE HERRINGTON GROUP LTD. FOR A TWO YEAR PERIOD FROM FEBRUARY 1, 2024 TO JANUARY 31, 2026 FOR THE PROVISION OF CONSULTING SERVICES RELATING TO THE ADMINISTRATION OF THE JOINT ACCESSIBILITY ADVISORY COMMITTEE.**

**WHEREAS** the Council of the Corporation of the Township of West Lincoln deems it expedient to authorize an agreement between the Corporation of the Township of West Lincoln, the Corporation of the Town of Grimsby, the Corporation of the Town of Lincoln, the Corporation of the Town of Niagara-on-the-Lake, the Corporation of the Town of Pelham, the Corporation of the City of Thorold and the Corporation of the City of Port Colborne and The Herrington Group Ltd. for a two year period from February 1, 2024 to January 31, 2026 for the provision of consulting services relating to the administration of the Joint Accessibility Advisory Committee.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:**

1. That, the Council of the Corporation of the Township of West Lincoln hereby authorizes entering into an Agreement between the Corporation of the Township of West Lincoln, the Corporation of the Town of Grimsby, the Corporation of the Town of Lincoln, the Corporation of the Town of Niagara-on-the-Lake, the Corporation of the Town of Pelham, the Corporation of the City of Thorold and the Corporation of the City of Port Colborne and The Herrington Group Ltd. for a two year period from February 1, 2024 to January 31, 2026 for the provision of consulting services relating to the administration of the Joint Accessibility Advisory Committee; and,
2. That, the Mayor and Clerk be and are hereby authorized to sign the above mentioned Agreement and to affix the Corporate Seal thereto.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
23<sup>rd</sup> DAY OF OCTOBER, 2023.**

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**MAYOR CHERYL GANANN**

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**JESSICA DYSON, CLERK**

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

**BY-LAW NO. 2023-77**

**BEING A BY-LAW TO ESTABLISH PART 2 ON REFERENCE PLAN NO. 30R-16151 ON CONCESSION 4 ROAD AS PUBLIC HIGHWAY, IN THE FORMER TOWNSHIPS OF CAISTOR AND GAINSBOROUGH, NOW TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA.**

**WHEREAS** a condition of the application of consent B02/2023WL required that lands depicted as Part 2 on Reference Plan No. 30R-16151 be transferred to the Township for the purposes of a daylighting triangle on the corner of Concession 4 Road and Caistor Gainsborough Townline Road;

**AND WHEREAS** the Township is now in receipt of the subject lands and deems it expedient to establish the lands as Public Highway.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:**

1. That, Part 2 on Reference Plan No. 30R-16151 on Concession 4 Road, in the former Townships of Caistor and Gainsborough, now in the Township of West Lincoln, be and is hereby established as a public highway; and
2. That, the Township's Solicitor be and is hereby authorized and instructed to register a copy of this By-law in the Land Titles Office.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
23<sup>rd</sup> DAY OF OCTOBER, 2023**

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**MAYOR CHERYL GANANN**

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**JESSICA DYSON, CLERK**