



The Municipal Corporation of the
Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, April 20, 2015

1. Call to Order

The meeting was called to order at 6:00 p.m.

2. Roll Call

Present: Mayor Redekop; Councillors Butler, Knutt, Lubberts, McDermott, Passero and Zanko

Staff: R. Brady, L. Bubanko, L. Coplen, S. Hutton, J. Janzen, T. Kuchyt, E. Lustig, D. Maiden, T. Mather, K. Walsh

3. Announcements/Addenda

Mayor Redekop made the following announcements;

- A Special Meeting of Council that had been scheduled for 5:30 p.m. would instead follow this meeting;
- The Fort Erie Fire Department is holding its Annual Awards Banquet on Saturday, April 25, 2015;
- Friends of the Creeks will be holding an “Eco-Fair” at Niagara Christian Community of Schools on Friday, April 24, 2015;
- The Fort Erie Rotary Club is holding an Earth Day clean-up of Waverly Beach on Saturday, April 25, 2015.

4. Disclosures of Pecuniary Interest

Councillor Lubberts disclosed a pecuniary interest regarding Item 2.2 in the April 9, 2015 Land Committee Meeting Minutes attached as Appendix “2” to Administrative Report No. CAO-09/LC-10-2015 since his employer has worked for a consultant of the property owner. He disclosed a further pecuniary interest regarding Item 2.9 in the same Minutes since his employer has done work for a member of the Underwater Recovery Unit. He abstained from discussing and voting on both matters.

5. Public Notice

(a) Public Meeting

Re: Property Rezoning - 114 Idylewylde Street - Giusseppina Frumusa (Owner); R. Desmond Rasch (Agent) - Tuesday, May 19, 2015 - 6:00 p.m. - Town Hall Council Chambers. The information report will be available on Wednesday, May 13, 2015 at 5:00 p.m.

(b) Open House

Re: Application for Installation of an Antenna Facility - 1 Municipal Centre Drive - Niagara Regional Police Service (Applicant) - Tuesday, April 28, 2015 - 5:00 - 6:00 p.m. - Town Hall Atrium.

6. Public Meetings

(a) Black Creek Municipal Drain

Re: Engineer's Report

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of a Public Meeting as provided for under the *Drainage Act, R.S.O. 1990* Chapter C.17, to consider the Engineer's Report for the Black Creek Municipal Drain. He called on Mr. Dave Maiden, Drainage Superintendent to provide background information.

Mr. Maiden stated the purpose of the report is to establish a new schedule of assessment for future maintenance that accurately defines the affected properties and provides an equitable means to assign costs. The report is not to authorize work. He introduced Mr. Neal Morris of K. Smart Associates who prepared the Engineer's Report.

Mr. Morris described the process of arriving at the new assessment schedule. He stated some of the existing assessment schedules were up to 60 years old and there have been improvements to calculating assessment schedules since then. He stated the cost of the Engineer's Report is \$67,000 to be assessed against approximately 903 properties in the drainage area. He re-iterated the purpose of the meeting is for Council to deal with technical matters or refer the report back to the Engineer for gross errors and that the resulting costs are a matter for the Court of Revision.

Mayor Redekop asked if anyone in attendance had questions about the report.

Gord Albert, 4811 Sherk Road, Stevensville, asked about potential cost.

Julia Murray, 3358 Troup Road, Port Colborne asked about the agricultural rebate, the projected costs and requested additional information about when any work is going to be done.

Mr. Morris stated that any agricultural rebates would be applied by the municipality. He stated the cost of the Engineers Report is being assessed on the basis of \$50 for properties 1.5 hectares or less and \$200 for everyone else. He stated calculations in the report are purely theoretical and do not represent actual assessments.

In response to a question, Mr. Morris replied that Fort Erie fulfilled the notification requirements by providing access to the Engineer's Report in electronic format.

Jim Puhl, 3811 Rebstock Road, Crystal Beach asked whether property owners in new subdivisions would be assessed. Mr. Morris replied in the affirmative.

Dave Kobelka, 4977 Church Road, Stevensville asked for a description of maintenance. Mr. Morris replied that it is mostly brushing, ditch clean-out and bank stabilization.

Mr. O. Daniel, 5762 Baker Road, Niagara Falls asked about ways to lower his assessed costs.

Patricia Henderson, 4635 Netherby Road, Stevensville asked whether assessed costs can be paid over time. Mr. Maiden replied in the affirmative.

Roger Robert spoke on behalf of the Niagara Antique Power Association, 1967 Wilhelm Road, Port Colborne. He stated the association is a non-profit organization and expressed concerns about the affordability of any maintenance works.

Willard Storm, Road 1, Sherkston asked whether the Peter Storm Drain was included in the watershed. Mr. Morris replied in the negative.

Arden Hill, 4335 Church Road, Fort Erie asked whether his property was included in the watershed. Mr. Maiden stated he would conduct a site visit.

Ron Beaulieu, 2973 Wilhelm Road, Port Colborne asked whether the proposed works were going to be in addition to work recently done. Mr. Maiden stated he would conduct a site visit.

Homer Van der meer, 2909 Point Abino Road, Fort Erie enquired whether a creek on his property was included in the watershed. Mr. Morris answered in the negative.

Ms. Murray asked whether protected wetlands on her property would reduce her assessment. Mr. Morris replied in the affirmative.

In response to a question, Mr. Morris stated the watershed starts at Sherk Road and ends at Winger Road. There is a section of Black Creek that is a natural watercourse and not a municipal drain.

The Mayor adjourned the Public Meeting.

7. Consent Agenda Items

CAO-09/LC-10-2015 Land Matters: April 9, 2015 Land Committee Meeting Minutes

Recommendation No. 1
Moved by: Councillor Zanko

That: Council remove Items 2.2 and 2.9 from the Land Committee Meeting Minutes of April 9, 2015 and deal with them separately.
(Carried)

Recommendation No. 2
Moved by: Councillor Zanko

That: Council approve the April 9, 2015 Land Committee Meeting Minutes, save and except Items 2.2 and 2.9.
(Carried)

CAO-08-2015 2014 Health and Safety Report

That: The Corporation continue its efforts to improve health and safety performance, reduce incidents and limit Workplace Safety and Insurance

(WSIB) costs.

(Carried)

CS-08-2015 Solemnization of Marriages by Town Employees

That: Council pass a by-law to approve the solemnization of marriages by the Clerk and the Clerk's designates, and further

That: Council amend the schedule of fees under Fees and Charges By-law No. 40-09 to include a fee for the solemnization of marriages.

(Carried)

Consent Agenda Recommendation

Recommendation No. 3

Moved by: Councillor Zanko

That: Council approve the Consent Agenda Items as amended.

(Carried)

Recommendation No. 4

Moved by: Councillor Zanko

That: Council approve Items 2.2 and 2.9 from the Land Committee Meeting Minutes of April 9, 2015.

(Carried)

Council recessed from 7:18 p.m. to 7:29

8. Infrastructure Services

8.1 Presentations and Delegations

None

8.2 Reports

IS-10-2015 Black Creek Drainage Works 2014 - Filing of Engineer's Report, as per Section 76 of the *Ontario Drainage Act, R.S.O. 1990, c17*

Recommendation No. 5

Moved by: Mayor Redekop

That: Council accept the new Engineer's Report for the Black Creek Drainage Works 2014 for information purposes, and further

That: Council direct staff to continue with the legislative process in accordance with the *Ontario Drainage Act* and establish the

date for the Court of Revision. (Carried)

IS-11-2015 Purchase of a 2015 Ice Resurfacing Machine

Recommendation No. 6
Moved by: Councillor Passero

That: Council authorize the purchase of one new ice resurfacing machine from Frank J. Zamboni & Co. Ltd. in the amount of \$89,854.38 (including HST), and further

That: Council approve a single source purchase as per Section 23 of By-law No. 2-10, Purchase of Goods, Services and Construction Policy. (Carried)

IS-12-2015 Addition of Southern Tier Admirals to the List of Groups Eligible for Youth Ice Rate in the Fort Erie Arenas

Recommendation No. 7
Moved by: Councillor McDermott

That: The Southern Tier Admirals Hockey Corporation be added to the list of youth groups eligible for the youth ice rate in the Fort Erie Arenas. (Carried)

IS-13-2015 Single Sourcing of Dust Suppressant Material and Application

Recommendation No. 8
Moved by: Councillor Passero

That: Council, in accordance with Section 23 of the Purchasing Policy, allow staff to conduct annual negotiations, up to a maximum of five (5) years, with Da-Lee Dust Control for the supply and application of virgin wash oil to stone and RAP roads. (Carried)

IS-14-2015 Request for Construction Budget Increase - Hendershot Drive Watermain Replacement

Recommendation No. 9
Moved by: Mayor Redekop

That: Council authorize an increase in capital funding of \$20,000 to fund a change in scope for the completion of the Hendershot Drive Watermain project for the reasons identified within this report, and further

That: Council authorize an amendment to the 2015 Capital Budget to supplement the Hendershot Drive Watermain and Kingsmill Street North Service Improvements Project - Contract No. CONTRACT ISE-14T-KING09 by \$20,000 from the Road Refurbishing Reserve. (Carried)

IS-15-2015 Lewis Street Reconstruction Project -
Request for Construction Budget Increase

Recommendation No. 10
Moved by: Councillor McDermott

That: Council authorize an increase in capital funding for additional construction works necessary on the storm and water components of the Lewis Street Reconstruction Project for the reasons identified within this report, and further

That: Council authorize an amendment to the 2015 Capital Budget to supplement the Lewis Street Sanitary Sewer Replacement - Contract No. ISE-14T-LEWI13 Project by \$210,000 from the Storm Drain Refurbishing Reserve and \$120,000 from the Water Refurbishing Reserve. (Carried)

IS-16-2015 Award of Tender for the Mathewson
Avenue, Ridge Road South and Hershey
Street Watermain Replacement

Recommendation No. 11
Moved by: Councillor McDermott

That: Council accept the low tender for the Mathewson Avenue, Ridge Road South and Hershey Street Watermain Replacement - Contract No. ISE-15T-MATA13 in the amount of \$565,427.59 (including HST) from Nexterra Substructures Inc., and further

That: Council authorize an amendment to the 2015 Capital

Budget to supplement the Hershey Street Watermain Replacement Project by \$100,000 from the Water Refurbishing Reserve. (Carried)

8.3 New Business/Enquiries

Councillor Knutt asked for information regarding ice time utilization.

8.4 Business Status Report

Mr. Walsh stated that the report on Crescent Park Phase 4 (Daytona Drive) will come forward in July, not June.

9. Corporate Services

9.1 Presentations and Delegations

None

9.2 Reports

None

9.3 New Business/Enquiries

Special Meetings - Chief Administrative Officer Competition

Recommendation No. 12

Moved by: Councillor Knutt

Whereas Council Rules of Procedure (“Rules”), subsection 3.1 provides that regular meetings of council are held on Monday in the Council Chamber except as changed in accordance with the Rules; and

Whereas the Council is in the process of recruiting for the position of Chief Administrative Officer; and

Whereas a Steering Committee of the Council will be interviewing candidates for the position on days other than Monday and at locations other than the Council Chamber;

Now therefore this Council resolves;

1. That Special Meetings of Council will be held in Closed Session on Thursday, April 23, 2015 from 1:00 p.m. to 4:00 p.m.

and Tuesday, April 28, 2015 from 1:00 p.m. to 4:00 p.m. at the Clarion Hotel in Fort Erie to deal with the following;

(a) Human Resource Matter (Pursuant to Section 239(2)(b) of the *Municipal Act, 2001* - Personal matters about an identifiable individual, including municipal or local board employees)

Re: Chief Administrative Officer Vacancy (Carried)

9.4 Business Status Report

No changes

10. Consent to Add Business Subdivision Matter

Recommendation No. 13
Moved by: Councillor Zanko

That: Pursuant to Section 17.10 (c) of Council Rules of Procedure, consent is hereby granted to consider an urgent Community and Development Services Matter. (Carried)

11. Community and Development Services

11.1 Report

CDS-33-2015 Schooley Road and Elizabeth Street
Parkland Dedication and Acquisition

Recommendation No. 14
Moved by: Councillor McDermott

That: A by-law be submitted to Council authorizing the Town Solicitor to execute the transfer and all other documentation required to give effect to parkland transfer and acquisition, and further

That: A future by-law be submitted to Council to stop up and close the west end of Elizabeth Street Road Allowance, the south end of the Cherrywood Road Allowance and Ashwood Road Allowance as illustrated in Appendix "1". (Carried)

12. Scheduling of Meetings

Councillor Knutt announced a meeting of the Community Gaming

Development Corporation on April 23, 2015, 5:00 p.m. at Town Hall.

Councillor Zanko announced the Region is hosting an Open House regarding the Helena Street Spill on April 21, 2015, 5:00 p.m. at Town Hall.

Councillor McDermott announced a meeting of the Fort Erie Public Library Board on April 21, 2015, 5:00 p.m. at the Centennial Branch.

13. Adjournment

Recommendation No. 15

Moved by: Councillor Knutt

That: Council-in-Committee adjourns at 8:04 p.m. (Carried)

Mayor

Clerk