



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

MEETING NO. SIX

June 12, 2023, 5:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

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

Absent: Councillor Terry Bell – Notification provided

Staff: Bev Hendry, CAO
Brian Treble, Director of Planning and Building
Jessica Dyson, Deputy Clerk
Dave Heyworth, Manager of Planning
Joanne Scime, Director of Legislative Services/Clerk*
Donna DeFilippis, Director of Finance/Treasurer*
Cassandra Carey, Human Resource Coordinator*

Other Members: Tom Richardson, Sullivan Mahoney*
Regional Councillor Witteveen*
John Ganann*

***IN ATTENDANCE PART-TIME**

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

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

2. CONFIDENTIAL MATTERS

Moved By Councillor Joann Chechalk

Seconded By Mayor Cheryl Ganann

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

2.1 CAO (Bev Hendry)

Re: Confidential Report CAO-01-2023 - Approval of New Collective Agreement – CUPE 1287

Applicable closed session exemption(s):

- personal matters about an identifiable individual, including municipal or local board employees; and,
- labour relations

2.2 Township Solicitor (Tom Richardson, Sullivan Mahoney LLP) & Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Helen Kszan (File No.22-00280)

VERBAL UPDATE

Applicable closed session exemption(s):

- Advice that is subject to Solicitor-Client Privilege, including communications necessary for that purpose; and,
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

2.3 Township Solicitor (Tom Richardson, Sullivan Mahoney LLP) & Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Official Plan Amendment (OPA) 63

VERBAL UPDATE

Applicable closed session exemption(s):

- Advice that is subject to Solicitor-Client Privilege, including communications necessary for that purpose; and,
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

2.4 Director of Planning & Building (Brian Treble)

Re: Property Matter/By-law Enforcement Matter - South Grimsby Road Property Matter

VERBAL UPDATE

Applicable closed session exemption(s):

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and,
- personal matters about an identifiable individual, including municipal or local board employees

Carried

Moved By Councillor Joann Chechalk

Seconded By Councillor Shelley Bradaric

That, this Committee meeting does now resume in open session at the hour of 7:20 p.m.

Carried

2.1 ITEM P47-23

CAO (Bev Hendry)

Re: Confidential Recommendation Report CAO-01-2023 - Approval of New Collective Agreement – CUPE 1287

Moved By Councillor Mike Rehner

Seconded By Councillor Shelley Bradaric

1. That, CAO Report RFD-CAO-01-23, dated June 12, 2023, regarding “Approval of New Collective Agreement - CUPE 1287”, be received; and,
2. That, Budget Amendment BA2023-02, in the amount of \$21,380, as outlined in “Part A” of this report; be approved, to fund any budget impacts resulting from the ratification of the CUPE Collective Agreement; and,
3. That, a by-law be presented to Council at the June 26, 2023 Council Meeting to authorize the Mayor and Clerk to sign the new Collective Agreement and any schedules and/or related documents to the Agreement.
4. That, Budget Amendment BA2023-03, in the amount of \$1,720, as outlined in “Part B” of this report; be approved regarding associated changes related to the Mayor and Members of Council remuneration; and,
5. That, Budget Amendment BA2023-05, in the amount of \$33,620, as outlined in “Part C” of this report; be approved regarding the associated changes to the remuneration for permanent non-union staff and other than permanent non-union employees.

Carried

2.2 ITEM P48-23

Township Solicitor (Tom Richardson, Sullivan Mahoney LLP) & Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Helen Kszan (File No.22-00280)

VERBAL UPDATE

Council rose without reporting.

2.3 ITEM P49-23

Township Solicitor (Tom Richardson, Sullivan Mahoney LLP) & Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Official Plan Amendment (OPA) 63

VERBAL UPDATE

Councillor Reilly read into the public record a letter from Township Legal Counsel regarding "Public Information with respect to Appeal of Official Plan Amendment No. 63", dated June 8th, 2023 (attached as Schedule A).

Moved By Mayor Cheryl Ganann

Seconded By Councillor Joann Chechalk

That, Township staff and Legal Counsel be and are hereby authorized to proceed as directed in closed session with respect to a Legal/Solicitor-Client Privilege matter, specifically as it relates to Ontario Land Tribunal (OLT) appeal of Official Plan Amendment (OPA) No. 63.

Carried

2.4 ITEM P50-23

Director of Planning & Building (Brian Treble)

Re: Property Matter/By-law Enforcement Matter - South Grimsby Road Property Matter

VERBAL UPDATE

Council rose without reporting.

3. CHAIR - Councillor William Reilly

Prior to commencing with the Planning/Building/Environmental Committee meeting agenda, Chair Reilly provided the following announcements:

1. Comments can be made from members of the public for a matter that is on the agenda by advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.

2. The public may submit written comments for matters that are on the agenda to jdyson@westlincoln.ca before 4:30 pm on the day of the meeting. Comments submitted will be considered as public information and will be read into the public record.
3. This meeting will be livestreamed as well as recorded and available on the Township's website.

4. LAND ACKNOWLEDGEMENT STATEMENT

Chair Reilly read the following Land Acknowledgement Statement:

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

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

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

6. PUBLIC MEETING(S)

There are no public meetings.

7. CHANGE IN ORDER OF ITEMS ON AGENDA

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

8. APPOINTMENTS

There were no appointments.

9. REQUEST TO ADDRESS ITEMS ON THE AGENDA

There were no requests to address items on the agenda.

10. CONSENT AGENDA ITEMS

10.1 ITEM P51-23

CONSENT AGENDA ITEMS

Moved By Councillor Joann Chechalk

Seconded By Councillor Jason Trombetta

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

1. Items 1 and 2 be and are hereby received for information; and,
2. Item 3 be and is hereby received and the recommendations contained therein be adopted.

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

Carried

1. Memorandum - Manager of Planning (Dave Heyworth) and Director of Planning & Building (Brian Treble) - By-Law Amendments to the Township's Administrative Monetary Penalties (AMPs) By-law and Hearing Officer Appointment By-law
2. Memorandum - Manager of Planning (Dave Heyworth) - Authorizing By-law (Kelly/Redekop) Garden Suite Temporary Use Agreement
3. Recommendation Report No. PD-33-2023 – Authority to Sign Pre-Servicing Agreement with P. Budd Developments Inc.

Councillor Chechalk stated that she understood why the Township was pursuing a Pre-Servicing agreement with P. Budd Developments, however Councillor Chechalk noted that she has personally witnessed deals fall through similar to this, where the Township would be liable to foot the bill. To avoid this, Councillor Chechalk stated that she would like for an agreement to contain securities from P. Budd Developments, clauses that protect the Township and ensure that P. Budd Developments acquires a front-end servicing agreement before the deal happens, that P. Budd Developments cannot sell homes until this process ends.

In response to Councillor Chechalk's inquiry, the Director of Planning and Building Brian Treble stated that the intention is to provide services to the North-West quadrant while trying to continue the project. He further stated that multiple meetings have been held with various stakeholders, and the key objective is to keep putting pressure on the Region in order to install a crucial waterline for the project. Most recently, staff has been informed that the waterline is at approximately 60%, and still has a way to go. The developer behind the waterline construction has met with staff, and has been communicative in regards to the project. Director of Planning and Building, Brian Treble, further stated that Planning staff has spoken with Public Works staff, who have said that the calculations behind what amount of securities

P. Budd Developments would have to pay in order for the Township to be satisfied is currently under way. He noted that his staff has taken the utmost care and pursued various legal and financial contributions to ensure that the Township will be protected in this agreement.

Councillor Chechalk stated she was most concerned with the fact that the developers can proceed with sales, despite the fact that the agreement may fall through and the infrastructure for the development has not yet been completed. Councillor Chechalk stated that she wants to make sure that P. Budd Developments understand that this agreement can go through although it is not normal practice, but the Township would require securities in order to ensure the financial safety of the Corporation.

Moved By Councillor Joann Chechalk

Seconded By Councillor Shelley Bradaric

1. That, Recommendation Report PD-33-2023, regarding “Authority to Sign Pre-Servicing Agreement with P. Budd Developments Inc.”, dated June 12, 2023, be RECEIVED; and,
2. That, a By-law be passed to authorize the Mayor and Clerk to sign a Pre-Servicing Agreement such as the one found at attachment 1 to this report.

Carried

11. COMMUNICATIONS

11.1 ITEM P52-23

Katie Church (Research Support Officer and EWC Field Team Lead),
Invasive Species Centre

Re: European Water Chestnut Rapid Response Program Update 2023

Moved By Councillor Shelley Bradaric

Seconded By Mayor Cheryl Ganann

1. That, the correspondence from Katie Church, Research Support Officer and EWC Field Team Lead, of the Invasive Species Centre, dated June 5, 2023 regarding the "European Water Chestnut Rapid Response Program Update 2023" be received; and,
2. That, Township staff continue to provide the Invasive Species Centre with support, if necessary, and provide an update to Committee and Council if such action is taken.

Carried

11.2 ITEM P53-23

Suzanne Mammel (Senior Associate/Team Lead, Community Development), Stantec Consulting Ltd.

Re: Draft Block Plan and MESP Guidelines

FOR INFORMATION

12. STAFF REPORTS

12.1 ITEM P54-23

Manager of Planning (Dave Heyworth) and Director of Planning and Building (Brian Treble)

Re: Recommendation Report No. PD-28-2023 - Request for Funding to Support a Public Realm Improvement Program - PRIP Application

Councillor Bradaric stated that this was discussed at the Heritage Committee, and noted that the signage coming into West Lincoln is quite lacking and in some parts of West Lincoln, completely absent.

Councillor Reilly agreed with the comments made by Councillor Bradaric, and stated he hoped the grant application was successful.

Moved By Councillor Shelley Bradaric

Seconded By Mayor Cheryl Ganann

1. That, Recommendation Report No. PD-28-2023, regarding “Request for Funding to Support a Public Realm Improvement Program - PRIP Application”, dated June 12, 2023, BE RECEIVED; and
2. That, Council approve Budget Amendment BA2023-04 as outlined in this report which provides a budget of up to \$75,000 towards a PRIP Welcoming Signage project to be used only if the PRIP application is successful.
3. That, a copy of Report No. PD-28-2023, relating to the “Request for Funding to Support PRIP Application-dated June 12, 2023 be FORWARDED to the Region prior to ratification by Council.

Carried

12.2 ITEM P55-23

Manager of Planning (Dave Heyworth) and Director of Planning and Building (Brian Treble)

Re: Recommendation Report No. PD-29-2023 - Block Plan and Master Environmental Servicing Plan (MESP) Guidelines to Facilitate Development in the Expansion Area

Councillor Bradaric inquired to the CAO and Director of Planning and Building, in regards to the very specific timelines noted in the report, and if it is possible to meet with the current staff levels.

In response to Councillor Bradaric's inquiry, the Manager of Planning Dave Heyworth stated that the plan was created on best practices, and has been compared to other municipality's agreements to ensure the timelines are realistic. The Manager of Planning, Dave Heyworth, noted that because these comparisons were done on larger municipalities with much more resources, staff have extended the timelines to ensure that the goals can be met. He further noted that the guidelines are fluid, and can be reassessed later if staff feels that the current timelines are too constricting.

The Director of Planning and Building, Brian Treble, stated that staff has reached out to the consultants who helped consolidate the Township's fee schedule last year, and was assured that the fee's associated with the block plan will fund itself.

Moved By Mayor Cheryl Ganann

Seconded By Councillor Jason Trombetta

1. That, Recommendation Report No. PD-29-2023, relating to the "Block Plan & MESP Guidelines to Facilitate Development in the Expansion Area", dated June 12, 2023, BE RECEIVED; and,
2. That, Council ENDORSE the Block Plan & MESP Guidelines provided as Attachment 1 to Report No. PD-29-2023; and,
3. That, a copy of Report No. PD-29-2023 be FORWARDED to the Region of Niagara Planning and Development Department, Niagara Peninsula Conservation Authority and consultants that participated in the Block Plan & MESP workshop.

Carried

12.3 ITEM P56-23

Manager of Planning (Dave Heyworth) and Director of Planning and Building (Brian Treble)

Re: Recommendation Report No. PD-32-2023 – Township Official Plan Amendment (No. 65) to Implement Provincial Changes (Bill 109, 23, and others)

Councillor Bradaric inquired to the Director of Planning and Building, Brian Treble, in regards to background information on the Ontario government stepping back from their plan on allowing up to three severances on a parcel of land to encourage home building.

In response to Councillor Bradaric's inquiry, the Director of Planning and Building, Brian Treble, stated that he had heard messaging from the province in this regard but has yet to see any amendments to policy. He noted that the pressure on the province to step back from this initiative was immense, and will provide an update to Council when something of substance comes forward.

The Director of Building and Planning, Brian Treble, provided background information on report PD-32-2023 and on the recent passing of Bill 97 which will expedite the application timeline process.

Councillor Chechalk stated that with the recent flurry of Provincial Bills in regards to municipal planning, Council will likely have to make modifications to what the Corporation has agreed to to align with Provincial policy.

Councillor Rehner inquired why Council needs to vote on this matter, as the Provincial government will enforce these measures onto the Township whether they vote on it or not.

In response to Councillor Rehner's inquiry, the Director of Building and Planning, Brian Treble, stated that Council has the right to vote however they see fit, however the proposed processes are designed to ensure that timelines are met and the Township will not have to pay back application fees to developers.

Moved By Councillor Joann Chechalk

Seconded By Mayor Cheryl Ganann

1. That, Recommendation Report PD-32-2023, regarding “Township Official Plan Amendment (No. 65) to Implement Provincial Changes (Bill 109, 23, and others)”, dated June 12, 2023, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, Official Plan Amendment No. 65 (File No. 1701-001-23) and a corresponding amending bylaw (Section 18 – Implementation of the Official Plan) be APPROVED and passed; and,

4. That, staff be authorized to circulate the Notice of Decision on the approval of Official Plan Amendment No. 65 to the agencies and public to commence the 20 day appeal period as Regional Council approval is not required.

Carried

13. OTHER BUSINESS

13.1 ITEM P57-23

Director of Planning & Building (Brian Treble)

Re: Stanpac Noise Matter

VERBAL UPDATE

The Director of Planning & Building, Brian Treble, provided an update to Council regarding the Stanpac noise matter, and stated that Stanpac feels they have done everything they can. He stated that the file has been passed to the Ministry of the Environment, which covers noise related matters. He stated they will be testing in the next month, and will report back with what comes from this testing.

Councillor Reilly inquired what would be the approximate timeline for the Ministry to complete their tests.

In response to Councillor Reilly's inquiry, the Director of Building and Planning, Brian Treble, stated that while he does not know the exact timelines of the Ministries process, he expects sometime in the middle of summer would be likely.

13.2 ITEM P58-23

Members of Committee

Re: Other Business Matters of an Informative Nature

1. Mayor Ganann

Re: Update on the Recognition Program and Blood Donor Week

The Mayor provided an updated on the mandate for the Recognition program, where there are now different categories for Recognition rewards in the community, as well as providing insight into the application process. She also inquired whether other Councillors could provide some names to potentially appoint members to be judges for the award. Mayor Ganann noted that it was Blood Donor Week, and encouraged everyone to give blood. Mayor Ganann noted that the Farmers Market was also open now.

2. Councillor Chechalk
Re: Silverdale Hall BBQ

Councillor Chechalk stated the event was a great success and was well attended.

3. Councillor Reilly
Re: Blood Donor Week

Councillor Reilly echoed comments made by Mayor Ganann regarding Blood Donor Week, and encouraged everyone if possible to donate blood as it is crucial for people in need.

14. NEW BUSINESS

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

15. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 8:05pm.

JESSICA DYSON,
DEPUTY CLERK

COUNCILLOR WILLIAM REILLY,
CHAIR