

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN COUNCIL AGENDA

MEETING NO. SIXTEEN

Monday, September 23, 2024, 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.

Pages

1. SINGING OF "O CANADA" CAIRN CHRISTIAN SCHOOL

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 jpaylove@westlincoln.ca before 4:30 p.m. on the day of the meeting. Comments submitted will be considered as public information and be part of the public record; OR,
 2. 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

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, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit 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 William Reilly**

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

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

6. **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.

The Chair to inquire if there are any members of the public present who wish to address a specific item on the agenda as permitted by Section 6.7 of the Procedural By-Law.

7. **APPOINTMENTS/PRESENTATIONS**

There are no appointments.

8. **REGIONAL COUNCILLOR’S REMARKS**

9. **CONFIRMATION OF MINUTES**

9.1 Council Minutes
Re: August 12, 2024

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Moved By Councillor Shelley Bradaric
That the minutes relating to the August 12, 2024 Council (includes All Committees) Meeting, and the recommendations contained therein, be accepted.

9.2 Special Council Minutes
Re: August 12, 2024

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Confidential Minutes Under Separate Cover

Moved By Councillor Joann Chechalk

1. That the minutes relating to the August 12, 2024 Special Council Meeting, and the recommendations contained therein, be accepted; and,
2. That the confidential minutes relating to the closed session portion of the August 12, 2024 Special Council Meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided

in Section 239 of the *Municipal Act*.

10. **COMMUNICATIONS** 54
Ontario Ombudsman
Re: Ombudsman Final Report - September 18, 2024

Moved By Councillor Shelley Bradaric
That the Ontario Ombudsman Final Report dated September 18, 2024 and the recommendations therein, be accepted.
11. **MAYOR'S REMARKS**
12. **REPORT OF COMMITTEE**
- 12.1 Planning/Building/Environmental Committee 66
Re: Minutes - September 9, 2024
Confidential Minutes Under Separate Cover

Moved By Councillor William Reilly
1. That the minutes relating to the September 9, 2024 Planning, Building & Environmental Committee Meeting, and the recommendations contained therein, be accepted; and,
 2. That the confidential minutes relating to the closed session portion of the September 9, 2024 Planning, Building & Environmental Committee Meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in Section 239 of the *Municipal Act*.
- 12.2 Administration/Finance/Fire Committee 73
Re: Minutes - September 16, 2024
Confidential Minutes Under Separate Cover

Moved By Councillor Jason Trombetta
1. That the minutes relating to the September 16, 2024, Administration, Finance & Fire Committee Meeting, and the recommendations contained therein, be accepted; and,
 2. That the confidential minutes relating to the closed session portion of the September 16, 2024 Administration, Finance & Fire Committee Meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in Section 239 of the *Municipal Act*.
- 12.3 Public Works & Recreation Committee 81
Re: Minutes - September 16, 2024

Moved By Councillor Mike Rehner
That the minutes relating to the September 16, 2024 Public Works & Recreation Committee Meeting, and the recommendations contained therein, be accepted.

13. 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.

14. 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.

15. OTHER BUSINESS

15.1 Members of Council
Re: Council Remarks

16. 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.

17. BY-LAWS

Moved By _____

1. That leave be granted to introduce By-Laws 2024-55, 2024-56, 2024-57, 2024-58, 2024-59, 2024-60, 2024-61, 2024-62, 2024-63, 2024-64, 2024-65, and 2024-66, 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.

17.1 BY-LAW 2024-55 85
A By-Law to amend By-Law 2023-03 which confirmed various appointments and/or recommendations for appointments to Boards, Committees & Municipal Positions.

17.2 BY-LAW 2024-56 88
A By-Law to authorize an agreement between the Corporation of the Township of West Lincoln and Stevensville Lawn Service Inc. for the Murgatroyd Trail reconstruction project.

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17.3	<p>BY-LAW 2024-57 A By-Law to Adopt Amendment No. 57 (Re-Designation of Spring Creek Heights Secondary Plan) to the Official Plan for the Corporation of the Township of West Lincoln.</p>	
17.4	<p>BY-LAW 2024-58 A By-Law to permanently Close and Declare Surplus Part of the Road Allowance lying below Lots 1 and 2, Concession 1 (Former Corporation of the Township of Caistor), Corporation of the Township of West Lincoln, and the Corporation of the Regional Municipality of Niagara.</p>	96
17.5	<p>BY-LAW 2024-59 A By-Law to authorize the conveyance of a portion of the Municipal Road Allowance lying South of Lots 1 & 2, Concession 1 (former Corporation of the Township of Caistor), being Part 1, Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara.</p>	97
17.6	<p>BY-LAW 2024-60 A By-Law to authorize the conveyance of a portion of the Municipal Road Allowance lying south of Lots 1 & 2, Concession 1 (former Corporation of the Township of Caistor), being Part 2, Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara.</p>	98
17.7	<p>BY-LAW 2024-61 A By-Law to authorize the conveyance of a portion of the Municipal Road Allowance lying south of Lots 1 & 2, Concession 1 (former Corporation of the Township of Caistor), being Part 3, Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara.</p>	99
17.8	<p>BY-LAW 2024-62 A By-Law to authorize the conveyance of a portion of the Municipal Road Allowance lying south of Lots 1 & 2, Concession 1 (former Corporation of the Township of Caistor), being Part 5, Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara.</p>	100
17.9	<p>BY-LAW 2024-63 A By-Law to authorize the conveyance of a portion of the Municipal Road Allowance lying south of Lots 1 & 2, Concession 1 (former Corporation of the Township of Caistor), being Part 6, Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara.</p>	101
17.10	<p>BY-LAW 2024-64 A By-Law to authorize the conveyance of a portion of the Municipal</p>	102

Road Allowance lying south of Lots 1 & 2, Concession 1 (former Corporation of the Township of Caistor), being Part 7, Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara.

- | | | |
|-------|--|-----|
| 17.11 | BY-LAW 2024-65
A By-Law to appoint a Municipal Law Enforcement Officer and Property Standards Officer for the Corporation of the Township of West Lincoln (Tim Carr). | 103 |
| 17.12 | BY-LAW 2024-66
A By-Law to adopt, confirm and ratify matters dealt with by Council resolution. | 104 |

18. CONFIDENTIAL MATTERS
There are no confidential matters.

19. ADJOURNMENT



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

MEETING NO. FIFTEEN

August 12, 2024, 6:30 p.m.

**Township Administration Building
318 Canborough Street, Smithville, Ontario**

Council: Mayor Cheryl Ganann
Councillor Shelley Bradaric
Councillor Joann Chechalk
Councillor Mike Rehner
Councillor Jason Trombetta

Absent: Councillor William Reilly

Staff: Truper McBride, Chief Administrative Officer
Mike DiPaola, Director of Public Works and Recreation
Brian Treble, Director of Planning and Building
Katelyn Repovs, Manager of Finance and Deputy Treasurer
Gerrit Boerema, Manager of Planning
Tim Hofsink, Deputy Fire Chief
Cindy Weir, Chief Executive Officer, Library
Justin Paylove, Acting Director of Legislative Services and Clerk
Kevin Geoghegan, IT Help Desk Analyst

Attendees: Regional Councillor Albert Witteveen
Matt Campbell
Inspector Dave Gomez
Staff Sergeant Sarah Rose
Sergeant Karl Fiddes
Stephanie Sabourin
Katie McNair
Adam Spargo
John Ganann

Note: Others were in attendance but they are not able to be included, as they did not sign in on the attendance sheet.

1. SINGING OF "O CANADA" - SMITHVILLE CHRISTIAN HIGHSCHOOL

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

1. Comments from the public for a matter that 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 jpaylove@westlincoln.ca before 4:30 p.m. on the day of the meeting. Comments submitted will be considered as public information and be part of the public record; OR,
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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, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit 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

Councillor Rehner read the opening petition.

4. CHANGE IN ORDER OF ITEMS ON AGENDA

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

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

NOTE: Items for which conflicts were recently declared at Committee Meeting(s)
There were no pecuniary interests and/or conflicts of interest that were disclosed.

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

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6.7 Public Comment at Council

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- (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.

The Chair inquired to the IT Help Desk Analyst, Kevin Geoghegan, if there were any members of the public present who wished to address a specific item on the agenda as permitted by Section 6.7 of the Procedural By-law.

In response to the inquiry from the Chair, IT Help Desk Analyst, Kevin Geoghegan, explained that there were no members of the public present who wished to address a specific item on the agenda.

7. APPOINTMENTS/PRESENTATIONS

7.1 Matt Campbell, Zelinka Priamo Ltd.

Re: Request for Extension on behalf of Brantwood Homes Inc. - Draft Plan of Condominium Lands Approval

Matt Campbell, an agent on behalf of Brantwood Homes Inc., gave a presentation in regards to Brantwood Homes Inc.'s request for an extension of the draft plan of condominium lands approval that was previously provided to them by Council.

7.2 Inspector Dave Gomez, Staff Sergeant Sarah Rose, Sergeant Karl Fiddes and Corporate Communications Manager Stephanie Sabourin

Re: Annual Update - Niagara Regional Police

Inspector Dave Gomez, Staff Sergeant Sarah Rose, Sergeant Karl Fiddes and Corporate Communications Manager Stephanie Sabourin, on behalf of Niagara Regional Police, provided a presentation to Council in regards

to their annual update on service provision in the Township. The presentation is attached as Schedule "A" to the minutes.

7.3 Katie McNair and Adam Spargo, Matrix Solutions Inc.

Re: Stormwater Management Facility Assessments

Katie McNair and Adam Spargo, on behalf of Matrix Solutions Inc., provided a presentation in regards to Matrix Solutions Inc.'s assessments of west Lincoln's Stormwater Management Facility. The presentation is attached as Schedule "B" to the minutes.

8. REGIONAL COUNCILLOR'S REMARKS

Regional Councillor Witteveen did not have any remarks to deliver.

9. CONFIRMATION OF MINUTES

9.1 Council (includes All Committees) Meeting

Re: Minutes - July 15, 2024

Confidential Minutes Under Separate Cover

Moved By Councillor Joann Chechalk

Seconded By Councillor Jason Trombetta

1. That the minutes relating to the open session portion of the July 15, 2024 Council (includes All Committees) Meeting, and the recommendations contained therein, be accepted; and
2. That the confidential minutes relating to the closed session portion of the July 15, 2024 Council (includes All Committees) Meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in Section 239 of the *Municipal Act*.

Carried

9.2 Public Meeting Under the Planning Act

Re: Minutes - July 15, 2024

Moved By Councillor Shelley Bradaric

Seconded By Councillor Joann Chechalk

That, the minutes of the public meetings held on July 15, 2024 under Section 34 of the *Planning Act* with respect to:

1. Township of West Lincoln - Zoning By-Law 2017-70, Housekeeping Amendments No. 8;
2. 4961 Canborough Street (Darren Fousert (Agent) Janna and Frank Bulk) - Temporary Use By-Law;

be accepted.

Carried

10. COMMUNICATIONS

There were no communications.

11. MAYOR'S REMARKS

Mayor Ganann read remarks from a prepared statement. The remarks are attached to the minutes as Schedule "C".

12. REPORT OF COMMITTEE

12.1 Planning/Building/Environmental Committee

1. Manager of Planning (Gerrit Boerema)

Re: Recommendation Report PD-35-2024 - 167 St. Catharines Street Extension of Draft Plan of Condominiums, File No. 2100-86-17

Moved By Councillor Mike Rehner

Seconded By Councillor Jason Trombetta

1. That, Recommendation Report PD-35-2024, titled "Recommendation Report – 167 St. Catharines Street Extension of Draft Plan of Condominium, File No. 2100-86-17, dated August 12, 2024, be received; and,
2. That, the Draft Plan of Condominium approval for 167 St. Catharine Street, File No. 2100-86-17, be extended for a period of one year, to expire on August 12, 2025, subject to the revised conditions found in Schedule 'A', and
3. That a notice of extension be circulated to relevant agencies and departments.

Carried (5 to 0)

2. Senior Planner (Madyson Etzyl) and Manager of Planning (Gerrit Boerema)

Re: Recommendation Report PD-34-24 - Zoning By-Law Amendment (Temporary Use By-Law) Frank and Janna Bulk, Darren Fousert, Garden Suite Application – 4961 Canborough Road- File No. 1601-006-24

Moved By Councillor Jason Trombetta

Seconded By Councillor Joann Chechalk

1. That, Recommendation Report PD-34-24, titled “Recommendation Report – Application for Zoning By-Law Amendment (Temporary Use By-Law) –Frank and Janna Bulk, Darren Fousert, Garden Suite Application File No. 1601-006-24”, dated August 12th 2024, be received; and,
2. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the Planning Act; and,
3. That By-law 2024-54, as found in Schedule ‘E’ be approved with the site specific regulations.

Carried

3. Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-36-2024– Additional Background Information – Service Level Agreement (Planning) with the Region of Niagara

Moved By Councillor Shelley Bradaric

Seconded By Councillor Joann Chechalk

1. That, Recommendation Report PD-36-2024, titled “Recommendation Report – Additional Background Information – Service Level Agreement (Planning) with the Region of Niagara” dated August 12, 2024, be received; and,
2. That, Council receives and supports the proposal to pay for back up professional planning expertise from Regional planning after the date of proclamation (date when Region is no longer a planning approval authority) for a term not exceeding two years; and,

3. That, the CAO be authorized to negotiate the services for which such agreement shall be required and to then sign the Agreement on behalf of the Township following the date of provincial proclamation of the amendments to the Planning Act related to upper-tier municipal planning responsibilities for a 2-year term; and
4. That, Council directs Administration staff to develop and recommend to Council a service delivery model to support local delivery of planning services currently supported by Region of Niagara, by the end of 2025.

Moved By Councillor Joann Chechalk

Seconded By Councillor Mike Rehner

That, this item be referred back to staff to a future Planning/Building/Environmental Committee meeting in order gather more information regarding the services we need, and the potential costs associated with these services from the Niagara Region and private services.

Carried

12.2 Administration/Finance/Fire Committee

1. Director of Finance and Treasurer (Donna DeFilippis) and Manager of Finance and Deputy Treasurer (Katelyn Repovs)

Re: Information Report T-16-2024, titled "Quarter 2 Financial Update June 2024"

Moved By Councillor Shelley Bradaric

Seconded By Councillor Joann Chechalk

That, Information Report T-16-2024, titled "Quarter 2 Financial Update June 2024", dated August 12, 2024, be received for information.

Carried

2. Director of Legislative Services/Clerk (Justin Paylove)

Re: Recommendation Report C-04-2024 - By-Election for Vacant Ward 3 Councillor Position

Moved By Councillor Jason Trombetta

Seconded By Councillor Joann Chechalk

1. That, Recommendation Report C-04-2024, dated August 12, 2024 titled “By-Election for Vacant Ward 3 Councillor Position”, be received; and,
2. That, Council approve Budget amendment BA2024-08 authorizing a transfer from the Contingency Reserve up to \$30,000 in order to fund the 2024 By-election; and,
3. That, a by-law be adopted to provide for the holding of a By-Election on November 4, 2024, for the vacant office of one Councillor position for Ward 3, in the Township of West Lincoln, for the remainder of the 2022-2026 Term of Council; and,
4. That, a by-law be adopted to provide for the following advance votes to be held prior to voting day for the By-election:
 - a. Friday, October 25, 2024 from 6:00 p.m. to 9:00 p.m. at the West Lincoln Community Centre, 177 West Street, Smithville, Ontario
 - b. Saturday, October 26, 2024 from 10:00 a.m. to 4:00 p.m. at the Legion Villa 2, 161 Mill Street, Smithville, Ontario; and
5. That a By-law be adopted to provide for the use of voting machines, voting recorders, optical scanning vote tabulators or other voting devices at elections.

Carried

3. Fire Chief (Dennis Fisher)

Re: Information Report WLFDD-10-2024 -Monthly Update – July 2024

Moved By Councillor Joann Chechalk

Seconded By Councillor Jason Trombetta

That, Information Report WLFDD-10-2024 titled “Monthly Update – July 2024”, dated August 12, 2024, be received for information.

Carried

12.3 Public Works/Recreation/Arena Committee

1. Project Manager (Ray Vachon) and Director of Public Works & Recreation (Mike DiPaola)

Re: Information Report PW-20-2024- Stormwater Management (SWM) Pond Assessments

Moved By Councillor Mike Rehner

Seconded By Councillor Shelley Bradaric

That, Information Report PW-20-2024 titled “Stormwater Management (SWM) Pond Assessments” dated August 12, 2024 be received for information.

Carried

13. 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.

14. 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.

15. OTHER BUSINESS

15.1 Members of Council

Re: Council Remarks

Councillor Bradaric

Re: Music, Market and Park It

Councillor Trombetta

Re: Extreme Rainfall

Councillor Chechalk

Re: Niagara Dinner at the Dairy; 2024 Paris Summer Olympic Games

Mayor Ganann
Re: West Niagara Fair; Child Cancer Awareness Flag Raising

16. 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.

There were no motions brought forward to introduce any new items of business.

17. CONFIDENTIAL MATTERS

There were no confidential matters.

18. BY-LAWS

Moved By Councillor Joann Chechalk
Seconded By Councillor Shelley Bradaric

1. That leave be granted to introduce By-Laws 2024-51, 2024-52, 2024-53 and 2024-54, 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

18.1 BY-LAW 2024-51

Being a By-Law to authorize the holding of a by-election for the vacant office of one (1) Councillor position for Ward Three (3), in the Corporation of the Township of West Lincoln, for the remainder of the 2022-2026 term of Council.

18.2 BY-LAW 2024-52

Being a By-Law to authorize the use of vote-counting equipment and electronic poll books in the 2024 municipal by-election held in the Corporation of the Township of West Lincoln.

18.3 BY-LAW 2024-53

Being a By-law to amend Zoning By-law 2017-70, as amended, of the Township of West Lincoln. (Temporary Use By-Law - Frank and Janna Bulk, Darren Fousert).

18.4 BY-LAW 2024-54

Being a By-Law to adopt, confirm and ratify matters dealt with by Council resolution.

19. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 9:31 p.m.

JUSTIN PAYLOVE, CLERK

MAYOR CHERYL GANANN

Niagara Regional Police Service

Town of West Lincoln

NRPS Mission Statement

The Niagara Regional Police Service is dedicated to serving and protecting residents and visitors within the Regional Municipality of Niagara.

In partnership with the community, we shall provide quality policing services with integrity, diligence, and sensitivity.

Police Programs in Niagara

Chief's Office

Chief's Office – Corporate Administration

- Deputy Chief Operations
- Deputy Chief Support Services
- Corporate Communications

Executive Services

- Human Resources
- Labour Relations and Career Development
- Training
- Recruiting
- Member Support Unit, Corporate Psychologist
- Professional Standards Unit
- Policy & Risk Management
- Video Unit

District Operations

Duty Office

Frontline Patrol/Detective
Offices

District Crime Analysts

Mobile Crisis Rapid Response
Team (MCRRT)

CORE Unit

Equity, Diversity, and Inclusion
Unit

Emergency Services

- Canine
- Marine
- Underwater Search & Recovery Unit
- Explosives Disposal Unit
- Emergency Task Unit
- V.I.P Operations
- Crisis Negotiators
- Traffic Enforcement Unit
- Traffic Reconstruction Unit

Investigative Services

- Special Investigative Services
- Biker Enforcement Unit
- Mobile Surveillance Unit
- Covert Operations Unit
- Major Drugs Unit
- Opioid Enforcement and Education Unit
- Homicide / Cold Case Unit
- Forensic Services Unit
- Central Fraud Unit
- Polygraph Unit
- CrimeStoppers
- Domestic Violence Unit
- Sexual Assault Unit
- Human Trafficking Unit
- Child Abuse Unit
- Internet Child Exploitation (ICE)
- ViCLAS/Powercase
- Offender Management Unit
- Firearms Unit
- Technological Crimes Unit

Police Programs in Niagara Cont'd

Corporate Services

- Finance
- Corporate Records
- Facilities
- Fleet
- Quartermasters
- Evidence Management Unit

Technology Services

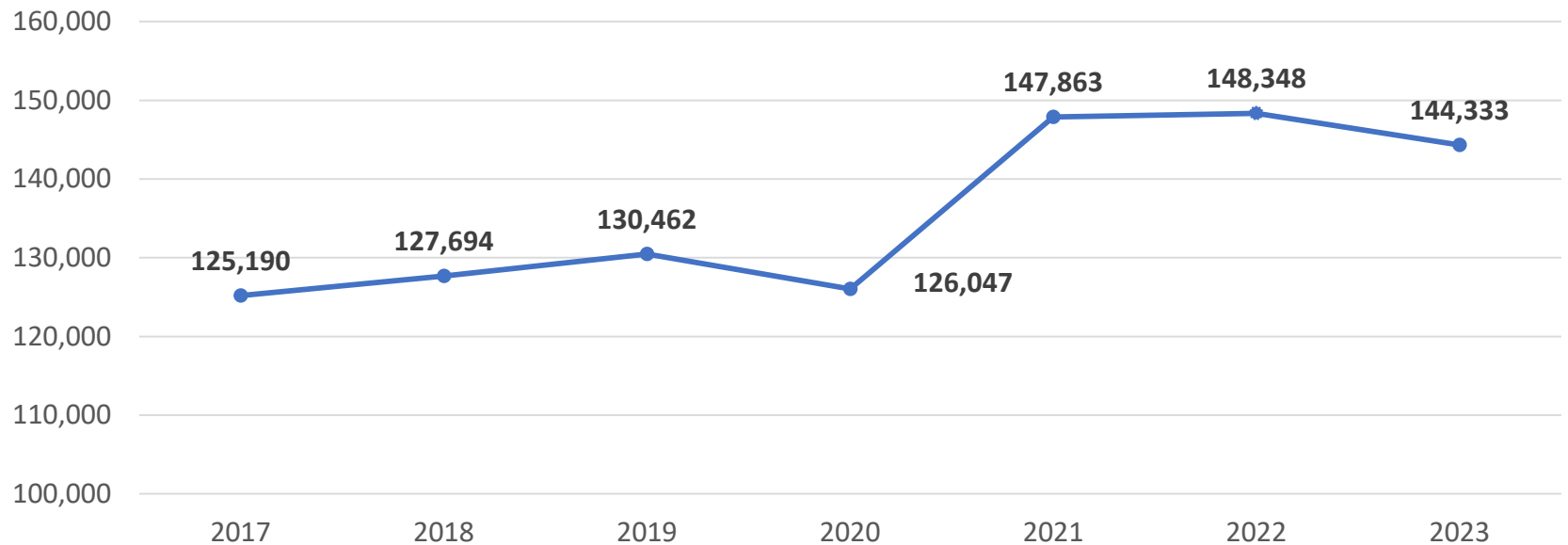
- Client Services and Service Management
- Network Infrastructure – Network Infrastructure
- Network Infrastructure - Telecommunications Services
- Business Systems & Applications
- Operations Systems & Applications

Operational Support

- Court Services
- Prisoner Management Unit
- Quality Assurance Unit
- Communications/Dispatch Unit
- 911
- RTOC
- Mobile Support Unit

Statistical Trends

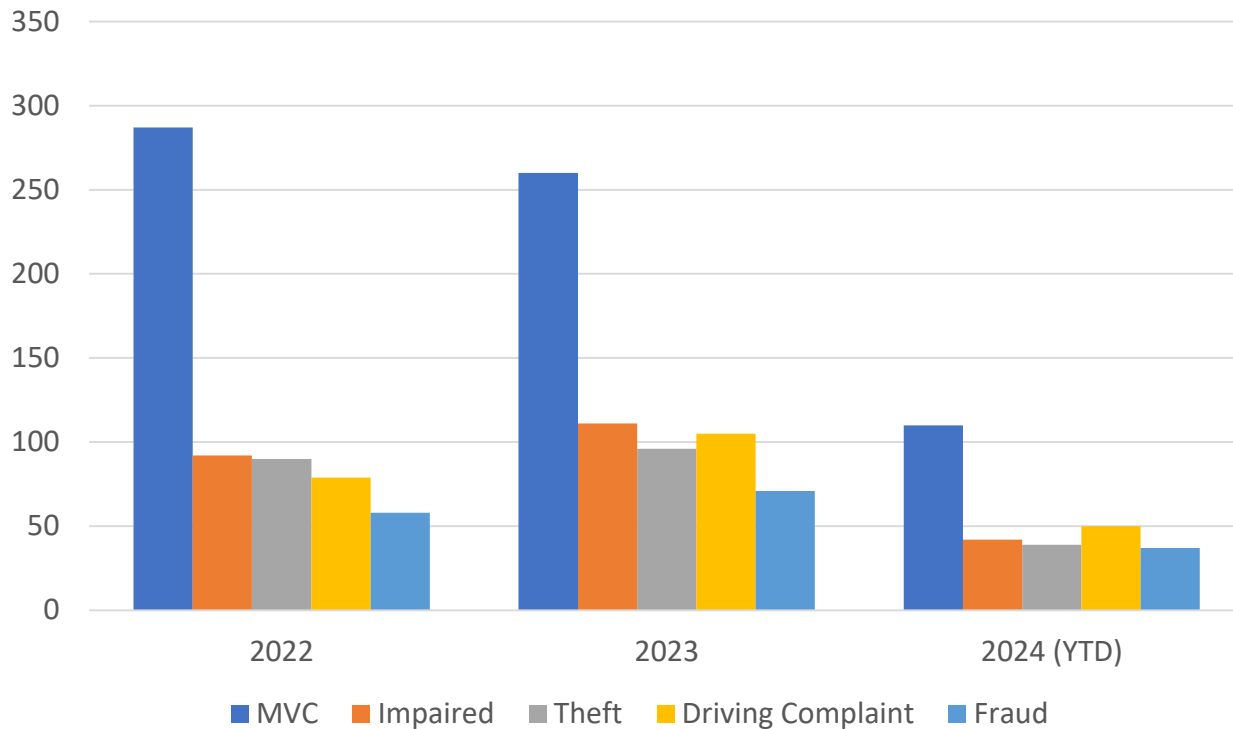
NRPS Calls for Service



Calls for service in 2023 totaled 144 333, a 2.7% decrease compared to 2022.

West Lincoln Top Calls for Service

2022 – 2024 (Year to Date)





Banker Education Initiative

Goal:

Increase awareness at local branches to educate front line staff on large cash withdrawals, particularly with elderly clients.

Method:

Central Fraud Unit detectives attended most financial institutions in the Niagara Region in December 2022. Interaction with branch managers to discuss fraud concerns and obtain contact information. Created email group (90 participants) to share concerns about local fraud trends.

Outcome:

2022	2023
125 Reported Incidents	49 Reported Incidents
\$840,000 Losses	\$339,000 Losses

West Lincoln Traffic/Speed Enforcement

- 254 Provincial Offence Notices issued in 2023 related to speed violations, along with 79 warnings.
- Focused Speed Enforcement
 - Proactive patrol focus on rural areas
- Collaborative partnership with Niagara Region “Vision Zero”
 - Aims to make roads safer and eliminate injuries/fatalities across the Niagara Region
- Community Safety Zones
 - John Calvin School, Station Street (Regional Road 14)
 - Smithville Christian High School, Townline Road (Regional Road 14)

Crime Prevention & Community Engagement

- Lock it or Lose it campaign
- Park and Premise Checks



Schedule "B"

Stormwater Pond Assessment Township of West Lincoln

Adam Spargo
Katie McNair

August 12th, 2024

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Agenda

- What is a Stormwater Management Pond
- Design and Approvals
- Stormwater Management Pond Assessment Program
- Results and Recommendations
- Oil Grit Separator Assessments



What is a Stormwater Management Pond

- Water quality control
 - Removes sediment from urban runoff
 - Target efficiency is based on receiving system
 - Achieved through a permanent pool volume
- Water quantity and erosion control
 - Attenuates flow to prevent downstream flooding and erosion
 - Reducing post-development to pre-development discharge rates
 - Achieved through an active storage and outlet control structure
- Infrastructure that needs to be maintained



Design and Approvals

- Stormwater Management Ponds are designed to MECP guidelines
- Approval is received from MECP via an Environmental Compliance Approval (ECA)
- All approvals now fall under the Consolidated Linear Infrastructure (CLI) ECA managed by the Township
- The CLI ECA requires Municipalities to monitor and maintain Stormwater Management Ponds
- So where to start?

Stormwater Management Pond Assessment

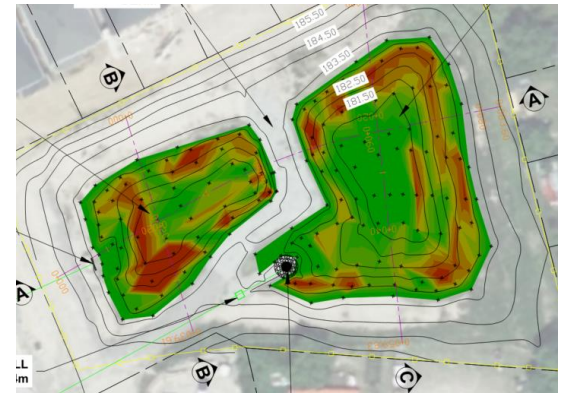
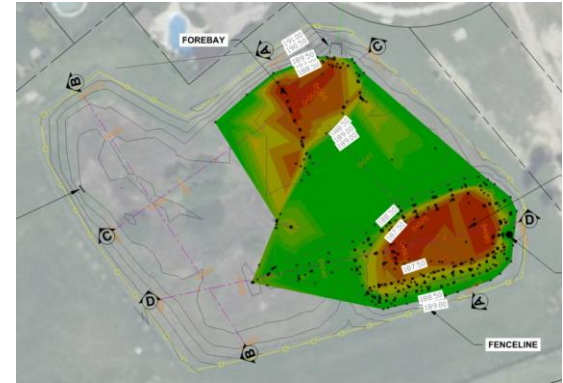
- Assess the condition of infrastructure
 - Is the facility functioning as per the original design?
 - Blocked outlets, high water levels, invasive species, etc.
- Determine the available storage volume
 - Bathymetric survey
 - Is the facility providing water quality treatment?
 - Remove sediment when suspended solids removal target is not met – typically 30% full of sediment



Streamside SWMP

Results and Recommendations

- Field program included:
 - 8 stormwater management ponds
 - 4 oil grit separators
- Sediment Results:
 - 5 ponds require cleanout now
 - Hornak SWMP 2 – 146% full
 - Townline SWMP 4 – 141% full
 - Attema SWMP 6 – 111% full
 - Oakdale SWMP 3 – 107% full
 - Streamside SWMP 1 – 74% full
 - 1 pond requires cleanout in 5 years
 - Sheridan SWMP 7 – Forebay 67% full, full pond 21% full
 - Estimated cost for design and construction = \$2.59 Million

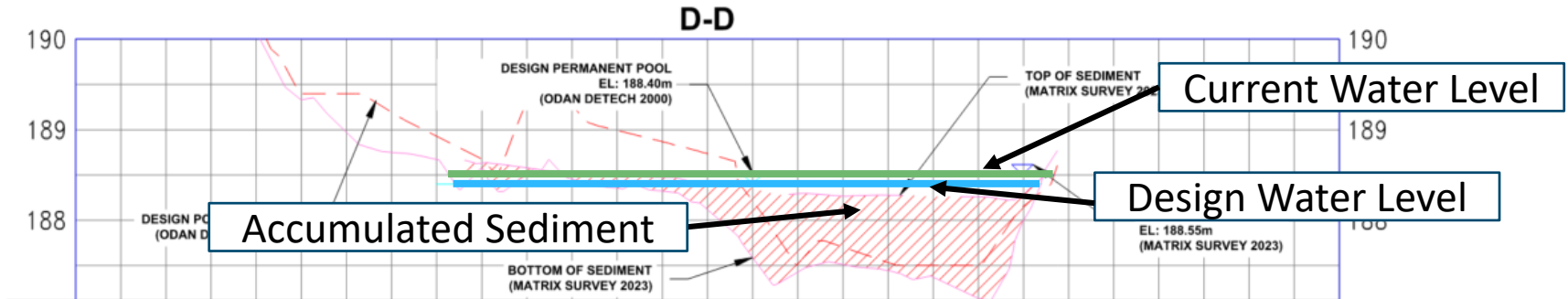
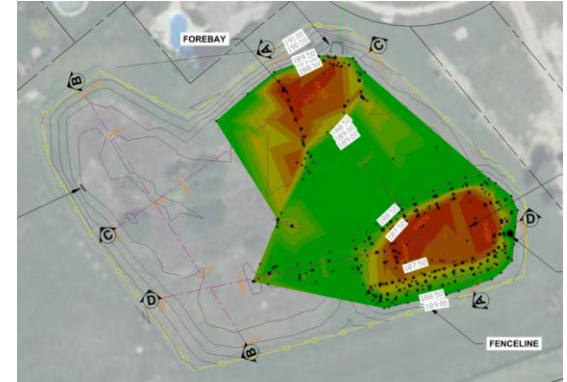


Sediment Accumulation Results

Hornak SWMP

1,022 m³ of sediment

Locate and assess outlet structure during construction.
Consider replacing rip rap jacket if filled with sediment.

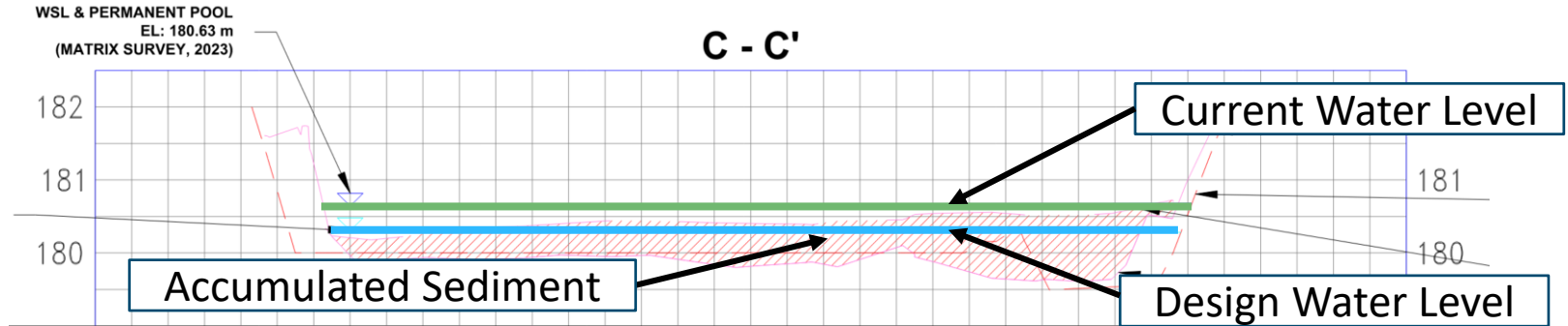
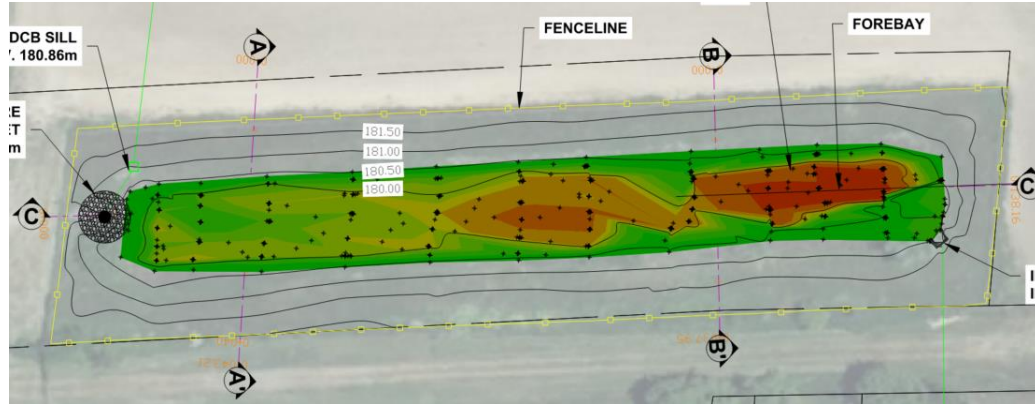


Sediment Accumulation Results

Townline SWMP

613 m³ of sediment

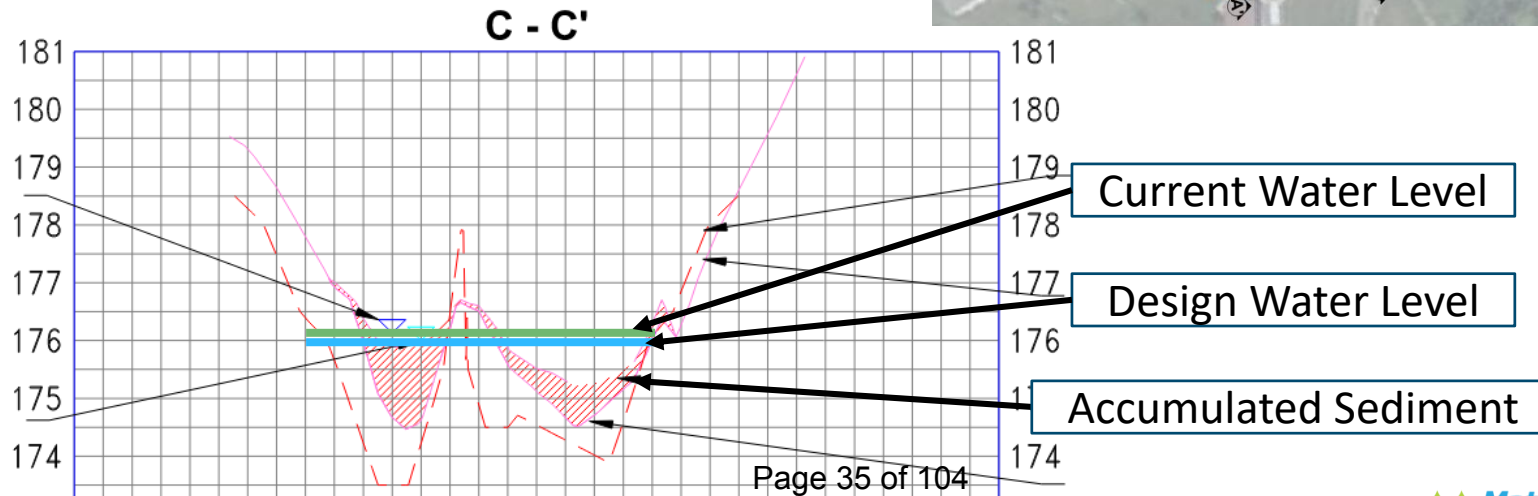
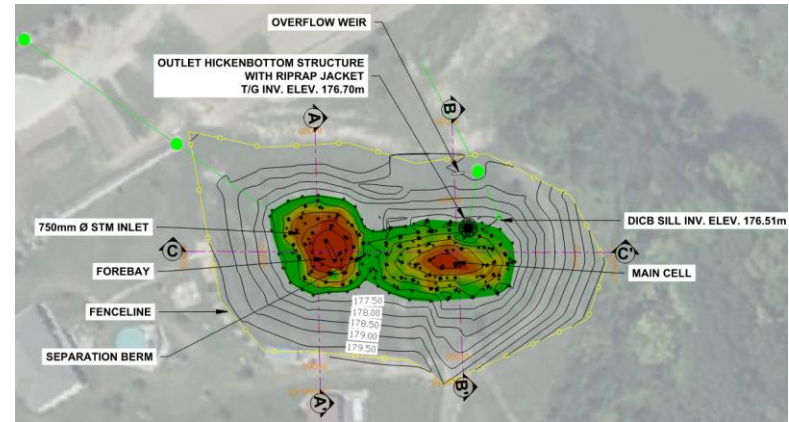
Clear outlet of
sediment and
vegetation



Sediment Accumulation Results

Attema SWMP

437 m³ of sediment

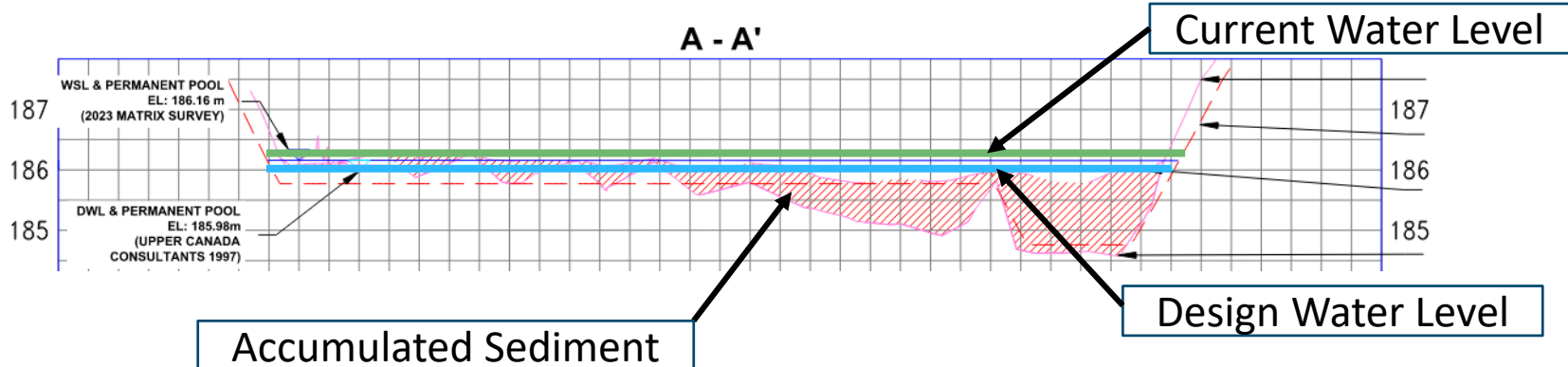
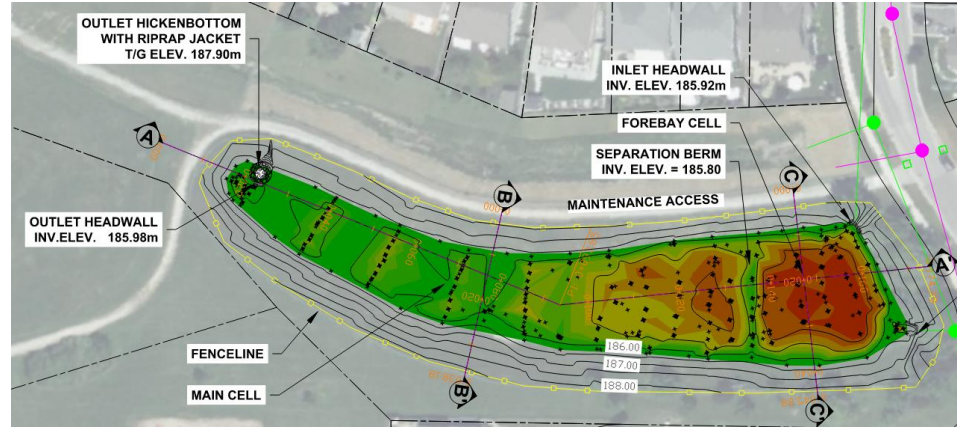


Sediment Accumulation Results

Oakdale SWMP

1,413 m³ of sediment

Remove sediment and vegetation from outlet HW

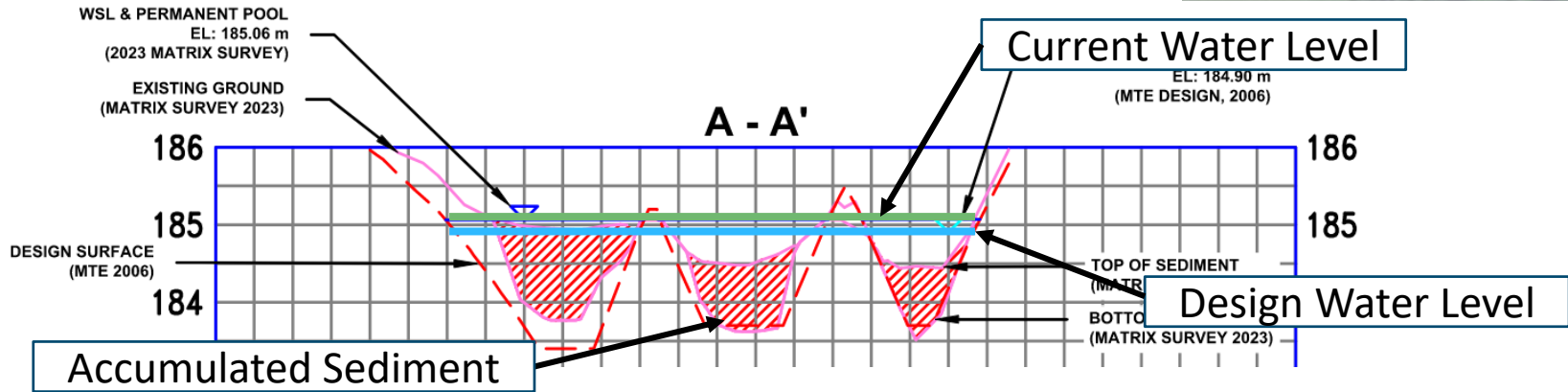
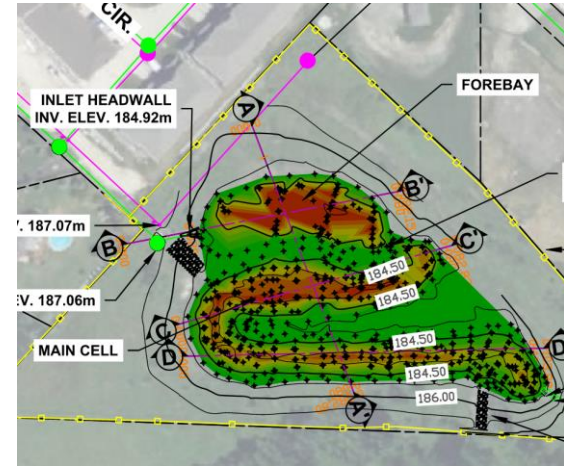


Sediment Accumulation Results

Streamside SWMP

1,672 m³ of sediment

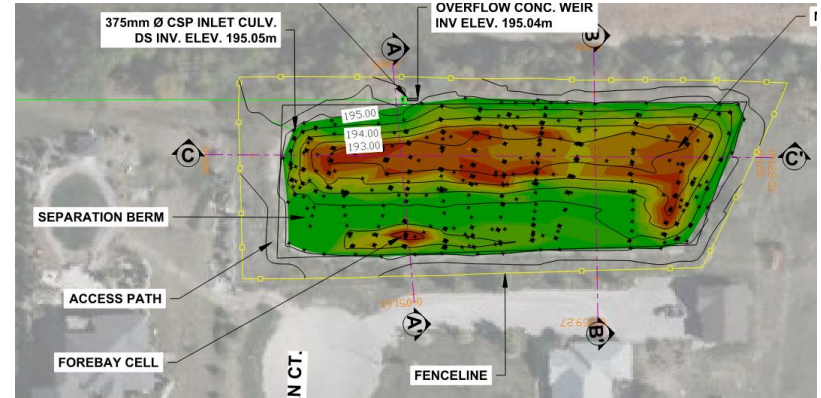
Dredge forebay to meet design depth



Sediment Accumulation Results

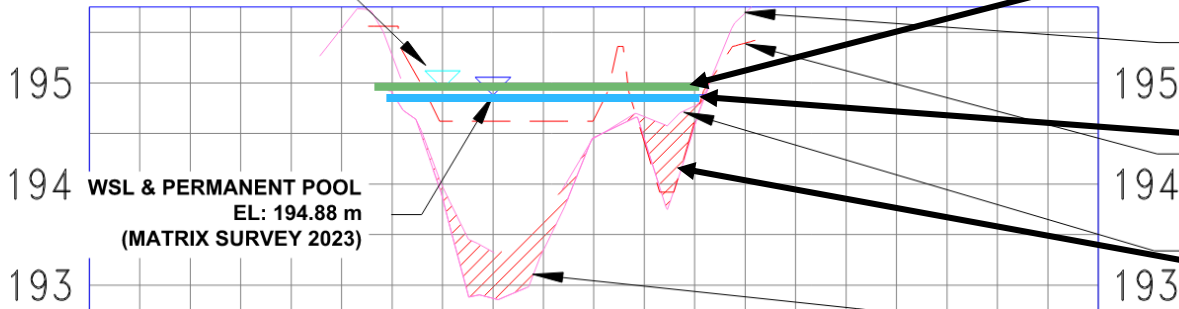
Sheridan SWMP

883 m³ of sediment



DWL & PERMANENT POOL
EL: 194.94 m
(UPPER CANADA
CONSULTANTS 2009)

A - A'



Current Water Level

Design Water Level

Accumulated Sediment

Results and Recommendations

- Condition Assessment:
 - 5 ponds with minor condition issues (i.e. remove vegetation/trees, remove phragmites, install gate lock)
 - 1 pond (Riverview Estates) with minor facility improvements that Township's Operations Department could address
 - Costs for repair included in capital costs for cleanout

Dennis Dr SWMP



Attema Crescent SWMP



Townline SWMP



Prioritization

1. Hornak SWMP 2 – Cleanout, Remove vegetation overgrowth and invasive phragmites
2. Townline SWMP 4 – Cleanout, Remove cattails
3. Attema SWMP 6 – Cleanout only
4. Oakdale SWMP 3 – Cleanout, clear vegetation/trees by inlets
5. Streamside SWMP 1 – Cleanout
6. Sheridan SWMP 7 – Cleanout

Recommendation: City's own forces complete identified repair items at the Riverview Estates Pond (repair inlet great, remove vegetation in the pond block, locate and expose a buried MH cover, install warning signage, address public encroachment issue).

Pond Maintenance Recommendations

- In Matrix's SWMF Assessment report, we have identified some maintenance recommendations that can be completed by Township staff (i.e. vegetation removal, installation of SWM Pond warning signs)
- Annual inspections of facilities to ensure proper function and identify issues.
- The standard recommendation for pond sediment survey programs is every 10 years since the last cleanout or inspection. Annual sediment loading rate will be determined to forecast the sediment cleanout year.

Results and Recommendations OGS Units

- OGS AM00515 (at West Lincoln Community Centre) has approximately 600 mm depth of sediment accumulated. Recommend cleanout now.
- Other three OGS units have little to no sediment and no condition issues observed:
 - CM04305 (15 Brookside Terrace)
 - DM06285 (Townline Rd & Rock St)
 - DM06175 (Townline Rd & Alma Dr)
- Township should implement an annual inspection program

Questions

August 12/24 All Committees/Council Mtg Mayor's Remarks

Since my last Mayor's remarks at the July 15th All Committees/Council meeting, I have been encouraged by the number of nominations that have been coming in for our Community Recognition Awards. We are just past the halfway point in the nomination period so I would like to take this opportunity to remind council members and residents, that now is the time to submit a nomination for someone that you know currently is making a difference or has in the past made a difference, to the well-being of others in our community. Self or family member nominations are not only accepted, but encouraged, as details regarding past longtime involvement in the community might otherwise remain unknown. Five (5) independent judges have been once again secured for our 2024 Awards, so to West Lincoln residents, I say get nominating those known to you! Please put in as much detail as possible regarding the various contributions of the nominees.

On Friday, July 19, John and I attended Dinner at the Dairy at the Youngblut Farm on Range Rd. 1. We were extremely impressed with how well it was organized, as they managed to move several hundreds of people through an information-based tour of their efficient robotic milking farm operation, information that was suitable and engaging for adults and children alike! Additionally they managed to feed everyone burgers or hotdogs, drinks of water, white or chocolate milk with ice cream treats for dessert. Thanks to the host farm family and the huge number of volunteers who made this event run so very well. It was an amazing family event!

I was able to attend 2 different Regional Council meetings on Thursday, July 25th via zoom while on vacation in New Hampshire. I want to take this opportunity to point out the significance of having a second Regional Councillor from West Lincoln in addition to the Mayor, available for all Regional meetings. Councillor Witteveen and I are able to always ensure a West Lincoln presence at the Region, whether only one of us or both of us are available for any given meeting.

I was pleased to represent West Lincoln at the opening ceremonies of the Big Brother/Big Sister "Big Start" Back to School Campaign kickoff on Thursday, August 1st. A presence at this campaign kick-off was important as this region-wide organization services families in West Lincoln as well as the other municipalities in the Region. We certainly want to be included in their partnering of adults with youth in need of the support that Big Brothers/Big Sisters has to offer.

West Lincoln Councillors who were able to do so, attended the Chamber of Commerce Mayor's Luncheon event on May 31st. As a result of that event, I am pleased to say that the Executive Director, on behalf of the West Lincoln Chamber of Commerce, was able to present a cheque to McNally House Hospice last Thursday, August 8th. It was my honour to be in attendance at that cheque presentation. I am hopeful that the social media publicity surrounding this particular donation will help residents in our 3 catchment-area communities realize that **all** donations, no matter the size, are very much needed to ensure that this free, compassionate care service provided by McNally House Hospice continues to grow to match community needs..

Finally, an up-date on the AMO (Association of Municipalities of Ontario) Conference which begins this upcoming Sunday, August 18 and runs until noon Wednesday, August 21, in Ottawa. Getting ready for AMO is always a long process that requires a great deal of preparatory work without actually knowing whether or not we will be granted a delegation time slot. It is worth noting that ROMA in January and AMO in August of each year are the two opportunities for individual municipalities to meet face to face with Provincial elected officials, that being either Provincial Ministers or their Parliamentary Assistants, to

discuss issues directly affecting the municipality. We submitted in a timely manner, all necessary documentation for each step of the way during the past two-three months, and we now know as of the last 2 weeks, that we have been granted all 3 of our delegation requests. We will have the opportunity to speak with the Parliamentary Assistant to the Minister of Infrastructure regarding our asset management funding needs, with the Parliamentary Assistant to the Minister of Municipal Affairs and Housing regarding our immediate needs for water/wastewater infrastructure so as to get housing starts underway in West Lincoln and additionally we will meet with the new Minister of Tourism, Culture and Gaming regarding an increase to Library funding which has not changed in close to 25 years and to also ask for the Public Libraries Act 1990, to be reviewed and updated.

Delegation packages for our attendees, CAO McBride, Regional Councillor Witteveen and Councillors Bradaric, Chechalk and Reilly are ready for perusal and any personal preparation notes at the end of this evening's meeting.



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

MEETING NO. FOURTEEN

August 12, 2024, 6:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Mayor Cheryl Ganann
Councillor Shelley Bradaric
Councillor Joann Chechalk
Councillor Mike Rehner
Councillor Jason Trombetta

Absent: Councillor William Reilly

Staff: Truper McBride, Chief Administrative Officer
Mike DiPaola, Director of Public Works and Recreation
Brian Treble, Director of Planning and Building
Katelyn Repovs, Manager of Finance and Deputy Treasurer
Gerrit Boerema, Manager of Planning
Tim Hofsink, Deputy Fire Chief
Cindy Weir, Chief Executive Officer, Library
Justin Paylove, Acting Director of Legislative Services/Clerk
Kevin Geoghegan, IT Help Desk Analyst

Attendees: Regional Councillor Albert Witteveen
David Scanlan
Nina Turmel
Dan Templeton
Kelly McCaffery
Mary Templeton
Michael Kott
Brian Semeniuk
Matt Campbell
Inspector Dave Gomez
Staff Sergeant Sarah Rose
Sergeant Karl Fiddes

Stephanie Sabourin

Note: Others were in attendance but their names are not able to be included, as they were not self-recorded on the attendance sheet at the meeting.

1. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

2. APPEAL HEARING WITH RESPECT TO A NOTICE TO MUZZLE

Under By-law 2023-54, Being a By-law to Provide for the Licensing, Control and Regulation of Dogs, under Section 8 individuals can petition Council to appeal this order.

3. CONFIRMATION OF NOTICE OF HEARING WITH RESPECT TO A NOTICE TO MUZZLE

The notice of Hearing is attached to the agenda.

4. INFORMATION RELATING TO THE INCIDENT THAT IS THE SUBJECT OF THIS HEARING DETAILS

4.1 Date of Incident: July 4, 2024.

4.2 Appellant of Muzzle Order: Dan Templeton

4.3 Niagara SPCA & Humane Society: David Scanlan

4.4 Owners of victim dogs, witness and or victim: Michael Kott/Trenton Kott

5. EVIDENCE RELATING TO THE INCIDENT THAT IS THE SUBJECT OF THIS HEARING DOCUMENTATION

- Notice of Hearing dated August 12, 2024
- Copy of Email dated July 11, 2024 requesting a hearing with respect to a Declaration of a Vicious dog - Notice to Muzzle
- Copy of Niagara SPCA and Humane Society - Occurrence Report- Investigation # 23685 issued by Niagara SPCA and Humane Society - Caitlin Warren - Investigator
- Copy of Muzzle Order dated July 4, 2024
- Synopsis - dated July 3, 2024

- Will Say Statement of Niagara SPCA Animal Service Officer David Scanlan
- Copy of photos after the attack
- Copy of the Township of West Lincoln By-law 2023-54, relating to the muzzle order.

6. STATEMENT & EVIDENCE OF ANIMAL CONTROL OFFICER WITH RESPECT TO SERVICE OF NOTICE TO MUZZLE

6.1 David Scanlan, Niagara SPCA Animal Service Officer

Mr. Scanlan explained the nature of the incident, the investigation, and the issuance of the muzzle order.

6.2 Opportunity to Question

Opportunity for Council or Committee Members to make inquiries.

Councillor Bradaric inquired to Mr. Scanlan about if there is a general rule for when muzzle orders are issued following an incident, or if that decision is case by case.

In response to Councillor Bradaric's inquiry, Mr. Scanlan explained that it is a case by case situation, but that a muzzle order can certainly be issued for a dog after its first reported incident.

Councillor Bradaric further inquired what his decision making process looks like in deciding to issue a muzzle order.

In response to Councillor Bradaric's further inquiry, Mr. Scanlan explained that he attempts to provide a solution that is the most cost effective while also diffusing potentially high risk situations down the road.

Councillor Rehner inquired to Mr. Scanlan about the breed of the dog.

In response to Councillor Rehner's inquiry, Mr. Scanlan explained that the dog is an Australian Shepherd.\

Councillor Rehner further inquired to Mr. Scanlan if he met the individual who was bit by the dog.

In response to Councillor Rehner's further inquiry, Mr. Scanlan explained that he saw photos of the bite but did not meet the victim in person.

Councillor Rehner further inquired to Mr. Scanlan if Mr. Templeton, the owner of the dog, was shown the photos of the victim.

In response to Councillor Rehner's further inquiry, Mr. Scanlan explained that Mr. Templeton did not see the photos of the victim.

Councillor Rehner further inquired if Mr. Scanlan was aware if the dog was free of zoonotic diseases and was up to date on its vaccinations.

In response to Councillor Rehner's further inquiry, Mr. Scanlan explained that he was told by Mr. Templeton that the dog was of good health and was up to date on its vaccinations.

Councillor Rehner further inquired to Mr. Scanlan if he believed, based on his conversation with Mr. Templeton, that Mr. Templeton thought it was acceptable for his dog to run after individuals who passed by his property on bicycles.

In response to Councillor Rehner's further inquiry, Mr. Scanlan explained that yes, this was his impression following his discussion with Mr. Templeton.

7. OPPORTUNITY TO QUESTION - Witness(s)

Opportunity for Council or Committee Members to make inquiries to any witnesses (if present).

Nina Turmel
Animal Services Manager, Niagara SPCA

Ms. Turmel provided further explanation in regards to Councillor Rehner's inquiries regarding zoonotic diseases, specifically rabies.

Mayor Ganann inquired to Mr. Scanlan about the timing of the photos that were taken of the bite victim.

In response to Mayor Ganann's inquiry, Mr. Scanlan explained that the photos were provided ahead of his visit to Mr. Templeton on July 4, 2024. The photos were taken on July 3, 2024, the day after the incident.

8. STATEMENT & EVIDENCE OF APPLICANT/APPELLANT

8.1 Applicant/Appellant Dan Templeton

Kelly McCaffery
Co-owner of the dog

Ms. McCaffery read from a prepared statement detailing the situation that occurred on July 2, 2024.

Dan Templeton
Co-owner of the dog

Mr. Templeton read from a prepared statement detailing the situation that occurred on July 2, 2024.

8.2 Opportunity to Question

Opportunity for Council or Committee Members to make inquiries to the applicant/appellant (if present).

Councillor Rehner inquired to Ms. McCaffery to confirm if Mr. Scanlan said to Mr. Templeton during his investigation that he did not need to see proof of vaccination.

In response to Councillor Rehner's inquiry, Ms. McCaffery confirmed that this is the case.

Mayor Ganann inquired to Ms. McCaffery about the number of incidences involving the victim and the dog.

In response to Mayor Ganann's inquiry, Ms. McCaffery explained that there were multiple interactions involving the victim, potentially other individuals with him as well, and the dog. The incident that incited the muzzle order involved only the victim and the dog.

Councillor Trombetta inquired to Ms. McCaffery about her reference to a separate appeal process.

In response to Councillor Trombetta's inquiry, Mr. Templeton explained that there is a provincial appeal also ongoing in regards to the fine and infraction, failure to muzzle a dangerous dog, that was given to Mr. Templeton by Mr. Scanlan on July 11, 2024 following the muzzle order issuance.

Mayor Ganann inquired to Ms. McCaffery if there is any fenced-in area on their property within which the dog could be held.

In response to Mayor Ganann's inquiry, Ms. McCaffery explained that no, there is no fenced-in area on the property that the dog could be held in.

Councillor Bradaric inquired to Mr. Templeton for a follow-up on the dog training services that have been procured for the dog.

In response to Councillor Bradaric's inquiry, Mr. Templeton explained that the dog has been involved in multiple rounds of training.

9. OPPORTUNITY TO QUESTION - Witness(s)

Opportunity for Council or Committee Members to make inquiries to any witnesses (if present).

Michael Kott
Neighbour, Father of Bite Victim

Mr. Kott explained that his son was by himself during the incident, and that his son, being a 15-year-old hockey player, was not

Mr. Kott read a statement prepared by his son, the bite victim, detailing the incident on July 2, 2024.

Mr. Kott further explained that his son did not kick at or otherwise provoke the dog during the incident or prior to the incident.

Mayor Ganann inquired to Mr. Kott about when the photos of the victim's leg were taken.

In response to Mayor Ganann's inquiry, Mr. Kott explained that the photos were taken on the same day that the bite took place, and that the bite was severe compared to others he has seen.

Within an hour following the bite incident, Mr. Kott, along with Mr. Semeniuk, went to the residence of Mr. Templeton and attempted to discuss the incident. It was an emotional discussion and communication between both parties was difficult.

Mr. Kott then took his son to the hospital immediately following the bite incident to check for zoonotic disease.

Brian Semeniuk
Neighbour, Baseball Coach to the Bite Victim

Mr. Semeniuk described the situation from his perspective in regards to the incident, as the bite victim arrived at his house following the incident.

Mr. Semeniuk explained that he has been chased by the dog.

Councillor Rehner inquired to Mr. Semeniuk if he feels frightened or bothered by the dog chasing him in the past.

In response to Councillor Rehner's inquiry, Mr. Semeniuk explained that he and his friends and family members have been frightened and have had concerns with the dog chasing cars and individuals riding by on bicycles in the past.

Councillor Rehner further inquired to Mr. Semeniuk if he was surprised when he heard about the incident, and if he perceived the behaviour of the dog to be aggressive.

In response to Councillor Rehner's inquiry, Mr. Semeniuk explained that he was not surprised, but was disappointed when he learned about the situation. He also shared that he perceived the behaviour of the dog to be aggressive.

10. PUBLIC INPUT REGARDING THE APPEAL

10.1 Members of the Public who wish to provide their input

10.2 Opportunity to Question - Members of Public

Opportunity for members of the public to make inquiries to any witnesses, or the applicant/appellant (if present).

11. PRESENTATION OF SUMMARY ARGUMENTS

11.1 David Scanlan - Animal Control Officer

Closing arguments from David Scanlan, Animal Control Officer

Mr. Scanlan explained that he felt he made the most appropriate decision in issuing the muzzle order as it pertains to maintaining and upholding public safety.

11.2 Dan Templeton - Applicant/appellant

Closing arguments by Dan Templeton the applicant/appellant

Mr. Templeton explained that he believes the muzzle order to be an overbearing decision given that this is only the first incident in which the dog has bit somebody.

12. CONFIDENTIAL MATTERS

Moved By Councillor Mike Rehner

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:

13.1 Acting Director of Legislative Services/Clerk (Justin Paylove)

Re: Resolution regarding Muzzle Order

Applicable closed session exemption(s):

- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

Carried

Moved By Councillor Joann Chechalk

Seconded By Councillor Mike Rehner

That, staff proceed as directed in Closed Session.

Carried

12.1 Director of Legislative Services/Clerk (Justin Paylove)

13. RENDERING OF A DECISION BY THE APPEAL COMMITTEE

Acting Director of Legislative Services/Clerk, Justin Paylove, explained that the Committee's decision regarding the Muzzle Order Appeal will be issued within 10 days, in accordance with Township by-law, but will be disclosed in the minutes.

DISCLOSURE OF CONFIDENTIAL RESOLUTION:

That the appeal of the muzzle order submitted by Dan Templeton be denied, and the muzzle order to proceed.

14. ADJOURNMENT OF HEARING

The Chair declared the Hearing adjourned at the hour of 7:24 p.m.

JUSTIN PAYLOVE, CLERK

MAYOR CHERYL GANANN



Ombudsman Report

**Investigation into complaints
about a closed meeting held by
the Town of Grimsby, the Town of Lincoln,
and the Township of West Lincoln**

**Paul Dubé
Ombudsman of Ontario**

September 2024

Complaint

- 1 My Office received complaints that council members from the Town of Grimsby, the Town of Lincoln, and the Township of West Lincoln held a joint meeting on August 9, 2023 that did not fit within the closed meeting exceptions in the *Municipal Act, 2001*¹ (the “Act”). During the meeting, the councils held a closed session under the exception for education or training to discuss a provincial review of regional municipal governance.
- 2 My investigation has determined that the first part of the *in camera* meeting on August 9, 2023 fit within the exception for education or training. However, small-group discussions that occurred during the second part of the *in camera* meeting did not fit within the closed session exceptions.

Ombudsman jurisdiction

- 3 Under the *Municipal Act, 2001* all meetings of a council, local board, and committee of either must be open to the public, unless they fall within prescribed exceptions.
- 4 As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality has complied with the Act in closing a meeting to the public. Municipalities may appoint their own investigator. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own.
- 5 The Ombudsman is the closed meeting investigator for the Town of Grimsby, the Town of Lincoln, and the Township of West Lincoln.
- 6 In investigating closed meeting complaints, we consider whether the open meeting requirements of the Act and the municipality’s governing procedures have been observed.
- 7 Our Office has investigated hundreds of closed meetings since 2008. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases. This searchable repository was created to provide easy access to the Ombudsman’s decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be discussed in closed session, as well as issues related to open meeting procedures. Summaries of the

¹ SO 2001, c 25.

Ombudsman’s previous decisions can be found in the digest:
www.ombudsman.on.ca/digest.

- 8 The Ontario Ombudsman also has the authority to conduct impartial reviews and investigations of hundreds of public sector bodies. This includes municipalities, local boards, and municipally-controlled corporations, as well as provincial government organizations, publicly funded universities, and school boards. In addition, the Ombudsman’s mandate includes reviewing complaints about the services provided by children’s aid societies and residential licensees, and the provision of French language services under the *French Language Services Act*. Read more about the bodies within our jurisdiction here:
www.ombudsman.on.ca/have-a-complaint/who-we-oversee.

Investigative process

- 9 On September 19, 2023 we advised each municipality of our intent to investigate these complaints.
- 10 We obtained and reviewed the records from the August 9, 2023 meeting, relevant portions of each municipality’s procedure by-laws, and the Act. Members of my Office interviewed the Mayor, the Clerk, and the Chief Administrative Officer (the “CAO”) from each municipality. We also spoke to the Member of Provincial Parliament for the provincial electoral district of Niagara West, in which the three municipalities are located.
- 11 My Office received full co-operation in this matter.

Background

Provincial review of regional municipal governance

- 12 In November 2022, the Ministry of Municipal Affairs and Housing announced that provincially appointed facilitators would conduct a review of several municipal regional governments in Ontario, including in the Niagara region.²
- 13 After this announcement was made, the CAOs from the Town of Grimsby, the Town of Lincoln and the Township of West Lincoln began to meet to discuss the potential impact of the review on their respective municipalities.

² <<https://news.ontario.ca/en/backgrounder/1002482/better-municipal-governance-act-2022>>.

The mayors from each municipality were also involved in these discussions. The three municipalities were collectively described as “Niagara West” by the people we interviewed.

- 14 The Town of Lincoln’s CAO told my Office that the CAOs and mayors met with the Member of Provincial Parliament (MPP) for Niagara West to discuss the regional governance review. After the meeting, the MPP provided the Lincoln CAO with a statement to share with the three municipal councils. The statement encouraged local municipalities in Niagara West to agree on a preferred model of governance and provide that position to the regional governance review facilitators. The MPP indicated via email that the statement was his personal view and did not represent a government position. The Lincoln CAO told our Office that the MPP asked that the statement be attributed to him confidentially.

The August 9, 2023 meeting

- 15 The Clerks of each municipality worked together to arrange the joint council meeting. A single agenda and public notice were prepared. We were told that the Grimsby Clerk took the lead to organize the meeting because she had the most experience of the three Clerks.
- 16 The meeting agenda was posted by each municipality on August 2, 2023. The agenda stated that a joint special meeting would occur and provided the date, time and location of the meeting. The agenda contained one item of closed session business: “Governance Matters in Niagara West.”
- 17 Council members from each municipality, the three CAOs, and the three Clerks gathered on August 9, 2023 at the West Niagara Agricultural Centre and Fairgrounds. The meeting was called to order at 5:30 p.m. We were told that the Grimsby Clerk acted as meeting clerk and took minutes.
- 18 All members of council who were present voted together on procedural items and on the resolution to move *in camera*. The resolution stated that a closed session would be held under the exception for education or training to discuss “governance matters in Niagara West.”
- 19 The closed session minutes record that a municipal consultant led a closed session workshop and that council members participated in small-group discussions about governance matters in Niagara West.

- 20 According to those we interviewed, the meeting began with the MPP's statement being read aloud. The municipal consultant then gave a presentation about the history of municipal amalgamations in Ontario and the current regional governance review. Council members had an opportunity to ask questions.
- 21 Following the presentation, we were told that the attendees broke out into three groups for a discussion period. Each group was made up of councillors, a Clerk and a CAO from each municipality. The groups were tasked with discussing and sharing ideas related to changes to the current governance model in Niagara West, including the potential amalgamation of the three municipalities.
- 22 We were told that the small groups discussed a variety of matters regarding potential changes to local governance as a result of the regional governance review. For example, council members shared their ideas and opinions about the role of regional government in the future, downloading regional services to the local municipalities, and the possible amalgamation of the three municipalities. Following the discussions, each Mayor provided a summary of their table's conversation to the larger group.
- 23 The open session minutes record that after the closed session ended, a resolution was passed reporting that "the information provided in the training session be received."

Analysis

Applicability of the exception for education or training

- 24 The three councils cited section 239(3.1), the exception for education or training, in the resolution to move into closed session on August 9, 2023.
- 25 Under section 239(3.1) of the Act, a meeting may be closed to the public if it is both (1) held for the purpose of educating or training members of council, and (2) members do not discuss a matter in a way that materially advances the business or decision-making of council. This exception has been narrowly construed by my Office to apply to gatherings where the sole purpose is to provide education or training and no transactional business or decision-making occurs.

- 26** The first part of the exception refers to council members acquiring skills or information that may assist them in better understanding municipal business – for example, council members attending training on how to read and interpret municipal financial and budget documents.³
- 27** Under the second part of the exception, no member may materially advance the business or decision-making of council. In a recent report to the Village of Casselman, I stated that “materially advances” means considering the extent to which the discussions at issue move forward the business of the municipality, based on factual indicators.⁴ Discussions, debates or decisions that are intended to lead to specific outcomes or to persuade decision-makers one way or another are likely to materially advance the business or decision-making of a council, committee, or local board. Similarly, council is likely to materially advance business or decision-making when it votes, reaches an agreement, provides direction or input to staff, or discusses or debates a proposal, course of action, or strategy.⁵
- 28** On the other hand, the mere receipt or exchange of information is unlikely to materially advance business or decision-making, as long as there is no attempt to discuss or debate that information as it relates to a specific matter that is or will be before council.⁶ I have previously found that this includes sessions where councillors are taught skills but do not discuss or attempt to apply the information to specific municipal business.⁷
- 29** The closed session on August 9, 2023 took place in two parts: First, the presentation by the municipal consultant, and second, the small-group discussions.

Municipal consultant’s presentation

- 30** The council members received general information about municipal amalgamations and the municipal regional governance review from the municipal consultant’s presentation. The purpose of the presentation was to educate council members so that they could better understand the governance review and the impact it might have on their municipalities. This exchange of information did not materially advance the business or decision-making of the councils.

³ *Emo (Township of) (Re)*, 2023 ONOMBUD 5, online: <<https://canlii.ca/t/jvj4d>>.

⁴ *Casselman (Municipality of) (Re)*, 2022 ONOMBUD 13, online: <<https://canlii.ca/t/jrnx5>>.

⁵ *Pelee (Township of) (Re)*, 2022 ONOMBUD 2, online: <<https://canlii.ca/t/jm1f5>>.

⁶ *Ibid.*

⁷ *Russell (Township of) (Re)*, 2016 ONOMBUD 1, online: <<https://canlii.ca/t/gt6qg>>.

- 31 The exception for education or training therefore applied to this part of the closed session.

Small-group discussions

- 32 Unlike the first part of the closed session, the small-group discussions involved a free flow of ideas and exchange of opinions from individual council members about changes to local government in Niagara West. There was no receipt of information for the purpose of educating or training councillors. Accordingly, the first part of the exception for education or training is not met.
- 33 Moreover, the small-group discussions materially advanced the business or decision-making of the three councils. The topic and purpose of the discussions – forming a joint position on future governance and potential amalgamation – is a matter of significance to the local community and relates closely to the business of each municipality.
- 34 The three councils did not come to a collective consensus during the August 9, 2023 meeting, such as a resolution or direction to staff. However, a substantive decision or consensus is not required to materially advance the business or decision-making of council, which may include discussing or debating a proposal, course of action or strategy.⁸ In *Southam Inc. v. Ottawa*, the Ontario Divisional Court described council decisions as progressing along a “spectrum” and that the public should not be “deprived of the opportunity to observe a material part of the decision-making process”.⁹ In other words, the open meeting rules are not limited to instances where a formal decision is made. The underlying purpose of the rules is to safeguard the public’s right to observe important steps along the way in the spectrum of a council decision. That may include an exchange of information that informs an impending or potential matter coming before council.
- 35 The exchange of council members’ opinions and ideas about future governance was intended to form the basis of imminent decisions the municipalities would make in going forward with a joint position to submit to the regional governance review facilitators. These discussions were a key step along the way to a specific decision of the three councils that materially advanced the business or decision-making process.

⁸ *Casselman (Village of) (Re)*, 2018 ONOMBUD 11, online: <<https://canlii.ca/t/hvmtk>>.

⁹ *Southam Inc. v. Ottawa (City) Council (Div. Ct.)*, 1991 CanLII 7044 (ON SC).

Parsing the discussion

- 36 Closed session topics that on their own do not fit within a closed meeting exception may be discussed *in camera* where it is not realistic to expect council to parse its meeting between open and closed sessions.¹⁰ The Divisional Court has found that parsing a discussion in this way may “detract from free, open and uninterrupted discussion.”¹¹ My Office has applied this principle narrowly and determined that it does not apply to discussions that could have been separated into open and closed sessions.
- 37 As I have previously stated, the closed session on August 9, 2023 took place in two distinct parts: The municipal consultant’s presentation and the small-group discussion. These two parts were not entwined in such a way that separating the parts into an open and closed session would have prevented council members from holding a free, open and uninterrupted discussion. Council members could have parsed the discussion by receiving the presentation *in camera* under the exception for education or training and then moved into open session to conduct a discussion about changes to local governance in Niagara West.

Applicability of the exception for information provided in confidence by another level of government

- 38 Although the exception in section 239(2)(h) was not cited in the resolution to move into closed session, I have considered whether it would have applied to the statement from the MPP for Niagara West that was read out loud during the closed session.
- 39 The exception applies to “information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of either of them.”
- 40 The Lincoln CAO told my Office that he believed the statement was confidential. My Office obtained and reviewed the statement; it was not explicitly marked as confidential when it was sent to the Lincoln CAO. The MPP’s correspondence with the Lincoln CAO indicated that the statement was the MPP’s personal opinion regarding the municipal governance review and did not represent an official position of the provincial government.

¹⁰ *Elliot Lake (City of) (Re)*, 2024 ONOMBUD 3, online: <<https://canlii.ca/t/k2wqr>>.

¹¹ *St. Catharines (City) v. IPCO*, 2011 ONSC 2346, online: <<https://canlii.ca/t/fkqfr>>.

- 41 Accordingly, the exception for information provided in confidence by another level of government did not apply to the August 9, 2023 meeting.

Applicability of the exception for labour relations or employee negotiations

- 42 One individual we interviewed suggested that the exception for labour relations or employee negotiations applied to the closed session because the amalgamation of the three municipalities could involve the termination of municipal staff. We were told, for example, that theoretically an amalgamated municipality would require only one chief administrative officer, clerk, or treasurer rather than three.
- 43 The purpose of the exception for labour relations or employee negotiations is to protect discussions relating to the relationship between a municipality and its employees. My Office has found that the exception applies to discussions about elimination of staff positions.
- 44 In this case, only one individual we interviewed told us that there was reference to the possibility of eliminating staff positions in the event of an amalgamation, and that this was mentioned during one of the small-group discussions. If this topic was indeed discussed, it was not the focus of the discussion. A brief or passing reference to information that would fit into one of the exceptions is not sufficient to bring an entire discussion into an exception.¹²
- 45 Accordingly, the exception for labour relations or employee negotiations does not apply.

Procedural matters

Meeting separately or together?

- 46 Section 236(2) of the Act permits two or more municipalities to hold a joint meeting to consider “matters of common interest.” While two or more municipal councils may come together to hold a meeting at the same time and in the same place, I have found that procedurally, the meeting may be separate and subject to each municipality’s procedure by-law.

¹² *Lanark Highlands (Township of) (Re)*, 2021 ONOMBUD 15, online: <<https://canlii.ca/t/jhx9n>>.

- 47 For example, my Office investigated a meeting held by the councils for the Village of Burks Falls and Armour Township. Although all the attendees met in one room and held a discussion as a group, I determined that technically each council held a separate meeting and was obligated to comply with its respective procedure by-law and with the Act. Each clerk prepared their own agenda for the meeting and took separate minutes. The two councils passed individual resolutions to close the meeting and relied on different exceptions to hold an *in camera* discussion. The clerks did not discuss or agree on a process for the meeting ahead of time.
- 48 In this case, the procedures followed by the three municipalities leading up to and during the August 9, 2023 meeting indicate that a joint meeting occurred.
- 49 Prior to the meeting, the three municipal Clerks together established procedures related to providing notice, preparation of an agenda, and minute-taking. A single agenda was created for the meeting. The notices posted by the three municipalities all contained the same language.
- 50 During the meeting, all of the council members in attendance acted as a single body when passing resolutions and motions. A single resolution to close the meeting was moved and seconded by council members from different municipalities and voted on by all of the council members present. Only the Grimsby Clerk acted as clerk during the meeting. Finally, a single set of minutes was recorded which was adopted by each municipal council.

Delegation of clerk's duties

- 51 Section 228(1) of the Act requires a clerk to record, without note or comment, all resolutions, decisions, and other proceedings of council. Section 228(4) permits a clerk to delegate in writing to any person (other than a member of council) the clerk's powers and duties, including to record minutes.
- 52 The Grimsby Clerk assumed clerking duties for the August 9, 2023 meeting but did so without written delegation from the other Clerks. Written delegation of the Lincoln and West Lincoln Clerks' duties should have been provided to the Grimsby Clerk to comply with the requirements of section 228(4).
- 53 In response to a preliminary version of this report, the Town of Lincoln commented that the Grimsby Clerk took the lead to organize and clerk the August 9, 2023 meeting and, therefore, it was the Grimsby Clerk's

responsibility to ensure the proper delegations had been obtained. Under the Act, the ability to delegate a clerk’s statutory duties belongs to the clerk. Regardless of which of the three municipal Clerks took minutes during the meeting, each one had an individual responsibility to ensure that the proper delegations had been made prior to the meeting.

Opinion

- 54 The councils for the Town of Grimsby, the Town of Lincoln and the Township of West Lincoln held a joint meeting on August 9, 2023. The first part of the closed session - the presentation by a municipal consultant - fit within the exception for education or training. However, the second part of the closed session - the small-group discussions between council members – did not educate or train members of council and materially advanced business or decision-making. Accordingly, this part of the closed session did not fit within the exception for education or training or any other exception to the open meeting rules.
- 55 The Grimsby Clerk assumed clerking duties for the Town of Lincoln and the Township of West Lincoln during the August 9, 2023 meeting despite not having received written delegation from the Clerk for either municipality.

Recommendations

- 56 I make the following recommendations to assist the Town of Grimsby, the Town of Lincoln and the Township of West Lincoln in fulfilling their obligations under the Act and enhancing the transparency of their meetings:

Recommendation 1

All members of council for the Town of Grimsby should be vigilant in adhering to their individual and collective obligation to ensure that the Town complies with its responsibilities under the *Municipal Act, 2001*.

Recommendation 2

All members of council for the Town of Lincoln should be vigilant in adhering to their individual and collective obligation to ensure that the Town complies with its responsibilities under the *Municipal Act, 2001*.

Recommendation 3

All members of council for the Township of West Lincoln should be vigilant in adhering to their individual and collective obligation to

ensure that the Township complies with its responsibilities under the *Municipal Act, 2001*.

Recommendation 4

The Clerk for the Town of Grimsby should ensure that they obtain a written delegation from municipal clerks if they act as clerk for any future joint meetings between two or more municipal councils.

Recommendation 5

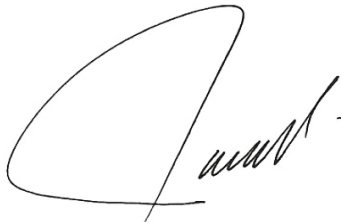
The Clerk for the Town of Lincoln should ensure that their duties are delegated, in writing, to the individual who will act as clerk for any future joint meetings between two or more municipal councils.

Recommendation 6

The Clerk for the Township of West Lincoln should ensure that their duties are delegated, in writing, to the individual who will act as clerk for any future joint meetings between two or more municipal councils.

Report

- 57 The Town of Grimsby, the Town of Lincoln and the Township of West Lincoln were given the opportunity to review a preliminary version of this report and provide comments to my Office. All comments we received were considered in the preparation of this final report.
- 58 This report will be published on my Office's website and should also be made public by the Town of Grimsby, the Town of Lincoln and the Township of West Lincoln. In accordance with subsection 239.2(12) of the *Municipal Act, 2001*, council for each municipality is required to pass a resolution stating how it intends to address this report.



Paul Dubé
Ombudsman of Ontario

TOWNSHIP OF WEST LINCOLN PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE MINUTES

MEETING NO. SIX

September 9, 2024, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

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

Staff: Truper McBride, Chief Administrative Officer
Brian Treble, Director of Planning and Building
Gerrit Boerema, Manager of Planning
Justin Paylove, Acting Director of Legislative Services and Clerk
Kevin Geoghegan, IT Help Desk Analyst

Attendees: Regional Councillor Albert Witteveen
John Ganann

1. CHAIR - Councillor William Reilly

Prior to commencing with the Planning/Building/Environmental Committee meeting agenda, the Chair 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 jpaylove@westlincoln.ca before 4:30 p.m. on the day of the meeting for consideration by the Committee. Comments received after 4:30 p.m. on the day of the Committee meeting will be considered at the following Council meeting. Comments submitted are included in the record.

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

2. **LAND ACKNOWLEDGEMENT STATEMENT**

The Chair 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, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit 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. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

There were no pecuniary interests and/or conflicts of interest that were disclosed.

4. **CONFIDENTIAL MATTERS**

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:

Moved By Mayor Cheryl Ganann

Seconded By Councillor Joann Chechalk

4.1 Director of Planning and Building (Brian Treble), Tom Hanrahan (Sullivan Mahoney LLP),

Re: A plan or instruction to be applied to negotiations - Final Minutes of Settlement Update

VERBAL UPDATE

Applicable closed session exemption(s):

A plan or instruction to be applied to negotiations; and

- Advice that is subject to Solicitor-Client Privilege, including communications necessary for that purpose.

4.2 Director of Planning and Building (Brian Treble)

Re: Litigation or Potential Litigation - Two Further Modifications to Official Plan Amendment No. 63 for Recommendation to the Ontario Land Tribunal, Case No. OLT-23-000470

REPORT PROVIDED UNDER SEPARATE COVER

Applicable closed session exemption(s):

Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and

- Advice that is subject to Solicitor-Client Privilege, including communications necessary for that purpose.

4.1 Director of Planning and Building (Brian Treble), Tom Hanrahan (Sullivan Mahoney LLP),

Re: A plan or instruction to be applied to negotiations - Final Minutes of Settlement Update

VERBAL UPDATE

4.2 Director of Planning and Building (Brian Treble)

Re: Litigation or potential litigation - Two Further Modifications to Official Plan Amendment No. 63 for Recommendation to the Ontario Land Tribunal, Case No. OLT-23-000470

5. Confidential Resolution Disclosure

Moved By Mayor Cheryl Ganann

Seconded By Councillor Mike Rehner

That staff proceed as directed in closed session, in regards to Confidential Item 4.2.

Carried

6. PUBLIC MEETING(S)

There were no public meetings.

7. CHANGE IN ORDER OF ITEMS ON AGENDA

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

8. APPOINTMENTS

There were no appointments.

9. 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.

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

There were no members of the public present who wished to address any items on the Planning/Building/Environmental Committee agenda.

10. CONSENT AGENDA ITEMS

10.1 ITEM P33-24

CONSENT AGENDA ITEMS

There were no consent agenda items.

11. COMMUNICATIONS

There were no communications.

12. STAFF REPORTS

12.1 ITEM P34-24

Director of Planning and Building (Brian Treble) and Director of Legislative Services/Clerk (Justin Paylove)

Re: Recommendation Report PD-37-2024 - Permanently Close, Convey and Sell a Portion of Unopened Road Allowance adjacent to Lots 1 and 2, Concession 1, South Boundary (Attercliffe), former Township of Caistor

Moved By Councillor Jason Trombetta

Seconded By Councillor Joann Chechalk

1. That, Recommendation Report PD-37-2024, titled "Permanently Close, Convey and Sell a Portion of Unopened Road Allowance adjacent to Lots 1 and 2 Concession 1, Southern Boundary (Attercliffe), former Township of Caistor", dated September 9 2024, be received; and,
2. That, staff be authorized to proceed to stop up, close and convey following the passage of the following by-laws:
 - a. A by-law to declare the land as surplus to the needs of the Township of West Lincoln as found at Schedule 2;
 - b. By-laws to stop up and close the unopened road allowance and that a by-law be passed to convey the following:

- i. Part 1 to Benny and Alice Van Ravenswaay (Roll No. 260201000117300)
 - ii. Part 2 to Mackenzie Krick and Leonard Krick (Roll No. 260201000117200)
 - iii. Part 3 to David Jozsa (Roll No. 260201000117100)
 - iv. Part 4 to remain with the Township until the new property owner can be contacted and determine if there is interest in purchasing this portion of land (Roll No. 260201000117000)
 - v. Part 5 to Chantelle Ettinger (Roll No. 260201000116900)
 - vi. Part 6 to Wayne and Shari Spurgeon (Roll No. 260201000116800)
 - vii. Part 7 to Christopher Collins (Roll No. 260201000116500);
and
3. That, legal counsel be directed to complete all conveyances to adjacent property owners except one (Part 4).

Carried

12.2 ITEM P35-24

Manager of Planning (Gerrit Boerema) and Director of Planning and Building (Brian Treble)

Re: Spring Creek Heights Secondary Plan, OPA 57 Approval, File No. 1701-006-19

Moved By Mayor Cheryl Ganann

Seconded By Councillor Shelley Bradaric

1. That, Recommendation Report PD-40-2024, titled “Spring Creek Heights Secondary Plan, OPA 57 Approval, File No. 1701-006-19”, dated September 9, 2024, be received; and,
2. That, Official Plan Amendment No. 57 (File No. 1701-006-19) as found in Schedule A, and a corresponding implementation bylaw, as found in Schedule B be approved and passed; and
3. That staff be authorized to circulate the Notice of Decision on the approval of Official Plan Amendment No. 57 to the agencies and public to commence the 20-day appeal period as Regional Council approval is not required.

Carried

12.3 ITEM P36-24

Manager of Planning (Gerrit Boerema)

Re: Technical Report PD-41-2024 - Township-Initiated Zoning By-law Amendment for Urban and Rural Settlement Boundary Expansion

Moved By Councillor Jason Trombetta

Seconded By Councillor Joann Chechalk

1. That, Technical Report PD-41-2024, titled “Township-Initiated Zoning Bylaw Amendment for Urban and Rural Boundary Expansions”, dated September 9, 2024, be received; and
2. That, staff be authorized to initiate a zoning by-law amendment to the Township’s Zoning By-law, 2017-70, as amended, including public consultation and a public meeting.

Carried

13. OTHER BUSINESS

13.1 ITEM P37-24

Manager of Planning (Gerrit Boerema)

Re: Recreation and Parks Master Plan

VERBAL UPDATE

Manager of Planning, Gerrit Boerema, provided a brief update on the Township of West Lincoln's new Recreation and Parks Master Plan, the process that is being undertaken with the consulting firm that has been procured for the project, and how Council, staff, and residents of the Township of West Lincoln can get involved and have their voice heard in the development of the plan.

13.2 ITEM P38-24

Members of Committee

Re: Other Business Matters of an Informative Nature

Mayor Ganann

Re: West Niagara Fair, Silverdale Community Centre Chili, Soup & Corn Roast, Mayor's Youth Advisory Committee Holiday Card Design Contest, and Regional Councillor Witteveen's Appointment to the NPCA

Councillor Joann Chechalk
Re: West Niagara Fair

14. NEW BUSINESS

There were no motions brought forward to introduce any new items of business.

15. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 7:49 p.m.

JUSTIN PAYLOVE, CLERK

COUNCILLOR WILLIAM REILLY,
CHAIR

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

MEETING NO. SIX

September 16, 2024, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

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

Staff: Truper McBride, Chief Administrative Officer
Mike DiPaola, Director of Public Works and Recreation
Katelyn Repovs, Manager of Finance/Deputy Treasurer
Dennis Fisher, Fire Chief
Cindy Weir, Chief Executive Officer, Library
Justin Paylove, Acting Director of Legislative Services/Clerk
Kevin Geoghegan, IT Help Desk Analyst

1. CHAIR - Councillor Trombetta

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

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 before 4:30 p.m. on the day of the meeting for consideration by the Committee. Comments received after 4:30 p.m. on the day of the Committee meeting will be considered at the following Council meeting. Comments submitted are included in the record.

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

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, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit 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 changes in the order of items on the agenda.

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

There were no pecuniary interests and/or conflicts of interest disclosed.

5. APPOINTMENTS

There were no appointments or delegations.

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

NOTE: Procedural By-law Section 10.13(5) – 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.

Chair Trombetta inquired to the IT Help Desk Analyst, Kevin Geoghegan, if there were any members of the public present who wished to address any items on the agenda.

In response to the inquiry from Chair Trombetta, IT Help Desk Analyst, Kevin Geoghegan, explained that there were no members of the public present who wished to address any items on the agenda.

7. CONSENT AGENDA ITEMS

7.1 ITEM A32-34

CONSENT AGENDA ITEMS

There were no consent agenda items.

8. COMMUNICATIONS

8.1 ITEM A33-24

Niagara Pallet

Re: Request for Fireworks Display at 2906 South Grimsby Road 8 -
September 20, 2024

Moved By Councillor William Reilly

Seconded By Councillor Shelley Bradaric

That, the request received from Mike Vrugteveen on behalf of Niagara Pallet, for Victoria Fireworks to host a fireworks display on September 20, 2024 at 2906 South Grimsby Road 8 in Smithville, be approved.

Carried

9. STAFF REPORTS

9.1 ITEM A34-24

Manager of Finance/Deputy Treasurer (Katelyn Repovs) and Director of Finance/Treasurer (Donna DeFilippis)

Re: Treasurer's Annual Statement for 2023 Development Charges

Moved By Councillor Joann Chechalk

Seconded By Mayor Cheryl Ganann

1. That, Information Report T-19-2024, dated September 16, 2024, regarding "Treasurer's Annual Statement for 2023 Development Charges", be received for information; and,
2. That, this report and the accompanying schedules be made available to the public on the Township of West Lincoln's website.

Carried

9.2 ITEM A35-24

Director of Finance/Treasurer (Donna DeFilippis) and Manager of Finance/Deputy Treasurer (Katelyn Repovs)
Re: Information Report T-18-2024 - 2025 Budget Process and Schedule

Moved By Councillor Joann Chechalk
Seconded By Councillor Shelley Bradaric

That, Information Report T-18-2024, titled “2025 Budget Process and Schedule”, dated September 16 2024, be received for information.

Carried

9.3 ITEM A36-24

Fire Chief (Dennis Fisher)
Re: Monthly Update - August 2024

Moved By Councillor William Reilly
Seconded By Councillor Mike Rehner

That, Information Report WLF-11-2024, titled “Monthly Update – August 2024”, dated September 16 2024, be received for information.

Carried

9.4 ITEM A37-24

Director of Legislative Services/Clerk (Justin Paylove)
Re: Township Hours of Operation for Winter Break 2024

Moved By Mayor Cheryl Ganann
Seconded By Councillor Shelley Bradaric

1. That, Recommendation Report C-05-2024, titled “Township Hours of Operation for Winter Break - 2024”, dated September 16, 2024, be received; and
2. That, the following Winter Break operating schedule be approved:
 - a. That, the Township Administration Building be closed on December 27, 30 and 31, 2024 (office closed for the period between December 24, 2024 to and including January 1, 2025); and,
 - b. That, the Public Works Yard remain open on December 27, 30 and 31, 2024; and

- c. That, the West Lincoln Community Centre remain open, subject to program scheduling, from December 24, 2024 to January 1, 2025 inclusive, with the exception of December 25, 2024.

Carried as Amended

Moved By Councillor Joann Chechalk
Seconded By Councillor William Reilly

That, administration return with a report to the next Administration/Finance/Fire Committee meeting that provides further clarity on the emergency phone system.

Carried

9.5 ITEM A38-24

Fire Chief (Dennis Fisher)

Re: Recommendation Report WLFD-13-2024 - RFP Fire Station # 2 - Full or Partial Demolition Report

Moved By Councillor William Reilly
Seconded By Councillor Mike Rehner

1. That, Recommendation Report WLFD-13-2024 regarding “RFP Station # 2 - Full or Partial Demolition Report” dated September 16, 2024, be received; and,
2. That, Council accept the RFP submission by York 1 Demolition and approve Option “A” in the amount of \$78,400 (plus HST); and,
3. That, a By-law be passed to authorize the Mayor and Clerk to enter into an agreement with York 1 Demolition.

Members of Committee	For	Against
Councillor Jason Trombetta, Chair		X
Mayor Cheryl Ganann		X
Councillor Shelley Bradaric	X	
Councillor Joann Chechalk		X
Councillor Mike Rehner		X
Councillor William Reilly	X	

Lost (2 to 4)

Moved By Councillor Joann Chechalk
Seconded By Councillor Mike Rehner

That, the motion be reconsidered.

Moved By Councillor Joann Chechalk
Seconded By Councillor Mike Rehner

1. That, Recommendation Report WLFD-13-2024 regarding “RFP Station # 2 - Full or Partial Demolition Report” dated September 16, 2024, be received; and,
2. That, Council accept the RFP submission by York 1 Demolition and approve Option “B” in the amount of \$50,500 (plus HST); and,
3. That, a By-law be passed to authorize the Mayor and Clerk to enter into an agreement with York 1 Demolition.

Carried

10. OTHER BUSINESS

10.1 ITEM A39-24

Chief Administrative Officer (Truper McBride)
Re: Staff Accomplishments

1. Tray Benish - CRS (Certified Road Supervisor) Senior Designation

10.2 ITEM A40-24

Members of Committee
Re: Verbal Updates from Members of Boards and Committees

There were no verbal updates from members of boards and committees.

10.3 ITEM A41-24

Members of Council
Re: Other Business Items of an Informative Nature

Chair Trombetta
Re: West Lincoln Chamber of Commerce Business Awards

11. NEW BUSINESS

There were no motions approved to introduce any new items of business.

12. CONFIDENTIAL MATTERS

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:

Moved By Councillor Joann Chechalk
Seconded By Councillor William Reilly

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 Property Tax and Payroll Coordinator (Lisa Kasko-Young) and Manager of Finance/Deputy Treasurer (Katelyn Repovs)
Re: Recommendation Report T-17-2024 - Municipal Act Section 357/358/359 Applications

REPORT PROVIDED UNDER SEPARATE COVER

Applicable closed session exemption(s):

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

12.2 Director of Legislative Services/Clerk (Justin Paylove)
Re: Citizen Appointments on Boards and Committees - Heritage Committee

APPLICATION PROVIDED UNDER SEPARATE COVER

Applicable closed session exemption(s):

- Personal matters about an identifiable individual, including municipal or local board employee(s).

Carried

12.1 Property Tax and Payroll Coordinator (Lisa Kasko-Young) and Manager of Finance/Deputy Treasurer (Katelyn Repovs)

Re: Recommendation Report T-17-2024 - Municipal Act Section 357/358/359 Applications

12.2 Director of Legislative Services/Clerk (Justin Paylove)

Re: Citizen Appointments on Boards and Committees - Heritage Committee

13. Confidential Resolution Disclosure

Moved By Councillor Joann Chechalk

Seconded By Mayor Cheryl Ganann

That, Staff proceed as directed in closed session in regards to Confidential Items 12.1 and 12.2.

14. ADJOURNMENT

The Chair declared the meeting adjourned at 8:43 p.m.

JUSTIN PAYOVE, CLERK

COUNCILLOR JASON
TROMBETTA, CHAIR

TOWNSHIP OF WEST LINCOLN PUBLIC WORKS & RECREATION COMMITTEE MINUTES

MEETING NO. SIX

September 16, 2024, 7:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

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

Staff: Truper McBride, Chief Administrative Officer
Mike DiPaola, Director of Public Works and Recreation
Justin Paylove, Acting Director of Legislative Services/Clerk
Kevin Geoghegan, IT Help Desk Analyst

1. CHAIR - Councillor Rehner

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

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 jpaulove@westlincoln.ca before 4:30 p.m. on the day of the meeting for consideration by the Committee. Comments received after 4:30 p.m. on the day of the Committee meeting will be considered at the following Council meeting. Comments submitted are included in the record.
3. This meeting will be livestreamed as well as recorded and available on the Township's website.

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, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit 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 changes in the order of items on the agenda.

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

There were no pecuniary interests and/or conflicts of interest that were disclosed.

5. APPOINTMENTS

There were no appointments or delegations.

6. REQUEST TO ADDRESS ITEMS ON THE AGENDA

NOTE: Procedural By-law Section 10.13(5) – 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.

Chair Rehner inquired to the IT Help Desk Analyst, Kevin Geoghegan, if there were any members of the public present who wished to address any items on the agenda.

In response to Chair Rehner's inquiry, IT Help Desk Analyst, Kevin Geoghegan, explained that there were no members of the public present who wished to address any items on the agenda.

7. CONSENT AGENDA ITEMS

7.1 ITEM PW29-24

CONSENT AGENDA ITEMS

There were no consent agenda items.

8. COMMUNICATIONS

There were no Communications.

9. STAFF REPORTS

9.1 ITEM PW30-24

Project Manager (Ray Vachon), and Director of Public Works & Recreation (Mike DiPaola)

Re: Report PW-22-2024 titled, "Murgatroyd Trail Reconstruction (PW 2024-05) Tender Award

Moved By Mayor Cheryl Ganann

Seconded By Councillor Joann Chechalk

1. That, Recommendation Report PW-22-2024, titled "Murgatroyd Trail Reconstruction (PW 2024-05) Tender Award", dated September 16, 2024 be received; and,
2. That, Tender submission be awarded to Stevensville Lawn Service Inc., for the trail reconstruction work, in the amount of \$167,987.00 (excluding HST); and,
3. That, the Township enter into an engineering agreement with the consulting firm of Kerry T. Howe Engineering Limited for the contract administration and inspection services at an upset limit of \$25,000.00 (excluding HST); and
4. That, a by-law authorizing the Mayor and Clerk to enter into an agreement with Stevensville Lawn Service Inc. be passed.

Carried

9.2 ITEM PW31-24

Project Manager (Ray Vachon), and Director of Public Works & Recreation (Mike DiPaola)

Re: Information Report PW-21-2024 - Mill Creek Municipal Drain Petition - Withdrawn

Moved By Mayor Cheryl Ganann

Seconded By Councillor William Reilly

That, Information Report PW-21-2024, titled "Mill Creek Municipal Drain Petition – Withdrawn", dated September 16 2024, be received for information.

10. OTHER BUSINESS

10.1 ITEM PW32-24

Members of Committee

Re: Verbal Updates from Members of Boards and Committees

There were no verbal updates from members of boards or committees.

10.2 ITEM PW33-24

Members of Council

Re: Other Business Items of an Informative Nature

There were no other business items of an informative nature.

11. NEW BUSINESS

There were no motions approved to introduce any new items of business.

12. CONFIDENTIAL MATTERS

There were no confidential matters.

13. ADJOURNMENT

The Chair declared the meeting adjourned at 8:57 p.m.

JUSTIN PAYLOVE, CLERK

COUNCILLOR MIKE REHNER,
CHAIR

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-55

A BY-LAW TO AMEND BY-LAW 2023-03, WHICH CONFIRMED VARIOUS APPOINTMENTS AND/OR RECOMMENDATIONS FOR APPOINTMENTS TO BOARDS, COMMITTEES AND MUNICIPAL POSITIONS.

WHEREAS the Council of the Corporation of the Township of West Lincoln enacted By-Law 2023-03, which confirmed various appointments and/or recommendations for appointments to Boards, Committees and Municipal positions.

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

1. That Schedule "A" of By-Law 2023-03 be deleted and replaced with the attached revised Schedule "A", Age Friendly Advisory Committee with the removal of Terry Bell; and
2. That Schedule "B" of By-Law 2023-03 be deleted and replaced with the attached amended Schedule "B", Heritage Committee with the addition of Danielle Stolys.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23 DAY OF SEPTEMBER, 2024.

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

**SCHEDULE "A" TO BY-LAW 2023-03
(as amended by By-Law 2024-55)**

**APPOINTMENT TO THE WEST LINCOLN AGE FRIENDLY ADVISORY
COMMITTEE**

That the following persons be and are hereby appointed to serve on the West Lincoln Age Friendly Advisory Committee for the Township of West Lincoln for the 2022-2026 term, or until their successors are appointed:

Lisa Maychak
Sue Langdon
Linda Sivyer
Antoinette (Toni) Mills
John Ganann
Kitty McGrail
Karen Parker
Martina (Tina) Jol
Debbie Thomas
Stuart Lord

Council Representative: TBD

**SCHEDULE "B" TO BY-LAW 2023-03
(As Amended by By-Law 2024-55)**

APPOINTMENTS TO THE WEST LINCOLN HERITAGE COMMITTEE

That, the following persons be and are hereby appointed to serve as members on the West Lincoln Heritage Committee for the 2022-2026 term, or until their successors are appointed:

Naomi Brusse
Darren Draaistra
Wendy Veldman
Danielle Stolys

Council Representative: Councillor Shelley Bradaric

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-56

**BEING A BY-LAW TO AUTHORIZE AN AGREEMENT
BETWEEN THE CORPORATION OF THE TOWNSHIP OF
WEST LINCOLN AND STEVENSVILLE LAWN SERVICE
INC. FOR THE MURGATROYD TRAIL
RECONSTRUCTION PROJECT**

WHEREAS the Council of the Corporation of the Township of West Lincoln deems it expedient to enter into an agreement with the Stevensville Lawn Service Inc. for the Murgatroyd Trail Reconstruction Project.

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 enter into an agreement with Stevensville Lawn Service Inc. for the Murgatroyd Trail Reconstruction Project.
2. That the Mayor and Clerk be authorized to sign the above mentioned agreement, and any other related documents, and to affix the Corporate Seal thereto.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
23 DAY OF SEPTEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2024-57

**BEING A BY-LAW TO ADOPT AMENDMENT NO. 57
(RE-DESIGNATION OF SPRING CREEK HEIGHTS
SECONDARY PLAN) TO THE OFFICIAL PLAN FOR THE
TOWNSHIP OF WEST LINCOLN**

WHEREAS the Council of the Corporation of the Township of West Lincoln in accordance with the provisions of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. That Amendment No. 57 (Re-designation of Spring Creek Heights Secondary Plan) to the Official Plan for the Township of West Lincoln, attached hereto, is hereby adopted and implemented as detailed in Schedule 'A'; and,
2. That staff be directed to circulate a Notice of Decision in accordance with the Planning Act, 1990, as amended based on a Regional Municipality of Niagara exemption; and,
3. That By-law 2023-87 be and is hereby repealed; and,
4. 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 DAY OF SEPTEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

**AMENDMENT NUMBER 57
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
SPRING CREEK HEIGHTS SECONDARY PLAN**

AMENDMENT NUMBER 57
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
AS AMENDED

PART 1 – THE PREAMBLE

1.1 TITLE

This Amendment when adopted by Council shall be known as Amendment Number 57 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of this Amendment is to establish the best and most efficient permitted light industrial uses for the Spring Creek Heights Secondary Plans Lands, located to the south of Spring Creek Road, to the west of Industrial Park Road and to the east of Station Street.

1.4 BASIS OF THE AMENDMENT

The Township of West Lincoln is proposing to amend the Official Plan to add additional uses to the light industrial designation and zoning for the subject lands.

PART 2 – THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 – THE AMENDMENT, consisting of the following text changes constitutes Amendment No. 57 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

2.2.1 The text of the Township of West Lincoln Official Plan is hereby amended by Deleting the ‘Commercial Uses’ and ‘Light Industrial Uses’ Sections and replacing it with the following:

Commercial Uses

Not limiting the generality of the foregoing, Commercial Uses that only involve indoor activities such as:

- **general offices, including professional offices,**
- **Auctioneer establishments**
- **Union or other trade organization offices and halls**
- **Clubs\places of assembly**
- **Brew-on premises**
- **Bakery premises**
- **Eating establishments**
- **Caterer’s premises;**
- **Dry cleaning**
- **Printing shops**
- **Veterinarian clinic and pet boarding establishments**
- **Rental and service/repair shops**
- **Artists or photographers studios and workshops**
- **Security services premises**
- **Designers studios**
- **Electronic sales and repair establishments**
- **Industrial computer services**
- **Vehicle service and repair shops, not including painting facilities**
- **Car washing premises**
- **Vehicle rental premises**
- **Nurseries**
- **Commercial and trade school and training facilities.**

The Zoning by-law may provide specific definitions of any of the above noted uses. Under no circumstance shall any of the above noted uses be classified as a Class II or Class II use according to the Ministry of the Environment Guidelines and other regulations due to their scale, their process and/or their operation and intensity that could result in noise

emissions occasionally or frequently audible off their property, frequent and occasionally intense or persistent dust and/or odour emissions that travel off their property or ground-borne vibration that can be perceived off their property.

Light Industrial Permitted Uses

Non limiting the generality of the foregoing, Light Industrial Uses that only involve indoor activities including:

- *Light manufacturing processing,*
- *Processing of semi-manufactured goods*
- *Assembly of manufactured goods,*
- *Warehousing*

The Zoning by-law may provide specific definitions of any of the above noted uses. Under no circumstance shall any of the above noted uses be classified as a Class II or III use according to the Ministry of Environment Guidelines and other regulations due to their scale, their process and/or their operation and intensity that could result in noise emissions occasionally or frequently audible off their property, frequent and occasionally intense or persistent dust and/or odour emissions that travel off their property or ground-borne vibration that can be perceived off their property.

2.3 SCHEDULES OF THIS AMENDMENT

Schedule “A” of this amendment illustrates the location of this amendment and includes the work done for this amendment in the form of the consultant report done by MacNaughton Hermsen Britton Clarkson (MHBC) Planning Limited.

2.4 IMPLEMENTATION

This amendment will be required to be adopted by Township Council and forwarded to Regional Council for approval. This amendment will be implemented through notification of the Regional Clerk’s department of a decision to approve.

Should the final approval be delegated to the Township, this amendment will be implemented through notification of the Township Clerk’s department of a decision to approve.

If no appeals are received within the appeal period, the amendment will be in full force and effect.

**AMENDMENT NUMBER 57
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
AS AMENDED**

Official Plan Amendment Number 57 was adopted by the Council of the Corporation of the Township of West Lincoln by By-law No. 2024-57 in accordance with the provisions of Section 17 (22) of The Planning Act, R.S.O. 1990, amendments made thereto on the 23rd day of September, 2024.

Justin Paylove, Clerk

Mayor Cheryl Ganann

I, Justin Paylove, the Clerk of the Corporation of the Township of West Lincoln, hereby certify that the requirements for the giving of Notice, and the holding of at least one Public Meeting as set out in Section 17(22) of the Planning Act, R.S.O. 1990 have been complied with for Official Plan Amendment Number 57.

Justin Paylove, Clerk

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-58

A BY-LAW TO PERMANENTLY CLOSE AND DECLARE SURPLUS PART OF THE ROAD ALLOWANCE LYING BELOW LOTS 1 & 2, CONCESSION 1 (FORMER CORPORATION OF THE TOWNSHIP OF CAISTOR), CORPORATION OF THE TOWNSHIP OF WEST LINCOLN, CORPORATION OF THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Sections 11 and 27 of *the Municipal Act, 2001, S.O. 2001, Chapter 25*, as amended, permit a Council to pass By-Laws in respect of any highway or part of a highway which is under the jurisdiction of the municipality;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln desires to permanently close and declare surplus part of the municipal road allowance lying below Lots 1 & 2, Concession 1 (Former Corporation of the Township of Caistor), designated as Parts 1 to 7 inclusive, Reference Plan 30R-16111; Corporation of the Township of West Lincoln (Part of PINs: 46071-0105 (LT), 46071-0061(LT), 46071-0064(LT), and 46071-067(LT). All of PINs: 46071-0063(LT), 46071-0096(LT) and 46071-0074(LT));

AND WHEREAS Section 34(1) of *the Municipal Act* requires that before passing a By-Law for permanently closing a highway or any part of a highway, a municipality shall give public notice of its intention to pass the By-Law;

AND WHEREAS public notice of Council's intention to pass a By-Law to permanently close the part of the road allowance aforementioned was given in April of 2022.

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

1. That the municipal road allowance lying below Lots 1 & 2, Concession 1 (Former Corporation of the Township of Caistor), designated as Parts 1 to 7 inclusive, Reference Plan 30R-16111; Corporation of the Township of West Lincoln ((Part of PINs: 46071-0105 (LT), 46071-0061(LT), 46071-0064(LT), and 46071-067(LT). All of PINs: 46071-0063(LT), 46071-0096(LT) and 46071-0074(LT)) be and the same is permanently closed and declared to be surplus.
2. That a certified copy of this By-Law be registered in the proper Land Registry Office.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23 DAY OF SEPTEMBER, 2024

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-59

A BY-LAW TO AUTHORIZE THE CONVEYANCE OF A PORTION OF THE MUNICIPAL ROAD ALLOWANCE LYING SOUTH OF LOTS 1 & 2, CONCESSION 1 (FORMER CORPORATION OF THE TOWNSHIP OF CAISTOR), BEING PART 1, REFERENCE PLAN 30R-16111; CORPORATION OF THE TOWNSHIP OF WEST LINCOLN, CORPORATION OF THE REGIONAL MUNICIPALITY OF NIAGARA.

WHEREAS Sections 8 and 11 of the *Municipal Act, 2001, S.O. 2001, Chapter 25*, as amended, permit a municipality to pass By-Laws in accordance with the Act;

AND WHEREAS by By-law No. 2024-58 , The Corporation of the Township of West Lincoln permanently closed the portion of the road allowance lying south of Lots 1 and 2, Concession 1 (Former Corporation of the Township of Caistor), designated as Part 1 (Part of PIN 46071-0105(LT)), Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara;

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

1. That the portion of the road allowance lying south of Lots 1 and 2, Concession 1 (Former Corporation of the Township of Caistor), designated as Part 1 (Part of PIN 46071-0105(LT)), Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara, be conveyed to the owner, Benny and Alice Van Ravenswaay (Roll No. 260201000117300) of the abutting lands to the north direction and that the portion of the road allowance conveyed be merged with the adjacent lands; and,
2. As a condition of completion of the Transfer, the owner of the abutting lands shall be responsible for payment of the costs incurred by the Municipality in permanently closing the portion of the road allowance and completing the conveyance, including administrative, surveying and legal costs; and
3. The Mayor and the Clerk of the Corporation of the Township of West Lincoln are hereby authorized to sign or execute such deeds or other documents as may be necessary to complete such conveyances.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
23 DAY OF SEPTEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-60

A BY-LAW TO AUTHORIZE THE CONVEYANCE OF A PORTION OF THE MUNICIPAL ROAD ALLOWANCE LYING SOUTH OF LOTS 1 & 2, CONCESSION 1 (FORMER CORPORATION OF THE TOWNSHIP OF CAISTOR), BEING PART 2, REFERENCE PLAN 30R-16111; CORPORATION OF THE TOWNSHIP OF WEST LINCOLN, CORPORATION OF THE REGIONAL MUNICIPALITY OF NIAGARA.

WHEREAS Sections 8 and 11 of the *Municipal Act, 2001, S.O. 2001, Chapter 25*, as amended, permit a municipality to pass By-Laws in accordance with the Act;

AND WHEREAS by By-Law No. 2024-58 , the Corporation of the Township of West Lincoln permanently closed the portion of the road allowance lying south of Lots 1 and 2, Concession 1 (Former Corporation of the Township of Caistor), designated as Part 2 (Part of PIN 46071-0061(LT)), Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara.

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

1. That the portion of the road allowance lying south of Lots 1 and 2, Concession 1 (Former Corporation of the Township of Caistor), designated as Part 2 (Part of PIN 46071-0061(LT)), Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara, be conveyed to the owner, Mackenzie Krick and Leonard Krick (Roll No. 260201000117200) of the abutting lands to the north direction and that the portion of the road allowance conveyed be merged with the adjacent lands; and,
2. As a condition of completion of the Transfer, the owner of the abutting lands shall be responsible for payment of the costs incurred by the Municipality in permanently closing the portion of the road allowance and completing the conveyance, including administrative, surveying and legal costs; and
3. The Mayor and the Clerk of the Corporation of the Township of West Lincoln are hereby authorized to sign or execute such deeds or other documents as may be necessary to complete such conveyances.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
23 DAY OF SEPTEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-61

A BY-LAW TO AUTHORIZE THE CONVEYANCE OF A PORTION OF THE MUNICIPAL ROAD ALLOWANCE LYING SOUTH OF LOTS 1 & 2, CONCESSION 1 (FORMER CORPORATION OF THE TOWNSHIP OF CAISTOR), BEING PART 3, REFERENCE PLAN 30R-16111; CORPORATION OF THE TOWNSHIP OF WEST LINCOLN, CORPORATION OF THE REGIONAL MUNICIPALITY OF NIAGARA.

WHEREAS Sections 8 and 11 of the *Municipal Act, 2001, S.O. 2001, Chapter 25*, as amended, permit a municipality to pass By-Laws in accordance with the Act;

AND WHEREAS by By-Law No. 2024-58, the Corporation of the Township of West Lincoln permanently closed the portion of the road allowance lying south of Lots 1 and 2, Concession 1 (Former Corporation of the Township of Caistor), designated as Part 3 (ALL of PIN 46071-0063(LT)), Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara;

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

1. That the portion of the road allowance lying south of Lots 1 and 2, Concession 1 (Former Corporation of the Township of Caistor), designated as Part 3 (ALL of PIN 46071-0063(LT)), Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara, be conveyed to the owner, David Jozsa (Roll No. 260201000117100) of the abutting lands to the north direction and that the portion of the road allowance conveyed be merged with the adjacent lands.
2. As a condition of completion of the Transfer, the owner of the abutting lands shall be responsible for payment of the costs incurred by the Municipality in permanently closing the portion of the road allowance and completing the conveyance, including administrative, surveying and legal costs.
3. The Mayor and the Clerk of the Corporation of the Township of West Lincoln are hereby authorized to sign or execute such deeds or other documents as may be necessary to complete such conveyances.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
23 DAY OF SEPTEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-62

A BY-LAW TO AUTHORIZE THE CONVEYANCE OF A PORTION OF THE MUNICIPAL ROAD ALLOWANCE LYING SOUTH OF LOTS 1 & 2, CONCESSION 1 (FORMER CORPORATION OF THE TOWNSHIP OF CAISTOR), BEING PART 5, REFERENCE PLAN 30R-16111; CORPORATION OF THE TOWNSHIP OF WEST LINCOLN, CORPORATION OF THE REGIONAL MUNICIPALITY OF NIAGARA.

WHEREAS Sections 8 and 11 of the *Municipal Act, 2001, S.O. 2001, Chapter 25*, as amended, permit a municipality to pass By-Laws in accordance with the Act;

AND WHEREAS by By-Law No. 2024-58, the Corporation of the Township of West Lincoln permanently closed the portion of the road allowance lying south of Lots 1 and 2, Concession 1 (Former Corporation of the Township of Caistor), designated as Part 5 (ALL of PIN 46071-0096(LT)), Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara.

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

1. That the portion of the road allowance lying south of Lots 1 and 2, Concession 1 (Former Corporation of the Township of Caistor), designated as Part 5 (ALL of PIN 46071-0096(LT)), Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara, be conveyed to the owner, Chantelle Ettinger (Roll No. 260201000116900) of the abutting lands to the north direction and that the portion of the road allowance conveyed be merged with the adjacent lands; and,
2. As a condition of completion of the Transfer, the owner of the abutting lands shall be responsible for payment of the costs incurred by the Municipality in permanently closing the portion of the road allowance and completing the conveyance, including administrative, surveying and legal costs; and
3. The Mayor and the Clerk of the Corporation of the Township of West Lincoln are hereby authorized to sign or execute such deeds or other documents as may be necessary to complete such conveyances.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
23 DAY OF SEPTEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-63

A BY-LAW TO AUTHORIZE THE CONVEYANCE OF A PORTION OF THE MUNICIPAL ROAD ALLOWANCE LYING SOUTH OF LOTS 1 & 2, CONCESSION 1 (FORMER CORPORATION OF THE TOWNSHIP OF CAISTOR), BEING PART 6, REFERENCE PLAN 30R-16111; CORPORATION OF THE TOWNSHIP OF WEST LINCOLN, CORPORATION OF THE REGIONAL MUNICIPALITY OF NIAGARA.

WHEREAS Sections 8 and 11 of the *Municipal Act, 2001, S.O. 2001, Chapter 25*, as amended, permit a municipality to pass By-Laws in accordance with the Act;

AND WHEREAS by By-Law No. 2024-58 , the Corporation of the Township of West Lincoln permanently closed the portion of the road allowance lying south of Lots 1 and 2, Concession 1 (Former Corporation of the Township of Caistor), designated as Part 6 (Part of PIN 46071-0067(LT)), Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara.

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

1. That the portion of the road allowance lying south of Lots 1 and 2, Concession 1 (Former Corporation of the Township of Caistor), designated as Part 6 (Part of PIN 46071-0067(LT)), Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara, be conveyed to the owner, Wayne and Shari Spurgeon (Roll No. 260201000116800) of the abutting lands to the north direction and that the portion of the road allowance conveyed be merged with the adjacent lands; and,
2. That as a condition of completion of the Transfer, the owner of the abutting lands shall be responsible for payment of the costs incurred by the Municipality in permanently closing the portion of the road allowance and completing the conveyance, including administrative, surveying and legal costs; and
3. That the Mayor and the Clerk of the Corporation of the Township of West Lincoln are hereby authorized to sign or execute such deeds or other documents as may be necessary to complete such conveyances.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23 DAY OF SEPTEMBER, 2024.

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-64

A BY-LAW TO AUTHORIZE THE CONVEYANCE OF A PORTION OF THE MUNICIPAL ROAD ALLOWANCE LYING SOUTH OF LOTS 1 & 2, CONCESSION 1 (FORMER CORPORATION OF THE TOWNSHIP OF CAISTOR), BEING PART 7, REFERENCE PLAN 30R-16111; CORPORATION OF THE TOWNSHIP OF WEST LINCOLN, CORPORATION OF THE REGIONAL MUNICIPALITY OF NIAGARA.

WHEREAS Sections 8 and 11 of the *Municipal Act, 2001, S.O. 2001, Chapter 25*, as amended, permit a municipality to pass By-Laws in accordance with the Act;

AND WHEREAS by By-Law No. 2024-58, the Corporation of the Township of West Lincoln permanently closed the portion of the road allowance lying south of Lots 1 and 2, Concession 1 (Former Corporation of the Township of Caistor), designated as Part 7 (ALL of PIN 46071-0074(LT)), Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara.

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

1. That the portion of the road allowance lying south of Lots 1 and 2, Concession 1 (Former Corporation of the Township of Caistor), designated as Part 7 (Part of PIN 46071-0074(LT)), Reference Plan 30R-16111; Corporation of the Township of West Lincoln, Corporation of the Regional Municipality of Niagara, be conveyed to the owner, Christopher Collins (Roll No. 260201000116500) of the abutting lands to the north direction and that the portion of the road allowance conveyed be merged with the adjacent lands; and,
2. As a condition of completion of the Transfer, the owner of the abutting lands shall be responsible for payment of the costs incurred by the Municipality in permanently closing the portion of the road allowance and completing the conveyance, including administrative, surveying and legal costs; and
3. The Mayor and the Clerk of the Corporation of the Township of West Lincoln are hereby authorized to sign or execute such deeds or other documents as may be necessary to complete such conveyances.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
23 DAY OF SEPTEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2024-65

BEING A BY-LAW TO APPOINT A MUNICIPAL LAW ENFORCEMENT OFFICER AND PROPERTY STANDARDS OFFICER FOR THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN (TIM CARR).

WHEREAS authority is granted to Municipal Councils, pursuant to Subsection 15 of the *Police Services Act, R.S.O. 1990, ch.P. 15*, to appoint persons to enforce the By-Laws of the Municipality, which persons shall be Municipal Law Enforcement Officer for the purpose of enforcing municipal by-laws;

AND WHEREAS authority is granted to Municipal Councils, pursuant to Section 15 of the *Building Code Act R.S.O. 1992*, as amended, provides for the appointment of a Property Standards Officer to administer and enforce Property Standards By-Laws;

AND WHEREAS it is deemed desirable to appoint Tim Carr as a Municipal Law Enforcement Officer and Property Standards Officer for the Corporation of the Township of West Lincoln.

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

1. That Tim Carr be and is hereby appointed as a Municipal Law Enforcement Officer and Property Standards Officer for the Corporation of the Township of West Lincoln; and,
2. That Tim Carr shall perform the duties of Municipal Law Enforcement Officer and Property Standards Officer at the rates and on the terms and conditions as agreed to between himself and the Township of West Lincoln; and,
3. That this By-Law shall come into force and effect on the day it is passed and shall remain in force and effect until repealed by Council; and
4. That By-Law 2022-64 be and is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23, DAY OF SEPTEMBER 24, 2022.

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-66

**A BY-LAW TO ADOPT, CONFIRM AND RATIFY MATTERS
DEALT WITH BY COUNCIL RESOLUTION.**

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 a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by By-Law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Section 11(2) of the said Act provides that a lower tier municipality may pass By-Laws respecting matters within the spheres of jurisdiction as set out in the said Act;

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 actions of the Council at its regular meeting of September 23, 2024 in respect of which recommendations contained in the reports of the committees considered at each meeting and in respect of each motion, resolution and other action taken by the Council at its meeting are, except where the prior approval of the Ontario Land Tribunal or other authority is required by law, hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this By-Law; and,
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; and,
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; and
4. That this By-Law shall come into force and take effect on the date of its final passing.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED
THIS 23 DAY OF SEPTEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK