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

**MEETING NO. FOUR HELD:** Monday, February 29, 2016 – Township Administration Building, 318 Canborough Street, Smithville, Ontario, Ontario - **7:30 p.m.**

**\*\*\*NOTE TO MEMBERS OF THE PUBLIC:** All Cell Phones, Pagers and/or PDAs to be turned off. Additionally, no Audio or Video Recordings is Permitted Without the Express Approval of Council\*\*\*

1. **SINGING OF “O CANADA”:**
2. **OPENING PETITION:** Councillor Joann Chechalk
3. **CHANGE IN ORDER OF ITEMS ON AGENDA:**
4. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**  
NOTE: Items for which conflicts were recently declared at Committee Meeting(s):
5. **APPOINTMENTS/PRESENTATIONS:**
  - (a) Mayor Douglas Joyner  
Re: Presentation – (1) Retirement from West Lincoln Fire Department – Captain Rick Keunen and Firefighter Byron Daniels (2) Presentation of 20 year Federal Exemplary Medal – Firefighter David Pyett, Firefighter Tom Bushey, Lieutenant Phil Griffin, Captain Phil Clarke and Fire Chief Dennis Fisher
  - (b) John Murphy, Municipal Finance Specialist – DFA Infrastructure International Inc.  
Re: Water and Wastewater Rate Review  
(NOTE: Memorandum from Treasurer/Director of Finance Attached to Consultant’s PowerPoint Presentation – Water & Wastewater Study) **Page 5-37**  
**Resolution** **Councillor Alex Micallef**
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” section of the agenda and relates to a matter which would normally be dealt with at Committee.

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. CONFIRMATION OF MINUTES:**

- (a) Council Minutes – Regular  
Re: January 25, 2016  
**Resolution** **Page 38-107**  
**Councillor Mike Rehner**
- (b) Council Minutes – Special (Strategic Planning/Budget-Training Session)  
Re: January 27, 2016  
**Page 108-109**  
CONFIDENTIAL MINUTES UNDER SEPARATE COVER  
**Resolution** **Councillor Jason Trombetta**
- (c) Council Minutes – Special  
Re: February 8, 2016  
**Page 110-113**  
CONFIDENTIAL MINUTES UNDER SEPARATE COVER  
**Resolution** **Councillor Terry Bell**
- (d) Public Meetings under the Planning Act  
Re: February 8, 2016 Minutes  
**Page 114-140**  
**Resolution** **Councillor Dave Bylsma**

**8. COMMUNICATIONS:**

**9. MAYOR'S REMARKS:**

**10. REPORT OF COMMITTEE:**

- (a) Planning/Building/Environmental Committee  
Re: February 8, 2016 Minutes  
**Page 141-201**  
CONFIDENTIAL MINUTES UNDER SEPARATE COVER  
**Resolution** **Councillor Joann Chechalk**
- (b) Administration/Finance/Fire Committee  
Re: February 16, 2016 Minutes  
**Page 202-229**  
CONFIDENTIAL MINUTES UNDER SEPARATE COVER  
**Resolution** **Councillor Mike Rehner**
- (c) Public Works/Recreation/Arena Committee  
Re: February 16, 2016 Minutes  
**Page 230-233**  
**Resolution** **Councillor Dave Bylsma**

**11. 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.



**12. 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.

**13. OTHER BUSINESS:**

**(a) Item PW19-15**

**TABLED ITEM:** (from May 25 Council/May 19 Pworks)

Report RFD PW-10-2015, re: “Authorization to Award Project Management Services for a Design/Build for a New Community Centre and Arena, dated April 20, 2015

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

Re: Report PD-024-16 - Amendment to Road Use Agreement with NRWC **Page 234-260**  
(now FWRN LP); Noise By-law Exemptions; Exemption from Half Load Limit and Update regarding Consideration of a Community Impact Fund

**Resolution**

**Councillor Alex Micallef**

**(c) Clerk**

Re: Report RFD-C-03-2015 - “Approval of Agreements on Share of Assessment due to Land Severance for:

**Page 261-262**

(a) Canadian Reformed Church and Canadian Reformed School

(b) Patrick & Sharron Maddeaux

(c) Ken & Anita Friesen

**Resolution**

**Councillor Jason Trombetta**

**(d) Members of Council**

Re: Council Remarks

**14. 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.

**15. BY-LAWS:**

(a) By-law 2016-12 To confirm proceedings of the January 25, 2016 regular, the January 27, 2016 Special and the February 8, 2016 Special Council meetings **Page 263**

(b) By-law 2016-13 To authorize a Supplement Agreement between the Corporation of the Township of West Lincoln and the Corporation of the City of Thorold for Hearing Officer Services **Page 264**

(c) By-law 2016-14 Zoning By-law Amendment (RVL Contracting Inc. (Griffin Place Condos - Shurie Road) **Page 265-267**

(d) By-law 2016-15 To authorize the Mayor and Clerk to sign an amending agreement to the Road Use Agreement with FWRN LP (Use of a Portion of South Grimsby Road 6) **Page 268**

**Resolution**

**Councillor Terry Bell**



**16. CONFIDENTIAL MATTERS:**

**Resolution (into closed session)**  
**Resolution (out of closed session)**

**Councillor Dave Bylsma**  
**Councillor Joann Chechalk**

- (a) CAO (Chris Carter), Tom Richardson & Sara Premi, Solicitors - Sullivan Mahoney  
Re: Report PD-029-16 - Legal/Property Matter - Consideration of a Community  
Impact Fund Agreement  
UNDER SEPARATE COVER

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

- advice that is subject to solicitor-client privilege, including communications  
necessary for that purpose

**Resolution**

**Councillor Alex Micallef**

**15. BY-LAWS: (cont'd)**

- (a) By-law 2016-16 To authorize a Community Impact Fund Agreement  
(To be provided if required)

**Resolution**

**Councillor Mike Rehner**

**17. ADJOURNMENT:**

The Mayor declared the meeting adjourned at the hour of \_\_\_\_\_.



## TOWNSHIP OF WEST LINCOLN

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### MEMORANDUM

**TO:** Members of Council

**FROM:** Donna DeFilippis, Treasurer/ Director of Finance  
Brent Julian, Director of Public Works

**DATE:** February 26, 2016

**SUBJECT:** Water and Wastewater Rate Review

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At the Monday, February 29<sup>th</sup>, 2016 Council meeting, consultant DFA Infrastructure International Inc. (DFA) will be presenting options in regards to Water and Wastewater Rates. The presentation is included in your Council Agenda. In addition to the Water and Wastewater Rate study, DFA will be completing a Water and Wastewater Financial Plan that must be submitted to the Ministry by April 29<sup>th</sup>, 2016. The completion of the Financial Plan is a requirement of maintaining the Township's Water License.

At the Council meeting on February 29<sup>th</sup>, 2016 Council will be asked to pass the following resolution:

Proposed Resolution:

*"That the Water and Wastewater Rate Review (Options for 2016 Rates and Charges) as presented by DFA Infrastructure International Inc. be accepted for information, and;*

*That, Council give direction to DFA Infrastructure International Inc. to present Option \_\_\_\_\_ at the Public Consultation Open House scheduled for Wednesday, March 9<sup>th</sup>, 2016 from 7:00pm to 9:00pm, and;*

*That Council give direction to the Director of Finance to incorporate Option \_\_\_\_\_ in the 2016 Draft Operating and Capital Budgets scheduled for presentation to Council on Monday, March 21<sup>st</sup>, 2016."*

Attached to this memo is the advertising for the Water and Wastewater Public Consultation Open House. If you have any questions regarding the above, please do not hesitate to contact the undersigned.

Donna DeFilippis  
Treasurer/ Director of Finance

Brent Julian  
Director of Public Works



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**TOWNSHIP OF WEST LINCOLN**

**WATER & WASTEWATER USER RATE REVIEW**

**INVITATION TO  
PUBLIC CONSULTATION OPEN HOUSE**

The Township of West Lincoln, through its consultant, DFA Infrastructure International Inc. (DFA), is in the process of reviewing its user rates for water and wastewater and wishes to obtain input from customers as part of the review process. A Public Consultation Open House to present background information and obtain feedback will be held on:

**Date: Wednesday March 9, 2016**  
**Time: 7:00 pm to 9:00 pm**  
**Location: Municipal Administration Building, Council Chambers, 318 Canborough Street, Smithville**

You are encouraged to attend the Public Consultation Open House and provide your comments. Attendees will have the opportunity to discuss their comments directly with Township and DFA Infrastructure International Inc. staff. Comments received will be considered in the development and implementation of the rates. With the exception of personal information, all comments will become part of the public record. We ask that any written comments be provided by Friday, March 11, 2016 to Donna DeFilippis, Treasurer/Director of Finance.

Meeting location is wheelchair accessible.

For further information please contact:

Donna DeFilippis, Treasurer/Director of Finance  
318 Canborough Street  
Smithville, Ontario  
L0R 2A0  
(905) 957-3346  
[ddefilippis@westlincoln.ca](mailto:ddefilippis@westlincoln.ca)



# Township of West Lincoln

## Water and Wastewater Rate Review (Options for 2016 Rates and Charges)

Presentation to Council

February 29, 2016



DFA Infrastructure International Inc.



# Agenda

- Part 1 – Background
- Part 2 – Options to be Presented
- Part 3 – Comparison of Projected Rates and Charges, Customer Impacts and Municipal Comparisons
- Part 4 - Next Steps/Questions





# PART 1

## Background



# February 16<sup>th</sup> Presentation to Council

- The full costs of Township's W&WW systems
- Proposed W&WW rates to achieve and sustain full cost recovery
- Customer Impacts of proposed 2016 rates and charges
- Council directed staff to come back with options on proposed sustainable W&WW rates and charges





# **PART 2**

## **Options to be Presented**



# Three Options to be Presented for Council's Consideration

- Option (1) - Option presented at the February 16<sup>th</sup> meeting
- Option (2) - 5% Annual rate increases between 2016 – 2020
- Option (3) - 3% Annual increases of proposed rates



# Water Rate Option (1)

2015 Water Rates and Charges		2016	2017	2018	2019	2020
Rate Category	Current 2015 Rates and Charges	Draft 2016 Rates and Charges	Projected 2017 Rates and Charges	Projected 2018 Rates and Charges	Projected 2019 Rates and Charges	Projected 2020 Rates and Charges
Percent Change		9.0%	8.0%	5.0%	2.0%	2.0%
<u>Consumption Rates</u>						
(per m3)	\$ 1.11	\$ 1.21	\$ 1.31	\$ 1.37	\$ 1.40	\$ 1.43
<u>Base Charges (per Quarter)</u>						
Meter Size						
5/8"	\$ 30.93	\$ 33.71	\$ 36.41	\$ 38.23	\$ 39.00	\$ 39.78
3/4"	\$ 30.93	\$ 33.71	\$ 36.41	\$ 38.23	\$ 39.00	\$ 39.78
1.0"	\$ 77.37	\$ 84.28	\$ 91.03	\$ 95.58	\$ 97.49	\$ 99.44
1 1/4'	\$ 116.04	\$ 126.43	\$ 136.54	\$ 143.37	\$ 146.23	\$ 149.16
1 1/2"	\$ 154.71	\$ 168.57	\$ 182.05	\$ 191.16	\$ 194.98	\$ 198.88
2.0"	\$ 247.53	\$ 269.71	\$ 291.29	\$ 305.85	\$ 311.97	\$ 318.21
3.0"	\$ 495.06	\$ 539.42	\$ 582.57	\$ 611.70	\$ 623.94	\$ 636.41
4.0"	\$ 773.55	\$ 842.84	\$ 910.27	\$ 955.78	\$ 974.90	\$ 994.40
6.0"	\$ 1,547.10	\$ 1,685.69	\$ 1,820.54	\$ 1,911.57	\$ 1,949.80	\$ 1,988.79
8.0"	\$ 2,475.36	\$ 2,697.10	\$ 2,912.86	\$ 3,058.51	\$ 3,119.68	\$ 3,182.07
Bulk Water Rate (per m3)		\$ 1.49	\$ 1.62	\$ 1.75	\$ 1.84	\$ 1.88



# Water Rate Option (2)

2015 Water Rates and Charges		2016	2017	2018	2019	2020
Rate Category	Current 2015 Rates and Charges	Draft 2016 Rates and Charges	Projected 2017 Rates and Charges	Projected 2018 Rates and Charges	Projected 2019 Rates and Charges	Projected 2020 Rates and Charges
Percent Change		5.0%	5.0%	5.0%	5.0%	5.0%
<u>Consumption Rates</u>						
(per m3)	\$ 1.11	\$ 1.17	\$ 1.22	\$ 1.28	\$ 1.35	\$ 1.42
<u>Base Charges (per Quarter)</u>						
Meter Size						
5/8"	\$ 30.93	\$ 32.48	\$ 34.10	\$ 35.81	\$ 37.60	\$ 39.48
3/4"	\$ 30.93	\$ 32.48	\$ 34.10	\$ 35.81	\$ 37.60	\$ 39.48
1.0"	\$ 77.37	\$ 81.19	\$ 85.25	\$ 89.51	\$ 93.99	\$ 98.69
1 1/4"	\$ 116.04	\$ 121.79	\$ 127.88	\$ 134.27	\$ 140.98	\$ 148.03
1 1/2"	\$ 154.71	\$ 162.38	\$ 170.50	\$ 179.03	\$ 187.98	\$ 197.38
2.0"	\$ 247.53	\$ 259.81	\$ 272.80	\$ 286.44	\$ 300.76	\$ 315.80
3.0"	\$ 495.06	\$ 519.62	\$ 545.61	\$ 572.89	\$ 601.53	\$ 631.61
4.0"	\$ 773.55	\$ 811.91	\$ 852.51	\$ 895.13	\$ 939.89	\$ 986.88
6.0"	\$ 1,547.10	\$ 1,623.83	\$ 1,705.02	\$ 1,790.27	\$ 1,879.78	\$ 1,973.77
8.0"	\$ 2,475.36	\$ 2,598.12	\$ 2,728.03	\$ 2,864.43	\$ 3,007.65	\$ 3,158.03
Bulk Water Rate (per m3)		\$ 1.49	\$ 1.56	\$ 1.64	\$ 1.72	\$ 1.81



# Water Rate Option (3)

2015 Water Rates and Charges		2016	2017	2018	2019	2020
Rate Category	Current 2015 Rates and Charges	Draft 2016 Rates and Charges	Projected 2017 Rates and Charges	Projected 2018 Rates and Charges	Projected 2019 Rates and Charges	Projected 2020 Rates and Charges
Percent Change		3.0%	3.0%	3.0%	3.0%	3.0%
<u>Consumption Rates</u>						
(per m3)	\$ 1.11	\$ 1.14	\$ 1.18	\$ 1.21	\$ 1.25	\$ 1.29
<u>Base Charges (per Quarter)</u>						
Meter Size						
5/8"	\$ 30.93	\$ 31.86	\$ 32.81	\$ 33.80	\$ 34.81	\$ 35.86
3/4"	\$ 30.93	\$ 31.86	\$ 32.81	\$ 33.80	\$ 34.81	\$ 35.86
1.0"	\$ 77.37	\$ 79.64	\$ 82.03	\$ 84.50	\$ 87.03	\$ 89.64
1 1/4"	\$ 116.04	\$ 119.47	\$ 123.05	\$ 126.74	\$ 130.54	\$ 134.46
1 1/2"	\$ 154.71	\$ 159.29	\$ 164.07	\$ 168.99	\$ 174.06	\$ 179.28
2.0"	\$ 247.53	\$ 254.86	\$ 262.51	\$ 270.38	\$ 278.50	\$ 286.85
3.0"	\$ 495.06	\$ 509.73	\$ 525.02	\$ 540.77	\$ 556.99	\$ 573.70
4.0"	\$ 773.55	\$ 796.45	\$ 820.34	\$ 844.95	\$ 870.30	\$ 896.41
6.0"	\$ 1,547.10	\$ 1,592.90	\$ 1,640.68	\$ 1,689.90	\$ 1,740.60	\$ 1,792.82
8.0"	\$ 2,475.36	\$ 2,548.63	\$ 2,625.09	\$ 2,703.84	\$ 2,784.96	\$ 2,868.51
Bulk Water Rate (per m3)		\$ 1.53	\$ 1.58	\$ 1.63	\$ 1.68	\$ 1.73



# Wastewater Rate Option (1)

2015 Wastewater Rates and Charges		2016	2017	2018	2019	2020
Rate Category	Current 2015 Rates and Charges	Draft 2016 Rates and Charges	Projected 2017 Rates and Charges	Projected 2018 Rates and Charges	Projected 2019 Rates and Charges	Projected 2020 Rates and Charges
Percent Change		9%	9%	4%	3%	3%
<u>Consumption Rates</u>						
(per m3)	\$ 1.42	\$ 1.55	\$ 1.69	\$ 1.75	\$ 1.81	\$ 1.86
<u>Base Charges (per Quarter)</u>						
Meter Size						
5/8"	\$ 71.31	\$ 77.73	\$ 84.72	\$ 88.11	\$ 90.76	\$ 93.48
3/4"	\$ 71.31	\$ 77.73	\$ 84.72	\$ 88.11	\$ 90.76	\$ 93.48
1.0"	\$ 178.26	\$ 194.32	\$ 211.81	\$ 220.28	\$ 226.89	\$ 233.70
1 1/4'	\$ 267.39	\$ 291.48	\$ 317.71	\$ 330.42	\$ 340.33	\$ 350.54
1 1/2"	\$ 356.52	\$ 388.64	\$ 423.62	\$ 440.56	\$ 453.78	\$ 467.39
2.0"	\$ 570.42	\$ 621.82	\$ 677.79	\$ 704.90	\$ 726.05	\$ 747.83
3.0"	\$ 1,140.84	\$ 1,243.65	\$ 1,355.57	\$ 1,409.80	\$ 1,452.09	\$ 1,495.65
4.0"	\$ 1,782.57	\$ 1,943.20	\$ 2,118.09	\$ 2,202.81	\$ 2,268.89	\$ 2,336.96
6.0"	\$ 3,565.14	\$ 3,886.40	\$ 4,236.17	\$ 4,405.62	\$ 4,537.79	\$ 4,673.92
8.0"	\$ 5,704.23	\$ 6,218.23	\$ 6,777.87	\$ 7,048.99	\$ 7,260.46	\$ 7,478.27



# Wastewater Rate Option (2)


2015 Wastewater Rates and Charges		2016	2017	2018	2019	2020
Rate Category	Current 2015 Rates and Charges	Draft 2016 Rates and Charges	Projected 2017 Rates and Charges	Projected 2018 Rates and Charges	Projected 2019 Rates and Charges	Projected 2020 Rates and Charges
Percent Change		5%	5%	5%	5%	5%
<u>Consumption Rates</u>						
(per m3)	\$ 1.42	\$ 1.49	\$ 1.57	\$ 1.64	\$ 1.73	\$ 1.81
<u>Base Charges (per Quarter)</u>						
Meter Size						
5/8"	\$ 71.31	\$ 74.88	\$ 78.62	\$ 82.55	\$ 86.68	\$ 91.01
3/4"	\$ 71.31	\$ 74.88	\$ 78.62	\$ 82.55	\$ 86.68	\$ 91.01
1.0"	\$ 178.26	\$ 187.19	\$ 196.55	\$ 206.38	\$ 216.69	\$ 227.53
1 1/4'	\$ 267.39	\$ 280.78	\$ 294.82	\$ 309.56	\$ 325.04	\$ 341.29
1 1/2"	\$ 356.52	\$ 374.38	\$ 393.10	\$ 412.75	\$ 433.39	\$ 455.06
2.0"	\$ 570.42	\$ 599.00	\$ 628.95	\$ 660.40	\$ 693.42	\$ 728.09
3.0"	\$ 1,140.84	\$ 1,198.01	\$ 1,257.91	\$ 1,320.80	\$ 1,386.84	\$ 1,456.19
4.0"	\$ 1,782.57	\$ 1,871.89	\$ 1,965.48	\$ 2,063.76	\$ 2,166.94	\$ 2,275.29
6.0"	\$ 3,565.14	\$ 3,743.78	\$ 3,930.96	\$ 4,127.51	\$ 4,333.89	\$ 4,550.58
8.0"	\$ 5,704.23	\$ 5,990.04	\$ 6,289.54	\$ 6,604.02	\$ 6,934.22	\$ 7,280.93



# Wastewater Rate Option (3)

2015 Wastewater Rates and Charges		2016	2017	2018	2019	2020
Rate Category	Current 2015 Rates and Charges	Draft 2016 Rates and Charges	Projected 2017 Rates and Charges	Projected 2018 Rates and Charges	Projected 2019 Rates and Charges	Projected 2020 Rates and Charges
Percent Change		3%	3%	3%	3%	3%
<u>Consumption Rates</u>						
(per m3)	\$ 1.42	\$ 1.46	\$ 1.51	\$ 1.55	\$ 1.60	\$ 1.65
<u>Base Charges (per Quarter)</u>						
Meter Size						
5/8"	\$ 71.31	\$ 73.45	\$ 75.65	\$ 77.92	\$ 80.26	\$ 82.67
3/4"	\$ 71.31	\$ 73.45	\$ 75.65	\$ 77.92	\$ 80.26	\$ 82.67
1.0"	\$ 178.26	\$ 183.62	\$ 189.13	\$ 194.81	\$ 200.65	\$ 206.67
1 1/4'	\$ 267.39	\$ 275.43	\$ 283.70	\$ 292.21	\$ 300.98	\$ 310.00
1 1/2"	\$ 356.52	\$ 367.25	\$ 378.26	\$ 389.61	\$ 401.30	\$ 413.34
2.0"	\$ 570.42	\$ 587.59	\$ 605.22	\$ 623.38	\$ 642.08	\$ 661.34
3.0"	\$ 1,140.84	\$ 1,175.19	\$ 1,210.44	\$ 1,246.76	\$ 1,284.16	\$ 1,322.69
4.0"	\$ 1,782.57	\$ 1,836.23	\$ 1,891.32	\$ 1,948.06	\$ 2,006.50	\$ 2,066.70
6.0"	\$ 3,565.14	\$ 3,672.47	\$ 3,782.64	\$ 3,896.12	\$ 4,013.00	\$ 4,133.39
8.0"	\$ 5,704.23	\$ 5,875.94	\$ 6,052.22	\$ 6,233.79	\$ 6,420.80	\$ 6,613.43





# **PART 3**

## **Comparison of Projected Rates and Charges, Customer Impacts and Comparisons**



# Comparison of 2016 Water Rate Options

Rate Category	Current 2015 Rates and Charges	Proposed 2016 Rates and Charges		
		Option 1	Option 2	Option 3
Percent Change		9.0%	5.0%	3.0%
<u>Consumption Rates</u>				
(per m3)	\$ 1.11	\$ 1.21	\$ 1.17	\$ 1.14
<u>Base Charges (per Quarter)</u>				
Meter Size				
5/8"	\$ 30.93	\$ 33.71	\$ 32.48	\$ 31.86
3/4"	\$ 30.93	\$ 33.71	\$ 32.48	\$ 31.86
1.0"	\$ 77.37	\$ 84.28	\$ 81.19	\$ 79.64
1 1/4'	\$ 116.04	\$ 126.43	\$ 121.79	\$ 119.47
1 1/2"	\$ 154.71	\$ 168.57	\$ 162.38	\$ 159.29
2.0"	\$ 247.53	\$ 269.71	\$ 259.81	\$ 254.86
3.0"	\$ 495.06	\$ 539.42	\$ 519.62	\$ 509.73
4.0"	\$ 773.55	\$ 842.84	\$ 811.91	\$ 796.45
6.0"	\$ 1,547.10	\$ 1,685.69	\$ 1,623.83	\$ 1,592.90
8.0"	\$ 2,475.36	\$ 2,697.10	\$ 2,598.12	\$ 2,548.63
Bulk Water (per m3)	\$ 1.49	\$ 1.62	\$ 1.56	\$ 1.53



# Comparison of 2016 Water Operating Costs

Cost Component	2016 Water Operating Costs		
	Option 1	Option 2	Option 3
Reserve Contributions	\$ 80,596	\$ 52,865	\$ 39,001
O&M	\$ 556,200	\$ 556,200	\$ 556,200
Cost of Water Purchases	\$ 616,090	\$ 616,090	\$ 616,090
Debt Repayment	\$ -	\$ -	\$ -
<b>Annual Cost</b>	<b>\$ 1,252,886</b>	<b>\$ 1,225,155</b>	<b>\$ 1,211,291</b>



# Comparison of 25 Year Average Water Operating Costs

Cost Component	Average Annual Cost (2016-2040)		
	Option 1	Option 2	Option 3
Reserve Contributions	\$ 217,212	\$ 207,696	\$ 154,746
O&M	\$ 838,349	\$ 838,349	\$ 838,349
Cost of Water Purchased	\$ 834,319	\$ 834,319	\$ 834,319
Debt Repayment	\$ 7,766	\$ 15,286	\$ 45,007
<b>Average Annual Cost</b>	<b>\$ 1,897,646</b>	<b>\$ 1,895,650</b>	<b>\$ 1,872,421</b>

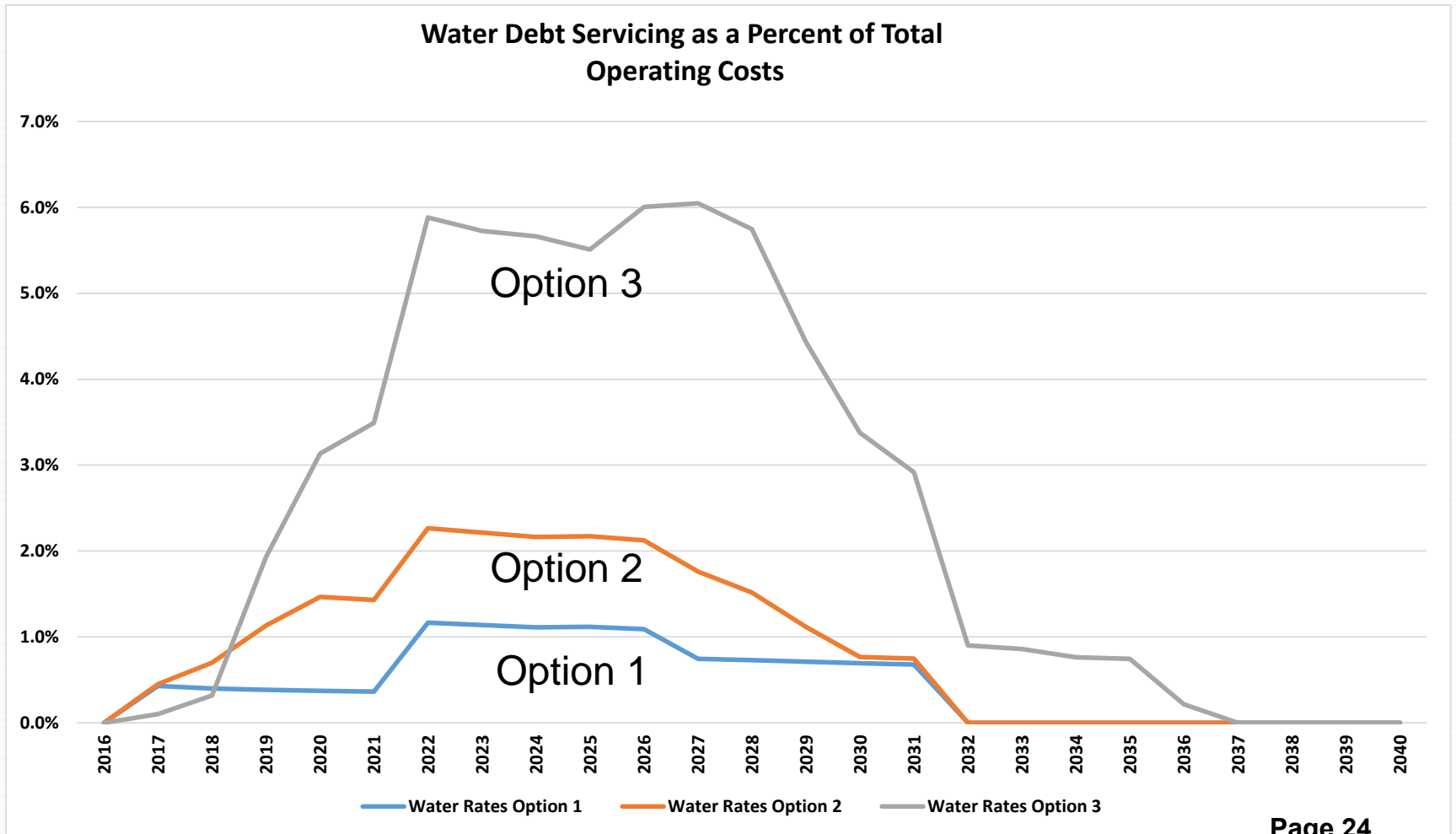


# Water Capital Needs Comparison (2016 – 2040)

2016 - 2040	Option 1	Option 2	Option 3
<b>Total Capital Needs</b>	<b>\$ 3,316,115</b>	<b>\$ 3,316,115</b>	<b>\$ 3,316,115</b>
Provincial/Federal Grants	\$ -	\$ -	\$ -
Other	\$ 38,500	\$ 38,500	\$ 38,500
Development Charges	\$ 647,850	\$ 647,850	\$ 647,850
Non-Growth Related Debenture Requirements	\$ 165,617	\$ 325,971	\$ 959,797
Water Capital Reserve/Reserve Fund	\$ 2,464,148	\$ 2,303,794	\$ 1,669,968
<b>Total Capital Financing</b>	<b>\$ 3,316,115</b>	<b>\$ 3,316,115</b>	<b>\$ 3,316,115</b>



# Water Debt Servicing Comparison (2016 – 2040)





# Comparison of 2016 Wastewater Rate Options

Rate Category		Current 2015 Rates and Charges	Proposed 2016 Rates and Charges		
			Option 1	Option 2	Option 3
Percent Change			9.0%	5.0%	3.0%
<u>Consumption Rates</u>					
(per m3)		\$ 1.42	\$ 1.55	\$ 1.49	\$ 1.46
<u>Base Charges (per Quarter)</u>					
Meter Size					
5/8"		\$ 71.31	\$ 77.73	\$ 74.88	\$ 73.45
3/4"		\$ 71.31	\$ 77.73	\$ 74.88	\$ 73.45
1.0"		\$ 178.26	\$ 194.32	\$ 187.19	\$ 183.62
1 1/4"		\$ 267.39	\$ 291.48	\$ 280.78	\$ 275.43
1 1/2"		\$ 356.52	\$ 388.64	\$ 374.38	\$ 367.25
2.0"		\$ 570.42	\$ 621.82	\$ 599.00	\$ 587.59
3.0"		\$ 1,140.84	\$ 1,243.65	\$ 1,198.01	\$ 1,175.19
4.0"		\$ 1,782.57	\$ 1,943.20	\$ 1,871.89	\$ 1,836.23
6.0"		\$ 3,565.14	\$ 3,886.40	\$ 3,743.78	\$ 3,672.47
8.0"		\$ 5,704.23	\$ 6,218.23	\$ 5,990.04	\$ 5,875.24



# Comparison of 2016 Wastewater Operating Costs

Cost Component	2016 Wastewater Operating Costs		
	Option 1	Option 2	Option 3
Reserve Contributions	\$ 140,104	\$ 111,989	\$ 97,931
O&M	\$ 326,250	\$ 326,250	\$ 326,250
Cost of Water Purchases	\$ 1,013,700	\$ 1,013,700	\$ 1,013,700
Debt Repayment	\$ -	\$ -	\$ -
<b>Annual Cost</b>	<b>\$ 1,480,054</b>	<b>\$ 1,451,939</b>	<b>\$ 1,437,881</b>



# Comparison of 25 Year Average Wastewater Operating Costs

Cost Component	Average Annual Cost (2016-2040)		
	Option 1	Option 2	Option 3
Reserve Contributions	\$ 861,974	\$ 760,612	\$ 355,784
O&M	\$ 417,995	\$ 417,995	\$ 417,995
Cost of Water Purchased	\$ 1,329,104	\$ 1,329,104	\$ 1,329,104
Debt Repayment	\$ 142,122	\$ 250,315	\$ 549,330
<b>Average Annual Cost</b>	<b>\$ 2,751,196</b>	<b>\$ 2,758,026</b>	<b>\$ 2,652,213</b>



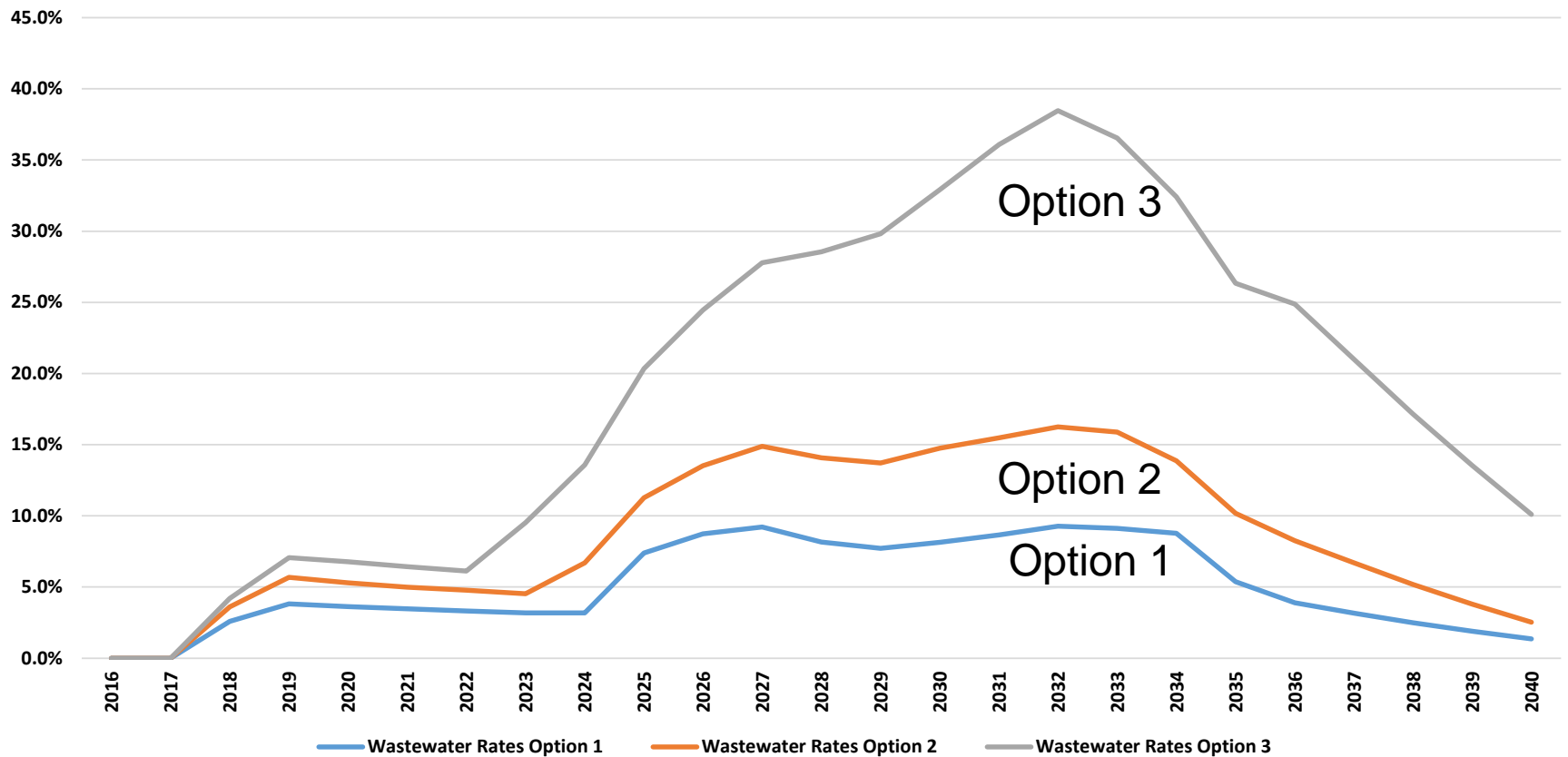
# Wastewater Capital Needs Comparison (2016 – 2040)

2016 - 2040	Option 1	Option 2	Option 3
<b>Total Capital Needs</b>	<b>\$ 23,450,440</b>	<b>\$ 23,450,440</b>	<b>\$ 23,450,440</b>
Provincial/Federal Grants	\$ 50,000	\$ 50,000	\$ 50,000
Other	\$ 4,200	\$ 4,200	\$ 4,200
Development Charges	\$ 919,937	\$ 919,937	\$ 919,937
Non-Growth Related Debenture Requirements	\$ 3,053,243	\$ 5,375,520	\$ 13,194,402
Growth Related Debenture Requirements	\$ 98,113	\$ 98,113	\$ 98,113
Water Capital Reserve/Reserve Fund	\$ 19,324,947	\$ 17,002,670	\$ 9,183,788
<b>Total Capital Financing</b>	<b>\$ 23,450,440</b>	<b>\$ 23,450,440</b>	<b>\$ 23,450,440</b>



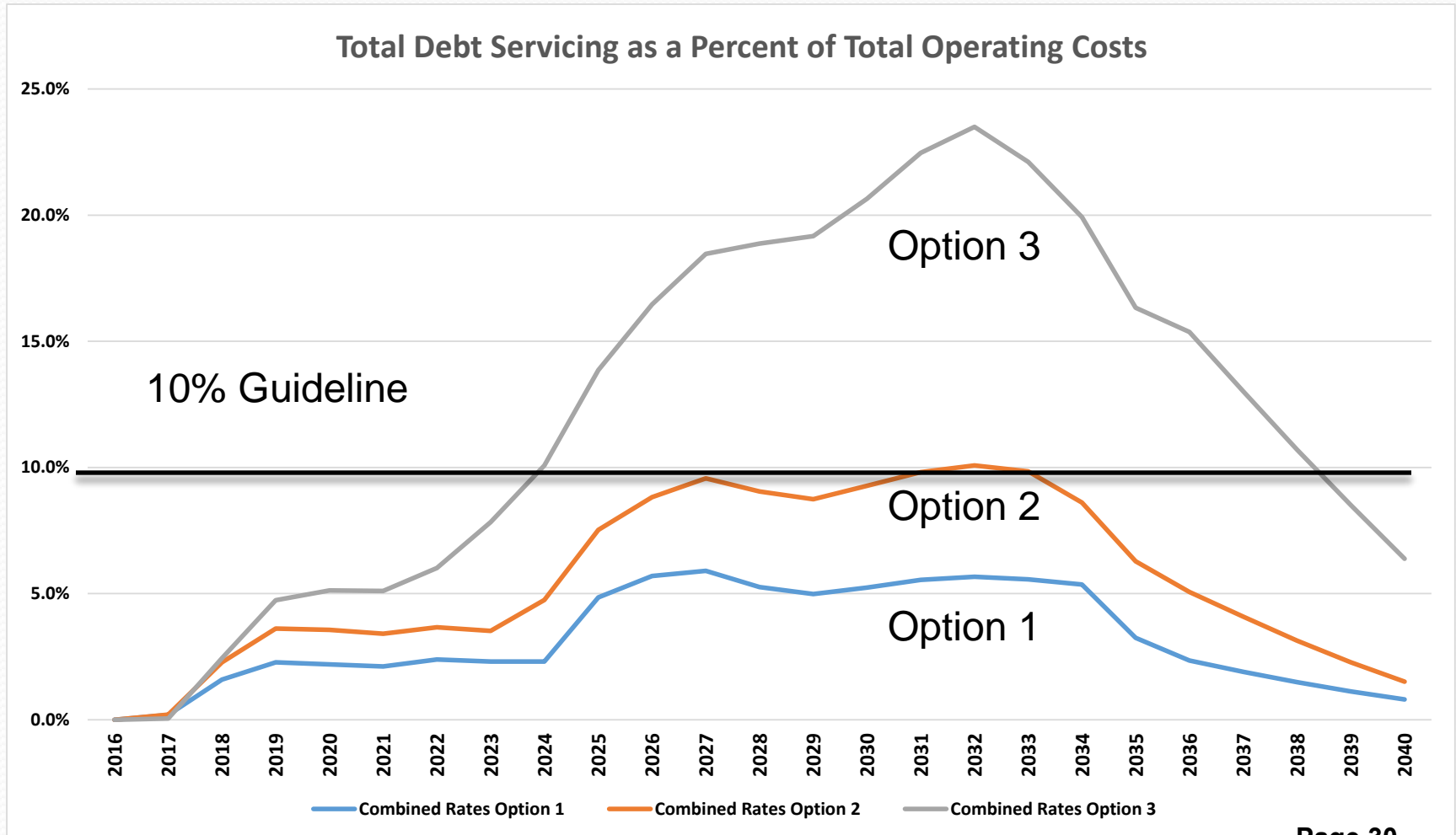
# Wastewater Debt Servicing Comparison (2016 – 2040)

Wastewater Debt Servicing as a Percent of Total  
Operating Costs





# Total Debt Servicing Comparison (2016 – 2040)





# Comparison of Water Rate Option Customer Impacts

2015 Water Charge			Impact of Draft 2016 Rates and Charges					
			Option 1		Option 2		Option 3	
Rate Category	Annual Volumes (m3)	2015 Water Charge	2016 Water Charge	9% Increase over 2015	2016 Water Charge	5% Increase over 2015	2016 Water Charge	3% Increase over 2015
Low Volume Residential User	60	\$ 190.32	\$ 207.45	\$ 17.13	\$ 199.84	\$ 9.52	\$ 196.03	\$ 5.71
Average Volume Residential User	180	\$ 323.52	\$ 352.64	\$ 29.12	\$ 339.70	\$ 16.18	\$ 333.23	\$ 9.71
High Volume Residential User	540	\$ 723.12	\$ 788.20	\$ 65.08	\$ 759.28	\$ 36.16	\$ 744.81	\$ 21.69
Average Non-Residential	1800	\$ 2,121.72	\$ 2,312.67	\$ 190.95	\$ 2,227.81	\$ 106.09	\$ 2,185.37	\$ 63.65
Average Industrial	5600	\$ 6,339.72	\$ 6,910.29	\$ 570.57	\$ 6,656.71	\$ 316.99	\$ 6,529.91	\$ 190.19
Bulk Water User*	9m <sup>3</sup> /Load	\$ 73.41	\$ 74.62	\$ 1.21	\$ 74.08	\$ 0.67	\$ 73.81	\$ 0.40

\* Assumed \$60 Delivery Charge



# Comparison of Wastewater Rate Option Customer Impacts

2015 Wastewater Charge			Impact of Draft 2016 Rates and Charges					
			Option 1		Option 2		Option 3	
Rate Category	Annual Volumes (m3)	2015 Wastewater Charge	2016 Wastewater Charge	9% Increase over 2015	2016 Wastewater Charge	5% Increase over 2015	2016 Wastewater Charge	3% Increase over 2015
Low Volume Residential User	60	\$ 370.44	\$ 403.78	\$ 33.34	\$ 388.96	\$ 18.52	\$ 381.55	\$ 11.11
Average Volume Residential User	180	\$ 540.84	\$ 589.52	\$ 48.68	\$ 567.88	\$ 27.04	\$ 557.07	\$ 16.23
High Volume Residential User	540	\$ 1,052.04	\$ 1,146.72	\$ 94.68	\$ 1,104.64	\$ 52.60	\$ 1,083.60	\$ 31.56
Average Non-Residential	1800	\$ 2,841.24	\$ 3,096.95	\$ 255.71	\$ 2,983.30	\$ 142.06	\$ 2,926.48	\$ 85.24
Average Industrial	5600	\$ 8,237.24	\$ 8,978.59	\$ 741.35	\$ 8,649.10	\$ 411.86	\$ 8,484.36	\$ 247.12



# Comparison of Water and Wastewater Rates

Municipality	Water Rates		Municipality	Wastewater Rates	
	Quarterly Base Charge (\$/19mm meter)	Volumetric Rate \$/m3		Quarterly Base Charge (\$/19mm meter)	Volumetric Rate \$/m3
<b>City of Hamilton*</b>	<b>\$ 28.21</b>	<b>\$0.69 - \$1.38</b>	<b>City of Hamilton*</b>	<b>\$ 29.12</b>	<b>\$0.74 - \$1.48</b>
Niagara Falls	\$ 63.00	\$ 0.96	Pelham	\$ 39.51	\$ 0.91
<b>Halton Region</b>	<b>\$ 37.44</b>	<b>\$ 1.02</b>	Niagara on the Lake	\$ 74.40	\$ 0.94
West Lincoln (2015)	\$ 30.93	\$ 1.11	Port Colborne	\$ 97.37	\$ 1.21
Port Colborne	\$ 87.62	\$ 1.12	<b>Halton Region</b>	<b>\$ 81.42</b>	<b>\$ 1.21</b>
West Lincoln (Option 3)	\$ 31.86	\$ 1.14	Niagara Falls	\$ 61.29	\$ 1.25
West Lincoln (Option 2)	\$ 32.48	\$ 1.17	Thorold	\$ 51.06	\$ 1.39
St. Catharines	\$ 37.50	\$ 1.20	Fort Erie	\$ 121.95	\$ 1.40
West Lincoln (Option 1)	\$ 33.71	\$ 1.21	West Lincoln (2015)	\$ 71.31	\$ 1.42
Grimsby	\$ 64.00	\$ 1.21	West Lincoln (Option 3)	\$ 73.45	\$ 1.46
Thorold	\$ 45.69	\$ 1.24	West Lincoln (Option 2)	\$ 74.88	\$ 1.49
Fort Erie	\$ 74.31	\$ 1.32	West Lincoln (Option 1)	\$ 77.73	\$ 1.55
Niagara on the Lake	\$ 67.32	\$ 1.32	St. Catharines	\$ 21.75	\$ 1.83
Pelham	\$ 33.44	\$ 1.33	Welland	\$ 43.96	\$ 2.37
Welland	\$ 30.54	\$ 1.65	Lincoln	\$ 18.36	\$ 2.49
Lincoln	\$ 18.36	\$ 2.10	Grimsby	N/A	N/A

\* Block Rate Structure (Rate 1 for monthly consumption 10m3 or less, Rate 2 for monthly consumption greater than 10m3)



# Comparison of Residential User (Annual Consumption of 180 Cubic Metres)

Municipality	Annual Water Charge		Annual Wastewater Charge		Total Annual Charge
	Annual Base Charge (19mm meter)	Volumetric Charge (180 m <sup>3</sup> )	Annual Base Charge (19mm meter)	Volumetric Charge (180 m <sup>3</sup> )	
Grimsby	\$ 255.99	\$ 217.80	N/A	N/A	\$ 473.79
City of Hamilton	\$ 112.84	\$ 165.60	\$ 116.48	\$ 177.60	\$ 572.52
Pelham	\$ 133.74	\$ 238.95	\$ 158.04	\$ 164.14	\$ 694.87
St. Catharines	\$ 150.00	\$ 215.82	\$ 87.00	\$ 328.68	\$ 781.50
Thorold	\$ 182.76	\$ 223.74	\$ 204.24	\$ 249.84	\$ 860.58
Lincoln*	\$ 18.36	\$ 378.36	\$ 18.36	\$ 448.20	\$ 863.28
West Lincoln (2015)	\$ 123.72	\$ 199.80	\$ 285.24	\$ 255.60	\$ 864.36
Halton Region	\$ 149.76	\$ 183.65	\$ 325.68	\$ 217.89	\$ 876.98
West Lincoln (Option 3)	\$ 127.44	\$ 205.20	\$ 293.80	\$ 262.80	\$ 889.24
Niagara Falls	\$ 252.00	\$ 172.62	\$ 245.16	\$ 224.53	\$ 894.31
West Lincoln (Option 2)	\$ 129.92	\$ 210.60	\$ 299.52	\$ 268.20	\$ 908.24
West Lincoln (Option 1)	\$ 134.84	\$ 217.80	\$ 310.92	\$ 279.00	\$ 942.56
Niagara on the Lake*	\$ 269.28	\$ 238.34	\$ 297.60	\$ 168.66	\$ 973.88
Welland	\$ 122.14	\$ 296.28	\$ 175.85	\$ 425.74	\$ 1,020.01
Port Colborne	\$ 350.48	\$ 202.14	\$ 389.48	\$ 217.44	\$ 1,159.54
Fort Erie*	\$ 297.24	\$ 237.96	\$ 487.80	\$ 251.82	\$ 1,274.82

\* Based on 2016 Approved Rates





# **PART 4**

## **Next Steps and Questions**



# Next Steps

## Timelines for completion of study:

Activity	Target Date
Rate Options Presented to Council	February 29th, 2016
Public Open House / Feedback from User Groups	March 9th, 2016
Council Approval of Rates and Budgets	March 21st, 2016
Council Approval of Final Rate Report and Financial Plan	April 18th, 2016
Submission to Province of Water System Financial Plan	April 29th, 2016
Implementation of New Rates	July 1st, 2016





# QUESTIONS ?



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

**MEETING NO. TWO HELD:** Monday, January 25, 2016 – Township Administration Building,  
318 Canborough Street, Smithville, Ontario, Ontario - 7:00 p.m.

**PRESENT**

**Council:** Mayor Douglas Joyner  
Councillor Terry Bell  
Councillor Dave Bylsma  
Councillor Joann Chechalk  
Councillor Jason Trombetta

**Staff:** Chris Carter, CAO  
Carolyn Langley, Clerk  
Brian Treble, Director of Planning & Building \*

**Other:** Mrs. Sherman  
Barb Blagdon \*  
Nelli DeHaan \*  
Naomi Brusse \*  
Stefanos Karatopis \*  
Tina Seaton \*  
Pierre Sjaarda \*  
George and Effie Davison \*  
Mike Jankowski \*  
Al Krajcik \*  
Bud and Joan Sanders \*  
Debbie Hughes \*  
Mary Kovacs \*  
Sidney Thompson \*  
Bonnie Tuson \*  
Tom LaFortune \*  
Glen Stirsinger \*  
Ed Engel \*  
Pete DeHaan \*  
Pat and Andrew Wirth \*  
John Ozimek \*  
Andy Eichstaetter \*  
Lois Johnson \*  
Rodney Ross \*  
J W. Lester \*  
Geri Lester \*  
2 other Members of the Public \*

**ABSENT:**

Councillor Mike Rehner (absent with regrets – notification provided)  
Councillor Alex Micallef (absent with regrets – notification provided)



\* IN ATTENDANCE PART TIME

1. **SINGING OF “O CANADA”:**

2. **OPENING PETITION:** Councillor Dave Bylsma

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

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

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

There were no disclosures of pecuniary interest or conflicts of interest declared by any Members of Council.

5. **REQUEST TO ADDRESS ITEMS ON THE AGENDA:**

There were no members of the public present who wished to address a specific item on the agenda at this point in the meeting; however, following appointments/presentation, two members of the public requested to speak (see below).

6. **APPOINTMENTS/PRESENTATIONS:**

- (a) Naomi Brusse  
Re: Planned Niagara Wind Project Changes

Ms. Naomi Brusse reviewed a PowerPoint presentation which is attached as **Schedule A** to these minutes.

- (b) Mike Jankowski  
Re: Industrial Wind Turbines

Mr. Mike Jankowski reviewed a PowerPoint presentation which is attached as **Schedule B** to these minutes which contained a proposed resolution.

- (c) Debbie Hughes  
Re: Industrial Wind Turbines

Ms. Debbie Hughes read from a prepared statement which is attached as **Schedule C** to these minutes.

The presenters were thanked for the information provided and much discussion followed regarding the industrial wind turbine issue and it was noted that this issue would be further addressed/discussed at the February 8, 2016 Planning/Building/ Environmental Committee meeting.



**5. REQUEST TO ADDRESS ITEMS ON THE AGENDA: (cont'd)**

- (a) Bonnie Tuson  
Re: Industrial Wind Turbines

Ms. Bonnie Tuson reviewed a PowerPoint presentation which is attached as **Schedule D** to these minutes.

- (b) Pierre Sjaarda  
Re: Industrial Wind Turbines

Mr. Pierre Sjaarda read from a prepared statement which is attached as **Schedule E** to these minutes and distributed pictures which are attached as **Schedule F** to these minutes.

It was noted that the safety issue relating to the culvert depicted in Schedule G as noted by Mr. Sjaarda would be investigated.

**7. CONFIRMATION OF MINUTES:**

- (a) Council Minutes – Regular  
Re: December 14, 2015

Moved by Councillor Dave Bylsma and seconded by Councillor Joann Chechalk:

That, the minutes of the open session portion of the December 14, 2015 regular Council meeting be accepted.

That the confidential minutes relating to the closed session portion of the December 14, 2015 regular Council meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

- (b) Council Minutes – Special  
Re: January 11, 2016

Moved by Councillor Jason Trombetta and seconded by Councillor Terry Bell:

That, the minutes of the open session portion of the January 11, 2016 Special Council meeting, be accepted.

That the confidential minutes relating to the closed session portion of the January 11, 2016 Special Council meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried



- (c) Public Meetings under the Planning Act  
Re: January 11, 2016 Minutes

Moved by Councillor Dave Bylsma and seconded by Councillor Terry Bell:

That, the minutes of the public meeting held on January 11, 2016 under Sections 34 and 51 of the Planning Act, with respect to:

- Proposed Zoning By-law Amendment & Plan of Condominium – RVL Homes (Shurie Road – Griffin Place Plan of Condominium) (File Nos. 1601-001-15 & 2000-080-15)

be accepted.

- Carried

**8. COMMUNICATIONS:**

- (a) Grant Thornton  
Re: Initial Communication on Audit Planning for the year ended December 31, 2015  
Received for Information

**9. MAYOR'S REMARKS:**

Mayor Joyner advised Members of Council of the upcoming meetings for the Welland River Flood Plain, noting that the last two meetings were being held in West Lincoln, at the Caistor and Wellandport Halls.

**10. REPORT OF COMMITTEE:**

- (a) Planning/Building/Environmental Committee  
Re: January 11, 2016 Minutes  
CONFIDENTIAL MINUTES UNDER SEPARATE COVER

**SUMMARY OF RECOMMENDATIONS:**

- (a) ITEM P01-16

That, the following requests as presented by WLGWAG and MAWT (as contained in their PowerPoint) at the January 11, 2016

Planning/Building/Environmental Committee meeting, being:

- (1) That, the Township look into methods of immediately gathering audible and infrasound data in our community in order to establish base line information before the turbines start operating; and,
- (2) That the Township look into methods of collecting sound and infrasound data on an ongoing basis (24/7) in order to protect the community in the future;
- (3) That the Township establish an Advisory Committee to deal with issues relating to the Community as a result of Industrial Wind Turbines; and,
- (4) That the Township impress upon the Province the need for the Province to acquire additional monitoring equipment; and,



- (5) That the Council of West Lincoln endorse the most recently passed actions of other municipalities demanding that the Province get answers to important unanswered questions; and,
- (6) That the Council of West Lincoln endorse the motions of neighboring municipalities to have the Province undertake a complete review of the NRW/FRWN Project as a result of the number of amendments that are being asked;

And the following additional requests:

- (7) That, the Township of West Lincoln pursue having the Province of Ontario provide prescriptive methods for dealing with Industrial Wind Turbines that exceed the level of noise that are considered safe and acceptable; and,
- (8) That, the Township of West Lincoln request that the critics of the opposition parties, being the NDP and Conservatives, represent the position of the Township and its residents with respect to these issues including electricity and environmental issues as it relates to the construction and operation of Industrial Wind Farms throughout the Province of Ontario;

be received and referred to staff for report and recommendation to be presented at the February 8<sup>th</sup>, 2016 Planning/Building/Environmental Committee meeting.

(b) ITEM P02-16

The Planning/Building/Environmental Committee hereby approve the following Consent Agenda Items:

- 1. Items 1 to 5 be hereby received for information.

(ITEM P02-16

- (1) Information Report No. PD-009-16 – Province of Ontario – Blueprint for Change A Review of the Aggregate Resources Act (Province) and Region of Niagara – State of Aggregate Resources Report
- (2) Information Report No. PD-007-16 – Recommendations of Advisory Panel on Provincial Review of Growth Plan for Greater Golden Horseshoe, Greenbelt Plan, Oak Ridges Moraine Conservation Plan and Niagara Escarpment Plan
- (3) Information Report No. PD-002-16 – Consent Approvals in 2015 (Surplus Severances with APO Rezoning)
- (4) Information Report No. PD-003-16 – Ministry of Environment and Climate Change – Study in North Creek Watershed
- (5) Information Report No. PD-010-16 – Changes to Administrative Monetary Penalties Regulation (O. Reg. 333/07 by O. Reg 149/15))

\* REFER TO MEETING MINUTES FOR DETAILED RECOMMENDATIONS

(c) ITEM P03-16

- (1) That, report PD-005-16, regarding “RVL Homes – Griffin Place application for Vacant Land Condominium and Rezoning”, dated January 11, 2016 BE RECEIVED; and,



- (2) That, a Recommendation Report be prepared once all public and agency comments have been received.
- (d) ITEM P04-16 (REFERRAL)  
That, Item P04-16 of the January 11<sup>th</sup>, 2016 Planning/Building/Environmental Committee agenda (Report No. PD-006-16 – Olde Town Plan of Subdivision – Zoning By-law Amendment - Red Line Revisions) be referred back to staff to address concerns raised by Committee Members and invite the owner (or their authorized agent) to attend the February 8<sup>th</sup>, 2016 Planning/Building/Environmental Committee meeting to address the changes to their proposal and provide a plan on how they plan to move forward with development of the Olde Town Plan of Subdivision.
- (e) ITEM P05-16
  - (1) That, report PD-011-16, regarding “Increase in Lot Grading Deposit as a Condition of Occupancy”, dated January 11, 2016, be RECEIVED; and,
  - (2) That a by-law be passed by Council to amend By-law 2011-28, Appendix B – Schedule of Deposits for the collection of a \$5,000.00 deposit for homes occupied without an approved final lot grading certificate; and,
  - (3) That Staff be directed to hold a meeting with developers to discuss this matter further and report back to Committee on the meeting.
- (f) ITEM P06-16
  - (1) That, report PD-008-16, regarding “Township of West Lincoln’s response to Regional Official Plan Amendment 9 (ROPA 9) Relating to Innovation, Investment and Renewal, Niagara Employment Lands Strategy – Phase II”, dated January 11, 2016 be RECEIVED; and,
  - (2) That ROPA 9, as drafted, be modified, prior to approval, to recognize the West Lincoln/Smithville employment lands, as recently enlarged as a result of our swap process (OPA 37, 38 and ROPA 3), as a strategic location for investment and to be included in Policy 3C of ROPA 9.
  - (3) That staff be authorized to inform Regional staff and Regional Council that the Township of West Lincoln supports ROPA 9 as modified to recognize the West Lincoln/Smithville employment area as a strategic location for investment in Policy 3C of the Regional Official Plan Amendment (ROPA 9).
- (g) ITEM P07-16  
That, staff be and are hereby directed to investigate code issues (i.e. building, etc) and undertake a cost analysis to enlarge/renovate the existing washroom at the Station 2 Fire Hall to include an adequate washroom and shower for consideration during the 2016 Budget deliberations.



Moved by Councillor Joann Chechalk and seconded by Councillor Jason Trombetta:

That, the minutes relating to the open session portion of the Planning/Building/Environmental Committee meeting held on January 11, 2016, be accepted and that the recommendations contained therein, be approved.

That the confidential minutes of the closed session portion of the January 11, 2016 Planning/Building/Environmental Committee meeting be received and approved; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

- (b) Administration/Finance/Fire Committee  
Re: January 18, 2016 Minutes

**SUMMARY OF RECOMMENDATIONS:**

(a) ITEM A05-16

The Administration/Finance/Fire Committee hereby approve the following Consent Agenda Items:

1. Items 1 and 2 be hereby received and that the recommendations contained therein be adopted.
2. Item 3 be hereby accepted.

(ITEM A05-16

1. Report WLFD-02-16 - Updating West Lincoln Township Health & Safety Policy By-law
2. Report RFD-C-01-2016 - Proposed Procedural By-law Amendment
3. Joint Accessibility Advisory Committee - November 12, 2015 Minutes)

\* REFER TO MEETING MINUTES FOR DETAILED RECOMMENDATIONS

(b) ITEM A06-16

1. That, Report RFD-C-02-2016 dated January 18, 2016 regarding "Ward Boundary Review" be received; and,
2. That the Tendering and Purchasing Policy requirements be waived and that staff be authorized to retain the services of Dr. Robert J. Williams to conduct a ward boundary review for the Township of West Lincoln at a cost of \$13,000.00 plus HST and disbursements. to be expensed from the Capital Reserve; and,
3. That the terms of reference attached as Schedule A to this report be approved.

(c) ITEM A07-16

That, Report RFI-T-01-16 – Financial Update as of December 31, 2015, be received for information.



- (d) ITEM A09-16  
That, the February 22, 2016 Council meeting be re-scheduled to February 29, 2016 in order to accommodate for attendance at the 2016 OGRA/ROMA Conference.
- (e) ITEM A12-16  
That the Clerk be and is hereby authorized to release the legal opinion dated January 8, 2016, from the Township's Solicitor "Sullivan Mahoney LLP", relating to a provision in the Township's Procedural By-law, specifically Section 5.7 "Electronic Devices", as required, and prior to ratification by Council.

Moved by Councillor Dave Bylsma and seconded by Councillor Terry Bell:

That, the minutes of open session portion of the Administration/Finance/Fire Committee meeting held on January 18, 2016 be accepted and that the recommendations contained therein, be approved.

That the confidential minutes of the closed session portion of the January 18, 2016 Administration/Finance/Fire Committee meeting be received and approved; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

- (c) Public Works/Recreation/Arena Committee  
Re: January 18, 2016 Minutes

**SUMMARY OF RECOMMENDATIONS:**

- (a) ITEM PW01-16
  1. That, Report RFD PW-01-2016, re: Road Widening-Condition of Consent, 4388 Regional Road 20 along Gee Road Land Transfer Declaration as a Public Highway dated January 18, 2016 be received; and,
  2. That, a By-Law be passed to declare Part 2 of Plan No. 30R-14610 on Gee Road as a Public Highway.

Moved by Councillor Terry Bell and seconded by Councillor Jason Trombetta:

That, the minutes of the Public Works/Recreation/ Arena Committee meeting held on January 18, 2016 be accepted and that the recommendations contained therein, be approved.

- Carried

**11. RECONSIDERATION:**

There were no items put forward for reconsideration.



**12. NOTICE OF MOTION TO RESCIND:**

There were no notices of motion.

**13. OTHER BUSINESS:**

(a) **Item PW19-15**

**TABLED ITEM:** (from May 25 Council/May 19 Pworks)

Report RFD PW-10-2015, re: "Authorization to Award Project Management Services for a Design/Build for a New Community Centre and Arena, dated April 20, 2015

(b) Treasurer/Director of Finance  
Re: Memo - 2016 Interim Tax By-law  
Received for Information

(c) Director of Public Works & Engineering  
Re: Report RFD PW-02-16 – Assumption of Caistor Baptist Church/Cemetery/  
Property

Moved by Councillor Jason Trombetta and seconded by Councillor Terry Bell:

1. That, Report RFD PW-02-2016, re: Assumption of Caistor Baptist Church/Cemetery/ Property, dated January 25, 2016 be received; and,
2. That, a By-Law be passed to authorize the Mayor and Clerk to sign any required documentation in order to accept conveyance of the Caistor Baptist Church, Cemetery and Property (9178 Concession 5 Road, Part of Lot 15, Conc. 5, former Township of Caistor).

- Carried

(d) Members of Council  
Re: Council Remarks

1. Councillor Terry Bell  
Re: North South Escarpment Crossing PIC

Councillor Bell advised that he had attended the North South Escarpment Crossing public information session in Grimsby and noted that there were approximately 75 people in attendance. Councillor Bell noted that many were in favour of the proposed escarpment crossing; however, some said "not in my backyard".

2. Councillor Dave Bylsma  
Re: Urban Design Presentation

Councillor Bylsma advised that he had attended the Urban Design presentation along with Councillor Bell, which he indicated was a culmination of information from the workshops undertaken in the fall and



that it would be a tool and guideline for developers to use in order to have a uniform look.

3. Councillor Joann Chechalk  
Re: West Lincoln Memorial Hospital

Councillor Chechalk advised that a series of information session relating to the West Lincoln Memorial Hospital project were being planned; however, the dates and times have not yet been established. Councillor Chechalk noted that there would be a session in West Lincoln in late March or early April and that she would provide the dates to the Clerk when established.

4. Mayor Douglas Joyner  
Re: NPCA Meetings regarding Floodplain Mapping along Welland River

Mayor Joyner advised Members of Council of the upcoming NPCA meetings regarding floodplain mapping along the Welland River. Mayor Joyner noted that the last two meetings were being held in West Lincoln, at the Caistor and Wellandport Halls.

#### **14. NEW ITEMS OF BUSINESS:**

There were no new items of business.

#### **15. BY-LAWS:**

Moved by Councillor Dave Bylsma and seconded by Councillor Jason Trombetta:

That leave be granted to introduce By-laws # 2016-03, 2016-04, 2016-05, 2016-06, 2016-07, 2016-08 and 2016-09 and that the same shall be considered to have been read a first, second and third time with one reading, and adopted; and

That the Mayor and Clerk be and are hereby authorized to sign and affix the Corporate Seal thereto, any rule of this Council to the contrary notwithstanding.

- Carried

#### **SUMMARY OF BY-LAWS:**

- |     |                |   |
|-----|----------------|---|
| (a) | By-law 2016-03 | To confirm proceedings of December 14, 2015 regular and January 11, 2016 Special Council meetings   |
| (b) | By-law 2016-04 | To provide for an interim tax levy and to provide for the payment of taxes and to provide for penalty and interest of fifteen percent.  |
| (c) | By-law 2016-05 | To amend By-law 2011-28 which prescribes a tariff of fees for the processing of applications made with respect to Planning matters, as amended. (Appendix B – Schedule of Deposits - for the collection of a \$5,000.00 deposit for homes occupied without an approved final lot grading certificate) |



- (d) By-law 2016-06 To establish Part 2 of Plan No. 30R-14610, as a public highway known as Gee Road, former Township of Gainsborough, now Township of West Lincoln, Regional Municipality of Niagara
- (e) By-law 2016-07 To amend By-law 2013-58 which adopted rules for procedures of council and committees thereof (replace Section 2.8 - Provisions to hold Closed Meetings)
- (f) By-law 2016-08 To establish a Municipal Health and Safety Policy Statement for the Corporation of the Township of West Lincoln and to repeal By-Law 2015-04
- (g) By-law 2016-09 To authorize the Corporation of the Township of West Lincoln to accept the transfer of property from the Trustees of the Caistor Baptist Church being the property assessed as Roll # 2602010002291000000, consisting of approximately 0.74 acres, municipally described as 9178 Concession 5 Road, West Lincoln and legally described as Part of Lot 15, Concession 5, former Township of Caistor, now Township of West Lincoln

**16. CONFIDENTIAL MATTERS:**

There were no confidential matters.

**17. ADJOURNMENT:**

The Mayor declared the meeting adjourned at the hour of 8:44 p.m.



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**CAROLYN LANGLEY, CLERK**

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**MAYOR DOUGLAS JOYNER**



## **Niagara Region Wind Farm Project Changes**





**SCHEDULE "A" TO THE JANUARY 25, 2016 COUNCIL MINUTES**  
**Niagara Region Wind Farm Project Changes**

Notification of the following **MAJOR** changes to the Niagara Region Wind Farm was sent to the municipalities and interested parties in December 2015

- Relocation of the Smithville transmission line to avoid Smithville and future urban expansion in Smithville.
- Expansion of the footprint of the Interconnect Station on Mountainview Rd to satisfy requirements of Hydro One.
- Addition of permanent alternative access roads to avoid delivery of components from Gore A Rd. Haldimand Co.
- Adjustment of the North Substation (to avoid a Stage 3 archaeological assessment).
- Addition of junction boxes within either the municipal right-of-way or participating properties.



## **Niagara Region Wind Farm Project Changes (cont'd)**

- Change 11 of 80 approved wind turbine models to a customized Enercon 101 and reduce the height of all the turbines from 135m to 124 m.
- Removal of Schedule C from the Approval, as **the sound power level of the transformer selected** is less than that in the REA application, and **the reduced sound power level negates the need for sound barriers**.
- Adjustment to access road entrances to accommodate turning radiuses at 9 entrances.



## MOECC Considers the Changes Minor

- MOECC Technical Guide to Renewable Energy Approvals has four “change” categories with different requirements, depending on the degree/ impact of change.
- MOECC has advised concerned citizens that the changes are not expected to result in ***substantial increases*** in negative environmental effects, so a public meeting is not required.
- But what ***is*** a ***substantial increase*** in negative environmental effects? Won't the largest wind turbines in Ontario cause a ***substantial increase*** in negative environmental effects?



# And so... We disagree!

- These are not **minor** changes; they are proposing to change **key aspects of the project**.
- Changes include removal of E101 turbines at 135m height and all E82 models. The replacement wind turbine is a customized 2.9 MW model which the proponent claims has reduced noise levels.
- The NRWC (now FWRN) modifications report suggests that the new 2.9 MW model is significantly quieter than the much smaller E-82, but **research demonstrates otherwise**. As well, the required manufacturer's guarantee is suspiciously absent from the modifications report.
- Archaeological finds within the project area are known and First Nations monitors have been on site. We worry that changes to the substation, junction boxes and access roads have been made to avoid the need for further studies. This point alone should raise a red flag about whether the natural heritage and environmental impacts of the project are fully recognized.



## We disagree! (cont'd)

- The Smithville transmission line relocation should require Stage 2 archaeological and Natural Heritage assessments as well, due to identified encroachment.
- They are now suggesting that **sound barriers** are no longer needed around transformer substations. **REALLY?** Noise from transformer substations has been an common complaint in other projects, where it has caused sleep deprivation and annoyance to the point of people having to move out of their homes and launch civil actions.
- While the modifications to access road entrances will occur on private lands, these entrances **will** provide access to Municipal and Regional roads. These changes raise questions about exact build specifications and impacts to culverts, drainage ditches, surface water flows and flood and storm water runoffs. Residents living in the project area can already attest to the importance of that. In addition, the proponent has not shown how these changes would impact water flow, and quality and the safety of nearby water wells. We wonder, as well, if the engineer's report for petroleum resources in the project area has been updated to reflect these changes and shared.



# What should be done?

- In our view, the proposed changes to the project are **very significant. MOECC should require full public & municipal consultation before considering the application for changes.**
- **MOECC plans to deny us this opportunity, regardless of the fact that they have no experience with turbines of this size and their potential impacts. We need to demand more than just an opportunity to post comments to the registry.**
- **West Lincoln Council has already heard about the issues with both the original and the modified reports – especially with the MOECC's treatment of NOISE EMISSIONS.**
- Wainfleet Council has already sent a letter to the Ontario Minister of Energy, the Deputy Minister and Niagara Region protesting the changes and demanding a new REA.



# What should be done? (cont'd)

- West Lincoln , like Wainfleet, should stand up for its rural residents, who comprise over 60% of the population of West Lincoln, by sending a letter to the Ontario Minister of Energy, the Deputy Minister and Niagara Region which says “You’re walking all over us. This is a whole new project and you must treat it as such.”





# West Lincoln: Resolution to Cancel RFP for Added Wind Generation

Drafted by Wind Concerns Ontario

Presented by Mike Jankowski, WLGWAG Inc.



# Large Renewable Procurement

- Ontario ordered IESO's to follow the [Large Renewable Procurement \(LRP\)](#) program – competitive bidding process for projects greater than 500 kW
- Successful bids were to be announced Nov 2015, but delayed to March 2016. ([Proponent List](#))
- Intended to “*Provide municipalities with a stronger voice...*” ([Points system](#) p47)



# Draft Resolution

- Adopted by [Dutton-Dunwich](#)
- Being circulated to Municipalities with goal to have as many support some form of this resolution prior to the [ROMA Conference](#) (Feb 21-24) and prior to 2015 RFP contact awards in March 2016.
- Even if no active proposals, Lease Options could be converted to Active Projects



# Resolution (1 of 3)

## Whereas:

- The Independent Electrical System Operator, under Ministerial Directive, issued an RFP for additional renewable energy generation including 300 MW of wind generation and is considering issuing further RFPs for 2016; and,

## Whereas:

- The December 2015 Auditor General's report confirmed that Ontario is generating surplus electricity with capacity increasing by 19% in the last 8 years while demand fell by 7.5% in the same period. Additional capacity is not required at this time; and,

## Whereas:

- The Auditor General also reported that the existing Feed In Tariff (FIT) contracts mean that Ontario power consumers will pay a premium of \$9.2 billion over 20 year contracts for renewable power with wind power pricing that is double the prices paid in the US market for Wind and 3.5 times solar; and,



# Resolution (2 of 3)

**Whereas:**

- The Ontario Chamber of Commerce reports that the escalating price of electricity is undermining their members' capacity to grow, hire new workers, and attract investment, and that Ontario's electricity costs are among the highest in North America, making the province uncompetitive for business growth; and,

**Whereas:**

- Adding wind to Ontario's grid drives CO<sub>2</sub> emissions higher. The Ontario Society of Professional Engineers estimated that wind with natural gas backup produces base-load electricity at about **200 grams** of CO<sub>2</sub> emissions/kWh compared with the current system average level of **40 grams** CO<sub>2</sub> emissions/kWh ; and,

**Whereas:**

- Nature Canada reports that wind power facilities have a substantial negative impact on endangered species including migrating bats and birds as well as destroying habitat for species at risk; and,

**Whereas:**

- Wind power is an intermittent source of electricity generation meaning that it cannot be used to replace dependable generating capacity without natural gas as a back-up ; and,



# Resolution (3 of 3)

**Therefore,** be it resolved that the Council of the Municipality of West Lincoln requests:

1. That the Province of Ontario exercise its rights in Section 4.13 (12) of [the current LRP I RFP](#) (Pg 59) to “*cancel the process at any stage and for any reason*” and not issue any new wind generation contracts;
2. That the Province of Ontario hold off any further renewable procurement process until the capacity is actually required and focus on sources that will actually reduce carbon emissions;
3. That the IESO review the outstanding FIT contracts that have not achieved ‘Commercial Operation’, and vigorously enforce the terms of the FIT contract with a view to eliminating further expensive wind generation capacity being added to the grid.



# Recipients

Send to:

1. Kathleen Wynne, Premier of Ontario –  
premier@ontario.ca
2. cc: Bob Chiarelli, Minister of Energy –  
bob.chiarelli@ontario.ca
3. cc: Tim Hudak, MPP Niagara West/Glanbrook -  
tim.hudakco@pc.ola.org
4. cc: Association of Municipalities of Ontario -  
cathiebrown@amo.on.ca



**WLGWAG**

West Lincoln Glanbrook  
Wind Action Group inc

# Q & A



Mothers Against  
Wind Turbines Inc.





# **SCHEDULE "C" TO THE JANUARY 25, 2016 COUNCIL MINUTES**

## **West Lincoln Council presentation**

**January 25 2016**

### **Industrial Wind Turbines: the story**

**Debbie Hughes**

1. Federal level – Renewables policy - Industry-led: Government supported - to achieve a major increase in deployment of wind energy in Canada
2. Provincial level – Green Energy and Economy Act 2009. An economic act aimed at fostering the growth of renewable energy projects, removing barriers and promoting opportunities for renewables
3. Green Energy Act – parameters around an Appeal
4. Proof of Causality – levels of proof
5. World Health Organization guidelines on scientific proof to noise
6. 2011 Environmental Review Tribunal findings – the debate should not be simplified to one about whether wind turbines can cause harm to humans. The evidence presented to the Tribunal demonstrates that they can, if facilities are placed too close to residents. The debate has now evolved to one of degree.
7. Commonly reported symptoms in the environs of Industrial Wind Turbines
8. Discussion around direct vs indirect causal pathways using the World Health Organization Noise Exposure schema
9. 2010 CMOH report on Potential Health Impact of Wind Turbines – author response to the WHO Noise Schema
10. 2011 ERT Tribunal findings on distinction between direct and indirect impacts – both modalities are included under the term ‘serious harm to human health’
11. Annoyance – what it is, what the Health Canada study revealed about it, IWT noise vs transportation noise
12. Growth in turbine size over the decades

I would encourage the Council to watch and read the following materials for further information

13. Ideacity & Carmen Krogh (2015) – 20 minute video  
<http://www.ideacity.ca/video/carmen-krogh-wind-turbines-can-harm-humans/>
14. McMurtry & Krogh (2014)  
<http://shr.sagepub.com/content/5/10/2054270414554048.full>
15. Jeffery, Krogh & Horner (2013)  
<https://www.srpc.ca/PDF/cjrm/vol19n1/pg21.pdf>



**Impact of Proposed Changes to Regulation 359/09  
Renewable Energy Approvals under Part V.0.1  
Environmental Protection Act**

**Township of West Lincoln**

**January 25, 2016**

**Bonnie Tuson**



## **SCHEDULE "D" TO THE JANUARY 25, 2016 COUNCIL MINUTES**

### **Impact of Proposed Changes to Regulation 359/09**

- On August 4, 2015, MOECC posted proposed changes to Regulation 359/09 to the Environmental Registry. The notice also proposed changes to Noise Guidelines for Wind Farms (EBR Registry #012-4493 and #012-4601)
- Variety of changes are proposed but those related to noise emissions are the focus
- Some changes reflect issues that citizens raised with the MOECC previously but to no avail
- Noise emissions for this project are such that it could not have been approved without some creativity on the part of the MOECC
- For background purposes - concerned citizens are of opinion that MOECC took liberties and made errors in interpreting existing regulatory regime in order to approve NRWC/FWRN project
  - Sound power level
  - Worst case scenario
  - Other wind farms
  - Loudest turbine
  - No guarantee
- Attempted to raise errors at Environmental Review Tribunal but were denied on basis of "must assume compliance"



## **SCHEDULE "D" TO THE JANUARY 25, 2016 COUNCIL MINUTES**

### **Impact of Proposed Changes to Regulation 359/09 (Cont'd)**

- Appears that the MOECC is now attempting to correct/address points we raised that would have meant denial of the original NRWC (FWRN) project application and would halt it now
- Once enacted, the changes will apply to new wind project applications but also to approved wind developments where modifications are sought
- Postings state that changes to Regulation 359/09 and Noise Guidelines for Wind Farms were to be enacted Jan. 01 but have been delayed. Issues raised? Proponent's modifications?
- Bottom Line:
  - some amendments appear to reflect issues/errors raised specifically about this project
  - project could not be approved if amended Regulation had been in place (worst case scenario)
  - NRWC modifications would have halted project had new rules been enacted on Jan. 01

**IF PROJECT IS HARMFUL TO HUMAN HEALTH UNDER AMENDED REGULATION, WHY NOT NOW?**



## SCHEDULE "D" TO THE JANUARY 25, 2016 COUNCIL MINUTES

### Impact of Proposed Changes to Regulation 359/09

Proposed Change to Regulation/NGWF	Details	MOECC Position	Impact/Effect
Definition of sound power level (SPL) to reflect that "rounding" to closest whole number not required	Neither original nor modified noise assessment use whole numbers (104.8 and 102.9)	MOECC claims "rounding" does not apply. Why is Regulation being amended?	At SPL of 104.8, there will be 14 homes exposed to maximum 40 dBA. No other SPL would fit
Modify definition to require inclusion of uncertainty value	Enercon data sheet recommended +/- 1 dBA be added for uncertainty	MOECC dismissed issue and advised that uncertainty value not necessary- although it was contained in standard they claim to follow	Adding uncertainty value would have exceeded 40 dBA max at approximately 200 homes and project could not have been approved
Modify to include taller turbines	To permit wind turbines of 70 metres in height	Claim that taller turbines are quieter appears in Environmental Registry notice	If so, how can change from 135m to 124m result in lower SPL as claimed?
Regulatory Impact Statement/Purpose of Policy (Reg. 359 and NGWF)	Registry notices for amendments state that changes will make for more accurate noise assessments and greater certainty	MOECC claims diligent review of noise assessments and dismissed concerns related to veracity of info	More accurate? Doesn't accurate mean 100% correct? Homes already at 40 dBA – if not accurate, why did they approve?
Transitional Rules (Reg. 359 and NGWF)	New rules apply to new REA applications and where modifications are applied for	Reasons for delay in enacting proposed new rules not announced	NRWC modifications could not be approved if new regime had been enacted at Jan 01/16 as planned



## **SCHEDULE "D" TO THE JANUARY 25, 2016 COUNCIL MINUTES**

### **SUPPORT FOR PURCHASE FOR NOISE MEASUREMENT EQUIPMENT**

#### **COMMENTS TO WEST LINCOLN COUNCIL - January 25, 2016**

##### **Introduction:**

My name is Bonnie Tuson and until recently, my husband and I lived on Concession 4 in West Lincoln. We had been there for 19 years. We sold our home and are currently in a rental property while we search for a new residence. One thing is certain – it will not be near a wind turbine.

I'd like to comment specifically on the amendments to Regulation 359/09 and Noise Guidelines for Wind Farms (NGWF) that have been proposed by the Ministry of Environment and Climate Change (MOECC). Some background is critical prior to discussion of issues related to the proposed regulatory amendments and how they relate to the Niagara Region Wind Company (NRWC/FWRN) project.

##### **Background:**

Many people have written to the MOECC regarding the veracity of the information in the NRWC/FWRN project documentation but more importantly, about the liberties that the ministry took in approving this wind development. I have personally written at least 100 letters and emails. The MOECC wants us to believe that they only approve wind developments that are protective of human health and the environment but their actions do not support their claims. I feel I have educated myself on the subject very well. My research and correspondence with the MOECC have led me to the conclusion that the goal of the MOECC is to approve wind developments at the expense of the public and the environment. It appears that the MOECC will even go so far as to contravene their own regulatory regime.

Several weeks back, you had opportunity to sit through a presentation regarding the errors in the documentation and the liberties taken by the MOECC in applying the rules. The MOECC ignored their own regulations requiring that the sound power level of a wind turbine be "rounded" to the closest whole number. The noise assessment report completed by the proponent did not reflect "worst case scenario" as required by the regulations and the MOECC accepted it. Enercon, the wind turbine manufacturer recommended the inclusion of a +/- 1 dBA uncertainty factor but that would have put predicted noise levels at many homes over the 40 dBA maximum allowed. The MOECC also ignored the evidence we produced for them which showed that ALL other wind farms utilizing this particular wind turbine model demonstrated higher sound power levels and they did not hold the company to providing the required guarantee of the sound power level. Regulation 359/09 requires that the noise calculations be based on the loudest turbine where there are to be different models. The MOECC ignored their own rules in that regard as well.



## **SCHEDULE "D" TO THE JANUARY 25, 2016 COUNCIL MINUTES**

Concerned residents had hoped that these issues would be resolved at the Environmental Review Tribunal (ERT) but those hopes were dashed when they refused to hear any of noise evidence. Instead, the ERT ruled that we must assume the project will comply. If it is later determined that the noise is out of compliance, it becomes an enforcement issue. Mothers Against Wind Turbines Inc. then submitted a very detailed application for ministerial review but after months of waiting, it was denied as well. The Minister ruled that he could only consider facts that were heard by the ERT rather than points of law. Since the evidence could not be presented at the ERT, it was not considered in the ministerial appeal either. What a catch-22!

If we are to "assume compliance" with the Renewable Energy Application (REA) as approved, then I guess we must also assume that the MOECC never makes errors. That is absurd. REA's do contain errors – as evidenced by the property line setback issue with HAF Wind. Anyone who sat through that ERT will recall the MOECC's senior manager testifying that they "trust the proponents to get it right." Errors have been pointed out to the MOECC with regard to the NRW/FWRN project as well as others.

We also know that actual noise levels frequently exceed the predictions in the models. You were provided with a copy of the MOECC noise report by a resident of West Lincoln several weeks ago that lives near the HAF Wind Project. The MOECC report showed that the noise levels were much higher than predicted. Think about the impact of that to residents in West Lincoln that live within the NRW project area. There are 14 homes predicted to be exposed to the maximum 40 dBA. How many will exceed that when those predictions turn out to be wrong? Had the MOECC applied the +/- 1 dBA uncertainty factor, there would be several hundred homes over the permissible limit.

The Modifications Report recently filed by NRW/FWRN once again does not "round to the closest whole number" and the noise assessment is not based on the loudest turbine. Again, we've seen no guarantee. Somehow the new E101- 2.9 MW wind they plan to use has a lower sound power level than the smaller E-82 they originally planned to use. Even more interesting is the fact that the Enercon data sheet contained in the original application shows the sound power level for the 2 MW turbine to be 104 dBA yet somehow the 2.9 MW turbine is now only rated at 102.9 dBA. Is the MOECC again planning to ignore their own rules in order to get this project up and operational?

### ***Discussion of Proposed Amendments:***

*(Please refer to attached chart and registry notices)*

The MOECC is proposing amendments to Regulation 359/09 and to its companion document, Noise Guidelines for Windfarms (NGWF). I have included them for your review. The proposed changes were posted in August of 2015 and opportunity for comment to the environmental registry closed in September of 2015.



## **SCHEDULE "D" TO THE JANUARY 25, 2016 COUNCIL MINUTES**

Many amendments are proposed but I would like to highlight those related to noise emissions.

Essentially, the MOECC appears to be correcting the definition of "sound power level" that was raised by citizens. The "worst case scenario" rule was considered optional for the NRW/FWRN project but that will no longer be the case. It seems the MOECC is expecting renewable energy applications for even taller turbines since there is a new provision for that as well. In the registry notice, the MOECC states that "taller turbines are quieter." If that is the case, why does the height modification from 135m to 124m result in a lower sound power level?

It should be noted that in both amendments, the MOECC refers to how the changes will make noise assessments "more accurate." How can something be "more" accurate? It is either accurate or not. Does that mean the noise assessment for the NRW/FWRN project was "less accurate?" When you have receptors already at the maximum 40 dBA, should the MOECC not have ensured the assessments were 100% accurate? This project could not have been approved had the MOECC applied the "worst case scenario" rule and included the uncertainty factor of +/-1 dBA that was recommended by the manufacturer. However, in the proposed regulation, that will be a requirement in order to make noise assessments "more" accurate. Interestingly, it was applied in the noise assessments of other wind farms where the possibility of exceeding the 40 dBA maximum wasn't an issue.

The MOECC intended to have the amendments in place for January 01, 2016 but that hasn't happened. According to the documents on the environmental registry, the transitional rules would have applied to the NRW/FWRN project due to the modifications applied for. Has the MOECC delayed enactment of the amended regulation and NGWF rules because of the modifications sought for this project?

### ***Summary:***

The NRW/FWRN could not have been approved had the amended regulatory regime been in place at the time of their original application. The modifications sought by the NRW/FWRN could not be approved had the amended rules been enacted as planned on January 01, 2016.

Under the amended regulation and NGWF document, there would be many receptors in excess of the 40 dBA permissible limit. The noise levels have not changed – only the standards have.

**If the project can cause harm by exceeding the 40 dBA in the post-amendment scenario, why not now?** I've written to the MOECC and asked that question but have not had a response yet.

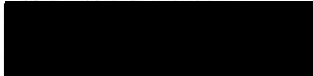


## **SCHEDULE "D" TO THE JANUARY 25, 2016 COUNCIL MINUTES**

I'm appalled at the MOECC's manipulation of the regulations. I'm appalled at how they disregard any contrary evidence that might throw a monkey wrench into their quest for more wind power. These are not the actions of an agency that claims to diligently review applications to ensure that the public is protected. For these reasons, I made the decision to sell my home in favour of a new residence away from the wind turbines. It is also why I encourage West Lincoln Council to support the purchase of noise monitoring equipment and to protect the residents of the community.

Thank you.

Bonnie Tuson







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#### Regulation Proposal Notice:

##### Title:

Amendments to O. Reg. 359/09 (Renewable Energy Approvals under Part V.0.1 of the Act)

##### EBR Registry Number:

012-4493

##### Ministry:

Ministry of the Environment and  
Climate Change

##### Date Proposal loaded to the Registry:

August 04, 2015

This notice was originally posted on August 02, 2015 for a 45-day comment period ending September 18, 2015. The comment period has been extended for another 14 days to provide for more public consultation.

**Keyword(s):** Electricity | Environmental Assessment | Legislation

**Related Act(s):** Environmental Protection Act, R.S.O. 1990

The comment period for this proposal is now over.

#### Description of Regulation:

O. Reg. 359/09 Renewable Energy Approvals under Part V.0.1 of the Act (REA regulation) is intended to support the Ontario Government's Green Energy initiative to expand renewable energy generation, encourage energy conservation and promote the creation of clean energy jobs, while upholding our commitment to protecting the environment. The renewable energy approval (REA) process is based on clearly communicated complete submission requirements, whereby proponents of renewable energy projects know in advance what studies and reports are expected of them in preparing a complete application for a REA.

The Ministry of the Environment and Climate Change (MOECC) is proposing amendments to the REA regulation to reflect the most recent Canadian Standards Association (CSA) 2013 Noise Standard, "Wind Turbine Generator Systems: Acoustic Noise Measurement Techniques". The CSA Standard is used by proponents for the purposes of determining the sound power level of wind turbines under the REA regulation. The amendments also address advancements in wind turbine technology, issues related to operational flexibility and continued protection of noise receptors. An amendment is also being proposed that relates to the natural feature protection and assessment sections of the REA regulation to reflect current practices in the province. Additional minor amendments are also being proposed to clarify other aspects of the REA regulation.

The ministry is also proposing updates to the Noise Guidelines for Wind Farms. For more details on the proposed changes to the Noise Guidelines for Wind Farms, a link has been provided to the associated Environmental Registry posting.

Descriptions of the key proposed regulatory amendments can be found below.

#### ***Adoption of 2013 CSA standard (CAN/CSA-IEC 61400-11, Wind turbines — Part 11: Acoustic noise measurement techniques)***

MOECC's REA Regulation currently references the CSA 2007 Noise Standard, "Wind Turbine Generator Systems: Acoustic Noise Measurement Techniques".

An amendment is being proposed to adopt the most recent 2013 CSA standard (CAN/CSA-IEC 61400-11, Wind turbines — Part 11: Acoustic noise measurement techniques) to replace the existing CSA 2007 Noise Standard.

The CSA standard is referenced in the definition of "sound power level" in the REA Regulation and is used by proponents to determine wind facility classification. It is also referenced in the specifications report, which all proponents of Class 3, 4 and 5 wind facilities are required to submit as part of a complete REA application.

#### ***Proposed Modifications to the Definition of "sound power level"***

#### Contact:

Stephanie Liu  
Senior Program Advisor  
Ministry of the Environment and  
Climate Change  
Environmental Programs Division  
Modernization of Approvals Branch  
Green Energy Approvals  
135 St. Clair Avenue West  
Toronto Ontario  
M4V 1P5  
Phone: (416) 212-0313



**SCHEDULE "D" TO THE JANUARY 25, 2016 COUNCIL MINUTES**

To reflect the ministry's conservative approach to dealing with noise emissions from wind turbines and to support the adoption of the 2013 CSA standard, three amendments are being proposed to the definition of "sound power level" in the REA Regulation to provide clarity:

1. Clarify that the definition of "sound power level" refers to the rating expressed as an "apparent" value.

This amendment would re-affirm MOECC's current requirement of the use of the "apparent" sound power level when conducting a noise assessment, and is reflective of the value used by other jurisdictions.

2. Modify definition to require the inclusion of the positive uncertainty value.

The ministry does not currently require the inclusion of manufacturers' uncertainty values in its definition of "sound power level". The "uncertainty value" is a +/- value assigned under the CSA standard to account for potential range of uncertainty in the sound power level rating of a wind turbine.

The ministry is taking the conservative approach in requiring proponents to include the positive uncertainty value, given by a manufacturer of the wind turbines under the CSA Standard, as a conservative value to be accounted for in noise assessments for their project.

3. Clarify that proponents are not required to use a rounded value when conducting a noise assessment in accordance with the ministry's Noise Guidelines for Wind Farms.

***Proposed Changes to the Classification of Wind Facilities and the Application of the 550 Setback***

Due to technological advancements of wind turbines, such that new models are taller and quieter, amendments are being proposed to the wind facility classification table and to the 550 metre setback. The purpose of the proposed changes is to ensure that all wind turbines used on a commercial scale continue to meet all of the comprehensive standards in the REA regulation that were designed to be protective of human health and the environment.

The proposed regulatory amendment is to include a wind turbine hub height of 70 metres as additional criteria to the existing wind facility classification requirements of greatest sound power level (expressed in dBA). Complementary amendments would also be made throughout the regulation including the provisions governing the noise setbacks.

***Proposed Exemptions for Changes to a Renewable Energy Project after a REA has Been Issued***

To date, the ministry has issued a large number of amendments to existing REAs for minor project changes.

To address issues related to operational flexibility, an amendment is being proposed to exempt proponents from having to obtain an amendment to an REA for specified changes to the project that are not expected to have any negative environmental effects and/or are already occurring at the project location assessed in the original REA application. These specified changes cannot be within any of the setbacks in Part V of the Regulation other than s.55. Proponents would be required to provide notification of the change to the Director and the ministry's District Manager in each district in which the project location is situated for record-keeping and monitoring purposes. Proponents would also be required to post the notification of the change on their website for public awareness purposes.

Specific changes to a project that would be exempt from an amendment to an REA may include:

- A change that results in the reduction in the size of the project location, provided that there are no changes to the renewable energy generation facility;
- A change in respect of a communications tower
- A change in respect of a fiber optic communications line

***Proposed Changes to the Definition of "Noise Receptor"***

An amendment is being proposed to the definition of "noise receptor" to encourage timely information sharing so that planned noise receptors (e.g. homes, schools) surrounding a project are properly assessed and accounted for by proponents.

Currently, proponents contact municipalities to obtain site plan and building permit information to account for potential noise receptors that have been approved, but not yet constructed.



**SCHEDULE "D" TO THE JANUARY 25, 2016 COUNCIL MINUTES**

The ministry is proposing to amend the definition of "noise receptor" to specify that in order for an approved but not as of yet constructed building or structure to be considered a noise receptor, the municipality or landowner must disclose the site plan approval or building permit to the proponent within 60 days of the proponent making a written request for it.

***Proposed Natural Heritage Amendments***

Through the Renewable Energy Approval process, proponents are required to address potential impacts to the natural environment, including significant natural features (e.g. provincially significant wetlands, significant woodlands, and significant wildlife habitat).

This requirement is implemented in O. Reg. 359/09 under the EPA through both a setback from significant natural features, and natural heritage assessment requirements related to natural feature evaluation and mitigation of potential environmental effects. Reports associated with these requirements are reviewed and confirmed by the Ministry of Natural Resources and Forestry (MNRF) as part of the REA process.

An amendment is proposed to align the area of land that is to be searched and analyzed as part of a records review with the land that is to be investigated as part of the site investigation.

An amendment is also being proposed to revise the definition of "woodlands" to align with Ontario's Provincial Policy Statement (PPS), 2014. This relates to the natural feature protection and assessment sections of the REA regulation and reflects current practices in the province.

This amendment would align the geographic extent for determining woodlands with the 2014 PPS, requiring proponents to use Ecoregions instead of the Canadian Shield.

***Other Minor Amendments***

Minor amendments are being proposed to clarify policy and to ensure language used in the Regulation is consistent with other regimes.

***Transition Provisions***

To take into account the new amendments, a provision is being proposed that will allow proponents of projects who have entered into a power purchase agreement with the Ontario Power Authority (OPA) or Independent Electricity Systems Operator (IESO) in respect of the supply of renewable energy from the facility and who have submitted a Renewable Energy Approval application or an Environmental Compliance Approval application to MOECC before January 1, 2016 to continue to apply the pre-2016 sound power level requirements in accordance with the previous REA Regulation.

For proponents of projects who have submitted a Renewable Energy Approval application or an Environmental Compliance Approval application to MOECC on or after January 1, 2016, the new 2016 sound power level requirements apply.

Proponents of projects that propose changes to a wind facility after being issued an approval before January 1, 2016 would be subject to the new sound power level requirements if the change was not previously approved and consists of any one of the following changes:

- . Changes in the location(s) of wind turbine(s).
- . Increase(s) in sound power level(s) of wind turbine(s).
- . Addition(s) of new wind turbine(s) to the facility.

Class 3 wind facilities with a hub height of 70 metres or more (excluding blade length) that were granted an REA prior to January 1, 2016, will not be subject to the 550 setback requirements unless changes are made to those turbines that increase their sound power level.

In respect of the amendment to the definition of woodland, the current definition will continue to apply to in respect of projects for which a REA application is made on or before December 31, 2015. The current rules that apply to projects for which a project notice was issued before December 31, 2010 are proposed to continue to apply.

For all other regulatory amendments, no transition provisions apply and all associated rules would be in effect as of January 1, 2016.

The proposed transition provisions ensure clear rules for applicability of the proposed amendments exist, and take account of projects already significantly underway.

***Purpose of Regulation:***

The Ministry of the Environment and Climate Change is proposing regulatory amendments to O.



**SCHEDULE "D" TO THE JANUARY 25, 2016 COUNCIL MINUTES**

Reg. 359/09 under the Environmental Protection Act. The proposed amendments include adoption of the most recent 2013 CSA standard (CAN/CSA-IEC 61400-11, Wind turbines — Part 11: Acoustic noise measurement techniques) are intended to provide more clarity to proponents of renewable energy projects in conducting noise assessments, reflect changes in technology, increase operational flexibility, ensure that the ministry's regulatory standards remain protective of human health and the environment, and maintain the original policy intent of the regulation.

**Other Information:**

Amendments are being proposed that relate to natural feature protection and assessment sections of the REA regulation to align requirements with current practices in the province.

Ministry of Natural Resources and Forestry Contact:

Joshua Cornfield  
Senior Program Advisor  
Ministry of Natural Resources and Forestry  
Resources Conservation Branch  
Policy Division  
300 Water St.  
Peterborough, ON  
K9H8M5  
705-755-5480

**Public Consultation:**

This proposal was posted for a 59 day public review and comment period starting August 04, 2015. Comments were to be received by October 02, 2015.

All comments received during the comment period are being considered as part of the decision-making process by the Ministry.

Please Note: All comments and submissions received have become part of the public record.

**Regulatory Impact Statement:**

The proposed amendments will, in some cases, increase work for proponents but will contribute to more robust and accurate noise assessment reports and therefore assist proponents in meeting the requirements of the REA process in a timelier manner.

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**SCHEDULE "D" TO THE JANUARY 25, 2016 COUNCIL MINUTES****Policy Proposal Notice:****Title:**

Updates and clarifications to the "Noise Guidelines for Wind Farms"

**EBR Registry Number:**

012-4601

**Ministry:**Ministry of the Environment and  
Climate Change**Date Proposal loaded to the  
Registry:**

August 04, 2015

This notice was originally posted on August 02, 2015 for a 45-day comment period ending September 18, 2015. The comment period has been extended for another 14 days to provide for more public consultation.

**Keyword(s):** Air | Electricity**Related Act(s):** Environmental Protection Act, R.S.O. 1990

The comment period for this proposal is now over.

**Description of Policy:**

The ministry is proposing changes to its "Noise Guidelines for Wind Farms" (Noise Guideline). The current Noise Guideline was developed in 2008 to provide direction to proponents regarding the assessment of noise from wind turbines and transformer substations when seeking ministry approval for a planned wind facility.

The proposed changes to the Noise Guideline are intended to provide greater certainty, clarity and accuracy with respect to the assessment of noise from wind facilities. The proposed changes will reflect current science and guidance on noise, as well as the requirements under the Renewable Energy Approval (REA) Regulation (O. Reg. 359/09) made under the Environmental Protection Act for processing REA applications for wind facilities.

The Noise Guideline, along with the REA Regulation, is being amended to reflect an update to a CAN/CSA standard on wind turbine noise (i.e. CAN/CSA-IEC 61400-11). The latest version of this standard was adopted by the Canadian Standards Association (CSA) in 2013. The Noise Guideline and the REA Regulation reference the standard. The standard provides a uniform methodology that ensures consistency and accuracy in the measurement and analysis of sound power levels for wind turbine generator systems. In the REA Regulation, sound power levels are important for establishing setbacks and classifying wind turbines. In the Noise Guideline, sound power levels are important for assessing noise impacts by wind turbines on receptors. Amendments are being proposed to the REA Regulation, in part to adopt the new CAN/CSA standard. For more details on the proposed amendments to the REA Regulation, a link has been provided to the associated Environmental Registry posting.

Attached to this posting is a document entitled "Summary of Proposed Changes to the 2008 'Noise Guidelines for Wind Farms'" (Proposal Document). The Proposal Document outlines the major changes proposed for the Noise Guideline. For reference purposes, a link has been provided to the existing 2008 Noise Guideline on the ministry's website.

Some of the proposed changes will be applied using transitional rules. Generally, the transitional rules allow existing wind facilities to operate under current requirements, while ensuring that proposed new wind facilities or proposed modifications to existing wind facilities comply with the updated Noise Guideline. A similar transitional rule is part of the proposed amendment to the REA Regulation with respect to the adoption of the 2013 CAN/CSA standard on wind turbine noise.

All other proposed changes in the Proposal Document are clarifications to existing requirements.

**Purpose of Policy:**

The purpose of the proposed changes to the Noise Guideline is to provide consistency and clarity in the requirements to complete a noise assessment report for a wind facility, and to reflect current science and guidance on noise.

**Public Consultation:**

This proposal was posted for a 59 day public review and comment period starting August 04, 2015. Comments were to be received by October 02, 2015.

All comments received during the comment period are being considered as part of the decision-making process by the Ministry.

**Contact:**

Jim Virtue  
Senior Program Support Coordinator  
Ministry of the Environment and  
Climate Change  
Operations Division  
Environmental Approvals Access and  
Service Integration Branch  
135 St. Clair Avenue West  
Floor 1  
Toronto Ontario  
M4V 1P5  
Phone: (416) 314-8252  
Toll Free Phone: (800) 461-6290

**Additional Information:**

**The following government offices have additional information regarding this Proposal. To arrange a viewing of these documents please call the Ministry Contact or the Office listed below.**

Environmental Approvals Access and  
Service Integration Branch  
135 St. Clair Avenue West  
Floor 1  
Toronto Ontario  
M4V1P5  
Phone: (416) 314-8001  
Toll Free Phone: (800) 461-6290

**The documents linked below are provided for the purposes of enhancing public consultation.**  
All links will open in a new window

1. [Proposed Changes to the 2008 "Noise Guidelines for Wind Farms" posted on August 4, 2015](#)
2. ["Noise Guidelines for Wind Farms", October 2008, PIBS 4709e](#)
3. [Environmental Registry posting](#)



Please Note: All comments and submissions received have become part of the public record.

## **SCHEDULE "D" TO THE JANUARY 25, 2016 COUNCIL MINUTES**

(Amendments to O. Reg. 359/09)

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## **SCHEDULE "E" TO THE JANUARY 25, 2016 COUNCIL MINUTES**

Pierre Sjaarda

[REDACTED]

St. Ann's

Dear Mayor, Council members and concerned citizens,

I have lived at [REDACTED] for 62 years and have seen more traffic in the past 6 months than in the 62 years I lived there. Last fall after trucking 37,000 tons of gravel for the laydown area, the road became 2 feet wider and they added 6 – 10" of gravel. I don't call it Vaughan Rd anymore, I call it Chinese Checker Road because of all the holes.

What I would like to focus on is this cement culvert. They surveyed it for months taking pictures and measurements. I was told that they had a heavy load coming and didn't know if the culvert could hold it.

On Jan. 6, they brought in 10 guys, a tractor trailer with ramps on it, and a big crane. They blocked the road both ways, stopping traffic – cars, trucks, school buses. This big crane was to take the ramps off the truck. They turned the boom a half a turn, and tried for half an hour to lower the boom, but it would not go down. So they removed everything to let the traffic go by. Then they brought in a zoom boom forklift, took the ramps off the trailer, and laid them across the culvert. Again all traffic was stopped. Only their vehicles were allowed over the ramp. Two hours later the big load arrived – a tractor with 10 wheels, the trailer had 52 for a total of 62 wheels.

There are another 7 months of this volume of traffic. Will our checker board road become a wash board with 'half load' season coming up? With that in mind, keep an eye on this cement culvert.



**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





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**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





## SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**









**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**





**SCHEDULE " F" TO THE JANUARY 25, 2016 COUNCIL MINUTES**









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

**MEETING NO. THREE HELD:** Wednesday, January 27, 2016 – Township Administration Building, 318 Canborough Street, Smithville, Ontario. 6:10 p.m.

**PRESENT**

**Council:** Mayor Douglas Joyner  
Councillor Terry Bell  
Councillor Dave Bylsma  
Councillor Joann Chechalk  
Councillor Jason Trombetta

**Staff:** Chris Carter, CAO  
Carolyn Langley, Clerk  
Donna DeFilippis, Treasurer/Director of Finance

**ABSENT:** Councillor Mike Rehner (absent with regrets – notification provided)  
Councillor Alex Micallef (absent – no notification provided)

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

There were no disclosures of pecuniary interest or conflicts of interest declared by any Members of Council.

**2. CONFIDENTIAL MATTERS:**

Moved by Councillor Terry Bell and seconded by Councillor Dave Bylsma:

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

- (a) CAO & Treasurer/Director of Finance  
Re: Strategic Planning/Budget – Training Session **(cont'd)**

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

1. for the purpose of educating or training the members where no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

- Carried (6:11 p.m.)

All Members of Council noted as present, as well as the CAO, Treasurer/Director of Finance and the Clerk, were in attendance during closed session deliberations.

Moved by Councillor Dave Bylsma and seconded by Councillor Terry Bell:

That, this Council meeting does now resume in open session at the hour of 9:08 p.m.

- Carried



- (a) CAO & Treasurer/Director of Finance  
Re: Strategic Planning/Budget – Training Session

Council rose without reporting.

**3. ADJOURNMENT:**

The Mayor declared the meeting adjourned at the hour of 9:08 p.m.



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**CAROLYN LANGLEY, CLERK**

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**MAYOR DOUGLAS JOYNER**



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

**MEETING NO. FOUR:** Monday, February 8, 2016 – Township Administration Building, 318 Canborough Street, Smithville, Ontario, Ontario – 6:15 p.m.

**PRESENT**

**Council:** Mayor Douglas Joyner  
Councillor Terry Bell  
Councillor Dave Bylsma  
Councillor Joann Chechalk  
Councillor Jason Trombetta

**Staff:** Chris Carter, CAO  
Carolyn Langley, Clerk  
Brian Treble, Director of Planning & Building

**Other:** Eric and Kim Leith \*  
Cliff Travis \*  
Stefanos Karatopis\*  
Mrs. Sherman\*  
Approximately 25 other Members of the Public\*

**ABSENT:** Councillor Mike Rehner (absent with regrets – notification provided)  
Councillor Alex Micallef (absent with regrets – notification provided)

\* IN ATTENDANCE PART TIME

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

There were no disclosures of pecuniary interest or conflicts of interest declared by any Members of Council.

**2. OTHER BUSINESS:**

(a) CAO (Chris Carter)  
Re: Request to Re-schedule the February 29, 2016 Council Meeting to 7:30 p.m.

Moved by Councillor Terry Bell and seconded by Councillor Dave Bylsma:

That, the February 29, 2016 Council meeting be re-scheduled to start at 7:30 p.m. in lieu of 7:00 p.m. in order to accommodate for attendance at the Welland River Flood Plain Meeting in Wellandport.

- Carried



### 3. CONFIDENTIAL MATTERS:

Moved by Councillor Dave Bylsma and seconded by Councillor Terry Bell:

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

(a) Director of Planning & Building (Brian Treble)

Re: Report PD-016-16 - Property Matters, Sale of Land (2 Parcels) in the Industrial Park

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

- a proposed or pending acquisition or disposition of land by the municipality or local board

- Carried (7:14 p.m.)

Moved by Councillor Joann Chechalk and seconded by Councillor Jason Trombetta:

That, this Council meeting does now resume in open session at the hour of 6:25 p.m.

- Carried

(a) Director of Planning & Building (Brian Treble)

Re: Report PD-016-16 - Property Matters - Sale of Land (2 Parcels) in the Industrial Park

**Parcel 1:** Part of Lot 39 and Part of Lot 14, Plan M94, being part of Parts 7, 8, and 9 of 30R-10710, now being Parts 1, 2 and 3 on 30R-14649 – approx. 1.57 hectares (3.9 acres)

**Parcel 2:** Part of Lot 30, Plan M-94, now being Part 1 on 30R-14650, - approx. 926.6 square metres

Moved by Councillor Terry Bell and seconded by Councillor Jason Trombetta:

1. That, report PD-016-16, regarding “Property Matters, Sale of Land (2 Parcels) in the Industrial Park”, dated February 8, 2016, be received; and,
2. That, the Agreement of Purchase and Sale between Andrew Witt in trust for a corporation to be incorporated and the Corporation of the Township of West Lincoln, for municipally owned lands described as Part of Lot 39 and Part of Lot 14, Plan M94, being part of Parts 7, 8, and 9 of 30R-10710, more specifically being Parts 1, 2 and 3 on 30R-14649, (Parcel 1) for parking lot purposes representing approximately 1.57 hectares (3.9 acres), be accepted subject to meeting conditions, and that the sale be COMPLETED AND FINALIZED, subject to satisfying the provisions contained in the Offer to Purchase (Parcel 1); and,
3. That, the Agreement of Purchase and Sale between Andrew Witt in trust for a corporation to be incorporated and the Corporation of the Township of West Lincoln for municipally owned lands legally described as Part of Lot 30, Plan M-94, more specifically being Part 1, 30R-14650 (Parcel 2), for expansion of the parcel of land situated at 2660 Industrial Park Road representing approximately 926.6 square metres, be accepted subject to meeting conditions and that the sale be COMPLETED AND FINALIZED, subject to satisfying the provisions contained in the Offer to Purchase (Parcel 2); and,



4. That, a by-law be presented for each sale, to authorize the Mayor and Clerk to sign and affix the Corporate Seal thereof, to all such documents as may be necessary to complete each sale/conveyance of property in accordance with each Agreement once conditions are satisfied; and,
5. That, the Township of West hereby confirms:
  - a) That, those municipally owned lands described as follows:  
Part of Lot 39 and Part of Lot 14, Plan M94, being part of Parts 7, 8, and 9 of 30R-10710 representing approximately 1.57 hectares were hereby declared surplus and available for sale as of the December 14, 2015 Council meeting (Parcel 1); and,
  - b) That, those municipally owned lands described as follows:  
Part of Lot 30, Plan M94 representing approximately 926 square metres were hereby declared surplus and available for sale as of the December 14, 2015 Council meeting (Parcel 2); and,
  - c) That, proper notice for both parcels was given to the public on January 28, 2016, of the proposed sale and the declaration of the lands being surplus, in accordance with the requirements of the *Municipal Act* and the Township of West Lincoln Land Sale By-law 95-31; and,
  - d) That, an appraisal update was obtained from Antec Appraisals for both parcels dated January 15, 2016 relating to the fair market value of the land; and,
  - e) That, a reference plan for each parcel has been completed and registered; and,
  - f) That, the PCB lease agreement with the MOE will be amended following completion of the sale of the subject lands to remove Parcel 1; and,
  - g) That, the MOE has consented to the sale of both parcels of land and the amendment to the PCB agreement in its entirety; and,
  - h) That the purchaser of each property will sign Schedule D for the MOE.
  - i) That parcel 2 will merge on title with the existing property situated at 2660 Industrial Park Road.

- Carried

#### 4. BY-LAWS:

Moved by Councillor Jason Trombetta and seconded by Councillor Joann Chechalk:

That leave be granted to introduce By-laws # 2016-10 and 2016-11 and that the same shall be considered to have been read a first, second and third time with one reading, and adopted; and

That the Mayor and Clerk be and are hereby authorized to sign and affix the Corporate Seal thereto, any rule of this Council to the contrary notwithstanding.

- Carried

#### LISTING OF BY-LAWS:

- |     |                |  |
|-----|----------------|--|
| (a) | By-law 2016-10 | To authorize the Sale of Land (Part of Lot 39 and Part of Lot 14, Plan M94, being part of Parts 7, 8, and 9 of 30R-10710, now being Parts 1, 2 and 3 on 30R-14649 – approx. 1.57 hectares (3.9 acres)                    |
| (b) | By-law 2016-11 | To authorize the Sale of Land - Part of Lot 30, Plan M-94, now being Part 1 on 30R-14650, and consisting of approximately 926.6 square metres (for expansion of the parcel of land situated at 2660 Industrial Park Road |



**5. ADJOURNMENT:**

The Mayor declared the meeting adjourned at the hour of 6:30 p.m.



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**CAROLYN LANGLEY, CLERK**

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**MAYOR DOUGLAS JOYNER**



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**TOWNSHIP OF WEST LINCOLN  
PUBLIC MEETINGS UNDER THE PLANNING ACT  
MINUTES**

**AMENDMENT TO TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW**

**(a) Zoning By-law Amendment – Arborwood Tree Service (Andrew & Kerri Hordyk)**

**(b) Zoning By-law Amendment – RVL Contracting Inc. (Hornak Rd)**

**PUBLIC MEETING:** Monday, February 8, 2016, Township Administration Building, 318 Canborough Street, Smithville – 6:36 p.m.

**PRESENT:**

Council:	Councillor Joann Chechalk – Vice Chair Mayor Douglas Joyner Councillor Terry Bell Councillor Dave Bylsma Councillor Jason Trombetta
Staff:	Chris Carter, CAO Brian Treble, Director of Planning & Building Carolyn Langley, Clerk Rachelle Larocque, Planner II
Others:	Steven Rivers, Rick VanLeeuwen, RVL Homes Jennifer Vida, Upper Canada Consultants Adam Keane, Upper Canada Consultants Stefanos Karatopis Eric and Kim Leith John Leith Mark Tisiot John Stancik Mrs. Sherman Elizabeth Stancik-Tisiot Don Harrington Andrew Hordyk Mike Hornak Naomi Brusse Al Krajcik Geri Lester Anne Fairfield And Approximately 10 other Members of the Public

**ABSENT:** Councillor Alex Micallef (with regrets - notification provided)  
Councillor Mike Rehner (with regrets - notification provided)

**\* IN ATTENDANCE PART-TIME**



(a) **PROPOSED AMENDMENT TO THE TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW – Arborwood Tree Service (Andrew & Kerri Hordyk)** (File No. 1601-019-15)

The Vice Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34 of the Planning Act as submitted by Arborwood Tree Service (Andrew & Kerri Hordyk) (File No. 1601-019-15)

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

A complete application for rezoning has been made for lands legally described as being Part Lot 5, Concession 7 in the former Township of Caistor, now in the Township of West Lincoln. The property is municipally known as 7838 Twenty Road and is located at the intersection of Twenty Road and Allen Road. The property is approximately 32 hectares (79 acres) and is currently zoned Agricultural A2.

Application has been made to rezone the lands to Agricultural A2 with exception to allow a landscaping and arborist operation to operate on site. The operation will have approximately 13 employees, including the owner and staff who will work primarily offsite. The arborist and landscaping business will occur in the buildings that are currently on the site. It is believed that a number of the existing buildings will be repaired and renovated and there may be a number of new buildings that are required. The remainder of the property will be used for cash cropping, a worm farm, a tree nursery and a soil enrichment operation.

The Vice Chair stated that the Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the proposed Zoning By-law Amendment application. The Vice Chair noted that the purpose of this public meeting is to receive comments and answers questions from the public regarding the proposed amendment to the Township of West Lincoln Zoning By-law.

The Vice Chair stressed that, at this point, no decision had been made on the proposed amendment to the Township of West Lincoln Zoning By-law which is being considered this evening and that any comments received will be taken into account by Council in their consideration.

The Vice Chair advised that the Planning Act requires in Section 34(13) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Municipal Board.

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

The Clerk advised that proper notice of this public meeting was given by way of individual notice dated January 4<sup>th</sup>, 2016.



The Vice Chair requested the Director of Planning & Building, Mr. Brian Treble, to explain the purpose and reason for the proposed Zoning By-law Amendment as submitted by Arborwood Tree Service (Andrew & Kerri Hordyk) for property located at 7838 Twenty Road.

The Director of Planning & Building reviewed his report (Technical Report No. PD-019-16 dated February 8, 2016 - Zoning By-law Amendment – Arborwood Tree Service (Andrew & Kerri Hordyk) (File No. 1601-019-15). The Director of Planning & Building advised that the Township had received correspondence from Mr. Rick Williams after staff had finalized their report, which is attached as **Schedule A** to these minutes. The Director of Planning & Building noted that he had distributed a copy of Mr. Williams' comments to each Member of Committee prior to the commencement of this evening's meeting.

The Vice Chair asked if the applicant or their authorized agent was present and wished to speak to the proposed Zoning By-law Amendment application.

Mr. Steven Rivers, advised that he was the authorized agent for the owner of the subject lands, being Arborwood Tree Service (Andrew & Kerri Hordyk). Mr. Rivers read from a prepared list of points with respect to the rezoning application, which are attached as **Schedule B** to these minutes. Mr. Rivers advised that he was available to answer any questions or address any concerns from anyone from the Committee and/or public.

The Vice Chair asked if there were any oral or written submissions from anyone present regarding the proposed Zoning By-law Amendment. The Vice Chair advised that this may be the final Public meeting being held with respect to this application; therefore, she noted that if any Members of the Public have comments they should state them now as the OMB may not consider comments made during any other Council and/or Committee meetings.

Ms. Elizabeth Stancik-Tisiot advised that her mother's farm (7809 Twenty Road) was next to the subject lands and that noise was already emanating from the subject lands, such as back up beepers; even though there was supposed to be no activity occurring on the property. Ms. Stancik-Tisiot noted her concerns with respect to the use of two grinders that the applicant owns and the amount of noise that will be generated from this equipment as well as the impact of this equipment on the neighbouring properties. Ms. Stancik-Tisiot advised that she and her husband wanted to build a new home on the property when they retire, next to the subject lands and that the few times that they have come out to the property, they have noticed that the amount of noise and smells coming from the subject lands have been continuous. Ms. Stancik-Tisiot noted that her mother's property will devalue in price with this business and noise emanating from this type of business being located next door. Ms. Stancik-Tisiot advised that the statement made by the applicant that there will be no noise impact was untrue and that there has already been noise impact on the neighbouring properties. Ms. Stancik-Tisiot advised that it was her understanding when she had spoken to Council Members, that the applicant has been advised to stop operations of his business on the subject lands and was fined and she understood the fines have not been paid. Ms. Stancik-Tisiot advised that the applicant has constructed a parking lot on the subject lands without a permit and he has continued to proceed with his plans without



obtaining the necessary approvals. Ms. Stancik-Tisiot advised that although she has contacted the Township on many occasions, the applicant has continued to operate his business on the subject property causing the neighbours to listen to unbearable noise.

Mr. Mark Tisiot advised that his wife's family have lived at this property for over 65 years and although he did not want to take away from the applicant's livelihood, he did not feel it was fair for his wife's family to have to tolerate the amount of noise (grinding and sawing) that was emanating from the property and that these types of uses would be better located in an industrial area, such as in the Smithville Industrial Park.

Mr. Eric Leith read from a prepared statement with respect to a number of concerns and questions regarding the rezoning application submitted by Arborwood Tree Service (Andrew Hordyk), which is attached as **Schedule C** to the minutes. Mr. Leith noted that there was discussion regarding non-agricultural source materials for soil enrichment which has three (3) categories with the 3<sup>rd</sup> category including the use of human waste. Mr. Leith noted that the applicant would require a non-agricultural source material and a nutrient management plan, which would require approval from OMAFRA and he questioned whether the applicant had started this process.

Mr. John Stancik advised that he lived next door to the subject property and that he had much concern with the noise that would be produced by the proposed arbour business. Mr. Stancik advised that although he could not disagree that farming operations produce noise, he noted that there was a difference between tractors and farming equipment which do not sit in one centralized location whereas grinders, saws, trucks and/or skid steers/loaders for this proposed business would be operating within a small area of the subject land and produce many types and degree of sounds, including but not limited to "screaming", "engine's roaring" and "backup beeper" noises. Mr. Stancik noted that these sounds already exist even though Mr. Hordyk has not received the required approvals in order to operate his business on the subject lands. Mr. Stancik noted that the business yard and proposed pond would be approximately 200 to 350 feet from the front door of his home and that once the business commences to operate fully, including the soil enrichment operation, the screeching sounds from the equipment and the smells from the human waste will be unbearable. Mr. Stancik advised that Mr. Hordyk had constructed the parking lot in an area on the property which had a natural swale that had been defined by glaciers hundreds of millions of years ago, and when he filled this area in, he caused drainage issues to approximately 15 acres of his fields. Mr. Stancik advised that when he complained to Mr. Hordyk, he was advised that he had the blessing of the Township and the NPCA to complete this work. Mr. Stancik advised that Mr. Hordyk did not have his blessing to impede the flow of water and change the direction of the water by 120 degrees and that he had to take it upon himself to open up a ditch on Mr. Hordyk's property so that his land would not be flooded. Mr. Stancik questioned how a secondary use operation worked on a property that is zoned Agricultural and whether the value of the agricultural portion of the land had to supersede the amount of income generated from the secondary use. Mr. Stancik questioned if Mr. Hordyk would be making more of an income from the farming of this property as he felt that the soy bean crop that was planted on the subject lands last year was, in his opinion, one of the worst soy bean crops in the area and that Mr. Hordyk would have most likely lost money on this crop. Mr. Stancik stated that he did not believe that Mr. Hordyk would



make more income from the agricultural lands than he would from his commercial business that he was establishing on the property. Mr. Stancik noted that Mr. Hordyk's business belongs in an Industrial Park otherwise any other businesses in the Industrial Park should sell their high priced land and purchase his farm and move their operations as this will be all that his property would be good for.

In response to Mr. Stancik's inquiry regarding when a decision will be made on Mr. Hordyk's rezoning application, the Vice Chair advised that a Technical Report was being considered by the Planning Committee this evening and that a recommendation report will be forthcoming to a future Planning Committee and/or Council Meeting. The Vice Chair stated that the purpose of this evening's meeting was to inform the public in respect of the proposed Zoning By-law Amendment application and to receive comments and answer questions from the public regarding the proposed amendment to the Township of West Lincoln Zoning By-law. The Vice Chair further advised that once the Planning Committee and/or Council make a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period.

Mr. Stancik advised that he had spoken with a real estate agent, who has advised him that if an adjacent property is rezoned commercial then the property values of adjacent residential properties will plummet.

The Vice Chair read into the record a written submission received from Mr. Michael Alves, which is attached to the minutes as **Schedule D** to these minutes.

Mr. Don Harrington advised that he and his wife's main concern with respect to the rezoning of the subject lands was the devaluation of their residential properties being located next to a commercial business operation. Mr. Harrington noted that on a positive note, Mr. Hordyk has cleaned up the subject property and that it was in the best condition that it had been in over 25 years. Mr. Harrington noted that the noise from the potential chipping may be of a concern but it was difficult to know at this point as there were many unknowns with respect to noise levels, amount of time during the day and/or week that the chipper would be operating, etc. Mr. Harrington noted that he objected to Mr. River's comments that people that lived in the country, but were not farmers, were some kind of "second class" citizen with respect to their rights.

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

The following questions and/or concerns were raised by Members of the Committee regarding the proposed Zoning By-law Amendment:

- (1) Will the applicant be living or is already living on the subject lands? (Response = Mr. Rivers advised that Mr. Hordyk lives nearby on property he owns on Allen Road and that it was his understanding that Mr. Hordyk had no intention of living on the subject property and that the residential home may be used by an employee(s).)



- (2) Is the owner currently running his business or part of his business from the subject property? (Response = Mr. Hordyk advised that he was storing equipment and firewood on the subject property. With respect to the concerns raised regarding depreciating of surrounding properties and potential noise emanating from the business, Mr. Hordyk advised that he has not completed the staging area yet and that he wanted to have this area to be esthetically pleasing to the neighbours through use of berming, etc.)
- (3) Is there wood being stored on the property and/or being brought onto the property? (Response = Mr. Hordyk advised that he had a young man working for him as a coop student who was cutting wood for firewood during the day and sometimes on Saturdays.)
- (4) Are the subject lands being used as part of the landscaping and arborist operation? (Response = Mr. Hordyk confirmed that he was working on the subject lands).
- (5) Is there chipping and/or sawing occurring on the subject lands? (Response = Mr. Hordyk advised that chipping of wood is done beside the trucks at off site locations so there will be no chipping of wood on site; however, he noted that the chipping material is stored on site which must be turned, etc. Mr. Hordyk noted that he does own a small sawmill, which was small in scale, however, he noted that he presently uses it for personal use on his property on Allen Road. Mr. Hordyk noted that there was an antique sawmill located on the subject lands, which had been used by a previous property owner, being Mr. Jason Allen. Mr. Hordyk showed Committee Members pictures of the antique sawmill, which he noted was no larger than a riding lawnmower. Mr. Hordyk noted that he was a preservationist of trees and that his business was very “green” in nature with very little waste. Mr. Hordyk noted that there will be no human waste brought to the subject lands and that the process for the soil enrichment operation was very specific using wood chips. Mr. Hordyk advised that there were operations in Switzerland and New Brunswick that run fully organic sustainable farms and that they have advised that they would be willing to teach him how to manage the bi-product from this part of his landscaping and arborist business. Mr. Hordyk advised that he works very regularly for the Niagara Peninsula Conservation Authority, the Grand River Conservation Authority as well as the Town of Oakville and Niagara-on-the-Lake, etc.).
- (6) Would it be fair to say that the landscaping and arborist operation will be the primary use on the subject lands and the agricultural portion of the property will be the secondary use? (Response = Mr. Rivers advised that he did not agree with this statement and that the silviculture operation including mulching, cutting and splitting of wood (lumber, firewood) as well as mushroom and worm farming and cash crops are all considered to be agricultural uses and that the only non-agricultural use was the office building (accessory use) from where the business would operate from. Mr. Rivers advised that there are a number of farming operations within the area that have large vehicles on their property that have backup beepers as well as large tractors and other types of equipment, which produce a lot of noise. Mr. Rivers further noted that there were many farms that operate grain silos, which also produce a lot of noise).
- (7) It was noted that based on the information and answers that have been provided this evening it does not appear that the discussions have been open and upfront as many of the answers have not been the “right” answers. Reference was made to the definition of a home industry being the “secondary



- use” and that based on the information provided by the consultant and owner, a portion of this operation would be better located in an Industrial Park.
- (8) It was stated by the owner that there will be no animal or human waste brought onto the subject lands, however, one of the speakers questioned whether the owner was required to obtain a nutrient management certificate from OMAFRA and whether he had obtained a certificate and what type of certificate (1, 2 or 3) had he obtained? (Response = Mr. Hordyk advised that a certificate would be required but he was waiting until this process was complete before applying for a certificate).
- (9) What type of certificate will be required from OMAFRA? (Response = Mr. Hordyk thought that a level 3 Certificate would be required; however, he was unsure).
- (10) A question was raised regarding whether Mr. Tisiot and Ms. Stancik-Tisiot lived on property near Mr. Hordyk’s property? (Response = Ms. Stancik-Tisiot advised that her mother and brother owned the property adjacent to Mr. Hordyk’s property and that it was her hope to obtain a severance of a residential lot off of her mother’s farm to build a new home when she retired).
- (11) Were approvals obtained to construct a parking lot on the subject lands? (Response = The Director of Planning & Building noted that it was his understanding that there have been some changes to the parking lot area prior to the applicant purchasing the property; however, he was unsure of the configuration, elevation and size prior to the changes. The Director of Planning & Building noted that it was his understanding that most of the work was done prior to the Site Alteration By-law. The Director of Planning & Building noted that staff were dealing with a complaint that was received for the subject lands as well as the lands owned by Mr. Hordyk on Allen Road which was the reason for this public process. The Director of Planning & Building noted that there have been changes made to the subject lands and that none of these changes have been officially approved at this time).
- (12) It was noted that based on the watershed mapping that was included as part of staff’s report, it appeared that the property owner may have changed the grading and drainage of the subject lands; therefore, affecting the neighbouring lands when he constructed/enhanced the parking lot area.
- (13) A question was raised regarding whether the applicant had been fined due to contravening Township by-laws? (Response = The Director of Planning & Building noted that the by-law enforcement process was a confidential process which has resulted in orders being issued, however, he noted that he could not provide any further comments beyond this at this time).
- (14) Because of the configuration of the subject parcel, being long and slender, there was concern raised regarding the setbacks to accessory agricultural uses and it was noted that there should be a clear understanding of what and where the setbacks are as they relate to noise and if noise attenuation measures will be required (i.e. berms, trees).
- (15) Will there be importing of wood onto the subject property and if so, how much wood would be brought into the property (i.e. tri-axle loads, transport trailer, single axle)? (Response = Mr. Hordyk advised that a single axle truck with a chipper would bring back mulch, logs and firewood to the property; however, this can change from day to day and/or year to year).
- (16) How much imported wood, on an average would be brought into the property in a year? (Response = Mr. Hordyk noted that during the busy season, being



- from May to December, on average 10 to 15 yards per day of mulch and whatever amount of corresponding firewood would be brought into the property. Mr. Hordyk noted that quite often the firewood is given away to someone on site and that he had a secondary site where the firewood was brought to. Mr. Hordyk advised that it was not his plan to fill the 50 acres with wood.)
- (17) Will there be trucking of materials in and out of the site? (Response = Mr. Hordyk advised that there will be trucking of materials into and out of the site, with materials being brought onsite at the end of the day and there would be loads of firewood and/or mulch leaving the site).
- (18) Would the loads of firewood and/or mulch be trucked out using larger trucks or would they go out in smaller quantities using pickup trucks? (Response = Mr. Hordyk noted that the maximum size loads would be approximately 6 face cords at one time which would be trucked out in bins).
- (19) Have all agency comments been received to date? (Response = The Director of Planning & Building noted that Planning Staff were waiting to hear the public comments before presenting a recommendation report. The Director of Planning & Building noted that the Region's comments are generally of a preliminary nature at this time. The Director of Planning & Building advised that staff will be reporting back to the Region to consult with them regarding their final recommendation. The Director of Planning & Building noted that based on the discussions this evening, if this application is supported, language will need to be included as part of the by-law with respect to restrictions, regulations, size, scale, compatibility, etc. in order to ensure that controls are put in place to minimize the impacts on agriculture, both onsite and offsite, etc.).
- (20) Is it correct that harvesting wood from your own property for your own use is not an issue? (Response = The Director of Planning & Building noted that this was correct and that the correct term was "produce produced on the premises").
- (21) Is a property owner allowed to harvest wood from his/her property and sell it to their neighbour? (Response = The Director of Planning & Building noted that yes as long as you are doing value-added to wood generated on your property).
- (22) Is a property owner allowed to bring wood onto his/her property and process it for other uses such as split for firewood, etc. and sell it? (Response = The Director of Planning & Building noted that this is an issue that staff will be addressing as part of their review. The Director of Planning & Building noted that there is a certain amount of complimentary processing that would be acceptable; however, it would need to be accessory to and compatible with the subject property and the adjacent lands. This is an issue that has been discussed and addressed as part of other previous applications that have come before Council).

The Vice Chair advised that a Technical Report is being considered by the Planning Committee this evening and that a recommendation report will be forthcoming to a future Planning Committee and/or Council Meeting. The Vice Chair further advised that once the Planning Committee and/or Council make a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Vice Chair noted that there is a Public Meeting Attendance Sign in sheet located along the wall near the exit doors, which she asked all present to sign if they wished to be notified of Council's decision with respect to this application. The Vice Chair asked that the public please make sure they were signing the appropriate meeting attendance sheet.



The Vice Chair advised that this public meeting with respect to the proposed Zoning By-law Amendment is concluded at the hour of 7:47 p.m.

**(b) PROPOSED AMENDMENT TO THE TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW – RVL Contracting Inc. (Rick VanLeeuwen) (File No. 1601-020-15)**

The Vice Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34 of the Planning Act as submitted by RVL Contracting Inc. (Rick VanLeeuwen), being File No. 1601-020-15.

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

A complete application for rezoning has been made for lands legally described as being Part of Lots 3, 4, and 5 on Plan M94 in the former Township of South Grimsby, now in the Township of West Lincoln, being Parts 2 and 3 on Reference Plan 30R-13088. The property is currently vacant of any structures and therefore has no municipal address.

This application for rezoning is required as a condition of consent application B17/2015WL which proposes to create two residential building lots from the subject lands (depicted as Part 1 & Part 2 on the attached sketch). The property is proposed to be rezoned from Residential R1 to Residential R3 in order to facilitate the construction of two detached dwellings once the severance is complete. The area depicted as Part 1 of the subject lands is proposed to be rezoned to Residential R3 with an exception to allow for a reduced rear yard setback of 3.05 metres, whereas 7.5 metres is required. The area depicted as Part 2 of the subject lands is proposed to be rezoned to Residential R3 with an exception to permit a driveway/parking area in what will be considered the exterior side yard adjacent to Hornak Road for a future dwelling.

The Vice Chair stated that the Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the proposed Zoning By-law Amendment application. The Vice Chair noted that the purpose of this public meeting is to receive comments and answer questions from the public regarding the proposed amendment to the Township of West Lincoln Zoning By-law.

The Vice Chair stressed that, at this point, no decision had been made on the proposed amendment to the Township of West Lincoln Zoning By-law which is being considered this evening and that any comments received will be taken into account by Council in their consideration.

The Vice Chair advised that the Planning Act requires in Section 34(13) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Municipal Board.

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



The Clerk advised that proper notice of this public meeting was given by way of individual notice dated January 4<sup>th</sup>, 2016.

The Vice Chair requested the Planner, Ms. Rachelle Larocque, to explain the purpose and reason for the proposed Zoning By-law Amendment as submitted by RVL Contracting Inc. (Rick VanLeeuwen).

The Director of Planning & Building reviewed his report (Technical Report No. PD-020-16 dated February 8, 2016 - Zoning By-law Amendment – RVL Contracting (Rick VanLeeuwen) (File No. 1601-020-15)

The Vice Chair asked if the applicants or their authorized agent was present and wished to speak to the proposed Zoning By-law Amendment application.

Ms. Jennifer Vida, Registered Professional Planner with Upper Canada Consultants advised that she was the authorized agent for the owner of the subject lands, being RVL Contracting Inc. Ms. Vida reviewed a PowerPoint presentation, which is attached to these minutes as **Schedule E**. Ms. Vida advised that she was available to answer any questions or address any concerns from anyone from the Committee and/or public.

The Vice Chair asked if there were any oral or written submissions from anyone present regarding the proposed Zoning By-law Amendment. The Vice Chair advised that this may be the final Public meeting being held with respect to this application; therefore, she noted that if any Members of the Public have comments they should state them now as the OMB may not consider comments made during any other Council and/or Committee meetings.

Mr. Mike Hornak advised that he had originally severed the lot in question and that the only way that he could sever the lot was to rezone it to a Residential R1 zone which met the required setbacks of the Zoning By-law as well as caused the lot to be large in size. Mr. Hornak noted that the severing of the original lot into two parcels would create some problems for the existing home whose front yard would be facing into the backyard of these two new homes. Mr. Hornak advised that he understood that the lots would be dressed up along Station Street and Hornak Road; however, he questioned what would be done to provide a barrier between the two new residential lots and the home whose front yard will abut the backyard of these two lots. Mr. Hornak noted that he was also concerned that the applicant has requested an exception to allow for a reduced rear yard setback of 3.05 metres, whereas 7.5 metres is required. Mr. Hornak noted that having the rear yard of these lots even closer to the front yard of the existing residential home on Station Street will only create further problems down the road and that, in most circumstances; people's backyards are less attractive than their front yards (i.e. put junk behind their homes). Mr. Hornak noted that the configuration of the original lot (copy of survey attached as **Schedule F**) had shown a home being constructed on the portion of the lot shown as Part 1 with a shed/garage being constructed within the portion of the lot shown as Part 2. Mr. Hornak advised that with the creation of two lots there would be two homes facing onto Hornak Road with their back yards abutting the existing home along Station Street. Mr. Hornak advised that there was a private ditch which ran along the westerly portion of the lot depicted as Part 2 which he felt would also create problems down the road.



In conclusion, Mr. Hornak advised that he would not recommend anyone's backyard being in front of someone else's home.

In response to Councillor Chechalk's inquiry to Mr. Hornak if he was requesting landscaping and/or fencing to be installed along the southerly portion of the two lots which abut the existing residential lot, Mr. Hornak advised that he was mainly concerned with the lot depicted as Part 2 as the back yard of this lot will be fully facing the front yard of the existing home on Station Street. Mr. Hornak noted that there was no mention that there will be anything done along the southerly lot line of these two lots and that there was only mention that these lots will be dressed up along Station Street and Hornak Road. Mr. Hornak noted that it will be impossible for someone to construct a garden shed in the rear yard of either of these two lots with a 3 metre rear yard setback. Mr. Hornak noted that the original lot met all setbacks requirements and that the applicant was asking for amendments to reduce the setbacks from 7.5 metres to 3 metres.

The Planner (Rachelle Larocque) explained that the portion of the yard abutting the existing residential home along Station Street (shown as Part 2 on the survey) was the side yard setback as the front yard was the portion of the lot abutting Station Street. The Planner advised that the applicant was proposing to rezone the lot to Residential R3 with an exception to permit a driveway/parking area in what will be considered the side yard, which will be off of Hornak Road. The Planner noted that the rear yard, which is 9 metres, will exceed the rear yard requirement for a Residential R3 lot. The Planner advised that the area depicted as Part 1 of the subject lands was proposed to be rezoned to Residential R3 with an exception to allow for a reduced rear yard setback of 3.05 metres, whereas 7.5 metres is required as the front yard for this lot abutted Hornak Road. The Planner noted that there will be façade treatments on the corner of the lot shown as Part 2, therefore, it will be aesthetically pleasing from both Station Street and Hornak Road as these lots provide a gateway feature with frontage on both roads and entrance into the Station Meadows Subdivision.

In response to Councillor Chechalk's inquiry regarding whether there will be a requirement for fencing between the proposed lots and the existing property to the south, the Planner advised that there is no automatic requirement for fencing.

Mr. Hornak reiterated his concerns that the rear yard of the proposed lot depicted as Part 2 will be only 3 metres from the front yard of the existing home, which in his opinion was not large enough to accommodate a swale.

The Planner noted that even if the lot was not proposed to be severed into 2 parcels, the house could have been constructed in the portion of the lot that would be located in the front yard of the existing home on Station Street as there was no requirement for the house to be located in the portion of the lot shown as Part 1. With respect to the drawing which Mr. Hornak had shown earlier this evening which depicted a shed/garage being constructed in the portion of the lot depicted as Part 2, the Planner advised that because the front yard would be the lot line abutting Station Street, a shed/garage could not be built in this location without the applicants making an application for rezoning or minor variance or switching the location of the home and garage, as detached structures are not permitted to be constructed in the front yard.



The Planner noted that the Township has been working on urban design guidelines and although they have not been approved by Council, staff has advised any applicants of residential, commercial and institutional development of the anticipated requirements of the urban design manual, which staff expect will be put in place shortly. The Planner noted that staff feels there is a benefit for applicants to examine what the Township will be requesting so the applicants can plan accordingly with respect to future applications and proposed developments. Although the proposed urban design guidelines may not benefit Mr. Hornak and his concerns, the guidelines are suggesting that front yards and parking spots for residential, commercial and/or institutional developments that abut a street be oriented to hide from view parking lots and garages projecting out, etc. The Planner noted that this type of design will look nicer and will be more aesthetically pleasing within the community and that in some aspects, the proposed location of the house on Part 2 will meet the intent of the urban design guidelines as they are currently being proposed in draft form.

The Planner advised that only the area depicted as Part 1 of the subject lands is proposed to be rezoned to Residential R3 with an exception to allow for a reduced rear yard setback of 3.05 metres, whereas 7.5 metres is required. The Planner reiterated that the area depicted as Part 2 which abuts the existing home is not the rear yard but will be the side yard as the front yard will be the lot line along Station Street (shortest of the two frontages) and therefore the only exception being requested for this lot (Part 2) was to permit a driveway/parking area in what will be considered the side yard adjacent to Hornak Road. The Planner noted that the subject lands were severed through approval of the Committee of Adjustment, which proposed to create two new vacant residential parcels from the subject lands and that the application for rezoning was made to fulfill a condition of consent approval for the severance application to rezone the lots to Residential R3 which recognizes smaller lot sizes than the Residential R1 zone. The rezoning application also proposes additional site specific zoning provisions for each of the two lots proposed. The Planner noted that the applicant has one year to meet all conditions of consent including a number of other conditions. The Planner noted that the location of the front yard, rear yard and side yard of a lot are determined through the Township's Zoning By-law and that based on the draft approved application by the Committee of Adjustment and that the location of the front yard, rear yard and side yard are different from the application that had been previously approved through the severance that Mr. Hornak had completed. The Planner noted that if the rezoning application is approved and the applicant meets all other conditions of consent then this new lot will be formalized, created and registered.

Mr. Hornak reiterated that he does not have a problem with the location of the home on Part 1 but he had concern with respect to the location of the home on Part 2 as the rear yard will only be 3 metres from the property line and that because of the angle of the existing lot, the proposed new home will be sit directly in front of the front window of the existing home. Mr. Hornak noted that, in his opinion, a home constructed on Part 2 will not sell very easily and/or at a decent price as it will sit directly across from a large commercial/industrial use.

The Vice Chair asked if any Members of the Committee had any oral or written submissions on the proposed Zoning By-law Amendment. The Vice Chair advised that this may be the only Public meeting being held with respect to this application; therefore, she noted that if any Members of the Committee had any comments they



should state them now as the OMB may not consider comments made during any other Council and/or Committee meetings.

The following questions and concerns were raised by Members of the Committee regarding the proposed Zoning By-law Amendment:

- (1) Is there a culvert at the back of lot shown as Part 2? (Response = The Planner stated that the area being referred to is not a Township owned easement but is a private swale (surface drain) between landowners, which drains a significant area. The area depicted as Part 3 as shown on the survey is a registered easement.)
- (2) Was the road widening (Part 4) a part of this severance? (Response = The Planner advised that Niagara Region required a road widening which was a condition of the severance application).
- (3) It was noted that the Township has been doing a lot of work with respect to urban design guidelines, which includes improving the view and image of the streets in Smithville and because there are a number of homes that have been constructed south of the subject parcel (Part 2), which have a certain streetscape and/or setback from Station Street (50 to 60 feet), having a home constructed so close to Station Street would make this home stick out like a “sore thumb” from all the other homes.
- (4) It was noted that it would have been more logical to have left the lot as it was originally severed with a home being constructed on Part 1 as it would match the streetscape and setbacks of the other homes existing along Station Street. It was felt that severing the original lot into two lots was another example of “shoehorning” and attempting to increase the density figures for the urban area (i.e. Greenbelt, Places to Grow, etc).
- (5) Concern was noted with respect to the private swale and the fact that it provided drainage for a number of properties and that the Township would not have any controls to address future drainage issues. It was felt that something should be put into place to address this issue. (Response = With respect to the above noted matter, the Director of Planning & Building advised that the Committee of Adjustment had attached, as part of the approval of the severances, two conditions relating to the drainage of the subject lots. The first condition dealt with the fact that this area benefited from the Smithville North Municipal Drain, which caused the involvement of the Township’s Drainage Superintendent, who has recommended a split of the drainage assessment for these lots. The second condition was the submission and approval of lot grading and drainage plan for the two lots, including a design drawing that shows how the water will be removed from the properties).
- (6) In response to the concern regarding the matching of the streetscape and setbacks of the homes along Station Street, it was noted that the homes on the other side of Station Street, being on the east side, as well as the homes south of the railway tracks, were constructed closer to the street.
- (7) Concern was noted that there was no recommendation that fencing was required between the two severed lots and that the existing lot. (Response = The Director of Planning & Building advised that buffering, which may include fencing, is triggered when dealing with different abutting uses, such as a commercial use adjacent to a residential use, etc. In this case, because all of the lots are residential there was no automatic trigger to have buffering as part of the recommendations. The Director of Planning & Building noted that if this



was something that would address a lot of the concerns and was something that staff, the applicant and the neighbour would take into consideration, then it could be required as part of the rezoning).

The Vice Chair advised that a Technical Report is being considered by the Planning Committee this evening and that a recommendation report will be forthcoming to a future Planning Committee and/or Council Meeting. The Vice Chair further advised that once the Planning Committee and/or Council make a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Vice Chair noted that there is a Public Meeting Attendance Sign in sheet located along the wall near the exit doors, which she asked all present to sign if they wished to be notified of Council's decision with respect to this application. The Vice Chair asked that the public please make sure they were signing the appropriate meeting attendance sheet.

The Vice Chair advised that this public meeting with respect to the proposed Zoning By-law Amendment is concluded at the hour of 8:27 p.m.



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**Carolyn Langley (Clerk)**

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**Councillor Joann Chechalk (Vice Chair)**



**"SCHEDULE A"**  
**to the February 8, 2016**  
**Public Meeting under the**  
**Planning Act**

February 6, 2016

West Lincoln Township,  
318 Canborough St., PO Box 400,  
Smithville, Ontario,  
L0R 2A0

**Attention: Mr. Brian Treble, Director of Planning and Building**

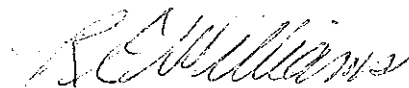
**RE: 1601-019-15 – Arborwood Tree Service Rezoning Application**

Brian, further to our recent phone conversation, I would like to summarize my concerns regarding the rezoning application file 1601-019-15 – Arborwood Tree Service:

1. "soil enrichment operation" – the potential use of human wastes in this process is of concern due to the overwhelming odour it presents. My family and I have been exposed to this type of farming fertilization along Twenty Road in the past. We are very well aware, as you yourself commented, as to how intense the odour of this process is as compared to the more acceptable use of normal farm animal feces. As such, I would strongly request that this process not be allowed under the current application.
2. "rezoning to allow a landscaping and arborist operation to work on site" – my concern here would be the further rezoning to a commercial type industry on the property. You noted that this would take a separate and additional rezoning application.

Thank you again for taking the time to discuss these issues with me over the phone the other day.

Yours truly,



Rick Williams  
7956 Twenty Road, RR#1,  
Smithville, Ontario,  
L0R 2A0  
Con 7 PT Lot 6 RP 30R2706  
Home phone: 905-957-7548  
Cell: 289-253-7881  
e-mail: williamsbandr@gmail.com



**Relocate an existing home industry business operation from 2380 Allen Road to the approximately 32 hectares (79 acres) of land located at 7838 Twenty Road**

**Allow an arborist business with 15 employees, 3 of whom would work at the site with the remainder working offsite and only use this property to meet and park personal vehicles**

**Uses – in existing or refurbished buildings or on the land**

- cash cropping,
- worm farm,
- mushroom farm,
- tree nursery
- soil enrichment operation - take wood chips and worm casings and convert them into a fertilizer
- fire wood
- personal saw mill

**All of these are agricultural or accessory uses and do not need an amendment to operate**

**32 hectares (79 acres) with a house and a number of agricultural buildings facing Twenty Road**

- 19 - 20 hectares field crops
- 6- 7 hectares woodlot
- 4- 5 hectares irrigated nursery
- 2 hectares arborist



### **Provincial Policy Statement**

- Agricultural policies allow for on-farm diversified uses and agricultural related uses
  - arborist is an on-farm diversified use – includes home industries

### **Regional Official Plan**

- Agricultural and Natural Environment policies
  - allow for diversified agricultural uses - home industries
  - prohibit any development within the Natural Environment System

### **Township of West Lincoln Official Plan**

- Good General Agricultural Area and Natural Environment policies
  - agricultural uses and secondary and agriculturally related uses
  - future development may require an environmental investigation

### **Township of West Lincoln Zoning By-Law**

- ZBA required to allow home industries
- Draft Comprehensive Zoning By-law allows for a range of agriculturally related value added uses

### **Public Comment**

- Noise – no more than other agricultural operations
- Compatibility – agricultural use in an agricultural / non-farm residential area
- Soil Enhancement – mulching
- Wood Chipping – done off-site



- Sawmill – small for personal use
- Commercial Use – only what is allowed by the ZB
- Expanding Agricultural Use – controlled by the ZB
- Human or Animal Waste – controlled by the ZB – No
- Property Value – no a land use planning issue

Region – no objection

NPCA – no objection

Public Works – no objection

### OPINION

- Conforms to the policies of the PPS, RPP, OP, the Draft Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas and Draft ZB
- No significant environmental, traffic, visual impact or noise related concerns
- Does not comply with the current Zoning By-law and requires a ZBA to permit a home industry
- Processing and selling silviculture and agroforestry products on agricultural properties is common practice and is compatible with agricultural operations
- Does not conflict with, hinder or limit other agricultural operations
- Secondary use limited in scale
- The property will remain designated and zoned agricultural
- No severance of the secondary use is being requested



## **DRAFT GUIDELINES ON PERMITTED USES IN ONTARIO'S PRIME AGRICULTURAL AREAS**

The arborist use footprint is less than 0.01 percent of the parcel

The on-farm diversified use office / administration is an accessory use and secondary to the principal, about 32 hectares (80 acres) agricultural use, of the parcel

It is less than the standard for the acceptable area occupied by an on-farm diversified use of up to two per cent of a farm parcel to a maximum of one ha (10,000 m<sup>2</sup>) criteria threshold of the Draft Guidelines

## **REFUND FEES**

The proposal conforms with the Draft ZBA and the Draft ZBA will have to consider Draft Guidelines On Permitted Uses In Ontario's Prime Agricultural Areas when they result in an amendment to the PPS

If Andrew has simply waited it's my opinion that he would not have been required to submit the ZBA.



**"SCHEDULE C"**  
**to the February 8, 2016**  
**Public Meeting under the**  
**Planning Act**

February 8<sup>th</sup>, 2016

My name is Eric Leith, and my wife and I are residents of West Lincoln. We have a number of concerns and questions regarding this application submitted by Andrew Hordyk.

As a silviculture – agriculture operator, I am aware of the rules and regulations that accompany this industry.

One of the concerns we have with this application is the processing and sale of wood not grown on site. Any wood being brought in for ultimate sale MUST have your farm registration number attached to the property you are removing the wood from. The wood Mr. Hordyk is currently gathering and collecting at his farm is from urban and residential environments as a result of his landscape and arborist business. Therefore, this wood cannot be considered agricultural source material. If the Township finds that this is a normal farm practice as suggested by Mr. Hordyk, then we expect the same should apply to me and any other compliant firewood producers.

The current best management practices for silviculture operators is 400m set from any residential house, 225m from the road. Hours of operation 7am to 7pm. Can this applicant meet those setback distances and can they get MNRF approval?

Even with his existing labor force we have concerns regarding the amount of wood being brought in. Is the volume of wood going to trigger a mill license? Currently Mr. Hordyk has a significant amount of processed firewood, rounds and logs that were not grown on site. This large quantity of wood has been brought in over a period where Mr. Hordyk has a reduction of staff during the winter months of only 5 employees. How much wood can we expect when Arborwood is operating at full staff of 20 employees?

We would like Mr. Hordyk and his family to know that we have nothing against him personally or his businesses. However, this is about the Township being fair and giving everyone the same guidelines without exception. We petition against this application under Section 18 of the Municipal Act.

Thank you kindly,

Eric & Kim Leith

**18.** A municipality shall not confer on any person the exclusive right of carrying on any business, trade or occupation unless specifically authorized to do so under any Act. 2001, c. 25, s. 18.



**"SCHEDULE D"**  
**to the February 8, 2016**  
**Public Meeting under the**  
**Planning Act**

To whom it may concern,

I am writing this letter with regards to file number 1601-019-15, Arborwood Tree Service, rezoning of property known as 7838 Twenty Road. I am strongly opposed to such a move. While I never like to tell people what to do on their own land, I feel their plans would have a negative effect on the surrounding area. Speaking just to my own personal property and lifestyle, it will be very disruptive. In addition to potentially lowering property value, I feel it will also affect my personal life. I am self-employed, as such, I do not have set work hours. There are many times where I will work night shifts, and as a result, must sleep during the day. I have first-hand experience with the noise pollution such a facility creates. In addition, my common law spouse also does not have a set work schedule. As a doctor, she very often works nights, and again, the noise caused by the potential facilities being proposed, could make living here very difficult.

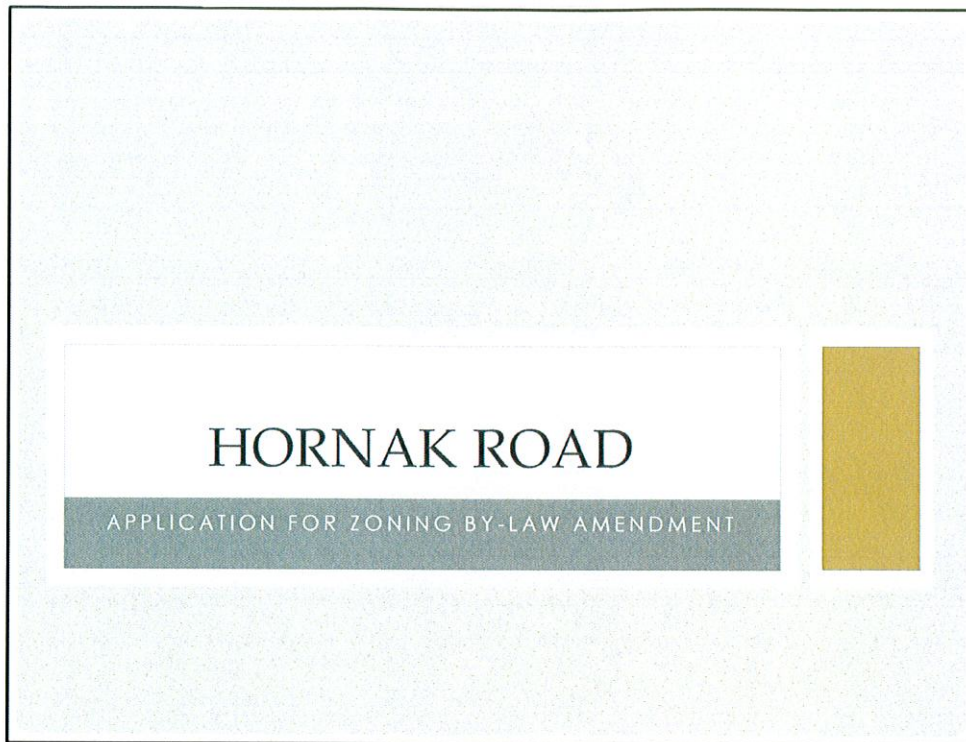
I am not the type to get involved in these types of matters. I'm all for job creation and helping build up local communities and economies, however, I gave up living in downtown Hamilton, and chose to make the daily commute because of the noise, and an inability to live a happy life, working night and sleeping during the day when others are more active. I recognize that I'm not anymore special than anyone else, and I don't think that I alone can impact other people's lives and plans for their own property. However, I strongly oppose this re-zoning because I feel it will have a negative affect on the surrounding areas. I know many farmers rely on the land retaining value, and I feel the appeal of living and farming next to the potential grinding and compost facilities proposed, would seriously affect them. I hope the town seriously takes into account the oppositions request that things be left as they are, which is the reason many of us have moved here.

Thank you

Michael Alves



"SCHEDULE E"  
to the February 8, 2016  
Public Meeting under the  
Planning Act



Good Evening Committee Members. Staff and members of the public

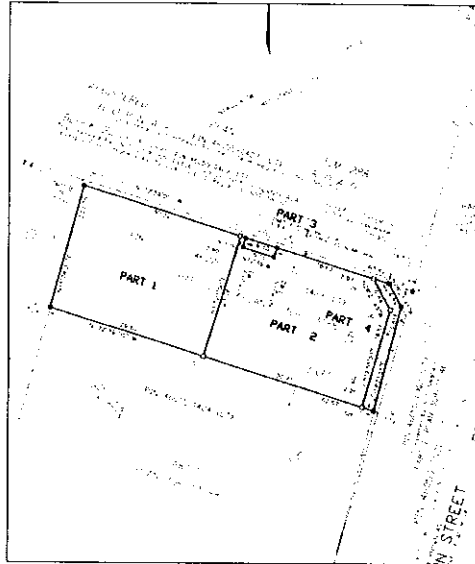
My name is Jennifer Vida, i am a registered professional planner and i am here on behalf of RVL homes

My address is 261 Martindale Road in St. Catharines

I have submitted an application to amend the Town's zoning for the property at the south west corner of Station Street and Hornak Road

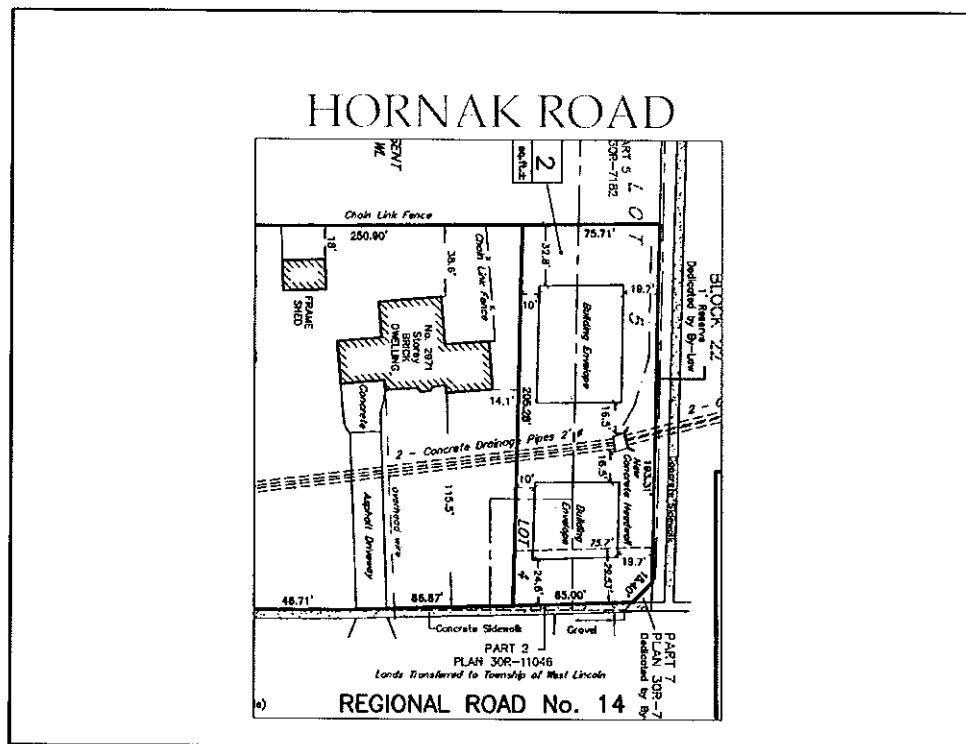


## HORNAK ROAD



On October 21<sup>st</sup>, 2015, Committee of adjustment approved an application for consent to sever a parcel of land at the corner of station street and hornak road



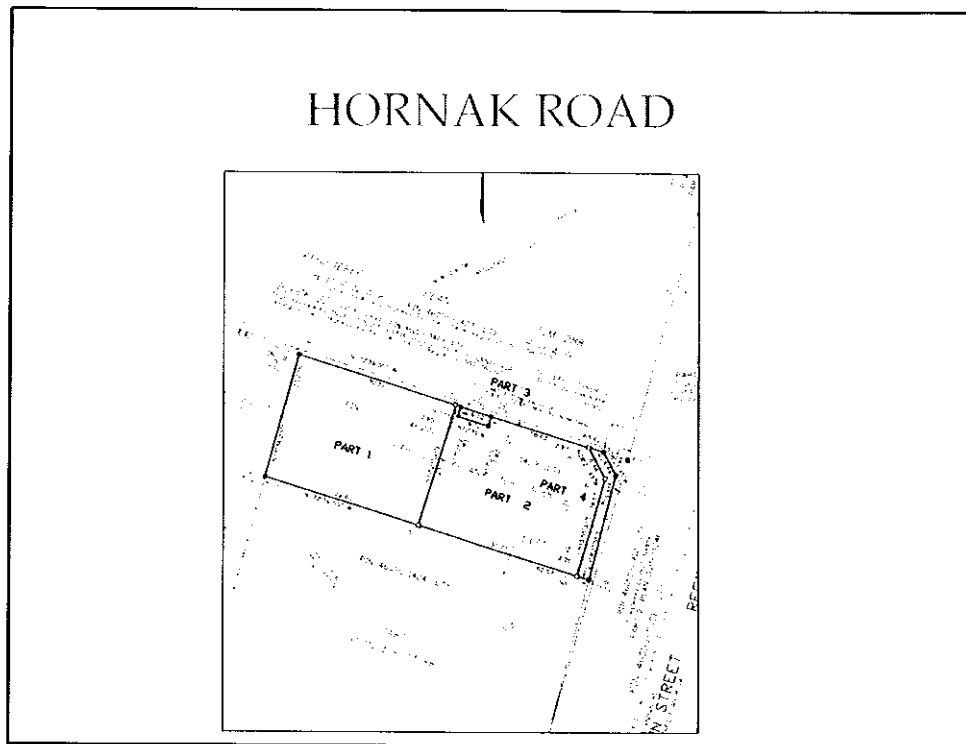


The subject lands were previously severed from the parcel to the south for the purpose of constructing a single detached dwelling and a detached garage as shown in this sketch

The development had a detached garage located right at the corner which would be the focus of the intersection

Since this first severance, RVL homes has acquired the lands and wishes to change the plan from one detached dwelling and a garage into two dwellings





The plan to create two lots rather than one is considered better planning as it will ensure an attractive intersection that is not dominated by a large detached garage similar to the currently approved plan

The new plan proposes to enhance the building facade facing station street to ensure the building facade is attractive

The application for zoning is a condition of the consent approval and the application seeks recognize the smaller lots size as well as to recognize the existing setbacks as defined in the zoning bylaw

The lots are proposed to be accessed from Hornak Road but by definition in the zoning by-law the legal frontage is the lot line along station street. The zoning changes seek to acknowledge



this site specific condition

The proposed development seeks to conform to the intensification and compact design policies of the province and region and the Town's official plan

The plan is considered good planning

I can answer any questions that you may have.



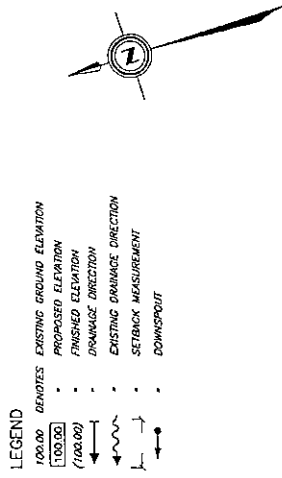
**"SCHEDULE F"**  
to the February 8, 2016  
Public Meeting under the  
Planning Act

PROVIDED BY MIKE HORNAK @ PUBLIC MEETING ON FEBRUARY 8, 2016

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**TOWNSHIP OF WEST LINCOLN LOT GRADING PLAN**  
LOCATION --- PART OF LOTS 3, 4 AND 5, PLAN M-94  
STREET & No. --- STATION STREET at HORNAK ROAD  
BUILDER --- OWNER --- MIKE HORNAK  
EXISTING ELEVATIONS --- Date Levels Taken --- JUNE 27, 2007  
FINISHED GRADING --- Date Levels Taken ---

BENCHMARK: ELEVATIONS ARE RELATED TO TOWNSHIP OF WEST LINCOLN DATUM



REVISED : MAY 14, 2008 - TO SHOW AS CONSTRUCTED HEADW

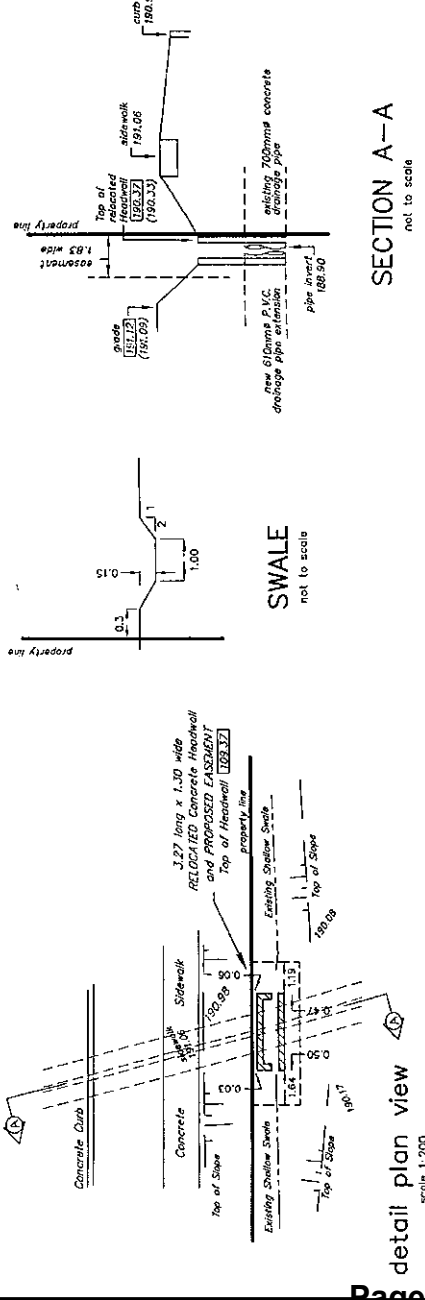
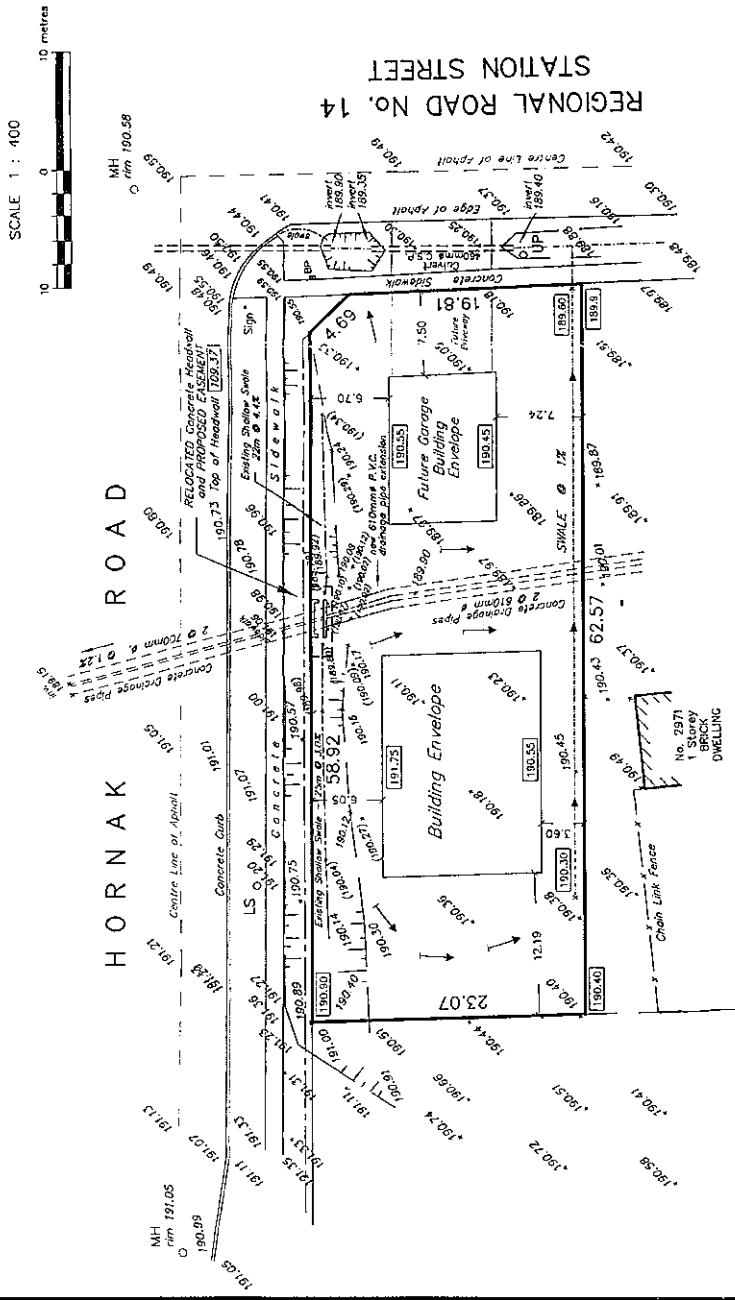
**Proposed Grading Certificate**  
I HEREBY CERTIFY THAT THE PROPOSED GRADING AND FINISHED ELEVATIONS SHOWN ON THIS PLAN HAVE BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A MEMBER OF THE PROFESSIONAL ENGINEERS OF ONTARIO AND THAT I AM A MEMBER OF THE ASSOCIATION OF PROFESSIONAL ENGINEERS OF ONTARIO. I HAVE BEEN ADVISED BY THE ADJACENT PROPERTIES OWNERS THAT THE PROPOSED GRADING AND FINISHED ELEVATIONS WILL BE SATISFACTORY TO THEM AND THAT THEY WILL GRANT EASEMENTS TO THE PRESENT GRADING AND FINISHED ELEVATIONS.

Signature: *[Signature]* Date: 7/14/2008  
Firm: KIRKUP & URE SURVEYING LTD.  
PROVINCE OF ONTARIO

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_  
MUNICIPALITY

**KIRKUP & URE SURVEYING LTD.**  
ONTARIO LAND SURVEYORS  
66 QUEEN STREET, ST. CATHARINES, ONTARIO L7N 3H1  
TELEPHONE (905) 685-5931, FAX (905) 685-1972  
E-MAIL: kirkupure@rogers.net

JOB No. 2002-113-1 DWG No. 02-113-1m-Syplan





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

**DATE OF MEETING: February 8, 2016**

**SUMMARY OF RECOMMENDATIONS:**

**(a) ITEM P24-16**

1. That, report PD-017-16, regarding "Response to WLGWAG, MAWT and Industrial Wind Turbines", dated February 8, 2016, be received; and,,
2. That, Staff develop Draft Terms of Reference for a public Advisory Committee that would best address the issues of West Lincoln and to help advise municipalities by sharing their findings; and,
3. That staff bring back Terms of Reference for a Technical Advisory Committee and reach out to all other wind impacted communities to become members; and,
4. That, Township Staff continues to investigate actions that could be taken to protect the health of our residents, and to report back to the Advisory Committee as new information becomes available; and,
5. That, Staff be authorized to advise the MOE that the HAF Wind Energy Project REA Approval No.:1590-979LNP must establish and activate their Community Liaison Committee (CLC) and comply with Section L of their Renewable Energy Approval; and,
6. That staff, continues to research concerns regarding full range sound and further discuss with acoustical engineers and the Province and report back to Council and/or the Advisory Committee on a regular basis; and,
7. That Township Staff approach the Niagara Regional Health Unit to establish a relationship with staff and determine if they can assist with the health related concerns of Township residents. Further, that Staff solicit their involvement on the Advisory Committee; and,
8. That, the Township of West Lincoln hereby requests that the Ministry of the Environment ensure that their provincial officers have the most modern, equipment and tools necessary to ensure that the industrial wind turbines are compliant with appropriate acoustical standards, including infrasound and that the equipment used be the most advanced technology available to best measure and calculate the noise from an industrial wind turbine; and,
9. That the Township of West Lincoln hereby requests that the Province continues to investigate and make improvements to the operational standards for industrial wind turbines such that human health is protected from all types of negative effects on health that may be caused, either directly or indirectly, from the operation of industrial wind turbines; and,
10. That the Province provides professional expertise and financial resources to local municipalities who are home to industrial wind turbines such that local area municipalities can work with local residents to investigate and protect the health of their residents; and,
11. That the province extend the timeline for public and municipal review of amendments to the REA approval for FWRN LP such that all proposed amendments can be given full consideration and such that the public and local municipalities can be provided with ample opportunity to review amendments and that proper decisions are made and,



- 12 That the Township of West Lincoln hereby re-confirms itself to be an unwilling host for industrial wind turbines and advise that it is our belief that additional wind projects are unnecessary until current production is fully utilized.
13. That it is recommended that this report be forwarded to the Premier, the Ministers of the Environment and Climate Change, Energy, Natural Resources and Forestry, the opposition critics for each of these Ministries, the leaders of the opposition parties and local MPP for West Lincoln.

**(b) ITEM P18-16**

The Planning/Building/Environmental Committee hereby approve the following Consent Agenda Items:

1. Items 1 & 2 be hereby received for information; and
2. Item 3 be hereby received and that the recommendations contained therein be adopted.  
(ITEM P18-16)
  - (1) Information Report No. PD-013-16 – House Fly Control Publication by OMAFRA
  - (2) Information Report No. PD-022-16 – Draft Implementation Section for Urban Design Manual
  - (3) Recommendation Report No. PD-021-16 – Update Report - Hearing Officer Amending Agreement with Thorold for Parking Services)

**(c) ITEM P19-16**

1. That, report PD-019-16, regarding “Andrew and Kerri Hordyk, Certain Things Holdings (Steven Rivers, Agent) Application for Zoning By-law Amendment”, dated February 8, 2016, BE RECEIVED; and,
2. That, a Recommendation Report be prepared once all agency and public comments have been received.

**(d) ITEM P20-16**

1. That, report PD-020-16, regarding RVL Contracting Inc. Application for Rezoning (Hornak Road), dated February 8, 2015, BE RECEIVED; and,
2. That, a Recommendation Report be presented at a future Planning/Building/Environmental Committee Meeting.

**(e) ITEM P21-16**

1. That, report PD-018-16, regarding “RVL Contracting Inc. – Griffin Place application for Rezoning and Standard Condominium”, dated February 8, 2016 BE RECEIVED; and,
2. That, Application for Zoning By-law Amendment 1601-018-15, as amended, submitted by RVL Contracting Inc., BE APPROVED; and
3. That, no further public meeting is required under the Planning Act as the modifications to the application are minor and consistent with the provisions in Section 34(17) of the Planning Act; and
4. That, the draft plan of Vacant Land Condominium, File No. 2000-080-15CDM, Griffin Place, Township of West Lincoln, BE APPROVED, as per Attachment 1, in accordance with the provisions of the *Planning Act*, R.S.O. 1990, Chapter P. 13 and regulations there under, subject to conditions contained in Attachment No. 2 to PD-018-16; and



5. That the applicant be advised that the Township's draft approval of this Plan of Vacant Land Condominium will lapse **three years** from the date of draft approval unless Township Council grants an extension of the approval period. If an extension is requested, an updated review will occur and revisions to the conditions of approval may be necessary at that time; and
6. And that Council hereby confirms that the previous Draft Plan of Condominium on the property shall not be extended upon expiry.

**(f) ITEM P22-16**

1. That, report PD-006-16, regarding "Olde Town Gateway Estates Plan of Subdivision Red line Amendment and Change in Conditions", dated January 11, 2016 BE RECEIVED; and,
2. That, the Draft Plan of Subdivision Approval with the conditions for Olde Town Gateway Estates be extended for a period of one year to expire on March 23, 2017; and
3. That the conditions of draft plan approval be modified per Attachment 1 to this report and that the modified conditions be circulated to all agencies upon approval of this report; and,
4. That, the applicant be required to submit a progress report to the Township in six (6) months.



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

**MEETING NO. TWO HELD:** Monday, February 8, 2016, Township Administration Building, 318 Canborough Street, Smithville – **6:34 p.m.**

**PRESENT:**

Council:	Councillor Joann Chechalk – Vice Chair Mayor Douglas Joyner Councillor Terry Bell Councillor Dave Bylsma Councillor Jason Trombetta
Staff:	Chris Carter, CAO Brian Treble, Director of Planning & Building Carolyn Langley, Clerk Rachelle Larocque
Others:	Mike Jankowski, WLGWAG* Debbie Hughes, MAWT* Rick VanLeeuwen, RVL Homes* Jennifer Vida, Upper Canada Consultants* Adam Keane, Upper Canada Consultants* Bonnie Tuson* Eric and Kim Leith George Davison* Effie Davison* Helen Kszan John Leith Mary Kovacs Bill Bylsma Stefanos Karatopis* Mrs. Sherman* Debbie Hughes* Andrew Hordyk Ken and Carol Haynes Pierre Sjaarda* Drago C. Samardzic, C.E.T. - The Odan/Detech Group Inc. Aileen Murray Linda Rogers Anne Fairfield And Approximately 10 other Members of the Public*

**ABSENT:** Councillor Mike Rehner (with regrets - notification provided)  
Councillor Alex Micallef (with regrets - notification provided)

**\* IN ATTENDANCE PART-TIME**



1. **VICE CHAIR:** Councillor Joann Chechalk

2. **CHANGE IN ORDER OF ITEMS ON AGENDA:**

The Chair requested that the appointment listed under Item 4(a) be moved to be the last appointment and that depending on how the meeting progressed, the issue relating to industrial wind turbines be possibly moved forward at a later point in the meeting. Committee Members concurred with the request.

3. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**

There were no disclosures of pecuniary interest and/or conflicts of interest declared by any Members of the Committee.

**PUBLIC MEETINGS UNDER THE PLANNING ACT**

The Planning/Building/Environmental Committee meeting recessed at 6:36 p.m. in order to deal with the following Public Meetings under the Planning Act:

- (a) Zoning By-law Amendment– Arborwood Tree Service (Hordyk)(File No. 1601-019-15)
- (b) Zoning By-law Amendment– RVL Contracting Inc. (Hornak Rd) (File No. 1601-020-15)

The Planning/Building/Environmental committee meeting reconvened at approximately 8:27 p.m.

4. **APPOINTMENTS:**

The Chair suggested that the appointment listed under Item P15-16 be referred to a later point in the meeting.

(a) **ITEM P15-16**

Ms. Aileen Murray (Township Consultant)

Re: Economic Development Plan (Refer to attachment under Item P23-16)

Dealt with at a later point in the meeting (see Page 8)

(b) **ITEM P16-16**

Mr. Drago C. Samardzic, C.E.T. | General Manager, The Odan/Detech Group Inc.

Re: Olde Town Plan of Subdivision – Draft Plan of Subdivision

The Director of Planning & Building distributed a submission from Mr. Drago Samardzic relating to the Olde Town Gateway Estates Subdivision which is attached as **Schedule A** to these minutes. Mr. Samardzic reviewed his submission as follows:

- 1. Current Plan = Page 2
- 2. An engineering drawing of current Plan = Page 3
- 3. Proposed/Redlined Plan = Page 4
- 4. Statistics = Page 5
- 5. Proposed Schedule of Completion = Page 6

Mr. Samardzic advised that he was requesting to reduce the size of the units as follows:

- 25 foot wide town homes reduced to 20 foot wide
- Single lots reduced from 40 to 50 feet down to 39 to 45 feet
- No change to size of condominiums - townhouse portion does not change



Mr. Samardzic and/or the Director of Planning & Building then responded to questions from Members of the Committee regarding but not limited to the following:

- Concern noted regarding the number of extensions requested
- Suggestion put forward for a six (6) month extension only
- Concern that a six (6) month extension would not provide enough time for engineering changes
- Addition of three more lots was noted as a concern as the lots in original submission lined up better with Dufferin Street lots before the proposed addition of three new lots
- Preference for the original plan was noted
- Builders noted concern regarding the current plan and need to go with smaller units
- Attempts to market 25 foot units did not go well
- Staff recommended a one year extension as it is not normal to achieve all conditions in six (6) months, particularly Certificates of approval from the MOECC
- Small bonus (Section 37 of Planning Act) if change # of units

**(c) ITEM P17-16**

Jennifer Vida, Professional Planner, Upper Canada Consultants

Re: Griffin Place - Draft Plan of Condominium & Zoning By-law Amendment – Shurie Road Condominium

Ms. Jennifer Vida reviewed her presentation which is attached as **Schedule B** to these minutes and noted that a public meeting was held on January 11, 2016 at which time concerns were noted regarding fencing, set-backs and density. Ms. Vida noted that the plan was revised to address these issues and that they were put in blocks of 3 units instead of semis so there was no longer any relief required relating to set-backs. Ms. Vida further advised that, with respect to fencing, condition 7 provides for a fence on the northern line of the subdivision; and with respect to density, the revised plan provides for one less unit and additional visitor parking (10 spaces) and also removes the rear yard covered decks so that there is less lot coverage. Ms. Vida noted that all concerns were addressed with this revised plan.

Councillor Bylsma noted his concern regarding how it will connect with the rest of Smithville with respect to sidewalks as there are ditches on both sides, and because it will be marketed to mature people, which raises concerns regarding scooters on roads and accessibility issues.

The Director of Planning & Building advised that similar to the Olde Town Subdivision, this involves 2 pieces, the condominium application and the rezoning. The Director of Planning & Building noted that conditions are applied to the approval and that it is subject to Engineering Design Standards which could require off-site improvements that will be implemented through site plan and he did not know what it looked like yet. The Director of Planning & Building further stated that there is a Trails and Corridor Master Plan which will improve the linkages to town.

**5. REQUEST TO ADDRESS ITEMS ON THE AGENDA:**

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



Ms. Nellie DeHaan advised via email that she was not able to attend this evenings meeting; however, she provided the Clerk with a submission which was provided to Members of the Committee at their desks. Ms. DeHaan's submission is attached as **Schedule C** to these minutes.

- (a) Mike Jankowski  
Re: Industrial Wind Turbines

Mr. Jankowski read from a prepared statement which is attached as **Schedule D** to these minutes.

- (b) Ms. Debbie Hughes  
Re: Industrial Wind Turbines

Ms. Hughes reviewed her presentation and some material which documents are appended to these minutes as follows:

**Schedule E** Presentation

**Schedule F** Dutton Dunwich template

**Schedule G** Warwick Council resolution and letter of support from MPP

**Schedule H** Wainfleet Council resolution

**Schedule I** Dutton Dunwich Council resolution

Ms. Hughes concluded by requesting that Council give consideration to passing a similar motion as the one passed by the Municipality of Dutton Dunwich and noted that the request was time sensitive.

- (c) Mrs. Sherman  
Re: Industrial Wind Turbines

Mrs. Sherman read from a prepared statement which is attached as **Schedule J** to these minutes.

- (d) Mr. Karatopis  
Re: Industrial Wind Turbines

Mr. Karatopis advised that he had contacted MPP Hudak and MPP McLaren and had sent 11 attachments of roads piled with gravel down the middle of the road. Mr. Karatopis further advised that there were no warning signs or safety crews along the whole stretch of the west side of Vaughan and that he had photos of workers on the top of the turbine towers with no work helmets and no safety harnesses and that complaints were made to the work safety authority. Mr. Karatopis stated that people are focusing on the wind turbines but fail to realize that the transmission lines pose a bigger safety risk and health hazard to residents, particularly the ones close to the roadways. Mr. Karatopis advised that he has been active helping people all over Ontario and has provided some assistance regarding transmission lines in Wainfleet and has helped and worked with Mayor Jeffs and together they contacted MPPs and sent them studies that were done on transmission lines, and health studies, and the dangers they pose. Mr. Karatopis stated that there will be very serious health effects. Mr. Karatopis stated that although there have been many claims that nothing can be done, there are things that can be done. Mr. Karatopis noted that Mayor Jeffs has been fighting and has worked closely with everyone. Mr. Karatopis stated that he noticed in reviewing agendas, that the procedural by-law provisions have been waived



to allow easier access for turbine companies instead of having them subject to the 2 week waiting period and he stated that they were able to come and go freely. Mr. Karatopis further noted his concern regarding treatment by the Township of its residents regarding this issue and stated that he had gone to the MPP as requested. Mr. Karatopis referred to item P24-16 on this agenda, specifically his concern regarding section 10 of the recommendation relating to a request to the Province, Premier and MOECC to extend the project completion date. Mr. Karatopis suggested that we not bother and not do things to help the company and let the project die as we are supposed to be unwilling hosts.

- (e) Ms. Linda Rogers  
Re: Industrial Wind Turbines

Ms. Rogers stated that she was a resident of Haldimand and her family roots go back 6 generations in this area. Ms. Rogers was seeking clarification regarding recommendation # 10 wherein the Township was requesting an extension for the project completion date, specifically what the rationale was for this request and what benefit it would be for the residents.

Chair Chechalk stated that this would be addressed by Mr. Treble when he went through the report.

- (f) Ms. Mary Kovacs  
Re: Industrial Wind Turbines

Ms. Kovacs stated that she would like Council to ask how many mature people will be in the proposed subdivision and noted that, assuming there are 200 people, statistics show that 20% will be affected by the turbines which means 40 people will be sick. Ms. Kovacs also asked how close the turbines are to the subdivision (project off Shurie Road).

- (g) Ms. Anne Fairfield  
Re: Industrial Wind Turbines

Ms. Fairfield read from a prepared statement which is attached as **Schedule K** to these minutes.

- (h) Ms. Helen Kszan  
Re: Industrial Wind Turbines

Ms. Kszan stated that she lived near the lay down area and noted the severity of how many people will be impacted by this, it was important for Council to understand that within 2 km there are 3581 homes and if you go by Health Canada Studies, of 16.5 people that will be affected, that relates to approximately 900 people. Two hundred is the sum that Anne Fairfield gave which was accurate, but individually if you take 3 occupants per home that would be a lot of people affected. Ms. Kszan stated that NRWC did not map accurately because they have marked some homes as vacant that are not vacant.

- (i) Mrs. Sherman  
Re: Industrial Wind Turbines



Mrs. Sherman stated that she would like to add to what was said and asked what Council thinks is going to happen when people start hearing about this stuff that is going to happen to us here and how many people do you think will want to move to Smithville in these proposed subdivisions. Mrs. Sherman stated that the Township will lose a lot of tax base based on that alone and suggested that the Committee kill recommendation # 10 on the agenda for everyone's sake.

The Chair declared brief recess at approximately 9:45 p.m. and the meeting reconvened at approximately 9:50 p.m. and suggested that a motion be put forward to deliberate beyond the hour of midnight.

Moved by Councillor Terry Bell and seconded by Councillor Jason Trombetta:

That, this meeting does now deliberate beyond the hour of 11:00 op.m.; and,

That the rules of procedure be waived and that this Committee be and is hereby authorized to deliberate beyond the hour of midnight.

- Carried

At this point in the meeting, Item P24-16 under Staff Reports (f) was moved forward for consideration.

## 8. STAFF REPORTS:

### (f) ITEM P24-16

Director of Planning & Building (Brian Treble)

Re: Report No. PD-017-16 – Recommendation Report – Response to WLGWAG, MAWT and Industrial Wind Turbines

The Director of Planning & Building reviewed Recommendation Report No. PD-017-16 regarding "Wind Turbine Noise By-law" and explained the rationale for the recommendations.

The CAO stated that he supported the recommendations and Members of the Committee then deliberated on the contents of the report and recommendations.

Modifications to the recommendations were suggested and put forward as noted below following a brief five minute recess at 10:50 p.m. that was taken in order for the Clerk to prepare suggested amendments.

The meeting reconvened at approximately 10:55 p.m.

Moved by Councillor Terry Bell and seconded by Councillor Jason Trombetta:

1. That, report PD-017-16, regarding "Response to WLGWAG, MAWT and Industrial Wind Turbines", dated February 8, 2016, be received; and,
2. That, Staff report back with a Draft Terms of Reference on the form of an Advisory Committee that would best address the issues of West Lincoln and to help advise municipalities by sharing their findings; and,
3. That, Township Staff continues to investigate actions that could be taken to protect the health of our residents, and to report back to the Advisory Committee as new information becomes available; and,



4. That, Staff be authorized to advise the MOE that the HAF Wind Energy Project REA Approval No.:1590-979LNP must establish and activate their Community Liaison Committee (CLC) and comply with Section L of their Renewable Energy Approval; and,
  5. That staff, continues to research concerns regarding noise and further discuss with acoustical engineers and the Province and report back to Council and/or the Advisory Committee as appropriate; and,
  6. That Township Staff approach the Niagara Regional Health Unit to establish a relationship with staff and determine if they can assist with the health related concerns of Township residents. Further, that Staff solicit their involvement on the Advisory Committee; and,
  7. That, the Township of West Lincoln hereby requests that the Ministry of the Environment ensure that their provincial officers have the most modern, equipment and tools necessary to ensure that the industrial wind turbines are compliant with appropriate acoustical standards, including infrasound and that the equipment used be the most advanced technology available to best measure and calculate the noise from an industrial wind turbine; and,
  8. That the Township of West Lincoln hereby requests that the Province continues to investigate and make improvements to the operational standards for industrial wind turbines such that human health is protected from all types of negative effects on health that may be caused, either directly or indirectly, from the operation of industrial wind turbines; and,
  9. That the Province provides professional expertise and financial resources to local municipalities who are home to industrial wind turbines such that local area municipalities can work with local residents to investigate and protect the health of their residents; and,
  10. That the province extend the timeline for the NRWC/FWRN LP company to complete their project such that all proposed amendments can be given full consideration and such that the proponent and local municipalities can be provided with ample opportunity to review amendments and that proper decisions are made; and,
  11. That it is recommended that this report be forwarded to the Premier, the Ministers of the Environment and Climate Change, Energy, Natural Resources and Forestry, the opposition critics for each of these Ministries, the leaders of the opposition parties and local MPP for West Lincoln.
- Carried **AS AMENDED** (see below)

**AMENDMENT:**

Moved by Councillor Dave Bylsma and seconded by Councillor Terry Bell:

That the recommendations contained in Report PD-017-16, regarding "Response to WLGWAG, MAWT and Industrial Wind Turbines be amended as follows:

1. That, section 2 of the recommendation be amended by:
  - (a) deleting the words "report back with a" and replacing them with the word "develop"; and,
  - (b) deleting the words "on the form of an" and replacing them with the words "for a public".
2. That, section 5 of the recommendation be amended by:
  - (a) deleting the word "noise" and replacing it with the words "full range sound"; and,



- (b) deleting the words “as appropriate” and replacing them with the words “on a regular basis”.
  - 3. That, section 10 of the recommendation be amended by:
    - (a) deleting the words “for the NRW/FWRN LP company to complete their project” and replacing it with the words “for public and municipal review of amendments to the REA approval for FWRN LP”; and,
    - (b) deleting the word “proponent” and replacing it with the word “public”.
  - 4. That the recommendation be amended to include a new section immediately prior to the current Section 3 as follows:
    - 3. That staff bring back Terms of Reference for a Technical Advisory Committee and reach out to all other wind impacted municipalities to become members; and,
  - 5. That the recommendation be amended to include a new section immediately prior to the current Section 11 as follows:
    - That the Township of West Lincoln hereby re-confirms itself to be an unwilling host for industrial wind turbines and advises that it is our belief that additional wind projects are unnecessary until current production is fully utilized.
  - 6. That the sections/recommendations be re-numbered as required.
- Carried

**4. APPOINTMENTS: (cont'd)**

**(a) ITEM P15-16 (cont'd)**

Ms. Aileen Murray (Township Consultant)

Re: Economic Development Plan (Refer to attachment under Item P23-16)

Due to the extended length of time it took to deal with the above noted matters, Ms. Murray was advised not to wait and that staff would address the items under Staff Reports below.

**5. REQUEST TO ADDRESS ITEMS ON THE AGENDA:**

Dealt with above – See Pages 4 to 6.

**6. CONSENT AGENDA ITEMS:**

**(a) ITEM P18-16**

- (1) Information Report No. PD-013-16 – House Fly Control Publication by OMAFRA
- (2) Information Report No. PD-022-16 – Draft Implementation Section for Urban Design Manual
- (3) Recommendation Report No. PD-021-16 – Update Report - Hearing Officer Amending Agreement with Thorold for Parking Services

Moved by Mayor Douglas Joyner and seconded by Councillor Dave Bylsma:

The Planning/Building/Environmental Committee hereby approve the following Consent Agenda Items:



1. Items 1 & 2 be hereby received for information; and
  2. Item 3 be hereby received and that the recommendations contained therein be adopted.
- Carried

**SUMMARY OF CONSENT AGENDA ITEMS RECOMMENDATIONS:**

Information Reports:

**ITEM P18-16(1)**

1. That, report PD-013-16, regarding “House Fly Control Publication by OMAFRA”, dated February 8, 2016, be RECEIVED FOR INFORMATION.

**ITEM P18-16(2)**

1. That, report PD-022-16, regarding “Draft Implementation Section for Urban design Manual”, dated February 8, 2016, be RECEIVED FOR INFORMATION.

Recommendation Report:

**ITEM P18-16(3)**

1. That, Report PD-021-16, regarding “Update Report – Hearing Officer Agreement with Thorold for Parking Services”, dated February 8, 2016, be received; and,
2. That, the Mayor and Clerk be authorized to sign an authorizing by-law to enter into a Supplement Agreement with the City of Thorold for the provision of a Hearing Officer for 5 years to consider parking tickets that are challenged in accordance with the AMPS Program.

**7. COMMUNICATIONS:**

There were no communications.

**8. STAFF REPORTS: (cont'd)**

**(a) ITEM P19-16**

Planner II (Rachelle Larocque) & Director of Planning & Building (Brian Treble)  
Re: Report No. PD-019-16 – Technical Report – Zoning By-law Amendment – Andrew & Kerri Hordyk, Certain Things Holdings, (Steven Rivers, Agent) (File No. 1601-019-15) (Arborwood Tree Service)

Moved by Mayor Douglas Joyner and seconded by Councillor Dave Bylsma:

1. That, report PD-019-16, regarding “Andrew and Kerri Hordyk, Certain Things Holdings (Steven Rivers, Agent) Application for Zoning By-law Amendment”, dated February 8, 2016, BE RECEIVED; and,
  2. That, a Recommendation Report be prepared once all agency and public comments have been received.
- Carried

**(b) ITEM P20-16**

Planner I (Lauren Vraets) & Director of Planning & Building (Brian Treble)  
Re: Report No. PD-020-16 – Technical Report – Zoning By-law Amendment – RVL Contracting Inc. (Hornak Road) (File No. 1601-020-15)

Moved by Councillor Jason Trombetta and seconded by Mayor Douglas Joyner:

1. That, report PD-020-16, regarding RVL Contracting Inc. Application for Rezoning (Hornak Road), dated February 8, 2015, BE RECEIVED; and, **Page 152**



2. That, a Recommendation Report be presented at a future Planning/Building/Environmental Committee Meeting.
- Carried

**(c) ITEM P21-16**

Planner II (Rachelle Larocque) & Director of Planning & Building (Brian Treble)  
Re: Report No. PD-018-16 – Recommendation Report – Zoning By-law Amendment & Plan of Condominium – RVL Contracting Inc. (Griffin Place Condos - Shurie Road)  
(File Nos. 1601-018-15 & 2000-080-15)

Moved by Councillor Jason Trombetta and seconded by Councillor Terry Bell:

1. That, report PD-018-16, regarding “RVL Contracting Inc. – Griffin Place application for Rezoning and Standard Condominium”, dated February 8, 2016 BE RECEIVED; and,
  2. That, Application for Zoning By-law Amendment 1601-018-15, as amended, submitted by RVL Contracting Inc., BE APPROVED; and
  3. That, no further public meeting is required under the Planning Act as the modifications to the application are minor and consistent with the provisions in Section 34(17) of the Planning Act; and
  4. That, the draft plan of Vacant Land Condominium, File No. 2000-080-15CDM, Griffin Place, Township of West Lincoln, BE APPROVED, as per Attachment 1, in accordance with the provisions of the *Planning Act*, R.S.O. 1990, Chapter P. 13 and regulations there under, subject to conditions contained in Attachment No. 2 to PD-018-16; and
  5. That the applicant be advised that the Township’s draft approval of this Plan of Vacant Land Condominium will lapse **three years** from the date of draft approval unless Township Council grants an extension of the approval period. If an extension is requested, an updated review will occur and revisions to the conditions of approval may be necessary at that time; and
  6. And that Council hereby confirms that the previous Draft Plan of Condominium on the property shall not be extended upon expiry.
- Carried

**(d) ITEM P22-16**

Planner II (Rachelle Larocque) & Director of Planning & Building (Brian Treble)  
Re: Report No. PD-006-16 – Recommendation Report – Olde Town Plan of Subdivision – Zoning By-law Amendment - Red Line Revisions

**NOTE:** Memorandum attached to Report from Director of Planning & Building – outlines required amendments to Condition #3 of the conditions for Olde Town Plan of Subdivision

There was much discussion regarding the recommendation contained in report PD-006-16, regarding “Olde Town Gateway Estates Plan of Subdivision Red line Amendment and Change in Conditions”. The Director of Planning & Building advised that suggested amendment # 5 as contained in the memorandum was no longer required (Recommended Amendment # 5 removed , being “That staff be authorized to ensure that all Block and Lot numbers in the Conditions at Attachment 1 be properly identified as they relate to the plan as approved through condition No 1.”)



Moved by Mayor Douglas Joyner and seconded by Councillor Jason Trombetta:

- (1) That, report PD-006-16, regarding “Olde Town Gateway Estates Plan of Subdivision Red line Amendment and Change in Conditions”, dated January 11, 2016 BE RECEIVED; and,
  - (2) That, the Draft Plan of Subdivision Approval with the conditions for Olde Town Gateway Estates be extended for a period of one year to expire on March 23, 2017; and
  - (3) That the conditions of draft plan approval be modified per Attachment 1 to this report and that the modified conditions be circulated to all agencies upon approval of this report.
- Carried AS AMENDED (see 2 amendments below)

AMENDMENT:

Moved by Mayor Douglas Joyner and seconded by Councillor Jason Trombetta:

That the following conditions outlined in Attachment 1 referenced in Section 3 of the recommendation relating to “report PD-006-16 - Olde Town Gateway Estates Plan of Subdivision Red line Amendment and Change in Conditions” be amended as follows:

1. That condition 4 be deleted and replaced with the following:  
“That the Zoning Bylaw Amendment receive final approval (expiry of the appeal period) prior to receiving final approval of the subdivision. That the density of the development shall require the implementation of the Bonusing Provisions of the Official Plan, in accordance with Section 37 of the Planning Act.
2. That condition 11 be deleted and replaced with the following:  
“That the Engineering Drawings show that the driveways along Dennis Drive are no closer to the Northern curb line at the intersection of Dennis Drive and St. Catherine Street than 20 metres. This distance will be measured from the end of curb at the centre line of St. Catherine Street to the closest driveway on Dennis Drive, unless the Region accepts a lesser distance for driveways.”
3. That a new condition 55 be added as follows:  
“That the owner submits a written undertaking to the Niagara Region (Planning and Development Services Department) that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.”
4. That a new condition 56 be added as follows:  
“That the owner submits a written undertaking to the Niagara Region (Planning and Development Services Department) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Township of West Lincoln.”



5. That all conditions be renumbered to reflect the additional conditions noted above.
  - carried

**AMENDMENT - LOST**

Moved by Councillor Terry Bell and seconded by Councillor Jason Trombetta:

That Section 2 of the recommendation contained in report PD-006-16, regarding “Olde Town Gateway Estates Plan of Subdivision Red line Amendment and Change in Conditions” be amended by deleting the words “one year to expire on March 23, 2017” and replacing them with the words “six months to expire on September 23, 2017”.

- **LOST**

**AMENDMENT - CARRIED**

Moved by Councillor Jason Trombetta and seconded by Councillor Dave Bylsma

That the recommendation contained in report PD-006-16, regarding “Olde Town Gateway Estates Plan of Subdivision Red line Amendment and Change in Conditions” be amended by adding the following new Section 4:

4. That, the applicant be required to submit a progress report to the Township in six (6) months
  - Carried

**(e) ITEM P23-16**

Planner II (Rachelle Larocque) & Director of Planning & Building (Brian Treble)

- Re:
- (1) Memo regarding Draft Economic Development Plan
  - (2) Copy of Draft Economic Development Plan

The Director of Planning & Building provided an update regarding the Draft Economic Development Plan and requested that Members of the Committee review the document and provide comments to the Planner (Rachelle Larocque) as soon as possible in order for the consultant to present a final report before the end of March as the opportunity for funding expires at the end of March, 2016.

**(f) ITEM P24-16**

Director of Planning & Building (Brian Treble)

Re: Report No. PD-017-16 – Recommendation Report – Response to WLGWAG, MAWT and Industrial Wind Turbines  
DEALT WITH ABOVE (see Page 6, 7 & 8)

**9. OTHER BUSINESS:**

**(a) ITEM P25-16**

Members of Committee

Re: Other Business Matters of Information Nature

1. Mayor Douglas Joyner  
Re: Big Brothers Bowl-a-Thon

Mayor Joyner advised that he was looking for a team to participate in the Big Brothers Bowl-a-Thon on February 27, 2016 in Port Dalhousie. Mayor Joyner noted that the theme was “Super heroes”.



2. Councillor Joann Chechalk  
Re: West Lincoln Public Library Book Sale – Saturday February 13, 2016

Councillor Chechalk advised Members of the Committee of the upcoming book sale at the West Lincoln Public Library in Smithville on Saturday February 13, 2016 between 10:00 a.m. and 2:00 p.m.

3. Councillor Joann Chechalk  
Re: Coldest Night of the Year Event – 5-8pm in Grimsby at BT Feb 20, 2016

Councillor Chechalk advised that she intended to participate in the “Coldest Night of the Year” event on February 20<sup>th</sup>, 2016 at Blessed Trinity High School from 5:00 to 8:00p.m.

**10. NEW BUSINESS:**

There were no new items of business.

**11. CONFIDENTIAL MATTERS:**

Moved by Councillor Dave Bylsma and seconded by Mayor Douglas Joyner:

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

**(a) ITEM P26-16**

Director of Planning & Building (Brian Treble)

Re: Legal Matter – Quarterly By-law Enforcement Update

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

- personal matters about an identifiable individual, including municipal or local board employees;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- Carried. (11:40 p.m.).

All Members of the Committee noted as present, as well as the CAO, the Director of Planning & Building and the Clerk, were in attendance during closed session deliberations.

Moved by Councillor Terry Bell and seconded by Councillor Dave Bylsma:

That, this Committee meeting does now resume in open session at the hour of 11:49 p.m.  
- Carried.

**(a) ITEM P26-16**

Director of Planning & Building (Brian Treble)

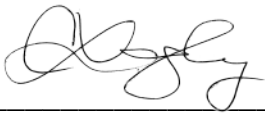
Re: Legal Matter – Quarterly By-law Enforcement Update

The Committee rose without reporting.



**12. ADJOURNMENT:**

The Chair declared the meeting adjourned at the hour of 11:49 p.m.



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**Carolyn Langley (Clerk)**

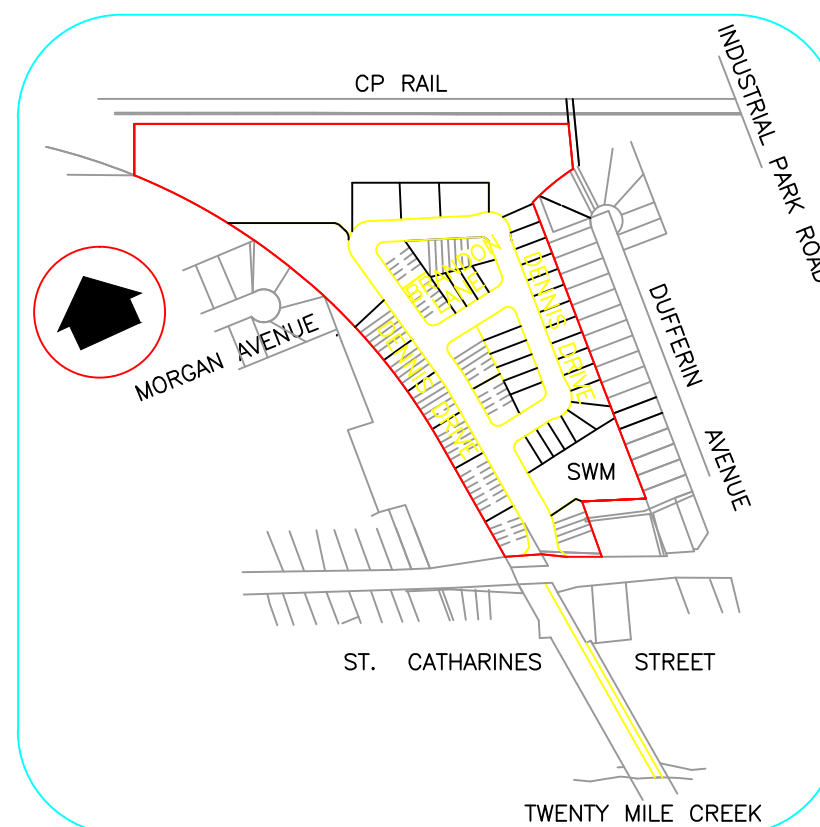
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**Councillor Joann Chechalk (Vice Chair)**



**OLD TOWN GATEWAY ESTATES INC.  
OLD TOWN GATEWAY ESTATES  
SUBDIVISION**

**PART OF LOT 1  
REGISTERED PLAN M-96 (BA-1693)  
LOT 1  
REGISTERED PLAN M-88 (BA-1685)  
TOWNSHIP OF WEST LINCOLN  
REGIONAL MUNICIPALITY OF NIAGARA**



**S. LLEWELLYN & ASSOCIATES LIMITED**  
CONSULTING ENGINEERS

Tel. (905) 631-6978  
Fax (905) 631-8927  
email: [scott@sla.on.ca](mailto:scott@sla.on.ca)



CURVE TABLE			
LOT	RADIUS	ARC CHORD	BEARING
11	20.00	6.32	N82°14'05"E
12	20.00	7.22	N83°05'16"E
13	20.00	8.58	N85°10'30"E
14	20.00	8.52	N80°43'50"E
15	20.00	5.30	N22°49'40"W
16	20.00	1.57	N82°07'45"W

PLAN 30M—

CERTIFICATE OF REGISTRATION

I certify that this Plan 30M— is registered in the Land Registry Office for the Land Titles Division of Niagara North (20) at o'clock on the — day of —, 2012 and entered in the Register for PLAN — and the required Consents are registered as Plan Document No. —

LAND REGISTRAR

APPROVED UNDER SECTION 50 OF THE PLANNING ACT

THIS — DAY OF —, 2012

BRIAN D. TREBLE  
DIRECTOR OF PLANNING  
TOWNSHIP OF WEST LINCOLN

THIS PLAN IS COMPRISED OF 1. ALL OF PLAN 46050-0243 (L1)

PART OF BLOCK 45 IS SUBJECT TO EASEMENT AS IN INST. R0139630  
BLOCK 48 AND PART OF BLOCK 45 IS SUBJECT TO EASEMENT AS IN INST. R0025801  
PART OF DENNIS DRIVE IS SUBJECT TO EASEMENT AS IN INST. R0025601

PLAN OF SUBDIVISION OF  
PART OF LOT 1  
REGISTERED PLAN M-96 (BA-1693)  
AND  
LOT 1  
REGISTERED PLAN M-88 (BA-1665)  
IN THE  
TOWNSHIP OF WEST LINCOLN  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1:1000 m.  
ASHENHURST NOUWENS LIMITED

METRIC :  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

INDUSTRIAL PARK ROAD

LEGEND :  
— GRM — DENOTES A STANDARD IRON BAR PLANTED.  
A SION THIS — DENOTES AN IRON BAR PLANTED.  
— DENOTES WITNESS  
(OJ) — DENOTES UNKNOWN  
(S39) — B.C. USE O.L.S.  
(S39) — B.C. USE O.L.S.  
P2 — REGISTERED PLAN M-48

BEARING NOTE :

ALL BEARINGS USED HEREIN ARE ASTRONOMIC AND ARE REFERRED TO THE TRUE NORTH. THE BEARING OF LOT 1 REGISTERED PLAN M-88, HAVING A BEARING OF N82°00"E, IS THE BEARING OF THE TRUE NORTH. THE BEARING OF LOT 1 REGISTERED PLAN M-88, HAVING A BEARING OF N82°00"E, IS THE BEARING OF THE TRUE NORTH. THE BEARING OF LOT 1 REGISTERED PLAN M-88, HAVING A BEARING OF N82°00"E, IS THE BEARING OF THE TRUE NORTH.

PPOINT ID	NORTHING	EASTING
①	N 4773042.350	E 6186410.254
②	N 4772801.839	E 6186598.800

ROTATION NOTE

BEARINGS CAN BE CONVERTED TO GRID BEARINGS BY THE COMPARISON BY ROTATING THE BEARINGS SHOWN BY 60°37'20" COUNTER-CLOCKWISE.

OWNER'S CERTIFICATE :

1. THIS IS TO CERTIFY THAT :  
1. LOTS 1 TO 28 INCLUSIVE, BLOCKS 29 TO 47, THE O.L.S. IN RESERVES, NAMELY BLOCKS 48 AND 49, AND THE STREETS, NAMELY DENNIS DRIVE AND BRANDON LANE HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.  
2. THE STREETS, NAMELY DENNIS DRIVE AND BRANDON LANE ARE HEREBY DEDICATED TO THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AS PUBLIC HIGHWAYS.  
OWNER : SMITHVILLE OLDE TOWNE INC.

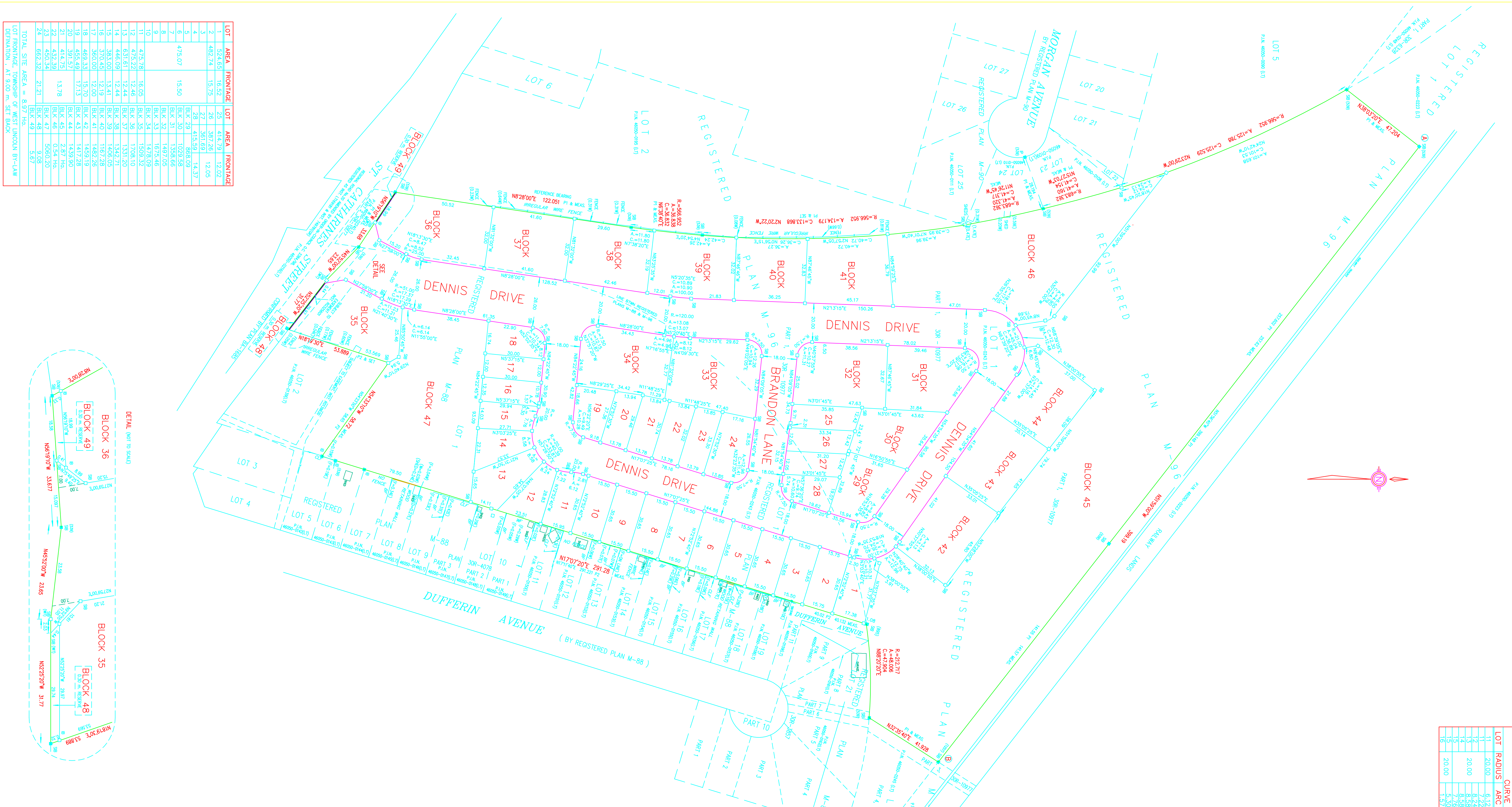
DATE :  
MICHAEL FLORENCE  
I HAVE THE AUTHORITY TO BIND THE CORPORATION

SURVEYOR'S CERTIFICATE :  
I CERTIFY THAT :  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, UNDER THE SURVEY ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THERE.  
2. THE SURVEY WAS COMPLETED ON THE

DATE :  
JOHN P. NOUWENS  
ONTARIO LAND SURVEYOR

ASHENHURST NOUWENS LIMITED  
Professional Engineers & Ontario Land Surveyors  
315 YORK BOULEVARD, SUITE 201, HAMILTON, ONTARIO L8R 3K5  
TEL: (905) 529-6316 (905) 529-4314 1-800-824-6224  
FAX: (905) 529-6651 e-mail: on@ashenhurstnouwens.com

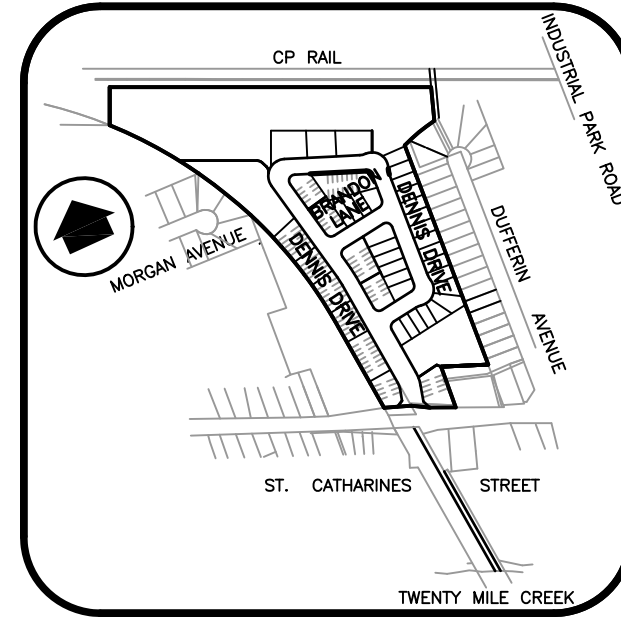
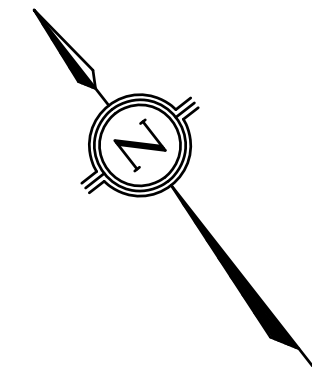
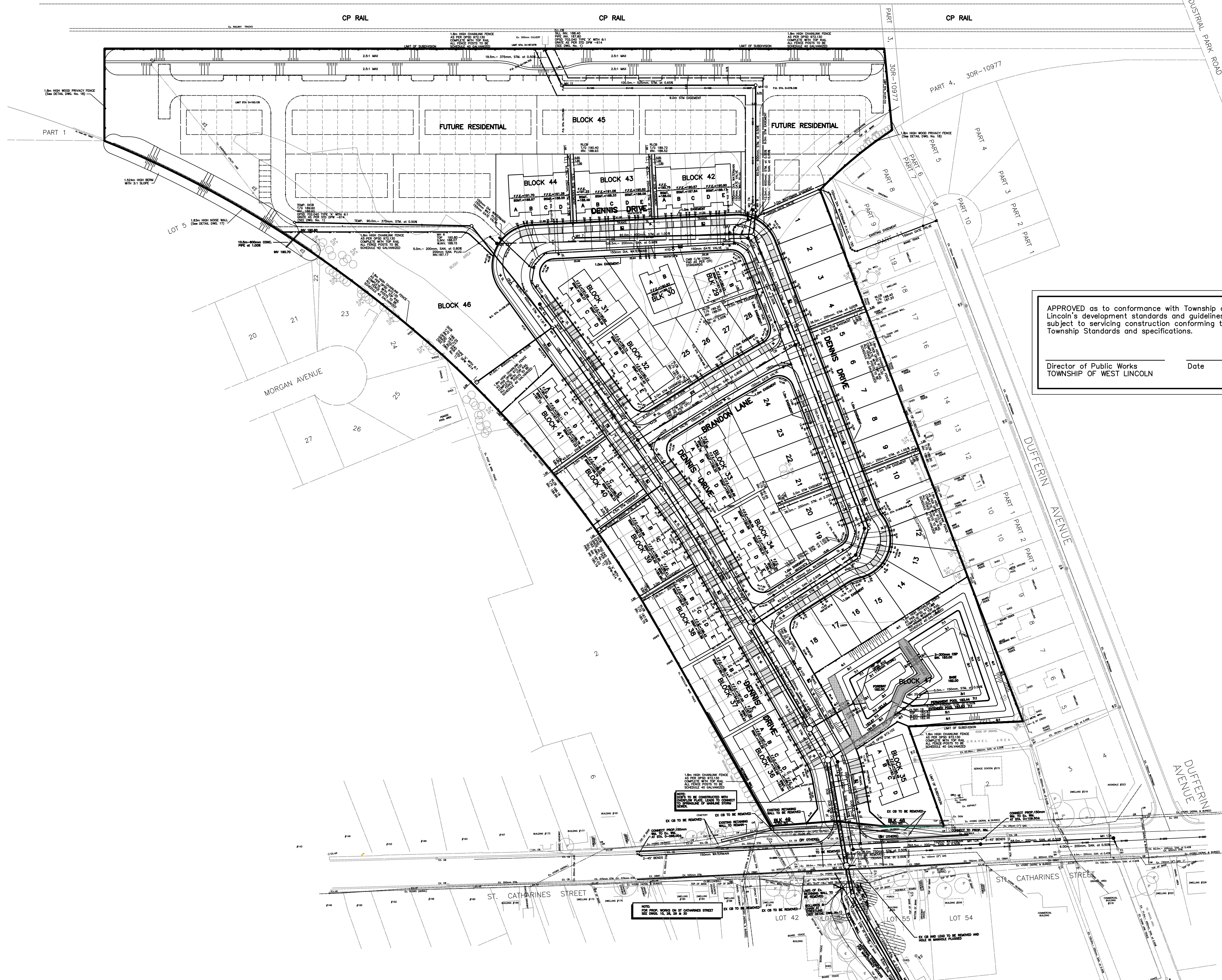
DRAWN	B.P.	CALCD	CHK'D	J.P.N.
DWG	AUG. 10, 2012	FILE NO.	26170MP-3	



LOT	AREA	FRONTAGE	LOT	AREA	FRONTAGE
1	524.65	18.52	25	418.79	12.07
2	482.74	15.75	26	387.26	12.05
3	22	387.69	12.05		
4	14.37	14.37			
5	475.07	15.50	30	1029.58	
6			31	1358.66	
7			32	1497.05	
8			33	1353.73	
9			34	1438.09	
10			35	1509.32	
11	475.78	16.05	36	1708.10	
12	475.22	12.44	37	1331.20	
13	631.61	12.46	38	1342.71	
14	448.09	12.44	39	1342.71	
15	370.05	15.70	40	1467.28	
16	360.00	12.00	41	1482.26	
17	469.31	15.70	42	1450.19	
18	469.31	15.70	43	1417.28	
19	469.31	15.70	44	1417.28	
20	391.57	13.78	45	1417.28	
21	432.38	13.78	46	1417.28	
22	432.38	13.78	47	1417.28	
23	460.34	13.78	48	1417.28	
24	662.32	21.21	49	5.67	

TOTAL SITE AREA = 8,971.00  
LOT 1 AREA = 524.65  
DEFINITION: AT 800 CM SET BACK





KEY MAP  
N.T.S.

- LEGEND:
- PROPOSED FIRE HYDRANT AND VALVE
  - PROPOSED WATER VALVE & VALVE BOX
  - PROPOSED WATERMAIN PLUG & THRUST BLOCK
  - STORM MANHOLE
  - SANITARY MANHOLE
  - CATCHBASIN
  - WHEELCHAIR RAMP TO BE CONSTRUCTED AS PER OPSD 310.030
  - EXISTING HYDRO POLE
  - PROPOSED STREET LIGHT LOCATION
  - TRANS. PROPOSED TRANSFORMER LOCATION
  - C.M.B. PROPOSED COMMUNITY MAILBOX LOCATION
  - EXISTING CHAINLINK FENCE
  - EXISTING DITCH
  - DRIVEWAY APPROACH
  - NO PARKING SIGN (RB-51 AS PER ONTARIO TRAFFIC MANUAL)

APPROVED as to conformance with Township of West Lincoln's development standards and guidelines and subject to servicing construction conforming to Township Standards and specifications.

Director of Public Works \_\_\_\_\_ Date \_\_\_\_\_  
TOWNSHIP OF WEST LINCOLN

NOTES:  
1. FOR GENERAL NOTES AND DETAILS SEE DWG. No. 1

5	JUNE/13	REVISED AS PER TOWNSHIP COMMENTS
4	MAY/13	REVISED AS PER TOWNSHIP COMMENTS
3	JAN/13	REVISED AS PER TOWNSHIP COMMENTS
2	SEPT/12	REVISED AS PER TOWNSHIP COMMENTS
1	APR/12	REVISED AS PER TOWNSHIP COMMENTS
NO. DATE BY REVISIONS		
DESIGN	Z.P.	CHK'D SL DATE
DRAWN	B.E.K.	CHK'D SL APRIL 2007
SCALE		
HORIZ. 25 20 15 10 5 0 25 1:1000		

APPROVALS

DIRECTOR OF PUBLIC WORKS	DATE:	STAMP

S. LLEWELLYN & ASSOCIATES LIMITED  
CONSULTING ENGINEERS  
Tel. (905) 631-6978  
Fax (905) 631-8927  
email: scott@sla.on.ca  
3228 South Service Road, Suite #105 East Wing, Burlington, Ont., L7N 3H8

TOWNSHIP OF WEST LINCOLN  
REGIONAL MUNICIPALITY OF NIAGARA

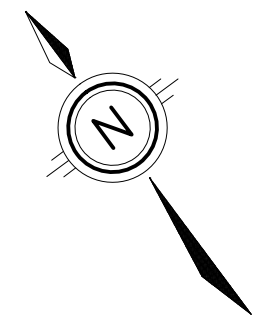
OLD TOWN GATEWAY ESTATES INC.  
OLD TOWN GATEWAY ESTATES

OVERALL GENERAL SERVICES PLAN

PROJECT 05002 27



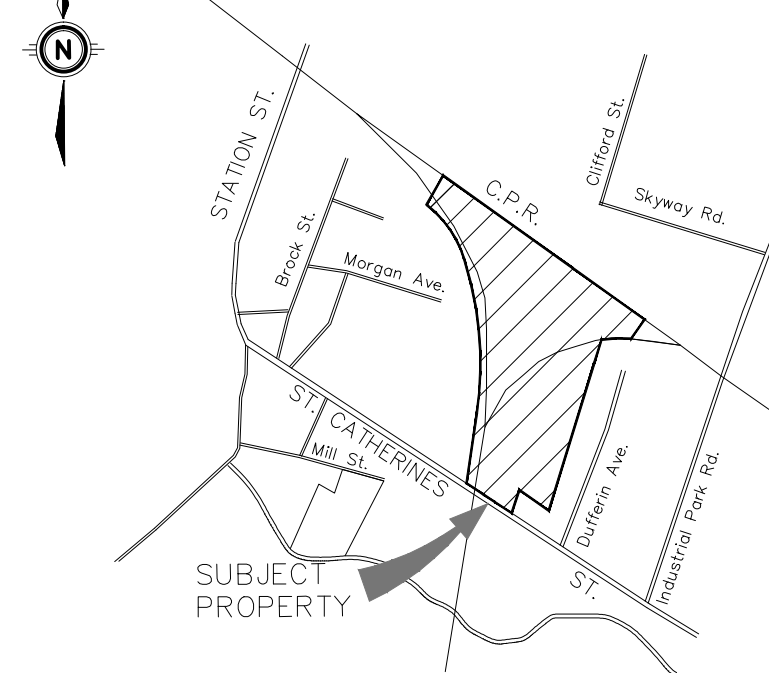
OLDE TOWN GATEWAY ESTATES 2T-05001



DRAFT PLAN OF SUBDIVISION

PART OF LOT 1, REGISTERED PLAN M-96 SHOWN AS PART 1, 30R-10977 AND LOT 1, REGISTERED PLAN M-88 TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA

KEY MAP - N.T.S.



BENCHMARK

INFORMATION REQUIRED

UNDER SECTION 51 (17) OF THE PLANNING ACT, R.S.O. 1990. c.P.13 AS AMENDED

- (a) - AS SHOWN
- (b) - AS SHOWN
- (c) - AS SHOWN
- (d) - AS LISTED BELOW
- (e) - AS SHOWN
- (f) - AS SHOWN
- (g) - AS SHOWN
- (h) - MUNICIPAL WATER
- (i) - SANDY LOAM
- (j) - AS SHOWN
- (k) - MUNICIPAL SANITARY AND STORM SEWERS
- (l) - AS SHOWN

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

SIGNED [SEE ORIGINAL SUBMISSION](#)  
JOHN P. NOUWENS, O.L.S.  
ASHENHURST NOUWENS LIMITED Professional Engineers, Ontario Land Surveyors  
DATE

OWNER'S CERTIFICATE

I HEREBY CONSENT TO THE FILING OF THIS PLAN BY IBI GROUP IN DRAFT FORM.

SIGNED [SEE ORIGINAL SUBMISSION](#)  
SMITHVILLE OLD TOWNE INC.  
DATE

LAND USE SCHEDULE

LOTS/BLKS	LAND USE	AREA	# OF UNITS
RESIDENTIAL			MIN
LOTS 1-31	SINGLE DETACHED DWELLINGS	1.253ha.	31
BLKS. 32-46	STREET TOWNHOUSES	2.246ha.	91
BLK. 47	CONDOMINIUM TOWNHOUSES	2.909ha.	60
BLK. 48	PARKLAND	0.504ha.	
BLK. 49	STORM WATER MANAGEMENT	0.506ha.	
STREETS	DENNIS DRIVE, BRANDON LANE	1.556ha.	
TOTAL		8.974ha.	182

REVISIONS

No.	DESCRIPTION	DATE	INIT.
1	RED LINE REVISIONS	11-06-2015	JP

SCALE 1 : 1000 (metric)  
15 0 10 20 40  
1:1000 (m)

APPROVALS

APPROVED: DATE:

S. LLEWELLYN & ASSOCIATES LIMITED CONSULTING ENGINEERS  
Tel. (905) 631-6978  
Fax (905) 631-8927  
email: info@sla.on.ca  
3228 South Service Road, Suite #105 East Wing, Burlington, Ont., L7N 3H8



**Statistics**

**Draft Plan – Redline:**

<b>UNITS</b>	<b>OLD</b>	<b>NEW</b>
Townhouses	<b>70</b> (7.6 to 7.7m) (25’)	<b>91</b> (6.1m) (20’)
Singles	<b>28</b> (12.2 to 15.5m) (40’ to 50’)	<b>31</b> (12.0 to 13.78m) (39’ to 45’)
Condo Townhouses	<b>60</b>	<b>60</b> No Change



**Old Town Gateway Estates**  
February 8, 2016

**Proposed Schedule:**

- |  |                   |
|--|-------------------|
| 1. Ratification:                       | February 29, 2016 |
| 2. Engineering Drawings and Approvals: | June 1, 2016      |
| 3. MOEE (ECA) – Sewer and Pond:        | November 1, 2016  |
| 4. Build Model Homes:                  | November 1, 2016  |
| 5. Start Sales:                        | September, 2016   |
| 6. Sales – 50%:                        | May 1, 2017       |
| 7. Start Services:                     | May 1, 2017       |
| 8. Completion of Project:              | June/July, 2020   |



# GRIFFIN PLACE

ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF  
VACANT LAND CONDOMINIUM



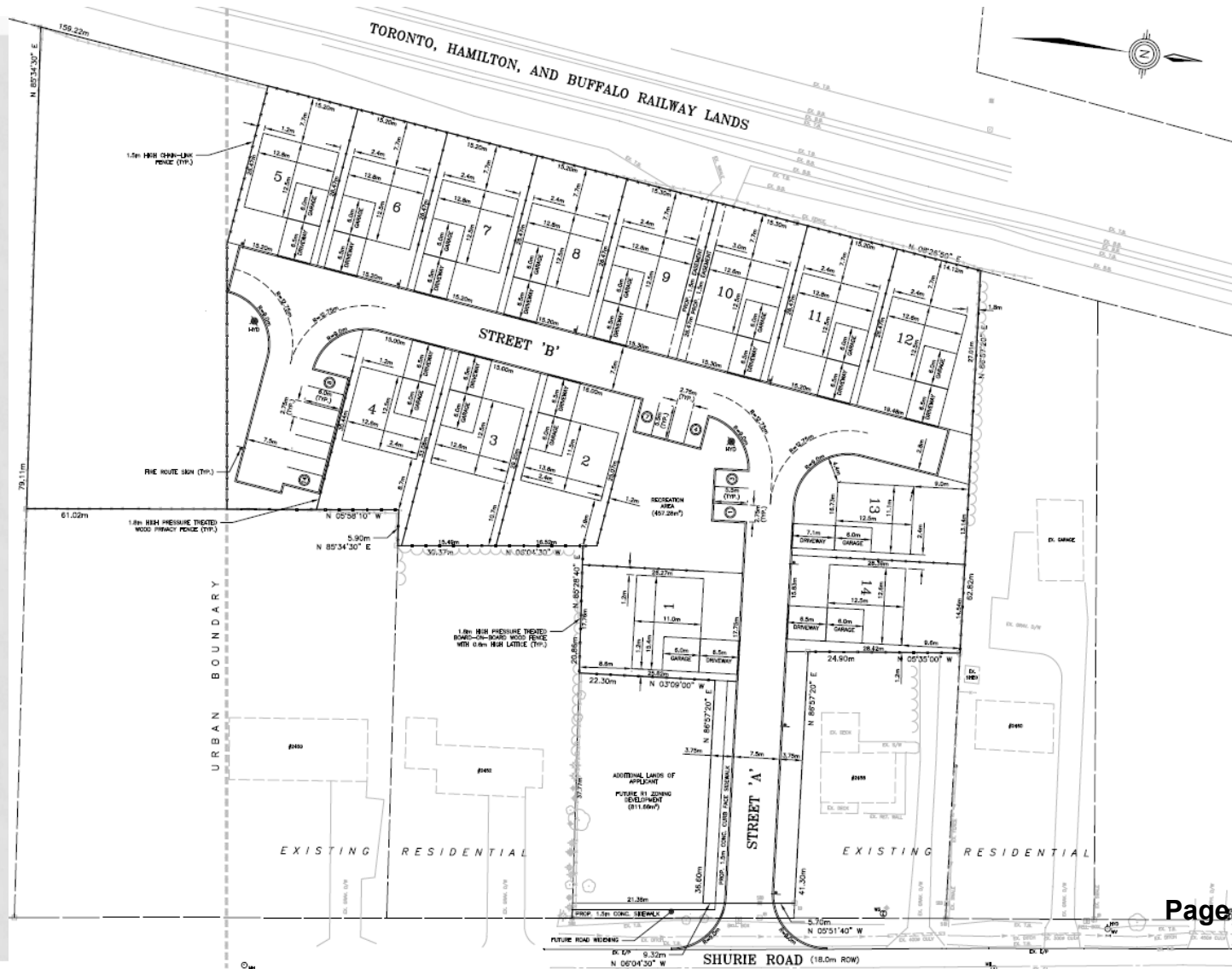
# GRIFFIN PLACE





**SCHEDULE "B" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/  
ENVIRONMENTAL COMM. MINUTES**

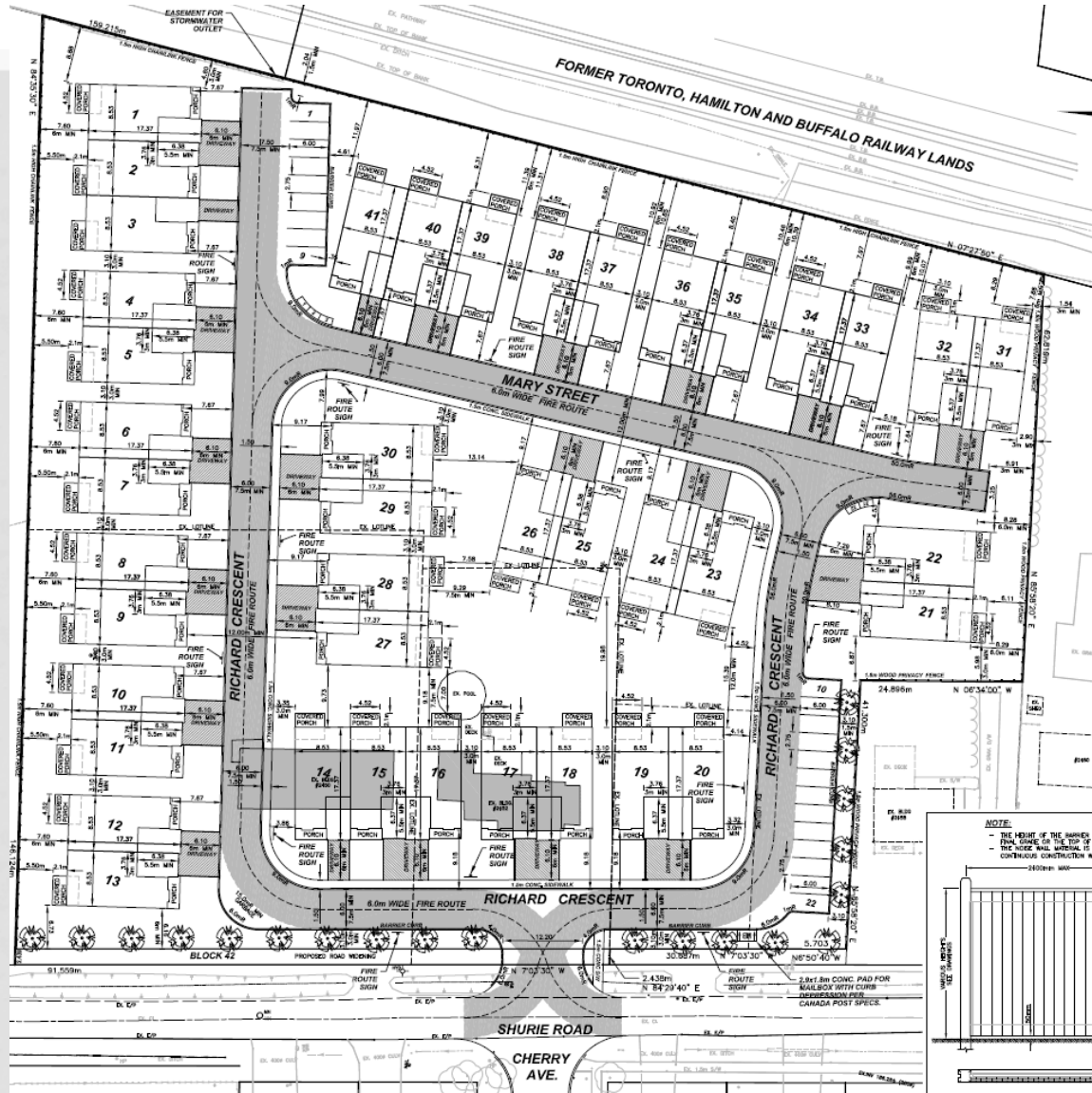
# GRIFFIN PLACE





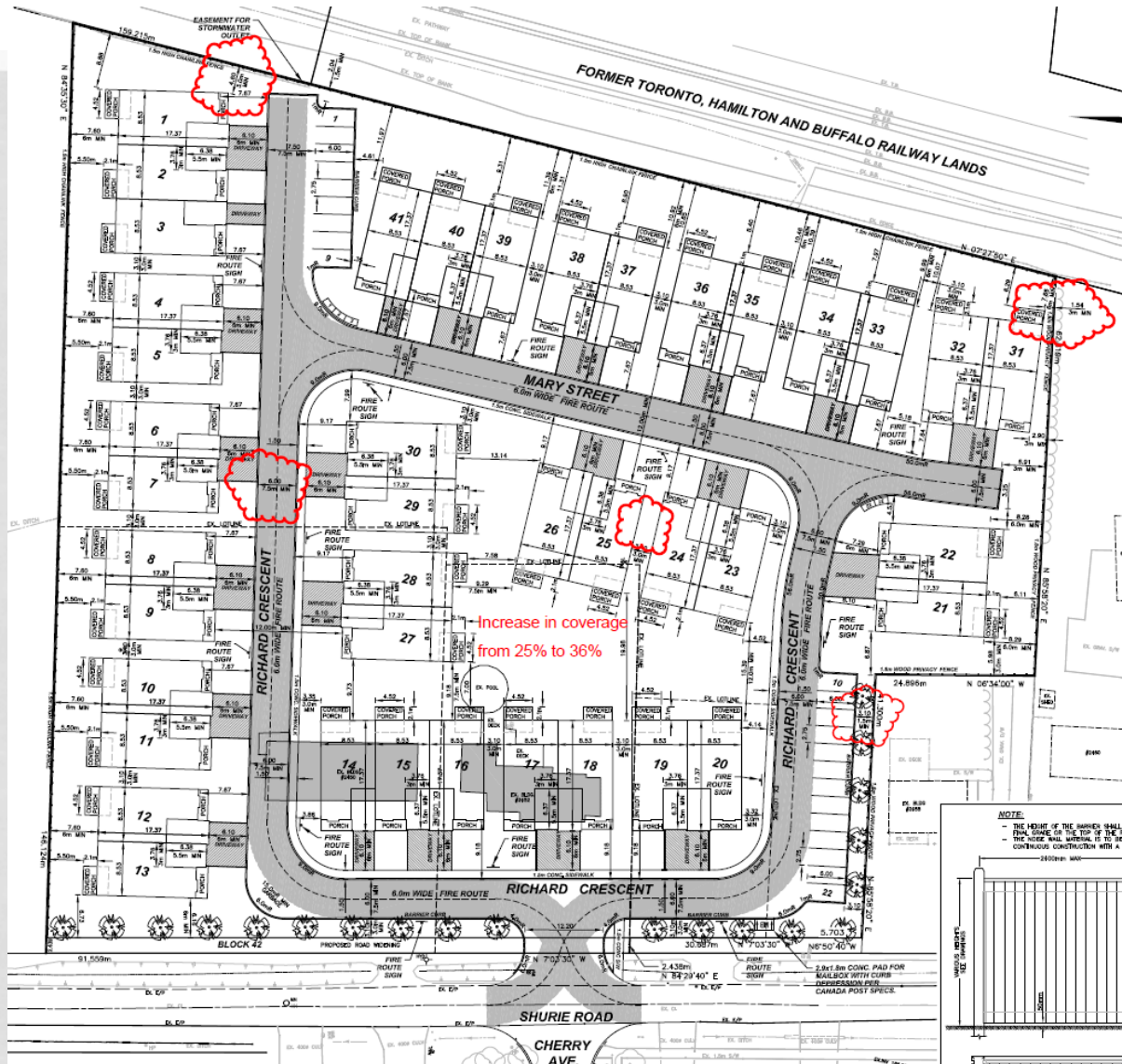
**SCHEDULE "B" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/  
ENVIRONMENTAL COMM. MINUTES**

# GRIFFIN PLACE



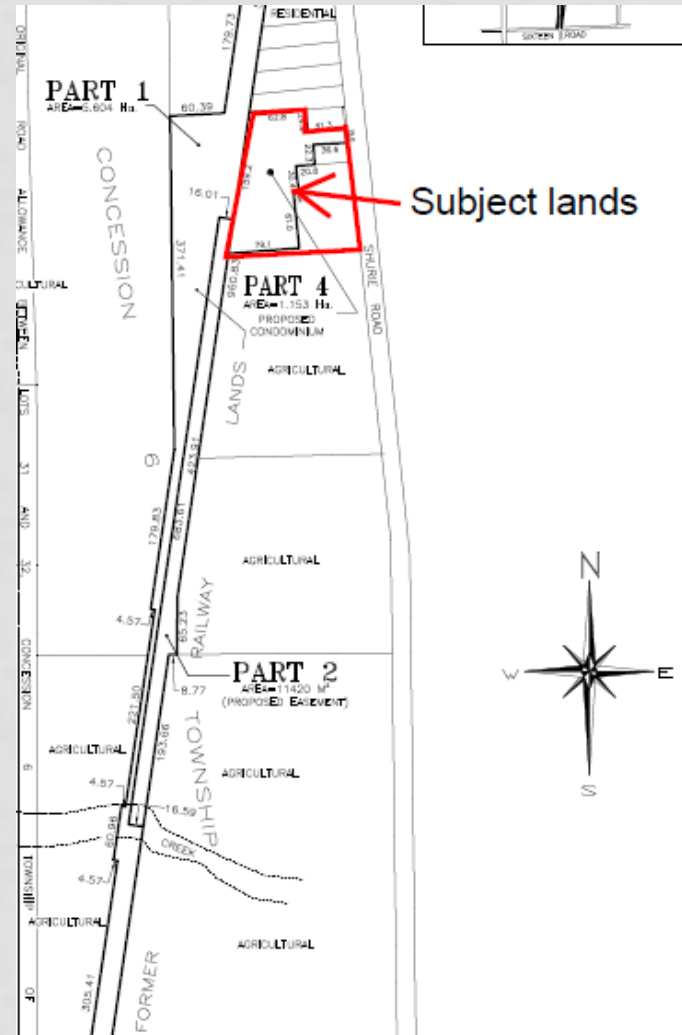


# **SCHEDULE "B" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/ ENVIRONMENTAL COMM. MINUTES**





# GRIFFIN PLACE





# GRIFFIN PLACE





# **SCHEDULE "C" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/ ENVIRONMENTAL COMM. MINUTES**

February 8, 2016,

Council and Staff of the Township of West Lincoln

I want to thank you, Council and staff for the great amount of work that you have put into report\_\_\_\_\_. You spent a lot of time checking with other municipalities and the MOE and the wind proponents and I thank you for that.

However, you are several years late with most of the work gathered, and you missed the point most important to West Lincoln and that is the need for funding to purchase Noise Monitoring equipment to help our negatively affected residents and to keep the wind proponent compliant.

I was shocked when I read the staff report in the Agenda for tonight's meeting. The recommendations that Township continue to set up a advisory committee, investigate actions that can be taken, encourage the proponents to implement the Committee Liaison Committee, contact Regional Health Units, ask the province to get new equipment, shake a fist at the Green energy Act, contact the MOE to see if they agree with WLGWAG and MAWT about the issues with the projects, and even a recommendation to help the wind proponent to get the a postponement of the completion of the project so that they will have time to make prove their amendments, and more. Staff even went so far as to ask the MOE what they thought about our Ask, and, surprise, surprise, MOECC says that their equipment is just fine. (they did not mention that it does not work for several reasons, - which we told you about), and they have only two monitors for the whole province. Our two groups have been in contact with the MOECC since the inception of this project, and the only outcome is that they are very aware of our project and of the excellent quality of the work done for our community by our volunteers.

I wonder if any of our staff realized that by asking the MOECC to confirm the comments of Ms Veldman that they were in effect saying that they did not believe her statements. The MOE CC will say their equipment is sufficient, but Ms Veldman told us that the noise from the HAF turbines is affecting her life. I read in the staff report that the HAF project is in compliance. Doesn't that mean that if Ms Veldman is experiencing these issues that the project must be OUT of compliance at times. The MOECC has the obligation to inform the proponent to make concessions such as turning the turbines off when it they are causing annoyance.

**I believe that you are aware of our ask, which is that West Lincoln needs to have noise monitoring equipment, and we need it well before completion of the project. This Staff report seemed to go around and around the issue and never really addresses the ASK.**

The Staff Report quotes from the **West Lincoln Strategic Plan** to prove their hypothesis for this report.

**Alignment to Strategic Plan: Provide and sustain a high level of life for its residents by ensuring compliance with various acts and regulations and promoting green energy.**

**#3 Objective: Facilitate effective c community consultation and communication and improve the co-existence of green energy technologies and farming industries.**



## **SCHEDULE "C" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/ ENVIRONMENTAL COMM. MINUTES**

Past and current experience (waste management industries, industrial wind turbines) within the Township calls for a continued transparency and forthright civic discussion regarding jurisdiction, costs, benefits and ultimately alignment with strategic priorities as they relate to future green energy initiatives and industries. Concerns related to issues of POSSIBLE ADVERSE affects on the collective health of people and livestock need to be addressed by responses from Public Health authorities facilities through the Communication strategy above.

I bring your attention to Key Actions: 1, 2 (page 27)

1. *Council to provide a transparent accounting of the benefits and costs to the Township directly related to prospective green energy initiatives being introduced.*
2. *Engage with Regional Public Health officials and the Ministry of Health to provide access to independent information for residents related to concerns associated with the "green energy sector" emerging technology.*
3. *Liaise with other rural communities currently housing green energy related products and obtain post – implementation benefits, costs and other implications for the township, residents and the business community.*

Then take a look at the NOTE section on page 28.

*At the time of this writing, the matter of industrial wind turbines remains a provincial jurisdiction with the responsibility of township representatives to ensure that expressed opinions by ALL parties related to IWTs are brought forth to provincial counterparts. As with any controversial issue in a community, there are many perspectives and opinions **and it remains the responsibility of Council to provide stewardship for the best interests of the Township as a whole.***

This statement says that township representatives will ensure that opinions of ALL parties are brought forth to the Provincial Counterparts. It is your responsibility, not ours to let our government know the problems with wind energy, and the problems now and in the future for West Lincoln because of government policies.

**NOTE: , "it remains the responsibility of Council to provide stewardship for the best interest of the Township as a whole".**

That is exactly what we are asking from Council when we ask for Noise Monitoring equipment to be used for the best interest of the township as a whole.

**This Staff Report must not be accepted since it doesn't meet the requirements of West Lincoln's Strategic Plan.**



# **SCHEDULE "D" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/ ENVIRONMENTAL COMM. MINUTES**

Mike Jankowski – WLGWAG Inc / MAWT Inc. – February 8, 2016

Page **1** of **5**

Thank you for requesting Staff Reports and to Staff for creating it. We are happy to have you working to protect the Health and Wellness of the people of West Lincoln.

As an advocate, there are opportunities to clarify the Staff report and improve upon its recommendations in response to our first two asks which were adopted and approved by Council January 11<sup>th</sup>:

Ask 1: "*That the Township look into methods of immediately gathering audible and infrasound data in our community in order to establish base line information before the turbines start operating.*"

Ask 2: "*That the Township look into methods of collecting sound and infrasound data on an ongoing basis (24/7) in order to protect the community in the future.*"

As these two asks relate directly to [West Lincoln's strategic plan](#) (where it is stated on page 28 "*it remains the responsibility of Council to provide stewardship for the best interests of the Township as a whole*"), we submit the current Staff Report includes somewhat hasty conclusions and results in a miss in the recommendations under Parts A and B. (Pages 206-207) This results in danger of going full circle on this issues in West Lincoln as it always has in Ontario over the past 6 years where we have people reporting health issues and insufficient data to even understand what they are exposed to.

The following are opportunities to improve;

1. To Section A and B in general: The report bases some conclusions upon equipment and methods which have proven unsuccessful at capturing the Wind Turbine Signature in Ontario over the past 6 years – dB(A) which completely discards all infrasound and severely attenuates low frequency noise. Supporting our first 2 or even our 2<sup>nd</sup> ask will promote the methods leading edge Acousticians and Engineers have recently used to successfully capture the Wind Turbine Signature, (That is, its Blade Pass Frequency and Harmonics)
2. To section A, Staff Complication a; We have not requested the municipality conduct any enforcement under an existing by-law and therefore submit this is not a significant barrier to supporting our first 2 asks.
3. Staff Complication b; The table provided is not a showstopping barrier to supporting our ask as it does not impact Infrasound and Low Frequency Noise which is the part of our first two asks we wish to emphasize the most and is most in need of collection and understanding.
4. Staff Complication c; When a report is produced according to the sources cited in the report and regarding the collection of noise data, the sponsor does not receive the raw data, it receives a Report. Before the courts, the interpretation and report must be conducted, produced and presented by a person who must establish that he/she is a professional witness without personal interest in the issue and must sign an Acknowledgement of Expert Duty Form. The equipment and setup procedure must be traced to accepted standards and the procedure is to be included in the report. Here the Staff use cost to fall back to Spot Measurements which again to not capture full range noise emissions over a scientifically signification portion of operating time in our community which has constantly changing environmental and turbine operating conditions. We have not specifically recommended litigation. We have requested full range Noise Emissions are collected over a much larger time sample than is currently done and free of the limitations which currently exist in frequency, equipment capability and time sample. The methods requested have been used successfully in other jurisdictions. The methods discussed in the report have not.
5. To Staff Complication d; The MoE enforcement staff do not utilize equipment which is either designed for, or fit for success in capturing infrasound and its characteristics. It is not capable of performing on the fly FFT averaging which means that it cannot reject Wind Noise in the infrasonic frequency region nearly as well as our ask requires and that a measurement system such as we recommend can. The equipment used by the MoE Enforcement offices cannot perform the type of analysis required to the



# **SCHEDULE "D" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/ ENVIRONMENTAL COMM. MINUTES**

Mike Jankowski – WLGWAG Inc / MAWT Inc. – February 8, 2016

Page **2** of **5**

level required to expose the Wind Turbine Signature is not relevant to our ask and this should not be considered a barrier to supporting our ask. The statement in the report “their noise equipment can determine industrial wind turbine noise and separate it from *background noise*” is like saying I can fasten a Phillips screw to hold part of a jet using my house key, but I don’t think you would want your family flown overseas by that jet. Cutting edge Acousticians and Engineers which much more capable noise measurement systems than the MoE Enforcement office do state that a pre-operation community noise benchmark is a useful step. It is nearly as useful as a Wind Turbine On/Off test which yielded ground breaking work in Cape Bridgewater, Australia by Steven Cooper.

6. To section A, Staff Complication e; The Municipality of Kincardine has not implemented a noise measurement system such as we recommend. Further, they have not setup a remotely monitorable system, thus cost will be much higher than the methods we recommend and the noise meters in use will not capture the IWT Signature whereas the system and methods we recommend have proven to do so and cost less over time.
7. To Staff Complication f & g; As the MoE use Noise Meters, not noise measurement systems and as they limit their concern to only audible noise, we submit their recording strictly Noise Levels prior to turbine operation is not the same as our request to capture all noise and to have advanced interpretation abilities. The Wind Turbine Signature, which leading edge science has learned is not a level dependant issue, rather a tonality hidden in the infrasonic frequency range encapsulated in noise. We are not asking for a repeat of what they have done, rather something quite different.
8. To section B, Staff Comment a; It is a core tenet of our ask that the raw data would be held by the municipality, available to anyone and even to the proponent if requested. The intent is not limited to potential litigation, it is rather to fill an existing scientific gap and that any professional should have the opportunity to review uncoloured, integral scientific information about precisely what the people of West Lincoln will be exposed to, in the hopes that professionals will follow the science and increase the scientific certainty of how Wind Turbines impact people.
9. To Staff Comment b; We have not requested an enforcement action be the responsibility of West Lincoln, rather that we gather integral information about our community. Complaints have been directed to the MoE, but as previously noted, they are limited in focus, methods and capabilities. People have indicated to us they have stopped contacting the MoE as no meaningful response has been received and we encourage them to continue, but this is not relevant to our asks.
10. To Staff Comment c; We have provided a cost estimate to have performed proper full range Noise capture which would provide superior results at lower cost than the conclusions here. We are not asking for Spot Measurements and acquisition of only a report. We know those methods have had quite limited success.
11. To section B in general; We appreciate the recommended action to approach the Niagara Regional Health Unit, but insist that acquisition of full range noise data and maintenance of the raw, unedited data is key to the protection of people. No one is doing this in West Lincoln or Wainfleet or ever has.

Ontario persists in reassuring us that there are no significant health effects related to industrial wind turbines under our current noise standards. This blanket statement is incorrect and a disservice to the Ontarians who are already experiencing adverse health effects, such as headaches, vertigo, nausea, anxiety, ringing in the ears and, most importantly, chronic repetitive sleep disruption.

Given this issue is highly intermittent and depends upon changing environmental conditions – we must safeguard that we do not continue to think Level Dependant Spot Measurements and analysis of only audible noise will capture the problem. A Freedom of Information request has yielded the MoE has over 7,000 files of complaints and rising. To pay an acoustician to take spot measurements for us would be prohibitively expensive as the Staff Report accurately states which is why professionals who are able to expose the IWT signature recommend the 24x7 remote monitoring stations. The report states that WL



## **SCHEDULE "D" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/ ENVIRONMENTAL COMM. MINUTES**

Mike Jankowski – WLGWAG Inc / MAWT Inc. – February 8, 2016

Page **3** of **5**

will get feedback from Kincardine but not only have they gone the wrong direction in taking spot measurements, but they are only doing their pre-turbine baseline measurements at this time. They aren't going to find anything now, and given they are not using the right tool for the job, they won't find much later either.

The current unsuccessful approach has been to hire a consultant to take spot measurements. It has not worked because;

- The consultant is not selling you a solution to your problem, they are selling you consulting services
- If they were to solve your problem, the result would be detrimental to their business
- Spot measurements cannot guarantee capture of Noise Emissions over all the environmental conditions WL experiences - 24x7 monitoring can
- In using a consultant, we do not receive the raw data measured. We would receive a report. Further, the consultant is allowed to edit the data and since we did not receive the raw data, we would not know they edited data or why they edited it.
- If we want a by-law that protects people inclusive of repeated, pulsating infrasonic inaudible and audible noise emissions, we need scientific information to back it up. If we do not capture full range data from multiple channels at the same time because we will have missed the opportunity to capture the information which would necessitate such by-law.

What we have recommended would be admissible and would address the shortcomings.

It was stated to us during our presentation to Council January 11th that "We are preaching to the choir", yet, in consulting the same firms who employ the same methods which are not geared for success – we risk fighting on the Wind Power Corporations' terms and will fail to collect complete Noise Emission data and will fail to provide raw information which – should your requests to the MoE&CC be successful to update measurement standards – could be rendered obsolete.

The only way for us to meet our stated objective in West Lincoln is to trigger the science and untrigger unfit MoE guidelines. MoE guidelines are what have not worked for this issue over 6 years. We know how to capture the IWT signature, so why would we not employ those methods in protection of our people?

I do remain optimistic and look forward to being a part of the Advisory Committee should one be formed in West Lincoln and I thank you for understanding this advice.



# **SCHEDULE "D" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/ ENVIRONMENTAL COMM. MINUTES**

Mike Jankowski – WLGWAG Inc / MAWT Inc. – February 8, 2016

Page **4** of **5**

## **Supporting Information:**

There is an ongoing academic debate about the mechanisms behind these effects (direct vs. indirect, the nocebo “its all in your head” effect, audible vs. inaudible infrasound), but little disagreement that some persons living too close to these large wind turbines are suffering, whatever the mechanism.

Critical methodological shortcomings plague many of the large-scale industry or government-sponsored studies that state agencies rely upon to establish protective sound levels:

- Failure to measure the full sound spectrum, in particular ignoring the very low frequencies that are likely responsible for many of the reported adverse health effects. (References available)
- They assume a constant sound pressure and tone, not at all like the impulsive sound produced by large turbines, which has its own distinct signature that differs from other environmental sources (planes, trains, automobiles, wind, leaves rustling).
- Sound levels are often averaged over an hour, or longer, making it possible for periods of very loud intrusive sound to fall within an “acceptable” calculated level.
- Measurements are not taken indoors, where people live and the sound may be more intrusive due to the well-established resonance effects of low frequency sound. (Room modes, Bill Palmer)
- Most importantly, the large studies fail to focus their investigations on those households that are most severely affected.

In spite of these research design limitations, the large Health Canada study found that at wind turbine sound pressure levels greater than 35 dB(A), health-related complaints will increase, and at levels greater than 40 dB(A) a significant number of persons will be “highly annoyed” (meaning adverse health effects, especially sleep disturbance which accumulate and become worse over time with continued exposure). The current Ontario threshold of 40 dB(A) of audible sound has actually never been proven safe or protective. Some studies recommend that audible sound should not exceed 35 dB(A), or 5 dB(A) above normal background sound levels. (This is crucial in rural areas where background noise is minimal, particularly at night). The level should be a maximum, not an hourly average. Above 35 dB(A) there are likely to be significantly more complaints, particularly difficulty sleeping.

Several recent small, well-designed, independent clinical studies (Ambrose & Rand, Nissenbaum, Pierpont, Schomer, Cooper, Thorne) that do take the aforementioned factors into consideration, all conclude that lower, more protective noise limits for these huge industrial wind installations are needed (for more details: [docs.wind-watch.org/DRSANDYREIDER\\_042413.pdf](https://docs.wind-watch.org/DRSANDYREIDER_042413.pdf)).

To the benefit of the wind industry, and apparently to those agencies promoting large wind installations in Ontario, the issue of infrasound has thus far been successfully suppressed and ignored. Space does not permit a detailed discussion, but consider the following:

- The World Health Organization has definitively established (2009) that inaudible very-low-frequency infrasound is a human health hazard, that it can disturb sleep, and increase heart rate and blood pressure, leading in susceptible individuals, to permanent effects such as hypertension and cardiovascular disease, even at sound levels below 30 dB(A).
- In the mid 1980s, Neil Kelley and his team thoroughly documented significant adverse health effects resulting from inaudible, very-low-frequency sound produced by a large wind turbine in Boone, N.C. This scientifically rigorous NASA and Department of Energy-sponsored study, in cooperation with MIT and four other prestigious universities, as well as the wind industry, has been conveniently dismissed as irrelevant by current wind developers, even though the study’s conclusions have never been disputed, and even though we now know that the large turbines being installed today do indeed generate clinically significant amounts of infrasound.
- Three more recent preliminary studies (Ambrose & Rand’s Falmouth, Mass., 2011; Schomer, Rand, et.



# **SCHEDULE "D" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/ ENVIRONMENTAL COMM. MINUTES**

Mike Jankowski – WLGWAG Inc / MAWT Inc. – February 8, 2016

Page **5** of **5**

al., Shirley project, Brown County, Wisconsin, 2012; Cooper, Bridgewater, Australia, 2014) of projects with large modern upwind turbines have replicated and confirmed Kelley's findings; i.e., infrasound, not audible sound, is a major contributor to the health fallout from today's industrial wind projects.

Taken together with the thousands of case reports from around the world (I personally have experienced 9 of the commonly reported health impacts and have been aware of 41 families that have been forced to abandon their homes due to adverse health effects from nearby wind turbines), stricter full-spectrum noise standards for these large wind projects are urgently needed. However, lobbying the province is not sufficient alone, as there is no guarantee they will change as they have noted over a year ago they see the science diverging on whether to consider infrasound in protections, but have not changed and continue to enable mass propagation.



**Resolution Requesting that  
Ontario Cancel RFP  
for Added Wind Power  
Generation**



## SCHEDULE "E" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/ ENVIRONMENTAL COMM. MINUTES



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[Ontario's Power System](#)

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[Stakeholder Engagement](#)

[Conservation](#)

[Home](#) > [Participate](#) > [Generation Procurement](#) > [Large Renewable Procurement](#)

# Large Renewable Procurement

The Large Renewable Procurement (LRP) is a competitive process for procuring large renewable energy projects generally larger than 500 kilowatts.

The LRP is an important component of Ontario's ongoing commitment to building a cleaner and more sustainable energy system, and represents a key step in the province's 2025 target for renewable energy to comprise about half of Ontario's installed capacity. Targets for this first procurement include up to 300 MW of wind, 140 MW of solar, 50 MW of bioenergy and 75 MW of waterpower.

Please note that as of February 4, 2015, all updates to the LRP will be posted here, and all previously posted information and material on the LRP is available on the legacy OPA website at [powerauthority.on.ca/large-renewable](http://powerauthority.on.ca/large-renewable)



Ontario currently has an oversupply of electricity, with its available supply exceeding its maximum hourly consumption by an average of 5,160 MW per year from 2009 to 2014—an amount approximately equal to the total existing power generation capacity of the province of Manitoba. Meanwhile, Ontario has spent

AG report 2015, p 24



Due to the excessive surplus, Ontario had to pay generators \$339 million from 2009 to 2014 to reduce the production of 11.9 million MWh of surplus electricity, and \$3.1 billion more to produce 95.1 MWh of exported power in excess of what Ontario received in export revenue. As well, there were almost 2,000 hours in which the hourly Ontario electricity market price was negative, and Ontario paid other exporters a net total of \$32.6 million to take our power.



2006-2014

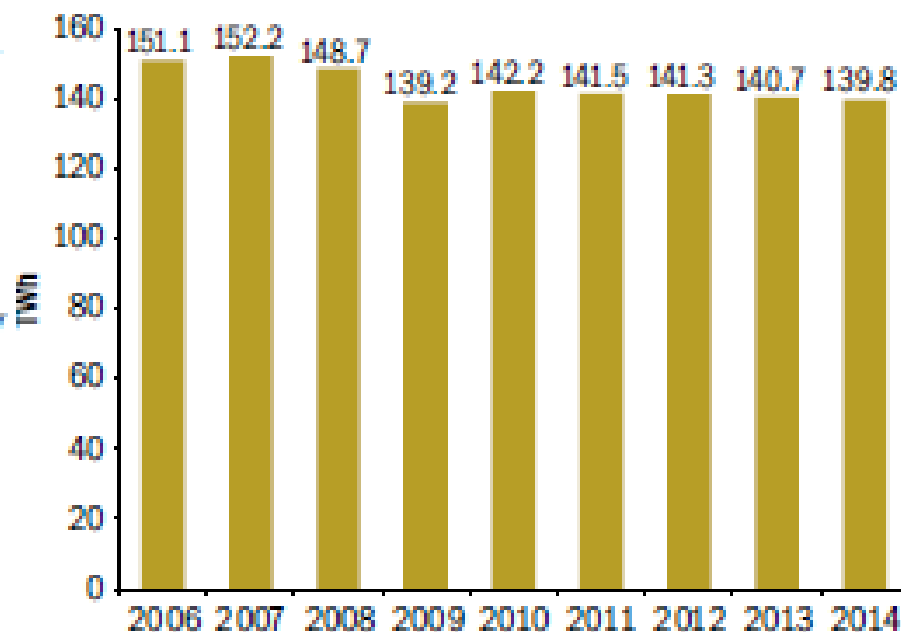
Demand ↓ 7.5%

Capacity ↑ 19%

electricity consumers. Annual electricity consumption in Ontario has decreased from 151.1 million MWh in 2006 to 139.8 million MWh in 2014 (see Figure 7). Despite this decrease in consumption, Ontario's generation capacity has increased by 19% over the same period. Figure 8 shows that electricity

Figure 7: Annual Grid-connected Energy Consumption in Ontario, 2006-2014

Source of data: Independent Electricity System Operator





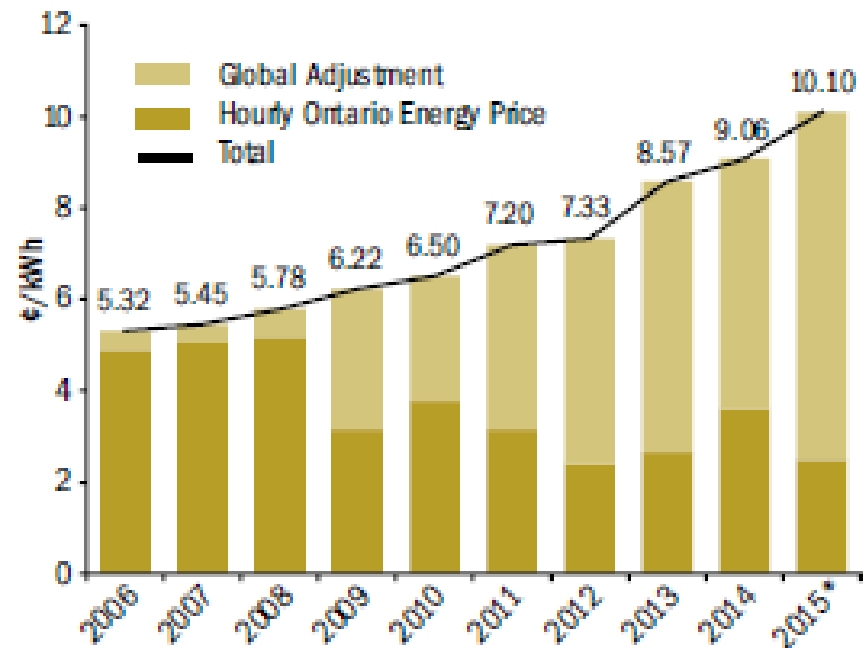
2006 – 2014

Cost ↑ 70%

same period. Figure 8 shows that electricity charges for residential and small-business electricity consumers have increased by 70%, from 5.32 cents/kWh in 2006 to 9.06 cents/kWh in 2014. Most of the increase in what consumers pay for electricity has come from generation-cost increases, which currently account for about 60% of the overall cost of electricity. Generation costs have increased by 74% over the last decade, from \$6.7 billion

Figure 8: Ontario Electricity Charges for Residential and Small-business Customers, 2006–2015

Source of data: Independent Electricity System Operator



\* Projections taken from the Ministry's 2013 Long Term Energy Plan.



electricity consumers have had to pay \$9.2 billion more (the IESO calculates this amount to be closer to \$5.3 billion in order to reflect the time value of money) for power from renewable energy electricity projects over the 20-year contract terms under the Ministry's current guaranteed-price renewable program than they would have paid under the previous procurement program.





## Skyrocketing electricity rates may force one in 20 Ontario businesses to close

**JANE TABER**

TORONTO — The Globe and Mail

Published Wednesday, Jul. 08, 2015 4:00AM EDT

Last updated Wednesday, Jul. 08, 2015 8:45AM EDT

292 Comments



6K



6K



115



9

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**READ NOW**

**THE GLOBE AND MAIL**

Soaring electricity rates in Ontario are threatening industries and businesses across the province, with one in 20 reporting they expect to shut down in the next five years, according to a major study by the Ontario Chamber of Commerce (OCC).

Businesses can't grow, make improvements or investments or even hire new workers because of the increasing rates, which are among the highest in the country and expected to continue to rise over the next 20 years, says the report, Empowering Ontario: Constraining Costs & Staying Competitive in the Electricity Sector, released Wednesday.

It paints a grim picture of a convoluted, complicated electricity pricing system, and warns that to keep business in the province or attract new businesses, government and energy authorities must act now.

A Leger poll, accompanying the report, shows that 81 per cent of Ontarians are concerned that rising electricity rates will "impact the health of the Ontario economy." In addition, the same percentage of Ontarians are concerned that the increases will "impact their disposable



**Ontario's Electricity Dilemma –  
Achieving Low Emissions at Reasonable Electricity Rates**  
\*\*\*\*\*

15

**Why Will Emissions Double as We Add Wind and Solar Plants ?**

- ✧ Wind and Solar require flexible backup generation.
- ✧ Nuclear is too inflexible to backup renewables without expensive engineering changes to the reactors.
- ✧ Flexible electric storage is too expensive at the moment.
- ✧ Consequently natural gas provides the backup for wind and solar in North America.
- ✧ When you add wind and solar you are actually forced to reduce nuclear generation to make room for more natural gas generation to provide flexible backup.
- ✧ Ontario currently produces electricity at less than 40 grams of CO<sub>2</sub> emissions/kWh.
- ✧ Wind and solar with natural gas backup produces electricity at about 200 grams of CO<sub>2</sub> emissions/kWh. Therefore adding wind and solar to Ontario's grid drives CO<sub>2</sub> emissions higher. From 2016 to 2032 as Ontario phases out nuclear capacity to make room for wind and solar, CO<sub>2</sub> emissions will double (2013 LTEP data).
- ✧ In Ontario, with limited economic hydro and expensive storage, it is mathematically impossible to achieve low CO<sub>2</sub> emissions at reasonable electricity prices without nuclear generation.



Unfortunately, despite their potential contribution to combating climate change, wind farms may have significant impacts on wildlife and its habitat, particularly birds and bats. The main potentially detrimental effects of wind farms on birds, as identified in BirdLife International's position statement on wind farms and birds<sup>2</sup> are:

Collision with the moving turbine blades, with the turbine tower or associated infrastructure such as overhead powerlines, or the wake behind the rotors causing injury, leading to direct mortality.

Disturbance displacement from around the turbines or exclusion from the whole wind farm. Reduced breeding productivity or reduced survival may result if birds are displaced from preferred habitat and are unable to find suitable alternatives. Disturbance may be caused by the presence of the turbines, and/or by maintenance vehicles/vessels and people, as well as during the construction of wind farms.

Barriers to movement disrupting ecological links between feeding, wintering, breeding and moulting areas and extended flights around wind clusters, leading to increasing energy demand potentially reducing fitness. Large individual wind farms, or the cumulative effect of multiple wind farms, are the main concerns.

Change to or loss of habitat due to wind turbines and associated infrastructure.



# SCHEDULE "E" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/ ENVIRONMENTAL COMM. MINUTES

Demand

Supply

Price

This Hour

Featured Reports

All Reports

Show Me

☒ Generation by Fuel

Type - Hourly

— Nuclear

— Hydro

— Gas

— Wind

— Solar

— Biofuel

☐ Imports - Hourly

--- Exports - Hourly

☐ Net Import/Export -  
Hourly

**Note:** When imports are greater  
than exports, the value will be  
negative.

Compare With

[Clear](#)

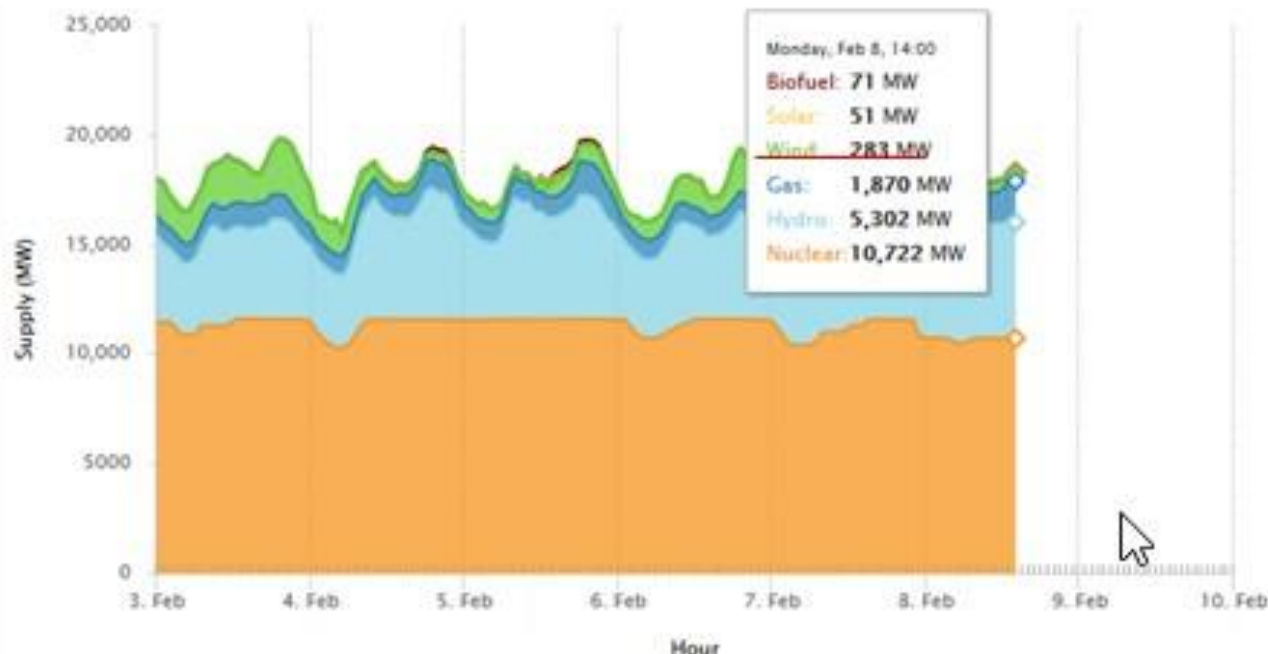
☐ HOEP

Download: [XML](#)

Market Demand

At 3:00pm EST February 8, 2016

20,055 MW



Today | 3-Day | [7-Day](#)



## Request that the Council


of the Municipality of WEST LINCOLN resolves:

- That the Province of Ontario exercise its rights in Section 4.13 (12) of the current LRP I RFP to ‘cancel the process at any stage and for any reason’ and not issue any new wind generation contracts;
- That the Province of Ontario hold off any further renewable procurement process until the capacity is actually required and focus on sources that will actually reduce carbon emissions;
- That the IESO review the outstanding FIT contracts that have not achieved ‘Commercial Operation’, and vigorously enforce the terms of the FIT contract with a view to eliminating further expensive wind generation capacity being added to the grid.



The following municipalities have taken the lead in passing this resolution by the end of last week:

Cavan-Monaghan (Peterborough County)

Dutton-Dunwich (Elgin County) 

Grey Highlands (Grey County)

Norfolk County

North Perth (Perth County)

South Bruce Peninsula (Bruce County)

Wainfleet (Niagara Region) 

Warwick (Lambton County) 

West Elgin (Elgin)



Resolutions attached



**Resolution Requesting that Ontario Cancel RFP for Added Wind Power Generation**

**Whereas:**

The Independent Electrical System Operator, under Ministerial Directive, issued an RFP for additional renewable energy generation including 300 MW of wind generation and is considering issuing further RFPs for 2016; and,

**Whereas:**

The December 2015 Auditor General's report confirmed that Ontario is generating surplus electricity with capacity increasing by 19% in the last 8 years while demand fell by 7.5% in the same period. Additional capacity is not required at this time; and,

**Whereas:**

The Auditor General also reported that the existing Feed In Tariff (FIT) contracts mean that Ontario power consumers will pay a premium of \$9.2 billion for renewable power with wind power pricing that is double the prices paid in other jurisdictions; and,

**Whereas:**

The Ontario Chamber of Commerce reports that the escalating price of electricity is undermining their members' capacity to grow, hire new workers, and attract investment, and that Ontario's electricity costs are among the highest in North America, making the province uncompetitive for business growth; and,

**Whereas:**

Adding wind to Ontario's grid drives CO<sub>2</sub> emissions higher. The Ontario Society of Professional Engineers estimated that wind with natural gas backup produces base-load electricity at about 200 grams of CO<sub>2</sub> emissions/kWh compared with the current system average level of 40 grams CO<sub>2</sub> emissions/kWh ; and,

**Whereas:**

Nature Canada reports that wind power facilities have a substantial negative impact on endangered species including migrating bats and birds as well as destroying habitat for species at risk; and,

**Whereas:**

Wind power is an intermittent source of electricity generation meaning that it cannot be used to replace dependable generating capacity without natural gas as a back-up ; and,

**Therefore,** be it resolved that the Council of the Municipality of XXXXXXXXX requests:

1. That the Province of Ontario exercise its rights in Section 4.13 (12) of the current LRP I RFP to 'cancel the process at any stage and for any reason' and not issue any new wind generation contracts;
2. That the Province of Ontario hold off any further renewable procurement process until the capacity is actually required and focus on sources that will actually reduce carbon emissions;
3. That the IESO review the outstanding FIT contracts that have not achieved 'Commercial Operation', and vigorously enforce the terms of the FIT contract with a view to eliminating further expensive wind generation capacity being added to the grid.

Send to:

\_\_\_\_\_  
Clerk, Municipality of XXXXXXXXXX

Kathleen Wynne, Premier of Ontario – premier@ontario.ca

cc: Bob Chiarelli, Minister of Energy – bob.chiarelli@ontario.ca

cc: XXXXX, MPP XXXXXXXXXXXXX

cc: Association of Municipalities of Ontario - cathiebrown@amo.on.ca



**SCHEDULE "G" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/  
ENVIRONMENTAL COMM. MINUTES**



**Monte McNaughton, MPP**  
Lambton-Kent-Middlesex

**Constituency Offices:**

☐ 81 Front Street West  
Strathroy, ON N7G 1X6  
Tel. (519) 245-8696  
Fax (519) 245-8697

☐ 360 James Street  
Wallaceburg, ON N8A 2N5  
Tel. (519) 627-1015  
Fax (519) 627-7174

**Queen's Park Office:**

☐ Rm. 202 NW, Legislative Bldg.  
Toronto, ON M7A 1A8  
Tel. (416) 325-3362  
Fax (416) 325-3275

January 27, 2016

The Honourable Bob Chiarelli, Minister of Energy  
Hearst Block, 4th Floor  
900 Bay Street  
Toronto ON M7A 2E1

**RE: resolution from the Warwick Township Council**

Dear Minister,

By this letter I wish to endorse the resolution of the council of the Township of Warwick passed January 25<sup>th</sup>, 2016 and sent by email to the Honourable Kathleen Wynne, Premier of Ontario, and copied to you.

The Township of Warwick, by its proximity to the United States border, and by having 400 series highway and rail service, is well-placed to take advantage of opportunities in economic development if other factors did not mitigate against them. By this I mean economic development is handicapped in Ontario when we have uncompetitive hydro rates.

I need not repeat the pleas of Warwick's resolution which outline how Ontario has come to its current position; I will repeat that Ontario does not require more expensive wind-generated electricity and that you, as Minister of Energy, have the authority to begin to remedy the problem by cancelling any new wind-generation contracts and to review outstanding FIT contracts that have not yet reached commercially operative status.

Taking prudent steps to make energy more affordable is the single biggest thing you can do to help return Ontario to greater prosperity, and I urge your most serious consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Monte McNaughton".

Monte McNaughton MPP  
Lambton-Kent-M Middlesex

Attached: Resolution #5, Warwick Township Council meeting - January 25, 2016

c.c.: Mr. John Yakabuski, MPP and Critic, Energy  
Ms. Amanda Gubbels, Clerk/Deputy Administrator, Township of Warwick







## **TOWNSHIP OF WARWICK**

*"A Community in Action"*

6332 Nauvoo Road, R.R. #8, Watford, ON N0M 2S0

Township Office: (519) 849-3926 / 1-877-849-3926  
Watford Arena: (519) 876-2808  
Website: [www.warwicktownship.ca](http://www.warwicktownship.ca)

Works Department: (519) 849-3923  
Fax: (519) 849-6136  
E-mail: [info@warwicktownship.ca](mailto:info@warwicktownship.ca)

### **VIA E-MAIL ONLY**

January 26, 2016

Kathleen Wynne, Premier of Ontario  
c/o [premier@ontario.ca](mailto:premier@ontario.ca)

Dear Honourable Kathleen Wynne, Premier of Ontario,

#### **RE: Resolution Requesting that the Province of Ontario Cancel the RFP for added Wind Power Generation**

Please be advised that at its regular Council meeting of January 25, 2016, Warwick Township Council passed the following resolution:

#### **Resolution #5, Warwick Township Council meeting - January 25, 2016**

***WHEREAS the Independent Electrical System Operator, under Ministerial Directive, issued an RFP for additional renewable energy generation including 300 MW of wind generation and is considering issuing further RFPs for 2016;***

***AND WHEREAS the December 2015 Auditor General's report confirmed that Ontario is generating surplus electricity with capacity increasing by 19% in the last 8 years while demand fell by 7.5% in the same period. Additional capacity is not required at this time;***

***AND WHEREAS the Auditor General also reported that the existing Feed In Tariff (FIT) contracts mean that Ontario power consumers will pay a premium of \$9.2 billion for renewable power with wind power pricing that is double the prices paid in other jurisdictions;***

***AND WHEREAS the Ontario Chamber of Commerce reports that the escalating price of electricity is undermining their members' capacity to grow, hire new workers, and attract investment, and that Ontario's***



**SCHEDULE "G" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/  
ENVIRONMENTAL COMM. MINUTES**

*electricity costs are among the highest in North America, making the province uncompetitive for business growth;*

*AND WHEREAS adding wind to Ontario's grid drives CO2 emissions higher. The Ontario Society of Professional Engineers estimated that wind and solar, with natural gas backup produces electricity at about 200 grams of CO2 emissions/kWh compared with the current system average level of 40 grams CO2 emissions/kWh;*

*AND WHEREAS Nature Canada reports that wind power facilities have a substantial negative impact on endangered species including migrating bats and birds as well as destroying habitat for species at risk;*

*AND WHEREAS wind power is an intermittent source of electricity generation meaning that it cannot be used to replace generating capacity lost when nuclear plants are removed from the system for retrofitting;*

*NOW THEREFORE BE IS RESOLVED THAT the Council of the Corporation of the Township of Warwick requests:*

- 1. That the Province of Ontario exercise its rights in Section 4.13 (12) of the current LRP I RFP to 'cancel the process at any stage and for any reason' and not issue any new wind generation contracts;*
- 2. That the Province of Ontario hold off any further renewable procurement process until the capacity is actually required and focus on sources that will actually reduce carbon emissions;*
- 3. That the IESO review the outstanding FIT contracts that have not achieved 'Commercial Operation', and vigorously enforce the terms of the FIT contract with a view to eliminating further expensive wind generation capacity being added to the grid.*

*- Carried.*

Please feel free to contact me should you require anything further.

Kindest Regards,



Amanda Gubbels  
Clerk/Deputy Administrator

cc: Bob Chiarelli, Minister of Energy – [bob.charelli@ontario.ca](mailto:bob.charelli@ontario.ca)

cc: Monte McNaughton, MPP Lambton-Kent-Middlesex -  
[monte.mcnaughton@pc.ola.org](mailto:monte.mcnaughton@pc.ola.org)

cc: Association of Municipalities of Ontario - [cathiebrown@amo.on.ca](mailto:cathiebrown@amo.on.ca)





# Township of Wainfleet

*"Wainfleet - find your country side!"*

February 3<sup>rd</sup>, 2016

VIA EMAIL

Honourable Kathleen Wynne  
Premier and Minister of Agriculture and Food  
111 Wellesley Street West Room 281  
Toronto ON M7A 1A1

**RE: Resolution Requesting that Ontario Cancel RFP for Added Wind Power Generation**

Dear Premier Wynne,

Please be advised that the Council for the Township of Wainfleet, at its meeting held on January 26<sup>th</sup>, 2016, passed the following resolution:

**WHEREAS** the Independent Electrical System Operator, under Ministerial Directive, issued an RFP for additional renewable energy generation including 300 MW of wind generation and is considering issuing further RFPs for 2016;

**AND WHEREAS** the December 2015 Auditor General's report confirmed that Ontario is generating surplus electricity with capacity increasing by 19% in the last 8 years while demand fell by 7.5% in the same period. Additional capacity is not required at this time;

**AND WHEREAS** the Auditor General also reported that the existing Feed In Tariff (FIT) contracts mean that Ontario power consumers will pay a premium of \$9.2 billion for renewable power with wind power pricing that is double the prices paid in other jurisdictions;

**AND WHEREAS** the Ontario Chamber of Commerce reports that the escalating price of electricity is undermining their members' capacity to grow, hire new workers, and attract investment, and that Ontario's electricity costs are among the highest in North America, making the province uncompetitive for business growth;

**AND WHEREAS** adding wind to Ontario's grid drives CO<sub>2</sub> emissions higher. The Ontario Society of Professional Engineers estimated that wind with natural gas backup produces base-load electricity at about 200 grams of CO<sub>2</sub> emissions/kWh compared with the current system average level of 40 grams CO<sub>2</sub> emissions/kWh;

**AND WHEREAS** Nature Canada reports that wind power facilities have a substantial negative impact on endangered species including migrating bats and birds as well as destroying habitat for species at risk;

**AND WHEREAS** wind power is an intermittent source of electricity generation meaning that it cannot be used to replace dependable generating capacity without natural gas as a back-up;



**SCHEDULE "H" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/  
ENVIRONMENTAL COMM. MINUTES**

**Resolution Requesting that Ontario Cancel RFP for Added Wind Power Generation**

**2016 02 03**

**Page 2**

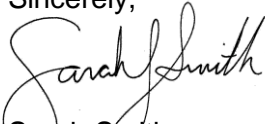
**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Township of Wainfleet requests:

1. That the Province of Ontario exercise its rights in Section 4.13 (12) of the current LRP I RFP to 'cancel the process at any stage and for any reason' and not issue any new wind generation contracts;
2. That the Province of Ontario hold off any further renewable procurement process until the capacity is actually required and focus on sources that will actually reduce carbon emissions;
3. That the IESO review the outstanding FIT contracts that have not achieved 'Commercial Operation', and vigorously enforce the terms of the FIT contract with a view to eliminating further expensive wind generation capacity being added to the grid.

Council has requested that a copy of this resolution be forwarded to all 444 municipalities in Ontario for their endorsement and support, as well as to local MPP's, the Progressive Conservative Party of Ontario and the Ontario NDP.

On behalf of Council, thank you for your consideration of this request.

Sincerely,



Sarah Smith  
Acting Clerk

cc: Honourable Bob Chiarelli, Minister of Energy  
Patrick Brown, Leader of the Ontario Progressive Conservative Party  
Andrea Horwath, Leader of the Ontario NDP  
Tim Hudak, MPP Niagara West – Glanbrook  
Cindy Forster, MPP Welland  
Ontario Municipalities



**SCHEDULE "I" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/  
ENVIRONMENTAL COMM. MINUTES**



**COUNCIL RESOLUTION**

#9

**Res: 2016- 01.09**

Wednesday January 13<sup>th</sup>, 2016

Moved by: Mike Hentz  
Seconded by: Fleck

**WHEREAS** The Independent Electrical System Operator (IESO) issued an RFP for an additional 300 MW of wind generation, and Invenergy submitted a proposal known as "The Strong Breeze Wind Project" for IWT's within Dutton Dunwich;

**AND WHEREAS** the Ontario energy system has a significant surplus and the current allocation targets can be met by "Willing Host" communities;

**AND WHEREAS** Nature Canada confirms that IWT's have a substantial negative impact on endangered species including migrating bats and birds, that require the only unobstructed flight path on the shores of Lake Erie, through Dutton Dunwich;

**AND WHEREAS** our local Chippewas of the Thames First Nation confirm they have not endorsed this project, or been asked by Invenergy to do so;

**THEREFORE** the Council of the Municipality of Dutton Dunwich again requests the Province, via the Ministry of Energy and IESO, to refrain from signing any Industrial Wind Turbine contracts, or proceeding with any related projects within our Municipality.

**AND THAT** this resolution be forwarded to Premiere Kathleen Wynne; MPP Bob Chiarelli, Minister of Energy; MPP Bob Delaney, Parliamentary Assistant to the Minister of Energy; Elgin-Middlesex-London MPP Jeff Yurek and the IESO.

<u>Recorded Vote</u>	<u>Yeas</u>	<u>Nays</u>
I. Fleck	—	—
D. McKillop	—	—
M. Hentz	—	—
B. Purcell	—	—
C. McWilliam - Mayor	—	—

Carried:

Carrie **I HEREBY DECLARE THIS TO BE A TRUE  
AND EXACT COPY OF THE ORIGINAL  
DOCUMENT AS AT Jan 14/16**

Defeated:

Heather Bouw  
Clerk, Mun. of Dutton/Dunwich

Mayor

HEATHER BOUW, Deputy Clerk,  
Corporation of the Municipality of  
Dutton / Dunwich, Commissioner for  
taking affidavits, County of Elgin



**SCHEDULE "J" TO THE PLANNING/BUILDING/  
ENVIRONMENTAL COMM. MINUTES**

February 8, 2016

Page 1

Some comments stated by this township in the agenda tonight regarding frwnlp industrial wind turbine project:

- a) The township of West Lincoln has no role in the enforcement process during wind turbine operation."
- b) The township has no authority to order that a wind turbine cease operation"
- c) The moe, Niagara district is the place to call with concerns,..... .. we all know how well that's working out.
- d) The moe apparently has the equipment needed to measure the noise levels, however it falls back on the township's noise by-law to be enforced.....
- e) The moe has the equipment to monitor noise levels, why has this township not requested for testing to be done in Caistor.....?

This begs the question, Are we playing pass the buck here?

Words just can't express the disrespectful and appauling behaviour of elected officials who claim to be representing the people. This community is made up a good, hard working, and intelligent people. People that have been crapped on by you and you know exactly who you are. How dare you have the audacity to claim there is nothing you can do. How dare you tell us your hands are tied. How dare you claim people are preaching to the choir boys. In my opinion this council has done next to nothing for the people that have been and continue being affect<sup>ed</sup> by this wind turbine project!!!

Last council meeting it was requested to send a letter up Wynne, requesting this turbine project be discontinued and cancelled because this turbine project has significant changes from what was first approved.



**SCHEDULE "J" TO THE PLANNING/BUILDING/  
ENVIRONMENTAL COMM. MINUTES**

Page:2

Staff Action:

Therefore, Staff can support a resolution such as:

"That the province **extends the timeline** for the NRW/FWRN LP company to **complete their project** such that all **proposed amendments** can be given full consideration and such that the proponent and local municipalities can be provided with ample opportunity to review amendments and that **proper decisions are made.**"

Proper decisions for who?????

Originally this township was NOT given that same courtesy. As a matter of fact the previous council done a lot of complaining about how they were not given enough time to even review all the documentation. Some of council has changed, has staff?.

The staff member who suggested the above should be immediately fired for such blatant action against the people of this community. Unsafe roads, telephone services severed by construction, 40 minute delays plus because turbine deliver employees block off three roads at one time, contamination galore, destruction of property, destructions of roads, high voltage transmission lines that are scientifically proven to cause many cancers being put up and buried everywhere. And this is the recommendation from staff? Since when did this community become a willing host???? This townships actions speak volumes.....suspending procedural by-law to allow the turbine company to come in unscheduled to deal with their business? Issuing permits knowingly? Not enforcing those permits? Does this list go on and on .....?

Attached you will find the letter that the municipality of Wainfleet is sending in an effort to protect their tax base. What is wrong with you??? I strongly recommend, no I am demanding that you send the exact same letter, and stop with the piss poor excuses, grow a set and start protecting this communities tax base!!!

Mrs Sherman  
St Ann's



**SCHEDULE "J" TO THE PLANNING/BUILDING/  
ENVIRONMENTAL COMM. MINUTES**

**Resolution Requesting that Ontario Cancel RFP for Added Wind Power Generation**

**WHEREAS** the Independent Electrical System Operator, under Ministerial Directive, issued an RFP for additional renewable energy generation including 300 MW of wind generation and is considering issuing further RFPs for 2016;

**AND WHEREAS** the December 2015 Auditor General's report confirmed that Ontario is generating surplus electricity with capacity increasing by 19% in the last 8 years while demand fell by 7.5% in the same period. Additional capacity is not required at this time;

**AND WHEREAS** the Auditor General also reported that the existing Feed In Tariff (FIT) contracts mean that Ontario power consumers will pay a premium of \$9.2 billion for renewable power with wind power pricing that is double the prices paid in other jurisdictions;

**AND WHEREAS** the Ontario Chamber of Commerce reports that the escalating price of electricity is undermining their members' capacity to grow, hire new workers, and attract investment, and that Ontario's electricity costs are among the highest in North America, making the province uncompetitive for business growth;

**AND WHEREAS** adding wind to Ontario's grid drives CO<sub>2</sub> emissions higher. The Ontario Society of Professional Engineers estimated that wind with natural gas backup produces base-load electricity at about 200 grams of CO<sub>2</sub> emissions/kWh compared with the current system average level of 40 grams CO<sub>2</sub> emissions/kWh;

**AND WHEREAS** Nature Canada reports that wind power facilities have a substantial negative impact on endangered species including migrating bats and birds as well as destroying habitat for species at risk;

**AND WHEREAS** wind power is an intermittent source of electricity generation meaning that it cannot be used to replace dependable generating capacity without natural gas as a back-up;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Township of Wainfleet requests:

1. That the Province of Ontario exercise its rights in Section 4.13 (12) of the current LRP I RFP to 'cancel the process at any stage and for any reason' and not issue any new wind generation contracts;
2. That the Province of Ontario hold off any further renewable procurement process until the capacity is actually required and focus on sources that will actually reduce carbon emissions;
3. That the IESO review the outstanding FIT contracts that have not achieved 'Commercial Operation', and vigorously enforce the terms of the FIT contract with a view to eliminating further expensive wind generation capacity being added to the grid.

---

Clerk, Township of Wainfleet

Send to:

Kathleen Wynne, Premier of Ontario – [premier@ontario.ca](mailto:premier@ontario.ca)

cc: Bob Chiarelli, Minister of Energy – [bob.chiarelli@ontario.ca](mailto:bob.chiarelli@ontario.ca)

cc: XXXXX, MPP XXXXXXXXXXXXX

cc: Association of Municipalities of Ontario - [cathiebrown@amo.on.ca](mailto:cathiebrown@amo.on.ca)



## **SCHEDULE "K" TO THE FEBRUARY 8, 2016 PLANNING/BUILDING/ ENVIRONMENTAL COMM. MINUTES**

Address to Planning Cte. February 8, 2016

Anne L. Fairfield, 9379 Sixteen Road.

I also am concerned about Recommendation #10. There are people living in the FWRN project who cannot drive or be a passenger in a car travelling on Sixteen Road through the 5 IWT's in the HAF project, who will not do that anymore. They immediately felt pressure on their chests to the point that they could not breathe. That's an immediate effect of the OWT's. Other immediate effects were felt by Mike Jankowski's family. It has been found that there is an accumulated effect over a period of about 18 months – that has affected me. This was discussed by Dr. Robert McMurtry, Professor Emeritus of UWO in London, at many ERT's and before the Senate in Australia, where they have since stopped IWT projects.

Why would Council agree to extend the timeline so that FWRN can complete this mostly new project? There is to be a meeting on February 15<sup>th</sup> of Victims of IWT's near Lake Huron. In the St. Columban project, there are 15 turbines operating now. There are 14 families complaining. In West Lincoln, we are to have 49 turbines operating; you would think that we might have 40 – 44 families who might complain. However, with the shorter Turbines and our higher density, there will be over 200 families whose health will be affected.

Time is of the essence; we must get on with collecting data NOW to support all residents of West Lincoln from the effects of ALL Industrial Noise. I ask you to plan and budget accordingly with the great tools that are available and affordable, starting with next month's Budget.

- 30 -



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

**DATE OF MEETING: February 16, 2016**

**SUMMARY OF RECOMMENDATIONS:**

**(a) ITEM A16-16**

The Administration/Finance/Fire Committee hereby approve the following Consent Agenda Items:

1. Item 1 be received for information; and,
2. Item 2 be and is hereby accepted.

**(ITEM A16-16**

1. Information Report RFI-T-02-16 - 2015 Statement of Remuneration and Expenses for Council Members and Persons Serving on any Bodies
2. Joint Accessibility Advisory Committee – December 10, 2015)

**(b) ITEM A17-16**

That, Report RFD-T-03-16 regarding “2016 Corporate Sponsorships and Cemetery and Hall Boards Grants” be referred to the Budget Meeting being held on March 21<sup>st</sup>, 2016, at which time an increase in the allocation for grants to \$15,000 can be considered.

**(c) ITEM A18-16**

That, Report RFI-T-04-16 regarding “2016 Draft Operating and Capital Budget Information Report”, dated February 16, 2016 be received for information.

**(d) ITEM A20-16**

That the documents containing information relating to the attendance of Members of Council at committee/council meetings, be distributed to Members of the Committee.

**(e) ITEM A23-16**

**RESOLUTION #1:**

- (a) That Members of the Administration/Finance/Fire Committee hereby confirm Council's support of the revised relocation of the transmission line (Alternate Transmission Route B) as depicted in the attached map (Map will be appended as Schedule A to the minutes); and,
- (b) That staff be and are hereby directed and authorized to confirm Council's support, in writing, for Alternate Transmission Route B and further confirm that the relocation of the transmission line as set out in Schedule “F” to the Road Use Agreement is currently not a viable option, resulting in a verbal agreement between the Township and FWRN LP to substitute the original relocation route with Alternate Transmission Route B; and,
- (c) That staff be and are hereby directed and authorized to provide notification of Council's support as noted above, prior to ratification by Council on February 29, 2016.



**RESOLUTION #2:**

- (a) That Staff and Legal Counsel be and are hereby directed and authorized to meet with FWRN LP to explore opportunities for a Community Impact Agreement; and,
- (b) That staff and Legal Counsel be and are hereby directed and authorized to proceed with such meeting prior to ratification by Council; and,
- (c) That staff present a draft agreement, if one is produced, for Council's consideration on February 29<sup>th</sup>, 2016.

**RESOLUTION #3:**

- (a) That Staff be and are hereby directed to prepare a report for consideration by Council on February 29<sup>th</sup>, 2016, relating to the requests from FWRN LP for partial and limited exemptions from the Township of West Lincoln's Noise By-law (2013-50) and Half Load By-law (2003-24), during specific periods of construction of the industrial wind turbines; and,
- (b) That staff be and are hereby directed and authorized to proceed as directed and authorized above, prior to ratification by Council.



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

**MEETING NO. TWO HELD: \*\*TUESDAY\*\***, February 16, 2016, Township Administration Building, 318 Canborough Street, Smithville - **6:30 p.m.**

**PRESENT:**

**Council:** Councillor Mike Rehner – Chair  
Mayor Douglas Joyner  
Councillor Terry Bell  
Councillor Dave Bylsma  
Councillor Joann Chechalk  
Councillor Jason Trombetta

**Staff:** Chris Carter, CAO  
Carolyn Langley, Clerk  
Donna DeFilippis, Treasurer/Director of Finance \*  
Dennis Fisher, Fire Chief \*  
Steve McGean, Manager of Roads Operations/Water&Wastewater \*  
Brian Treble, Director of Planning & Building \*

**Others:** Tom Richardson, Sullivan Mahoney \*  
Sara Premi, Sullivan Mahoney \*  
John Murphy, Municipal Finance Specialist \*  
Derek Ali, Municipal Finance Specialist \*  
Peter Pichelli - Scott, Pichelli & Easter Ltd (Trustee in Bankruptcy) \*  
Doug Newton \*  
Robert Cosby \*  
Chris Freure \*

**ABSENT:** Councillor Alex Micallef - (Absent - No Notification Provided)

\* IN ATTENDANCE PART TIME

1. **CHAIR:** Councillor Mike Rehner

2. **CHANGE IN ORDER OF ITEMS ON AGENDA:**

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

3. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**

There were no disclosures of pecuniary interest or conflicts of interest declared by any Members of the Committee.



**4. APPOINTMENTS:**

**(a) ITEM A13-16**

John Murphy, Municipal Finance Specialist – DFA Infrastructure International Inc.  
Re: Water and Wastewater Rate Review

Mr. John Murphy and Mr. Derek Ali took turns reviewing the power point presentation that was included in the agenda package and then they, along with the Treasurer/Director of Finance, responded to questions from Members of the Committee regarding but not limited to the following:

- rationale for recommending a high increase and then lower increases going forward
- non-rate revenue
- concern regarding front end load of costs
- should look to infrastructure money and reducing consumption
- review included only one scenario
- suggest provide 2 scenarios before going to the public
- were Regional increases included in this projection

Councillor Chechalk moved a motion to refer this item to staff; however, there was no seconder.

Following much discussion, Mr. Murphy agreed that he could provide two scenarios and would report back at the February 29, 2016 Council meeting.

**(b) ITEM A14-16**

Peter Pichelli - Scott, Pichelli & Easter Limited (Trustee in Bankruptcy)  
Re: Copper Cliff Metals & Wrecking Corp.

Mr. Peter Pichelli advised that he was the receiver for Copper Cliff Metals and stated that the company was sold and there were a couple of issues he would like to discuss.

The Chair asked Mr. Pichelli if he had the authority to speak on behalf of the owner of the property. Mr. Pichelli then produced a lengthy document which he provided to the Chair.

The Treasurer/Director of Finance advised that the property was sold on February 3<sup>rd</sup>, 2016 and that Copper Cliff Metals & Wrecking Corp was no longer the owner and that it was typical for the owner to request penalty relief.

The Chair advised Mr. Pichelli that he would retain the documents submitted and have them reviewed; however, he noted that, at this time, it was not appropriate for Mr. Pichelli to continue his presentation without approval from the owner.

**5. REQUEST TO ADDRESS ITEMS ON THE AGENDA:**

**(a) Rob Cosby**

Re: Proposed Budget – concern regarding Roads

Mr. Cosby advised that he had looked over the budget for 2016 and was concerned because approximately two years ago, the Township had spent money



on a Roads Needs Study which had indicated that 25 million dollars was needed to bring the roads up to standard and that 2 years have lapsed since that time and nothing has been done to address this issue. Mr. Cosby stated that the study had not addressed the issue of gravel roads and he did not see an increase in operations funding to deal with the increased need of gravel roads. Mr. Cosby stated that the gravel roads are not in good shape and the Township should be proactive and not reactive and that gravel should be put on the roads in the summer and not during the winter which results in gravel in the ditches because of ploughing. Mr. Cosby concluded by stating that he would like it addressed before the budget is approved and that money should be spend on gravel roads.

- (b) Chris Freure  
Re: Recreation Issues

Mr. Chris Freure advised that he was in attendance on behalf of West Lincoln Minor Hockey (WLMH) as well as himself personally, regarding the arena. Mr. Freure advised that this past weekend, WLMH had hosted a successful tyke tournament for two full days at which approximately 120 kids and 240 adults had attended. Mr. Freure noted that he had received feedback from attendees which indicated that they loved the tournament; however, there were many negative statements made regarding the community centre. Mr. Freure noted concerns regarding people not being able to get upstairs as well as the lack of heat. Mr. Freure stated that it was his recollection that a needs study to be presented during the 2016 budget which was to outline the immediate needs for the arena; however, he had reviewed the budget document and saw nothing in it regarding the arena. Mr. Freure asked what Council was intending to do and where they stood on the arena issue and recreation in this community.

## 6. FIRE DEPARTMENT UPDATE:

- (a) **ITEM A15-16**  
Fire Chief (Dennis Fisher)  
Re: Fire Department Monthly Update – January 2016

The Fire Chief reviewed his January 2016 Monthly Report which was included in the agenda package and responded to questions in that regard.

In response to an inquiry regarding retiring firefighters, the Fire Chief confirmed that although originally 3 firefighters were scheduled to retire, one has reconsidered and only two will be retiring.

## 7. CONSENT AGENDA ITEMS:

- (a) **ITEM A16-16**  
(1) Information Report RFI-T-02-16 - 2015 Statement of Remuneration and Expenses for Council Members and Persons Serving on any Bodies  
(2) Joint Accessibility Advisory Committee – December 10, 2015

Moved by Mayor Douglas Joyner and seconded by Councillor Joann Chechalk:



The Administration/Finance/Fire Committee hereby approve the following Consent Agenda Items:

1. Item 1 be received for information; and,
  2. Item 2 be and is hereby accepted.
- Carried

**SUMMARY OF APPROVED CONSENT RECOMMENDATIONS:**

- (1) That, Report RFI-T-02-16, regarding the “2015 Statement of Remuneration and Expenses for Council Members and Persons Serving on any Bodies”, be received for information.
- (2) That, the minutes of the Joint Accessibility Advisory Committee meeting held on December 10, 2015, be accepted.

**8. COMMUNICATIONS:**

There were no communications.

**9. STAFF REPORTS:**

**(a) ITEM A17-16**

Treasurer/Director of Finance (Donna DeFilippis)

Re: Recommendation Report No. RFD-T-03-16 - 2016 Corporate Sponsorships and Cemetery and Hall Boards Grants

There was much discussion regarding Corporate Sponsorships and Cemetery and Hall Boards Grants and it was suggested that additional information regarding the value of in-kind donations be provided and that the matter be further discussed during budget deliberations.

Moved by Councillor Joann Chechalk and seconded by Councillor Terry Bell:

- (1) That, Report RFD-T-03-16 regarding “2016 Corporate Sponsorships and Cemetery and Hall Boards Grants”, dated February 16, 2016 be received; and,
  - (2) That, the Corporate Sponsorships and the Cemetery and Hall Boards grants for 2016 as recommended in this report, be approved.
- REFERRED (see below)

Moved by Councillor Joann Chechalk and seconded by Mayor Douglas Joyner:

That, Report RFD-T-03-16 regarding “2016 Corporate Sponsorships and Cemetery and Hall Boards Grants” be referred to the Budget Meeting being held on March 21<sup>st</sup>, 2016, at which time an increase in the allocation for grants to \$15,000 can be considered.

- Carried

**(b) ITEM A18-16**

Treasurer/Director of Finance (Donna DeFilippis)

Re: Information Report No. RFI-T-04-16 – 2016 Draft Operating and Capital Budget Information Report



The Treasurer/Director of Finance reviewed a power point presentation which is attached as **Schedule B** to these minutes and then responded to questions from Members of Committee in that regard.

Moved by Councillor Joann Chechalk and seconded by Councillor Jason Trombetta:

That, Report RFI-T-04-16 regarding "2016 Draft Operating and Capital Budget Information Report", dated February 16, 2016 be received for information.

- Carried

## 10. OTHER BUSINESS:

### (a) ITEM A19-16

CAO

Re: Golden Shoe Award Recipient

The CAO advised that as a result of the hard work undertaken by Ms. Rachelle Larocque, the Township was the recipient of the Golden Shoe Award for being an active partner in promoting active healthy living for young children in the community.

### (b) ITEM A20-16

Councillor Dave Bylsma

Re: Attendance at Meetings

There was much discussion regarding this issue and the Clerk provided clarification regarding the Municipal Act provisions relating to absence from Council meetings.

Moved by Councillor Dave Bylsma and seconded by Councillor Terry Bell:

That the documents containing information relating to the attendance of Members of Council at committee/council meetings, be distributed to Members of the Committee.

- Carried

Moved by Councillor Joann Chechalk and seconded by Councillor Terry Bell:

That, the resolution relating to "attendance at meetings" be amended to add the following:

“; and,

That henceforth, an attendance report be brought forward annually.”

- **LOST**

Mayor Joyner moved a motion to call the question; however, there was no seconder.

The Chair declared a brief recess at approximately 8:37 p.m. in order for the Clerk to copy and distribute the attendance information as noted in the motion under Item A20-16. The meeting reconvened at approximately 8:45 p.m.

The Clerk distributed the attendance information as requested in the motion under Item A20-16.



(c) **ITEM A21-16**

Members of Committee

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

There were no verbal updates from Members of Boards and Committees.

(d) **ITEM A22-16**

Members of the Committee

Re: Other Business Items of an Informative Nature

1. Councillor Terry Bell

Re: Arena

Councillor Bell suggested that Members of the Public come to the March Budget meeting for information regarding what Council intends to do relating to the arena.

**11. NEW BUSINESS:**

There were no new items of business.

**12. CONFIDENTIAL MATTERS:**

Moved by Councillor Joann Chechalk and seconded by Councillor Dave Bylsma:

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

(a) **ITEM A23-16**

CAO (Chris Carter), Tom Richardson & Sara Premi, Solicitors - Sullivan Mahoney

Re: Legal/Property Matter - Industrial Wind Turbine Project – Road Use Agreement - Urban Boundary Relocation of Transmission Lines

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

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

(b) **ITEM A24-16**

Clerk (Carolyn Langley)

Re: Legal/Potential Litigation Issue

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

- the security of the property of the municipality or local board
  - personal matters about an identifiable individual, including municipal or local board employees;
  - litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
  - advice that is subject to Solicitor-client privilege, including communications necessary for that purpose
- Carried (8:44 p.m.)



All Members of the Committee noted as present, as well as the CAO, the Clerk, the Director of Planning & Building, Sara Premi – Sullivan Mahoney, and Tom Richardson - Sullivan Mahoney, were in attendance during closed session deliberations.

Moved by Councillor Dave Bylsma and seconded by Councillor Jason Trombetta:

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

(a) **ITEM A23-16**

CAO (Chris Carter), Tom Richardson & Sara Premi, Solicitors - Sullivan Mahoney  
Re: Legal/Property Matter - Industrial Wind Turbine Project – Road Use Agreement - Urban Boundary Relocation of Transmission Lines

Moved by Mayor Douglas Joyner and seconded by Councillor Jason Trombetta:

- (a) That Members of the Administration/Finance/Fire Committee hereby confirm Council's support of the revised relocation of the transmission line (Alternate Transmission Route B) as depicted in the attached map (Map will be appended as **Schedule A** to the minutes); and,
  - (b) That staff be and are hereby directed and authorized to confirm Council's support, in writing, for Alternate Transmission Route B and further confirm that the relocation of the transmission line as set out in Schedule "F" to the Road Use Agreement is currently not a viable option, resulting in a verbal agreement between the Township and FWRN LP to substitute the original relocation route with Alternate Transmission Route B; and,
  - (c) That staff be and are hereby directed and authorized to provide notification of Council's support as noted above, prior to ratification by Council on February 29, 2016.
- Carried

Moved by Mayor Douglas Joyner and seconded by Councillor Jason Trombetta:

- (a) That Staff and Legal Counsel be and are hereby directed and authorized to meet with FWRN LP to explore opportunities for a Community Impact Agreement; and,
  - (b) That staff and Legal Counsel be and are hereby directed and authorized to proceed with such meeting prior to ratification by Council; and,
  - (c) That staff present a draft agreement, if one is produced, for Council's consideration on February 29<sup>th</sup>, 2016;
- Carried

Moved by Mayor Douglas Joyner and seconded by Councillor Terry Bell:

- (a) That Staff be and are hereby directed to prepare a report for consideration by Council on February 29<sup>th</sup>, 2016, relating to the requests from FWRN LP for partial and limited exemptions from the Township of West Lincoln's Noise By-law (2013-50) and Half Load By-law (2003-24), during specific periods of construction of the industrial wind turbines; and,
  - (b) That staff be and are hereby directed and authorized to proceed as directed and authorized above, prior to ratification by Council.
- Carried

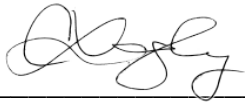


- (b) **ITEM A24-16**  
Clerk (Carolyn Langley)  
Re: Legal/Potential Litigation Issue

The Committee rose without reporting.

**13. ADJOURNMENT:**

The Chair declared the meeting adjourned at the hour of 10:15 p.m.

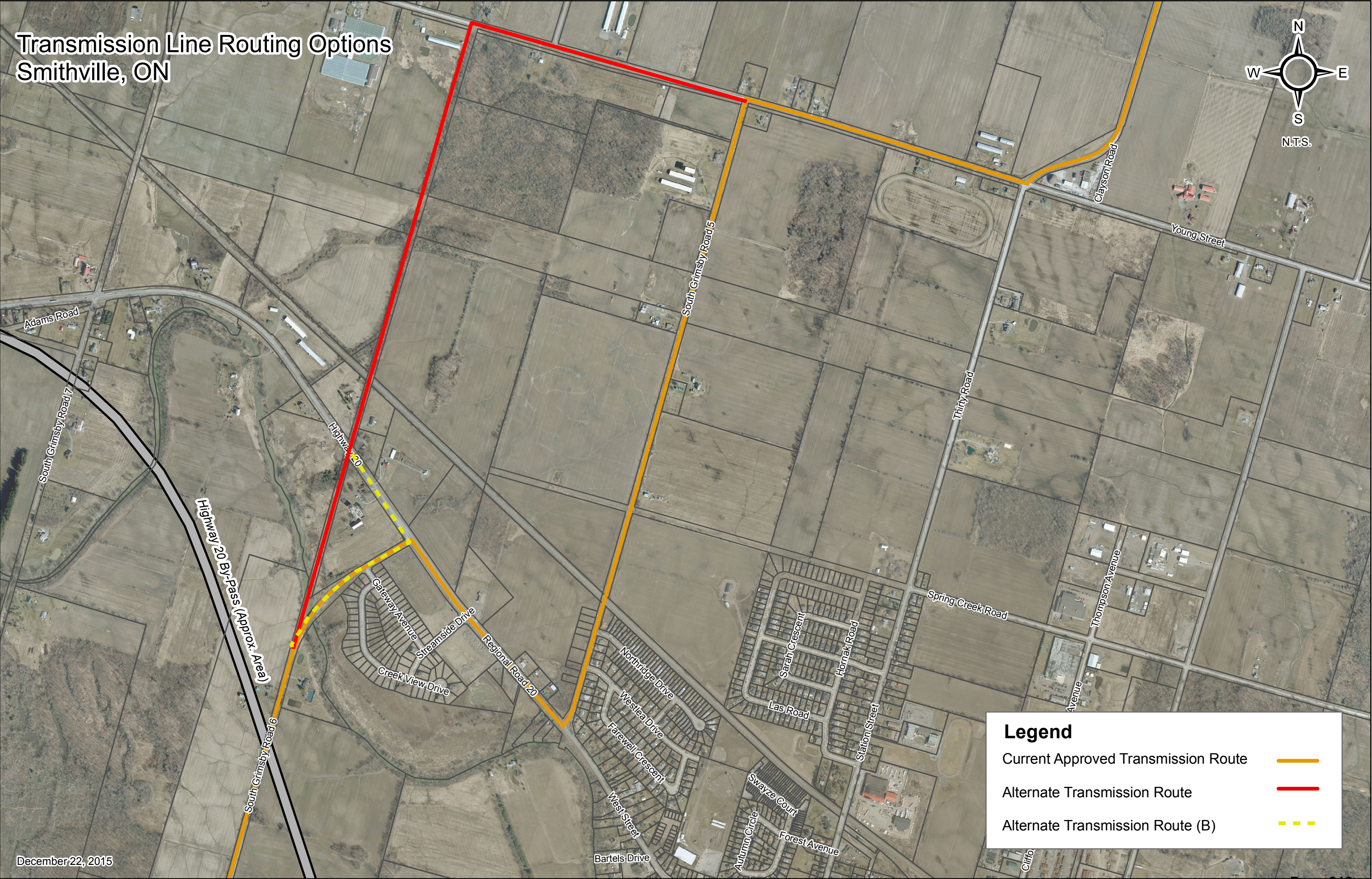


CAROLYN LANGLEY, CLERK




COUNCILLOR MIKE REHNER



Transmission Line Routing Options  
Smithville, ON



Legend

- Current Approved Transmission Route 
- Alternate Transmission Route 
- Alternate Transmission Route (B) 



# 2016 Draft Operating and Capital Budget – Information Session

1

**TOWNSHIP OF WEST LINCOLN**

**TUESDAY , FEBRUARY 16, 2016**



**West Lincoln**  
Your Future Naturally



## 2016 Draft Operating and Capital Budget Information Report

2

The following have their revenues netted against their expenditures : Library, Fire, Building, Planning, Recreation, Arena, Water and Wastewater(sewer)

The following are self-funded, where fees must cover expenditures:

Building, Water and Wastewater(sewer)

Fuel & Equipment Costs are allocated to Road Maintenance, Winter Control, Facilities, Arena, Water, Sewers, Recreation and Sidewalks



## 2016 Draft Operating and Capital Budget Information Report

3

- The Township budget process for 2016 commenced in the fall of 2015, with Department Heads preparing and reviewing their planned budgets
- Numerous meetings are held with the CAO, department head and Treasurer to analyze and review the draft budgets
- Treasury staff work on calculation major expenditure categories that impact all department to ensure consistency and accuracy and include salary, benefits, insurance, utilities, reserve contributions and revenues

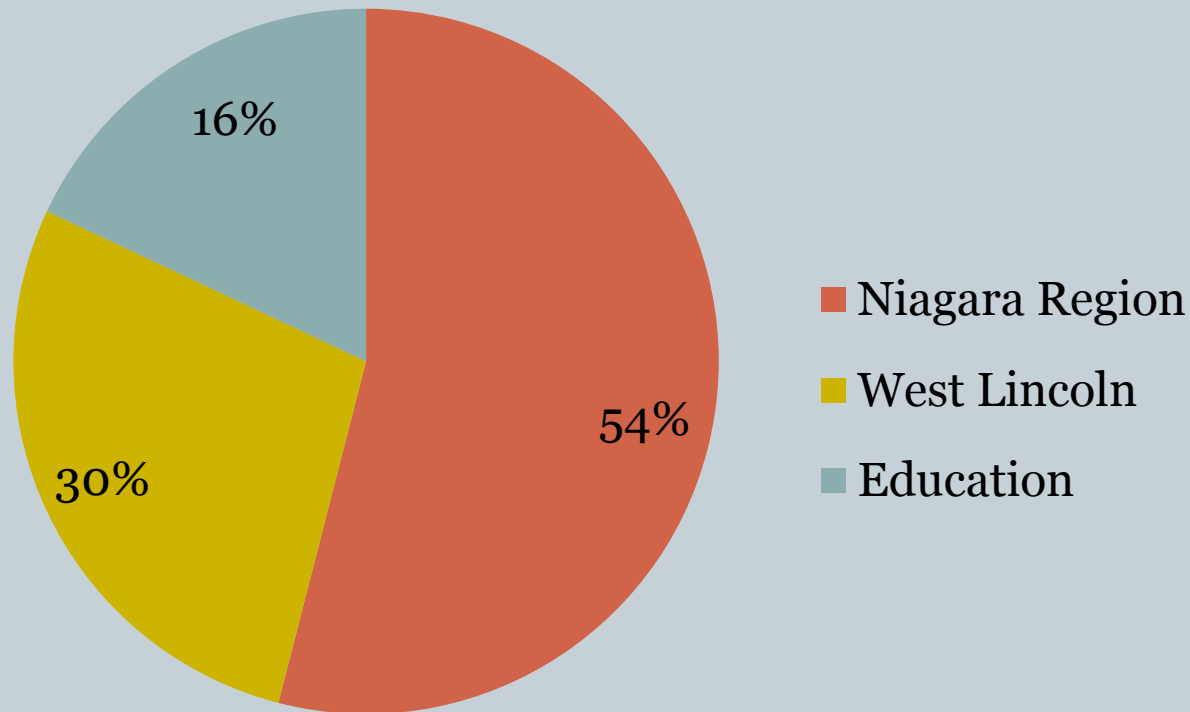


## 2016 Draft Operating and Capital Budget Information Report

4

- Tax bill collects for three entities: Niagara Region, West Lincoln (WL) and School Board/Education

### Property Tax Distribution





## 2016 Draft Operating and Capital Budget Information Report

5

### Average Assessment for Single Family Home:

2015 - \$303,103

2016 - \$309,532

If the Township Tax Levy remained at the 2015 level of \$5,156,650 and your property assessment increased by 2.12% your property taxes in 2016 would actually decrease



## 2016 Draft Operating and Capital Budget Information Report

6

- An expenditure increase of \$51,567 equates to a 1% increase in the total tax levy
- Due to assessment growth, the first \$136,255 of increase to the overall tax levy has no impact to property owners
- After the first \$136,225 increase, every \$10,000 in tax levy increase has a \$2.00 impact on the average property owner



# 2016 Draft Operating and Capital Budget Information Report

7

## Overview

- **Complimentary:**

- Increase in OMPF Grant \$80,000
- Assessment Growth \$136,255
- Corporate Insurance Renewal \$75,000

- **Commitments:**

- Utilities \$38,900
- Salaries & Benefits \$137,500
- Additional Crossing Guards \$11,000



# 2016 Draft Operating and Capital Budget Information Report

8

## Overview

- **Commitments:**

- Increased Service Level Requirement as a result of assumption of three cemeteries
- New Library Policy – no staff shall work alone

- **Challenges:**

- 2016 Unfunded Capital \$1,257,980



## 2016 Draft Operating and Capital Budget - Revenue

9

### Budget Summary - 2016

Service Area	2015 Budget	2016 Proposed 2.42% Tax Increase	Difference \$	% Increase / Decrease
<b><u>General Revenues</u></b>				
Taxation Revenues	5,362,650	5,635,630	272,980	5.09%
Payment in Lieu of Taxes	353,900	353,900	-	0.00%
Support Grants	741,600	818,200	76,600	10.33%
Grants	5,000	5,000	-	0.00%
Fees, Service Charges, Donations	4,500	7,600	3,100	68.89%
Licenses & Permits	5,700	4,700	(1,000)	-17.54%
Rents & Concessions	61,100	61,700	600	0.98%
Fines	33,500	30,000	(3,500)	-10.45%
Other Revenues	16,500	12,500	(4,000)	-24.24%
Penalties	380,000	380,000	-	0.00%
Income from Investments	170,000	155,000	(15,000)	-8.82%
Prior Year Surplus	217,000	200,000	(17,000)	-7.83%
Transfer from Reserve	48,000	45,000	(3,000)	-6.25%
<b>Total Revenues</b>	<b>7,399,450</b>	<b>7,709,230</b>	<b>309,780</b>	<b>4.19%</b>



# SCHEDULE "B" TO THE FEBRUARY 16, 2016 ADMIN./FINANCE/FIRE COMM. MINUTES

## 2016 Draft Operating and Capital Budget - Expenditure

10

### Budget Summary - 2016

Service Area	2015 Budget	2016 Proposed 3.25% Tax Increase	Difference \$	% Increase / Decrease
<b><u>General Expenditures</u></b>				
Contributions to Reserves	199,000	207,000	8,000	4.02%
Corporate Expenditures	77,500	52,500	(25,000)	-32.26%
<b><u>Departments</u></b>				
Library	386,950	417,600	30,650	7.92%
Mayor & Council	172,300	176,900	4,600	2.67%
Corporate Services	1,503,400	1,544,100	40,700	2.71%
Cemetery	59,900	82,300	22,400	37.40%
Fire	980,500	1,026,300	45,800	4.67%
Building/Property Standards & By-law/Septic	87,100	91,700	4,600	5.28%
Planning	168,100	172,700	4,600	2.74%
<b><u>Public Works</u></b>				
Recreation/Arena	769,100	783,400	14,300	1.86%
Roads Administration	273,600	269,800	(3,800)	-1.39%
Roads Maintenance	1,741,800	1,775,200	33,400	1.92%
Winter Control	513,500	544,900	31,400	6.11%
Canborough Street Project- Internal Borrowing	91,100	91,100	-	0.00%
Northridge Road Project-Internal Borrowing	56,000	56,000	-	0.00%
2015 Capital Projects - Internal Borrowing	-	65,530	65,530	
Roads Construction	-	-	-	
Bridges	27,500	27,500	-	0.00%
Facilities	52,600	70,900	18,300	34.79%
Street Lights	113,000	127,800	14,800	13.10%
Sidewalks	70,500	71,800	1,300	1.84%
Fuel and Equipment	-	-	-	
Drainage	56,000	54,200	(1,800)	-3.21%
Storm Sewers	-	-	-	
Sanitary Sewers	-	-	-	
Water	-	-	-	
<b>Total Expenditures</b>	<b>7,399,450</b>	<b>7,709,230</b>	<b>309,780</b>	<b>309,780</b>



# 2016 Ten Year Capital Plan- Expenditure

11

**Expenditure:**

Row Labels	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	Grand Total
Administration	412,000	215,000	200,500	240,000	155,000	105,000	50,000	35,000	120,000	50,000	40,000	1,622,500
Bridge	1,050,000	335,720	1,158,435	298,600	1,203,400	693,100	1,086,700	261,250	467,000	153,500		6,707,705
Cemetery	6,000										22,000	28,000
Fire	416,900	442,000	542,000	17,000	2,173,000	18,000	18,000	19,000	319,000		1,000,000	4,964,900
Library		916,800	8,000				1,250,000			27,000		2,201,800
Public_Works	17,500		40,000	22,000				572,500				652,000
Recreation	178,500	901,000	151,000	118,900	14,159,000	121,620	182,300	256,800	100,100	1,454,200		17,623,420
Roads	1,561,560	2,208,000	1,712,060	1,792,000	1,243,950	1,432,360	1,697,000	1,407,200	1,188,600	921,500		15,164,230
Sidewalk	180,000	355,000	143,000	340,000	368,000	83,400	187,000	98,000	379,500	188,000	267,800	2,589,700
Storm_Sewer	135,000		40,000	28,000	382,000	20,000	21,000	21,500	22,000			669,500
Wastewater	366,000	1,121,500	735,000	265,000	312,850	74,200	515,000	267,000	988,000	185,000		4,829,550
Water	50,000	81,000	525,000	540,000	125,000	110,000	110,000	182,000	120,000	233,500	75,000	2,151,500
Grand Total	4,373,460	6,576,020	5,254,995	3,661,500	20,122,200	2,657,680	5,117,000	3,120,250	3,704,200	3,212,700	1,404,800	59,204,805



**SCHEDULE "B" TO THE FEBRUARY 16, 2016 ADMIN./FINANCE/FIRE COMM. MINUTES**

# 2016 Ten Year Capital Plan-Financing

12

**Financing:**

Row Labels	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	Grand Total
Development Charges -	357,920	- 572,995	- 592,553	- 453,450	- 2,917,261	- 108,960	- 566,202	- 315,300	- 554,245	- 53,598		- 6,492,484
In Lieu of Parkland -	29,500	- 62,000	- 32,160	- 30,000	- 52,000							- 205,660
Gas Tax -	617,600	- 420,700	- 421,000	- 420,000	- 421,000	- 421,000	- 421,000	- 420,000	- 420,000	- 420,000		- 4,402,300
OCIF Funding -	64,000	- 64,000										- 128,000
Other Grants -	50,000											- 50,000
Fire Reserve -	329,900	- 442,000	- 542,000	- 17,000	- 293,000	- 18,000	- 18,000	- 19,000	- 319,000	-1,000,000		- 2,997,900
Equipment Reserve -	461,200	- 452,000	- 244,560	- 491,500	- 310,650	- 257,980	- 465,300	- 319,700	- 367,100	- 517,700		- 3,887,690
Sewer Reserve -	311,000	- 833,500	- 647,250	- 248,350	- 276,850	- 70,000	- 357,950	- 203,250	- 633,400	- 175,750		- 3,757,300
Water Reserve -	50,000	- 62,400	- 240,000	- 246,000	- 125,000	- 110,000	- 110,000	- 131,750	- 120,000	- 195,000	- 75,000	- 1,465,150
Other Reserves					- 133,900							- 133,900
Unfunded -	1,257,980	-2,772,925	-2,408,372	-1,676,600	-15,522,539	-1,628,740	-3,166,048	-1,665,250	-1,268,455	-1,784,152	- 307,800	-33,458,861
Operating Fund -	38,000	- 29,000	- 6,500	- 34,600	- 6,500	- 32,000	- 6,500	- 33,000	- 11,000	- 33,500		- 230,600
Capital Reserve -	150,000	- 197,000	- 95,600	- 25,000	- 25,000							- 492,600
Library Reserve		- 621,000	- 8,000							- 27,000		- 656,000
Facilities Reserve		- 35,000	- 17,000	- 18,000	- 26,000	- 11,000	- 6,000	- 13,000	- 11,000	- 6,000		- 143,000
Planning Reserve -	20,000	- 1,000										- 21,000
Recreation Reserve		- 10,500										- 10,500
Cemetery Reserve										- 22,000		- 22,000
Technology Reserve -	150,000											- 150,000
Sidewalk Reserve				- 1,000	- 12,500							- 13,500
Developer Contribution -	315,000											- 315,000
Cost Sharing -	171,360											- 171,360
<b>Grand Total -</b>	<b>4,373,460</b>	<b>-6,576,020</b>	<b>-5,254,995</b>	<b>-3,661,500</b>	<b>-20,122,200</b>	<b>-2,657,680</b>	<b>-5,117,000</b>	<b>-3,120,250</b>	<b>-3,704,200</b>	<b>-3,212,700</b>	<b>-1,404,800</b>	<b>-59,204,805</b>



**SCHEDULE "B" TO THE FEBRUARY 16, 2016 ADMIN./FINANCE/FIRE COMM. MINUTES**

# 2016 Unfunded Capital

13

Row Labels	2016
<b>Administration</b>	
911 Pers Compliance	- 60,000
CIP Implementation Program	- 25,000
Eagenda Solution	- 20,000
Energy Management Implementation Plan - All Facilities	- 5,000
Property in Tax Arrears	- 20,000
Upgrades to audio visual in Council Chambers	- 50,000
<b>Bridge</b>	
Various Bridges – Guard Rails	- 92,400
<b>Fire</b>	
Caistor Fire Hall _ Additional Bathroom with Showers	- 60,000
<b>Public_Works</b>	
PW Ops Centre - replace windows	- 4,000
Restore town clock at Murgatroyd park	- 3,500
Tube heaters add to cold bay	- 10,000
<b>Recreation</b>	
Entrance gates for existing trails	- 13,000
<b>Roads</b>	
Abingdon Road : Pulverize & DST - From: Concession 3 Road To: Concession 2 Road	- 218,880
Railway Crossing Assessment Study	- 60,000
Westbrook Road-shared road with City of Hamilton : Pulverize & DST - From: Concession 2 Road To: Concession 1 Road	- 100,000
Westbrook Road-shared road with City of Hamilton : Pulverize & DST - From: Concession 3 Road To: Concession 2 Road	- 85,000
Young Street : Pulverize & DST - From: Regional Road 12 (Grimsby Rd) To: South Grimsby Road 10	- 110,400
Young Street : Pulverize & DST - From: South Grimsby Road 10 To: Grassie Road	- 220,800
Urban Design Implementation_Public Realm Improvements	- 100,000
<b>Grand Total</b>	- <b>1,257,980</b>



## 2016 Draft Operating and Capital Budget Information Report

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### Addressing \$1,257,980 of 2016 Unfunded Capital

#### Issue a Debenture to Finance Portion of Bridge 12

This would free up \$580,000 of Gas Tax Funds that can be allocated to other Capital Works. Current debenture rate is 3.15% based on a 20 year serial debenture. First annual repayment is approximately \$47,100.

#### Refrain from Internal Borrowing Repayment

This would free up an additional \$231,230 that could be reallocated to the unfunded Capital.

#### Use of Prior Year Surplus

An additional \$389,000 of prior year surplus funds are available to finance the unfunded Capital projects.



# Debt Issue to Complete Bridge 12

15

The following chart represents the annual payments for the next five years if a **\$580,000** serial debenture were to be issued through Infrastructure Ontario at the posted rate of **3.15%** for twenty years .

Year	2017	2018	2019	2020	2021
Annual Repayment	\$47,042	\$46,081	\$45,171	\$44,344	\$43,392



# 2016 Draft Operating and Capital Budget Information Report

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	2.42% Tax Increase	5.00% Tax Increase
Overall Tax Revenue	\$5,138,650	\$5,258,650
<i>% change in Tax Levy</i>	2.42%	5%
annual \$ increase on avg. home	\$25	\$51
Contribution to Capital	\$77,500	\$127,500
<i>% addition to Levy</i>	1.5%	2.47%
Contribution to Winter Control	\$52,000	\$52,000
<i>% addition to Levy</i>	1%	1%
Contribution to Contingency	\$77,500	\$77,500
<i>% addition to Levy</i>	1.5%	1.5%
Contribution to Industrial Park Reserve	0	\$84,200
<i>% addition to Levy</i>	0	1.63%



## 2016 Draft Operating and Capital Budget Information Report

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### NEXT STEPS

- Wednesday, February 24<sup>th</sup>, Budget Open House, 6:30 pm
- Monday, March 21<sup>th</sup> – Budget Public Meeting ,6:30pm
- Tuesday, March 22<sup>nd</sup> – Budget Public Meeting ( if necessary), 6:30pm



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**TOWNSHIP OF WEST LINCOLN  
PUBLIC WORKS/RECREATION/ARENA  
COMMITTEE SUMMARY**

**DATE OF MEETING:**      **February 16, 2016**

**SUMMARY OF RECOMMENDATIONS:**

**(a)    ITEM PW03-16**

The Public Works/Recreation/Arena Committee hereby approve the following Consent Agenda Items:

1.      Items 1, 2, 3, 4, 5 and 6 be and are hereby received for information.  
         (Item PW03-16
  1.      West Lincoln Public Library Board Minutes – November 10, 2015
  2.      West Lincoln Public Library Board Minutes – January 19, 2016
  3.      RFI PW-03-2016 - 2015 DWQMS Management Review Summary
  4.      RFI PW-04-2016 - Township of West Lincoln 2015 Water Quality Report
  5.      RFI PW-05-2016 - Township of West Lincoln 2015 Water Quality Annual Summary Report
  6.      RFI PW-06-2016 - 2015 MOECC Annual Water Inspection Report)

**(b)    ITEM PW04-16**

Whereas the Age Friendly Planning Committee of Niagara Region has requested that all municipalities support and facilitate access to transit for the senior population; and,

Whereas future expansion of the GO train, the aging population, the need for residents to travel between municipalities for employment and education, the need to investigate local solutions to the transit situation in our Municipality needs to be addressed; and

Whereas the Region of Niagara as part of its Inter Municipal Transit pilot project is prepared to assist local area municipalities with possible solutions as part of a larger, integrated transit plan; and

Whereas, the Region of Niagara has identified an integrated transit system as a priority to attract GO Train service to Niagara; and

Whereas the City of Welland, the City of St. Catharines and the City of Niagara Falls are examining ways to expand transit service; and

Whereas it is desirable for the Township of West Lincoln to investigate transit opportunities, alternatives and funding;

Now therefore be it resolved that the Council of the Township of West Lincoln;

1.      Endorse the formation of a West Lincoln Transit Investigation Committee.
2.      Direct staff to prepare a report including Terms of Reference for the West Lincoln Transit Investigation Committee.
3.      Prepare an ad for the newspaper for potential Committee Members.



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**TOWNSHIP OF WEST LINCOLN  
PUBLIC WORKS/RECREATION/ARENA  
COMMITTEE MINUTES**

**MEETING NO. TWO HELD:** Tuesday, February 16, 2016 Township Administration Building,  
318 Canborough Street, Smithville – immediately following Administration/Finance/ Fire  
Committee meeting

**PRESENT:**                   **Council:**   Councillor Dave Bylsma – Chair  
  Mayor Douglas Joyner  
  Councillor Terry Bell  
  Councillor Joann Chechalk  
  Councillor Mike Rehner  
  Councillor Jason Trombetta

**Staff:**       Chris Carter, CAO  
  Carolyn Langley, Clerk  
  Steve McGean, Manager of Roads Operations/Water&Wastewater

**ABSENT:**                   Councillor Alex Micallef - (Absent - No Notification Provided)

1.   **CHAIR:**               Councillor Dave Bylsma

2.   **CHANGE IN ORDER OF ITEMS ON AGENDA:**

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

3.   **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**

There were no disclosures of pecuniary interest or conflicts of interest declared by any  
Members of the Committee.

4.   **APPOINTMENTS:**

There were no appointments.

5.   **REQUEST TO ADDRESS ITEMS ON THE AGENDA:**

There were no Members of the Public present who wished to address any items on the  
Public Works/Recreation/Arena Committee agenda

6.   **CONSENT AGENDA ITEMS:**

(a)   **ITEM PW03-16**

- (1)   West Lincoln Public Library Board Minutes – November 10, 2015
- (2)   West Lincoln Public Library Board Minutes – January 19, 2016
- (3)   RFI PW-03-2016 - 2015 DWQMS Management Review Summary
- (4)   RFI PW-04-2016 - Township of West Lincoln 2015 Water Quality Report



- (5) RFI PW-05-2016 - Township of West Lincoln 2015 Water Quality Annual Summary Report
- (6) RFI PW-06-2016 - 2015 MOECC Annual Water Inspection Report

Moved by Mayor Douglas Joyner and seconded by Councillor Mike Rehner:

The Public Works/Recreation/Arena Committee hereby approve the following Consent Agenda Items:

- 1. Items 1, 2, 3, 4, 5 and 6 be and are hereby received for information.
- Carried

**SUMMARY OF APPROVED CONSENT RECOMMENDATIONS:**

- (1) That, the November 10, 2015 West Lincoln Public Library Board Minutes be received for information.
- (2) That, the January 19, 2016 West Lincoln Public Library Board Minutes be received for information.
- (3) That, report RFI PW-03-2016, re: The Township of West Lincoln 2015 DWQMS Management Review Summary dated February 16, 2016, be received for information.
- (4) That, report RFI PW-04-2016, re: Township of West Lincoln 2015 Water Quality Report, dated February 16, 2016, be received for information.
- (5) That, report RFI PW-05-2016, re: Township of West Lincoln 2015 Water Quality Annual Summary Report, dated February 16, 2016 be received for information.
- (6) That, report RFI PW-06-2016, re: 2015 MOECC Annual Inspection Report, dated February 16, 2016, be received for information purposes

**7. COMMUNICATIONS:**

There were no communications.

**8. STAFF REPORTS:**

There were no staff reports.

**9. OTHER BUSINESS:**

- (a) **ITEM PW04-16**  
Councillor Terry Bell  
Re: Formation of a Transit Investigation Committee

There was general discussion regarding the composition of the committee and the CAO advised that options relating to the Terms of Reference would be provided in the report.

Moved by Councillor Terry Bell and seconded by Mayor Douglas Joyner:

Whereas the Age Friendly Planning Committee of Niagara Region has requested that all municipalities support and facilitate access to transit for the senior population; and,



Whereas future expansion of the GO train, the aging population, the need for residents to travel between municipalities for employment and education, the need to investigate local solutions to the transit situation in our Municipality needs to be addressed; and

Whereas the Region of Niagara as part of its Inter Municipal Transit pilot project is prepared to assist local area municipalities with possible solutions as part of a larger, integrated transit plan; and

Whereas, the Region of Niagara has identified an integrated transit system as a priority to attract GO Train service to Niagara; and

Whereas the City of Welland, the City of St. Catharines and the City of Niagara Falls are examining ways to expand transit service; and

Whereas it is desirable for the Township of West Lincoln to investigate transit opportunities, alternatives and funding;

Now therefore be it resolved that the Council of the Township of West Lincoln;

1. Endorse the formation of a West Lincoln Transit Investigation Committee.
  2. Direct staff to prepare a report including Terms of Reference for the West Lincoln Transit Investigation Committee.
  3. Prepare an ad for the newspaper for potential Committee Members.
- Carried

(b) **ITEM PW05-16**

Members of Council

Re: Other Business Items of an Informative Nature

There were no other business items of an informative nature.

**10. NEW BUSINESS:**

There were no new items of business.

**11. CONFIDENTIAL MATTERS:**

There were no confidential matters.

**12. ADJOURNMENT:**

The Chair declared the meeting adjourned at the hour of 10:29 p.m.



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CAROLYN LANGLEY, CLERK

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COUNCILLOR DAVE BYLSMA



**DATE:** February 29, 2016

**REPORT NO:** PD-024-16

**SUBJECT:** Recommendation Report  
Amendment to Road Use Agreement with NRWC (now FWRN LP); Noise By-law Exemptions; Exemptions from Half Load Limit and Update regarding Consideration of a Community Impact Fund

**CONTACT:** Brian Treble, Director of Planning and Building  
Carolyn Langley, Clerk  
Brent Julian, Director of Public Works and Engineering

**OVERVIEW:**

- This report is written to address the following requests that have been made to the Township of West Lincoln by NRWC, now FWRN LP.
- Requests have been made for an amendment to the Road Use Agreement to provide for an alternate route of the transmission line which Council has approved. Required amendment to the agreement and authorizing by-law are administrative in nature.
- Requests have been made to exempt the construction of 11 turbines from the provisions of the Noise By-law.
- Requests have been made to exempt the hauling of materials and construction equipment from the Half Load/Spring Thaw restriction as imposed by By-law 2003-24. This restriction applies to roads between March 1<sup>st</sup> and April 30<sup>th</sup>, 2016.
- Requests have been made for the Township to offset the impacts of this project by receipt of a Community Impact Fund; however, it is noted that this item must be dealt with in closed session as it will require advice from legal counsel. This report therefore touches on some of the key reasons why consideration is being given to this fund.

**RECOMMENDATION:**

1. That, report PD-024-16, regarding "Amendment to Road Use Agreement with NRWC (now FWRN LP); Noise By-law Exemptions; Exemptions from Half Load Limit and Update regarding Consideration of a Community Impact Fund", dated February 29, 2016, be received; and,



2. That, a by-law be passed to authorize the Mayor and Clerk to sign an amending agreement to the Road Use Agreement to replace Schedule F, Smithville Transmission Line Bypass, with a new Schedule F; and,
3. That an exemption be and is hereby granted to the Township of West Lincoln Noise By-law, in accordance with Section 5 of the Township Noise By-law 2013-50, such that turbine construction may be permitted at 11 turbines between 9:00 p.m. to 7:00 a.m., Monday to Saturday. No exemption is granted on Sunday. The 11 turbines are as follows:

<u>Turbine No.</u>	<u>Weeks Exempt</u>
T59	February 15 – April 3
T60	May 23 – June 2
T18	March 14 – April 3
T58	June 6 – July 10
T56	February 8 – March 20
T27	February 15 – March 20
T28	February 8 – March 6
T09	July 4 – July 31
T32	May 9 – June 5
T78	February 8 – March 13
T36	June 27 – August 7

4. That an exemption be and is hereby granted to the Township of West Lincoln Half Load By-law between March 1<sup>st</sup> and April 30, 2016, as required, to permit the use of the following roads:
  - Sixteen Road (Port Davidson Road to Tober Road)
  - Sixteen Road (Comfort Road to Regional Road 20)
  - Sixteen Road (from Shurie Road to Regional Road 20)
  - South Grimsby Road 6 (Townline Road to Regional Road 20)
  - Concession 3 Road ( from T08 to Caistor Gainsborough Townline Road)
  - Caistor Gainsborough Townline Road to Canborough Road (Regional Road 63);and,

That all provisions of the Road Use Agreement continue to apply.

5. That FWRN LP be advised that they shall be responsible to receive and respond to all complaints relating to the exemptions noted in 3 and 4 above and that the proponent shall be required to provide written notice to all property owners within 1 kilometre of each turbine noted above and along each exempted road section.

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**ALIGNMENT TO STRATEGIC PLAN**

- **Value**  
Provide and sustain a high quality of life for its residents by ensuring compliance with various Acts and Regulations and promoting green energy.
- **Objective**  
Facilitate effective community consultations and communications to improve the coexistence of green energy technologies and farming industries.

**BACKGROUND:**

FWRN LP asked the Township of West Lincoln to consider permitting exemptions to the Noise By-law and the Half Load By-law as outlined in this report. Further, FWRN LP and the Township jointly agree to a revised Road Use Agreement for the relocation of the transmission line bypass around Smithville. The current Schedule 'F' transmission bypass around Smithville is no longer a viable option and must be replaced with an Option 'B' transmission line bypass. This requires an amendment to the Road Use Agreement to replace Schedule 'F' with a new Schedule 'F'.

Further, FWRN LP has raised the issue of funding to offset the impacts of this project by receipt of a Community Impact Fund. As the project is approved and underway, and the Township and its residents have experienced a barrage of ongoing demands from the wind turbine proponent, staff agree that consideration of a proposed Community Impact Fund Agreement is appropriate. However, as noted in the overview, this item must be dealt with in closed session as it will require advice from legal counsel; therefore, this report only briefly addressed the topic as it has been dealt with in a separate report.

**CURRENT SITUATION:**

The Staff of the Township of West Lincoln has been asked by FWRN LP to give consideration to a number of issues as outlined in this report. These include:

- A. Authorize amendment to Road Use Agreement to address Alternate Route B for transmission line
- B. Exemptions from Noise By-law (By-law 2013-50)
- C. Exemptions from Half Load By-law (By-law 2003-24)
- D. Discussion regarding a Community Impact Fund Agreement (dealt with by separate report)

Each of these items will be considered separately as follows:

**A. Alternate Route B for transmission line:**

In order to properly implement the revised alternative bypass route, an

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amendment to the road use agreement is required to replace Schedule F with a new Schedule F as found at Attachment No. 7 to this report.

**B. Exemption from Noise By-law 2013-50:**

Specific requests for exemption from the Noise By-law have been requested to support extended hours of construction for specific turbines beyond the permitted hours of the Noise By-law (7:00 a.m. to 9:00 p.m. Monday to Saturday and 9:00 a.m. to 9:00 p.m. Sunday). The Noise By-law (2013-50) is found at Attachment No. 3 and the exemption requests relate to the following components of the project:

- a) Install all components of turbines T09, T36, T60, T58 and T18 as depicted on Attachment No. 5 to this report.
- b) Install the nacelle, blades and electrical components on turbines T27, T56, T32, T78 and T60.
- c) To finalize electrical components on turbine T28.

All residents of non-participating properties are setback in excess of the minimum required provincial setbacks for these turbines. Specific weeks are proposed for each exemption as noted in Attachment No. 4 to this report which represents the letter of request from Borea Construction. The exception is generally required to operate the crane which will include noise from a motor. The Noise By-law provides an exemption process subject to Council approval. The most recent exemption request was considered as part of the Ministry of Transportation request during the PanAm/Parapan Am games. Similar discussions have occurred with developers from time to time due to special circumstances.

Allowing extended hours will reduce the construction exposure period during peak commute time. This also helps to reduce exposure to traffic safety concerns and reduce the length of time staff will spend on this project which will allow administrative staff to focus on other projects and/or requirements.

In order to regulate and control noise, road impacts and complaints, the proponent has agreed to provide residents within 1 kilometre of each turbine, along with residents along each affected or impacted by the road, with a written notice that will outline who to contact regarding complaints and the phone numbers of these staff contacts. These contacts will be available on a 24/7 basis to address any and all concerns of the residents.

**C. Exemption from Half Load By-law (2003-24):**

The Half Load By-law (2003-24) is attached to this report as Attachment No. 1. The request for exemption from the Half Load By-law relates to the construction

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of the transmission route; the movement of cranes from turbines T08, T27 and T85; as well as the movement of reels of collector line cable to various locations. The tables that outline the requests for exemption are found at Attachment No. 2.

The Road Use Agreement as dated October 9, 2014 will continue to apply and will require that all roads, notwithstanding this exemption, be maintained and returned to their original, or better condition to the satisfaction of the Director of Public Works. On the basis of the language of the Road Use Agreement, Township Staff advise that there is adequate language and authority to protect township roads and require that they be maintained in an acceptable manner. Should proper maintenance not occur, the Township can step in and charge all repairs against the proponent's Letter of Credit, regardless of the exemption request.

**D. Community Impact Fund:**

Staff has discussed the proposal for consideration of a Community Impact Fund Agreement and although this matter must be dealt with separately in order to access legal advice from Township legal counsel, staff believe that consideration of this proposal should be given for the following reasons:

- The industrial wind turbine project has substantially proceeded towards completion in West Lincoln with significant impacts on the Township and its residents. The exceptions will help provide an opportunity for the community to be free from being a construction zone.
- The opportunity to provide benefits to the Township and community to offset the impact of this approved industrial wind turbine project is currently available and it would be inappropriate to disregard this opportunity.
- Acceptance of this funding will provide the opportunity to assist the areas that are most impacted by this project and will free up funding to assist with a variety of other programs such as but not limited to:
  - Land stewardship initiatives (e.g., habitat creation improvement; tree planting; shoreline rehabilitation);
  - Expenditures relating to development and construction of Township recreational facilities (e.g., arenas, parks, trails);
  - Expenditures for improvement of community and protective services (e.g., police, fire, EMS, healthcare);
  - Expenditures related to roads and public municipal infrastructure; or
  - Such other community-related activities as may be agreed between the parties.
- Staff strongly recommends acceptance of this funding in order to assist in

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offsetting future budget constraints and borrowing requirements.

- The Township will be responsible for the future maintenance of additional culverts, ditching, and guide rails which will require maintenance and replacement costs, etc.
- It is also noted that future costs will be increasing and acceptance of this fund will substantially offset future costs to residents because of rising taxes.

Further, discussion relating to the proposed “Community Impact Fund Agreement” will be dealt with during the closed session portion of the Council meeting.

### **FINANCIAL IMPLICATIONS**

There are no financial implications relating to the amendment to Road Use Agreement to address Alternate Route B for the transmission line. It should be noted however that failure to relocate the transmission line from the current approved location could limit the ability to fully develop the urban lands.

There are no financial implications to the Township relating to the proposed exemption to the Noise By-law as they have agreed to address enforcement.

There are no financial implications relating to the proposed exemption to the Half Load By-law as the Road Use Agreement obligates the proponent to restore roads to their previous condition. The Township holds security to this effect.

Acceptance of the Community Impact Fund Agreement would significantly assist the Township with future needs and obligations (operating and capital).

### **INTER-DEPARTMENTAL COMMENTS**

Staff has had extensive discussions across departments. Public Works, Finance, Planning, Building, Clerks and the CAO have all been involved. Further substantial discussion and guidance has involved Township legal counsel.

### **CONCLUSION**

It is recommended that a by-law be passed to amend the Road Use Agreement; and that Council waive the Noise By-law provisions relating to specific turbines and also waive the Half Load restriction in specific instances.

### **ATTACHMENTS**

1. Half Load By-law 2003-24
2. Requests for Half Load Exemption
3. Noise By-law 2013-50

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4. Requests for Noise By-law Exemption
5. Location map showing turbines where Noise By-law exemptions are proposed
6. Authorizing By-law to amend Road Use Agreement
7. Proposed new Schedule F

**Prepared by:**



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**Brian Treble, RPP, MCIP**  
**Director of Planning and Building**



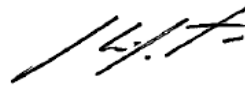
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**Carolyn Langley, Clerk**



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**Brent Julian**  
**Director of Public Works & Engineering**



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**Chris Carter, CAO**

X:\cl-Clerks\Reports\Reports 2016\Director of Planning\Drafts\PD-024-16 Road Use Agreement Amendment Noise By-law exemption  
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**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN****BY-LAW NO. 2003-24****BEING A BY-LAW TO AMEND BY-LAW 89-2000  
WHICH REGULATES TRAFFIC AND PARKING  
ON TOWNSHIP ROADS.**

**WHEREAS** the Council of the Corporation of the Township of West Lincoln enacted By-law 89-2000 to regulate traffic and parking on Township Roads;

**AND WHEREAS** the Township of West Lincoln now deems it expedient to amend Schedule "Y" of By-law 89-2000 which provides for reduced load restrictions on roads within the Township;

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

1. That, Schedule "Y" of the said By-law 89-2000 be amended by deleting Schedule Y and inserting the attached Schedule "A" (new Schedule Y) in lieu thereof.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
24<sup>th</sup> DAY OF FEBRUARY, 2003.**



**MAYOR KATIE TROMBETTA**



**CAROLYN LANGLEY, DEPUTY CLERK**



**OBJECT OF BY-LAW 2003-24**

The Township of West Lincoln wishes to add the following changes to Schedule Y of By-law 89-2000 which provides for reduced load restrictions on roads within the Township:

ROAD NAME	FROM	TO
Caistor Centre Rd	Regional Road 20	Twenty Road
Caistor Centre Rd	Twenty Road	Sixteen Road
Caistor Centre Rd	Sixteen Road	Concession 5 Road
Caistor Centre Rd	Concession 5 Road	Regional Road 65
Lounsbury Road	Twenty Road	Regional Road 6
Allen Road	Twenty Road	Sixteen Road
Allen Road	Sixteen Road	Concession 5 Road
Church Road	Concession 2 Road	South Chippawa Road
Church Road	South Chippawa Road	Township Boundary
Goodale Road	Westbrook Road	Regional Road 65
Cosby Road	Regional Road 65	Caistor/Gainsborough Townline
North Chippawa Road	Regional Road 2	Abingdon Road
North Chippawa Road	Abingdon Road	South Chippawa Road
Concession 7 Road	South Grimsby Road 3	Dobrint Road
Young Street	0.2km West of South Grimsby Road 21	South Grimsby Road 20
Range Road 1	Twenty Road	South Grimsby Road 10
Range Road 1	South Grimsby Road 10	South Grimsby Road 8
Range Road 2	0.1km West of South Grimsby Rd 8	South Grimsby Road 8
Range Road 2	Twenty Road	South Grimsby Road 10
Range Road 2	South Grimsby Road 8	South Grimsby Road 7
South Grimsby Road 18	Young Street	Regional Road 20
Grassie Road	Regional Road 73	Concession 7 Road
Grassie Road	Concession 7 Road	Young Street
Grassie Road	Young Street	Regional Road 20
South Grimsby Road 10	Regional Road 73	Concession 7 Road
South Grimsby Road 10	Concession 7 Road	Young Street
South Grimsby Road 10	Young Street	Regional Road 20
Joslin Road	Sixteen Road	Concession 4 Road
McCollum Road	Sixteen Road	Concession 4 Road
Wilton Road	Concession 4 Road	Regional Road 16
Kazienko Road	Regional Road 16	Concession 4 Road
Shurie Road	Townline Road	0.5km South of Regional Road 614
Shurie Road	0.5km South of Regional Road 614	Sixteen Road
St. Ann's Road	Regional Road 69	Sixteen Road
St. Ann's Road	Sixteen Road	Regional Road 20
Book Road	Sixteen Road	Concession 4 Road
Hodgkins Road	Sixteen Road	Concession 4 Road
Crown Road	Fifteen Road	Concession 4 Road
Shedden Road	Concession 1 Road	Wiley Road
Fifteen Road	Crown Road	Rosedene Road
Fifteen Road	Rosedene Road	Moote Road
Berryman Road	Caistor/Gainsborough Townline Rd	Regional Road 65
Townline Road	Regional Road 14	Rock Street
Townline Road	Rock Street	Shurie Road
Townline Road	Shurie Road	Regional Road 20



Attachment No. 1 to PD-024-16  
**SCHEDULE A to BY-LAW 2003-24**  
(revised Schedule Y to By-law 89-2000)

ROAD NAME	FROM	TO
Abingdon Road	Twenty Road	South Chippawa Road
Boyle Road	Regional Road 20	Regional Road 63
Boyle Road	Regional Road 63	Welland River
Caistor Centre Road	Regional Road 65	South Chippawa Road
Caistor/Gainsboro Townline	Regional Road 14	Regional Road 63
Collver Road	Elcho Road	Regional Road 27
Concession 1	Westbrook Road	Regional Road 2
Concession 1	Boyle Road	Regional Road 24
Concession 2	Westbrook Road	Caistor/Gainsboro Townline
Concession 3	Westbrook Road	Caistor/Gainsboro Townline
Concession 4	Caistor/Gainsboro Townline	Regional Road 20
Concession 4	Book Road	Regional Road 24
Concession 5	Westbrook Road	Caistor/Gainsboro Townline
Concession 7	Stoney Creek Townline	South Grimsby Road 10
East Chippawa Road	Regional Road 63	Regional Road 24
Elcho Road	Caistor/Gainsboro Townline	Regional Road 63
Fifteen Road	Moote Road	Regional Road 24
Freure Road	Regional Road 27	Collver Road
Gee Road	Regional Road 20	Regional Road 63
Green Road	Westbrook Road	Regional Road 2
Heaslip Road	Vaughan Road	Regional Road 63
Krick Road	Vaughan Road	Regional Road 63
Moote Road	Regional Road 69	Fifteen Road
Patterson Road	Regional Road 20	Sixteen Road
Rosedene Road	Regional Road 69	Fifteen Road
Rosedene Road	Fifteen Road	Regional Road 20
Schram Road	Regional Road 20	Vaughan Road
Silverdale Road	Regional Road 69	Regional Road 20
Sixteen Road	Westbrook Road	Regional Road 24
Snyder Road	Regional Road 69	Sixteen Road
South Chippawa Road	Regional Road 2	Regional Road 63
South Grimsby Road 3	Regional Road 73	Young Street
South Grimsby Road 5	Young Street	Regional Road 20
South Grimsby Road 6	Regional Road 20	Regional Road 14
South Grimsby Road 6	Regional Road 73	Young Street
South Grimsby Road 7	Twenty Mile Creek	Regional Road 14
South Grimsby Road 8	Regional Road 20	Twenty Road
South Grimsby Road 10	Regional Road 20	Twenty Road
South Grimsby Road 12	Regional Road 73	Young Street
South Grimsby Road 15	Regional Road 73	Young Street
South Grimsby Road 16	Regional Road 20	Twenty Road
South Grimsby Road 18	Regional Road 20	Twenty Road
South Grimsby Road 21	Young Street	Regional Road 20
Spring Creek Road	Industrial Park Road	Townline
Stoney Creek Townline	Regional Road 73	Highland Road
Twenty Road	Westbrook Road	Regional Road 14
Vaughan Road	Caistor/Gainsboro Townline	Boyle Road
Wiley Road	Boyle Road	Regional Road 24
Young Street	South Grimsby Road 15	Lincoln Townline
Zumstein Road	Regional Road 16	Krick Road
Caistor Centre Rd	Regional Road 20	Twenty Road
Caistor Centre Rd	Twenty Road	Sixteen Road
Caistor Centre Rd	Sixteen Road	Concession 5 Road
Caistor Centre Rd	Concession 5 Road	Regional Road 65
Lounsbury Road	Twenty Road	Regional Road 6



Allen Road	Twenty Road	Sixteen Road
Allen Road	Sixteen Road	Concession 5 Road
Church Road	Concession 2 Road	South Chippawa Road
Church Road	South Chippawa Road	Township Boundary
Goodale Road	Westbrook Road	Regional Road 65
Cosby Road	Regional Road 65	Caistor/Gainsborough Townline
North Chippawa Road	Regional Road 2	Abingdon Road
North Chippawa Road	Abingdon Road	South Chippawa Road
Concession 7 Road	South Grimsby Road 3	Dobrint Road
Young Street	0.2km West of South Grimsby Road 21	South Grimsby Road 20
Range Road 1	Twenty Road	South Grimsby Road 10
Range Road 1	South Grimsby Road 10	South Grimsby Road 8
Range Road 2	0.1km West of South Grimsby Rd 8	South Grimsby Road 8
Range Road 2	Twenty Road	South Grimsby Road 10
Range Road 2	South Grimsby Road 8	South Grimsby Road 7
South Grimsby Road 18	Young Street	Regional Road 20
Grassie Road	Regional Road 73	Concession 7 Road
Grassie Road	Concession 7 Road	Young Street
Grassie Road	Young Street	Regional Road 20
South Grimsby Road 10	Regional Road 73	Concession 7 Road
South Grimsby Road 10	Concession 7 Road	Young Street
South Grimsby Road 10	Young Street	Regional Road 20
Joslin Road	Sixteen Road	Concession 4 Road
McCollum Road	Sixteen Road	Concession 4 Road
Wilton Road	Concession 4 Road	Regional Road 16
Kazienko Road	Regional Road 16	Concession 4 Road
Shurie Road	Townline Road	0.5km South of Regional Road 614
Shurie Road	0.5km South of Regional Road 614	Sixteen Road
St. Ann's Road	Regional Road 69	Sixteen Road
St. Ann's Road	Sixteen Road	Regional Road 20
Book Road	Sixteen Road	Concession 4 Road
Hodgkins Road	Sixteen Road	Concession 4 Road
Crown Road	Fifteen Road	Concession 4 Road
Shedden Road	Concession 1 Road	Wiley Road
Fifteen Road	Crown Road	Rosedene Road
Fifteen Road	Rosedene Road	Moote Road
Berryman Road	Caistor/Gainsborough Townline Rd	Regional Road 65
Townline Road	Regional Road 14	Rock Street
Townline Road	Rock Street	Shurie Road
Townline Road	Shurie Road	Regional Road 20



**Borea Construction ULC**

4827 Vaughan Road East  
Wellandport, Ontario  
L0R 2J0

**Guillaume Carrier**

Project Manager- Installation  
(581) 996-2979  
guillaume.carrier@boreaconstruction.com

To whom it may concern,

The purpose of this letter is to allow Borea Construction to move overload transport during the half load season for the locations specified below in the Township of West Lincoln.

Overload Transport - Crane Move							
Thaw period starting on <b>February 22th 2016</b> _Overload tranport for Crane move_West Lincoln							
Request:	Equipment to be move:	# Overload transport:	Ton/Axle:	Approx date:	Departure:	West Lincoln Road:	Destination:
1	Crane LR1600 or LG1750	3 loads	10 Tons	19-Feb	Tower #2	Gee Rd +Vaughan Rd	All Roads to Haldimand County
2	Crane LR1600 or LG1750	3 loads	10 Tons	22-Feb	Tower #3	Concession 1	All Roads to Haldimand County
3	Crane LR1600 or LG1750	3 loads	10 Tons	23-Feb	Tower #52	Concession 3	T8 by Concession Rd 3.
4	Crane LR1600 or LG1750	3 loads	10 Tons	29-Feb	Tower #27	Sixteen Rd	All Roads to Haldimand County
5	Crane LR1600 or LG1750	3 loads	10 Tons	07-Mar	Tower #8	Concession 3	All Roads to Haldimand County
6	Crane LR1600 or LG1750	3 loads	10 Tons	28-Mar	Tower #85	Sixteen Rd, Woods Road	T88 by Highway 20 and Townline rd 14



Thaw period starting on <b>March 1st 2016</b> _Overload transport for Crane move_West Lincoln							
Request:	Equipment to be move:	# Overload transport:	Ton/Axle:	Approx date:	Departure:	West Lincoln Road:	Destination:
1	Crane LR1600 or LG1750	3 loads	10 Tons	29-Feb	Tower #27	Sixteen Rd	All Roads to Haldimand County
2	Crane LR1600 or LG1750	3 loads	10 Tons	07-Mar	Tower #8	Concession 3	All Roads to Haldimand County
3	Crane LR1600 or LG1750	3 loads	10 Tons	28-Mar	Tower #85	Sixteen Rd, Woods Road	T88 by Highway 20 and Townline rd 14
<b>Note:</b> the dates are approximate and are expected to change +/- 2 weeks based on the weather.							
<b>Note:</b> Borea is expecting to receive the exact load by Axle for the overload transport. These details will be submitted early next week.							

Thaw period starting on <b>March 1st 2016</b> _Overload transport for Cable Reels_West Lincoln							
Request:	Equipment to be move:	# Overload transport:	Ton/Axle:	Approx date:	Departure:	West Lincoln Road:	Destination:
1	Cable Reel Sets	30 loads	5-10 Tons	March 1st - April 30	Vaughan Road Laydown	Vaughan Road	Wellanport Rd (24) between Highway 20 to Elcho Rd, Victoria Ave (24) between T80 & Concession 4, Highway 20 between Silver St & Silverdale Rd, Highway 20 between Silver St & St. Ann's Rd, Highway 20 between Rosedene Rd & T18, Highway 3 between T98 & T13
<b>Note:</b> A single load of a cable reel set consists of three individual cable reels, which are required for three-phase power installation.							
<b>Note:</b> The Ton/Axle ranges from 5-10 tons due to the different weights of each cable size.							

We believe that it will be most beneficial for the local community for our construction works on the Niagara Region Wind Farm to be finished as soon as possible so as to make the minimum disruption to everyday life in this area.

Thank you for your consideration of this request.

Site Manager



HALF LOAD SEASON			
	STREET	OPERATION DETAIL	QANTITY
	A	CONCRETE	685 TRUCK
	B	REBAR	10 TRCUK
	B	EXCAVATION MATERIAL	400 TRUCK
	A	GRANULAR	125 TRUCK
	B	TANGENT POLE INSTALL	18 CRANE
A	MOUNTAIN RD --TWENTY MILE RD --- REGIONAL RD 20 ---REGIONAL RD 65 --- PORT DAVIDSON RD		
B	QEW --- VICTORIA RD --- HIGHWAY 20 --- PORT DAVIDSON RD		



**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN****BY-LAW NO. 2013-50****BEING A BY-LAW TO PROHIBIT AND REGULATE NOISE IN THE TOWNSHIP OF WEST LINCOLN**

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

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

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

**AND WHEREAS** it is in the public interest to prohibit and regulate noise in the Township;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN** enacts as follows:

1. Interpretation

In this by-law:

- (a) "APPLICANT" means any person or persons seeking an exemption from Council, of either a temporary or permanent nature, from the provisions and requirements of this by-law.
- (b) "CONSTRUCTION" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land cleaning, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose and includes any work in connection therewith.
- (c) "CONSTRUCTION EQUIPMENT" means any equipment or device designed and intended for use in construction or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment.
- (d) "CONVEYANCE" includes a vehicle and any other device employed to transport a person or persons or goods from place to place but does not include any such device or vehicle if operated only within the premises of a person.
- (e) "COUNCIL" means the Council of the Corporation of the Township of West Lincoln.
- (f) "EXEMPTION" means written permission of a temporary or permanent nature, issued by Council which provides absolution from certain provisions of this by-law.
- (g) "HIGHWAY" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of motor vehicles.
- (h) "INHABITANTS" means one or more persons who reside in or who are guests in the Township;
- (i) "MOTOR VEHICLE" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power and includes all Off Road Vehicles; but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machines within the meaning of The Highway Traffic Act.
- (j) "MOTOR VEHICLE RACING" means the operation of a motor vehicle over a set course, whether in competition with other vehicles, for racing, training, lapping, testing or



instructional purposes, recreational purposes or for any other purpose, and includes the warm up in preparation for such operation of a motor vehicle;

- (k) "MUNICIPALITY" means the land within the geographic limit of the Township of West Lincoln.
- (l) "OFFICER" means a police officer, and any person appointed by Council for the purpose of enforcing by-laws of the Township.
- (m) "OFF ROAD VEHICLE" means any vehicle propelled or driven otherwise than by muscular power or wind and designed to travel:
  - i. On not more than three wheels;
  - ii. On more than three wheels and being of a prescribed class of vehicles under the Off-Road Vehicles Act, R.S.O. 1990, c.O.4 as amended, and the regulations thereto;
- (n) "PERSISTENT" means constantly repeated over a period of one half (1/2) hour.
- (o) "POINT OF RECEPTION" means any point on the premises of a person where sound or vibration originating from other than those premises is received.
- (p) "SOUND" means an oscillation in pressure, stress, particular displacement or particular velocity, in a medium with external forces or the superposition of such propagated oscillations which may cause an auditory sensation.
- (q) "SOURCE" means an activity, matter, thing, or tangible personal property or real property, from which sound or vibration is emitted.
- (r) "VIBRATION" means a temporal and special oscillation of displacement, velocity or acceleration in a solid medium.

## 2. Zones

In this by-law:

- (a) URBAN AREA - "Urban Area" means all of those lands in the municipality that are contained within the limits of the Smithville Urban Area Boundary and which are designated on Schedule "B" attached to and forming part of this by-law.
- (b) RURAL AREA - "Rural Area" means all of those areas in the municipality that are not contained within the limits of the Smithville Urban Area Boundary and which are also designated on Schedule "B" attached to and forming part of this by-law.

## 3. General Prohibition

No person shall make, cause or permit the emission of sound or vibration at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the Inhabitants of the Township.

## 4. Limitations by Time and Place

No person shall emit or cause or permit the emission of sound resulting from any act listed in Schedule "A" to this by-law if clearly audible at a point of reception located in an area of the municipality within a prohibited time shown for such an area as per Schedule "A".

## 5. Grant of Exemption by Council

### (1) Application to Council

- (a) Notwithstanding anything contained in this by-law, any person may make application to Council to be granted an exemption from any of the provisions of this by-law with respect to any source of sound or vibration for which he might be prosecuted.
- (b) Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period, not in excess of six months, during which it is effective



(2) Form of Application to Council

Every application for an exemption shall be submitted to the Clerk in writing, and shall contain:

- (a) the name and address of the applicant;
- (b) a description of the source of the sound or vibration in respect of which the exemption is sought;
- (c) a statement of the particular provision or provisions of this by-law from which the exemption is sought;
- (d) a period of time, of a duration not in excess six months, for which the exemption is sought;
- (e) the reasons why, in the applicant's opinion, the exemption should be granted;
- (f) a statement of the actions, steps or other measures, if any, planned or presently been taken by the applicant, intended to bring about compliance with this by-law.

(3) Additional Information

Council may require the applicant to provide such further and other information and take such other steps as may be necessary to consider an application.

(4) Decision

In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it sees fit.

(5) Breach

Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

6. Exemption of Traditional, Festive, Religious or Recreational Activities

This by-law does not apply to a person who emits or causes or permits the emission of sound or vibration in connection with any of the activities listed below:

- (a) Any celebration in commemoration of a religious or statutory holiday that has received Township approval;
- (b) Remembrance Day celebrations;
- (c) Any carnival or parade by a Service Club;
- (d) Any supervised recreational activity recognized as such by Council;
- (e) Ringing of bells in connection with calling to worship by a recognized religious organization;
- (f) The operation of an authorized emergency vehicle;
- (g) Operation of Township machines and equipment;
- (h) Operation of construction equipment and machinery by or on behalf of the Township carrying on or engaged in the performance of public works or emergency or safety purposes;
- (i) The operation of any machine or equipment that falls within the classification of a normal farm practice as defined under Provincial legislation;
- (j) Any emission of sound specifically permitted under municipal, provincial or federal legislation.

7. Severability

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.



8. Enforcement and Administration

- (a) Council may appoint such officers as are necessary for the purposes of enforcing this by-law.
- (b) An officer may issue a Directive or Order requiring that a person comply with the provisions of this by-law.
- (c) No person shall hinder or obstruct any officer, or any person lawfully acting in aid of such officer, in the execution of their duties under this by-law.

9. Offences and Penalties

- (a) Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a penalty as prescribed under the Provincial Offences Act.
- (b) Every person who fails to comply with a Directive or Order issued under this by-law is guilty of an offence and on conviction is liable to a penalty as prescribed by the Provincial Offences Act.

10. By-law Repealed

By-law No. 97-78 as amended be and is hereby repealed.

11. Short Title

This by-law shall be known as the "Noise By-law" for the Township of West Lincoln.

12. Effect:

This by-law shall take come into force and full effect immediately upon passage.

**READ A FIRST, SECOND AND THIRD  
TIME AND PASSED BY COUNCIL THIS  
27TH DAY OF MAY 2013.**

  
\_\_\_\_\_  
**MAYOR DOUGLAS JOYNER**  
\_\_\_\_\_  
**CAROLYN LANGLEY, CLERK**



NOISE BY-LAW  
SCHEDULE "A"

Prohibitions by Time & Place

Category	Item Description	Urban Area	Rural Areas
1.	The discharge of firearms.	At all times	Not Restricted
2.	Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects.	21:00 one day to 07:00 next day (to 09:00 on Sundays)	Not Restricted
3.	The operation of bird scaring devices.	At all times	21:00 one day to 07:00 next day
4.	<div>- All selling or advertising by shouting or outcry or amplified sound.</div> <div>- The operation of a combustion engine, which,<div>(i) is, or</div><div>(ii) is used in, or</div><div>(iii) is intended for use in, a toy, or a model or replica of any device, which model or replica has no function other than amusement and which is not a conveyance.</div></div> <div>- The operation of any equipment in connection with construction.</div> <div>- The operation of solid waste bulk lift or refuse compacting equipment.</div>	21:00 one day to 07:00 next day (to 09:00 on Sundays)	



5.	<p>The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound.</p> <p>- The operation of any auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production of any similar sounds by electronic means, except where required or authorized by law or in accordance with good safety practices.</p> <p>- The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.</p> <p>- Persistent barking, calling, or whining or other similar persistent noise making by any domestic pet or other animal kept or used for any purpose other than agriculture.</p> <p>- Yelling, shouting, hooting, whistling or singing.</p> <p>- The operation or use of any tool for domestic purposes other than snow removal.</p> <p>- The operation of electric motors, fans or other persistent noise or vibration producing equipment including but not limited to equipment for the movement of materials within ducts or pipe conveyors.</p>	23:00 one day to 07:00 next day (to 09:00 on Sundays)	
6.	Emitting or causing or permitting the emission of sound resulting from motor vehicle racing.	Urban Area At all times	Rural Area At all times
7.	Emitting or causing or permitting the emission of sound resulting from the revving of a motor vehicle engine.	Urban Area At all times	Rural Area At all times



SHORT FORM WORDING & SET FINES  
BY-LAW NO. 2013-50

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN  
NOISE CONTROL BY-LAW

ITEM	COLUMN 1 DESCRIPTION OF OFFENCE	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SUGGESTED SET FINE
1.	Emit/cause/permit emission of sound likely to disturb the inhabitants of the Township.	Section 3	\$350.00
2.	Emit/cause/permit the emission of sound within a prohibited time and place.	Section 4	\$350.00
3.	Hinder or obstruct an Officer in the execution of duties under the by-law.	Section 8(c)	\$350.00
4.	Fail to comply with Directive or Order issued under the by-law	Section 9(b)	\$350.00

NOTE: The penalty provision for the offences listed above is in Section 9 of By-law No 2013-50 a certified copy of which has been filed.



**Borea Construction ULC**  
4827 Vaughan Road East  
Wellandport, Ontario  
L0R 2J0

**Guillaume Carrier**  
Project Manager- Installation  
(581) 996-2979  
guillaume.carrier@boreaconstruction.com

To whom it may concern,

The purpose of this letter is to request an exemption to Category 2, 4 and 5 in noise bylaw No. 2013-50 from the Township of West Lincoln.

The relevant sections are highlighted below:

- Category 2 - “Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials, or refuse, whatsoever, unless necessary for the maintenance of essential services or the moving of private household effects”
- Category 4 - “The operation of any equipment in connection with construction”
- Category 5 - “The operation of any auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production of any similar sounds by electronic means, except where required or authorized by law or in accordance with good safety practices”

#### Duration

From 2016/02/01 (yyyy/mm/dd) to 2016/09/30 (yyyy/mm/dd)

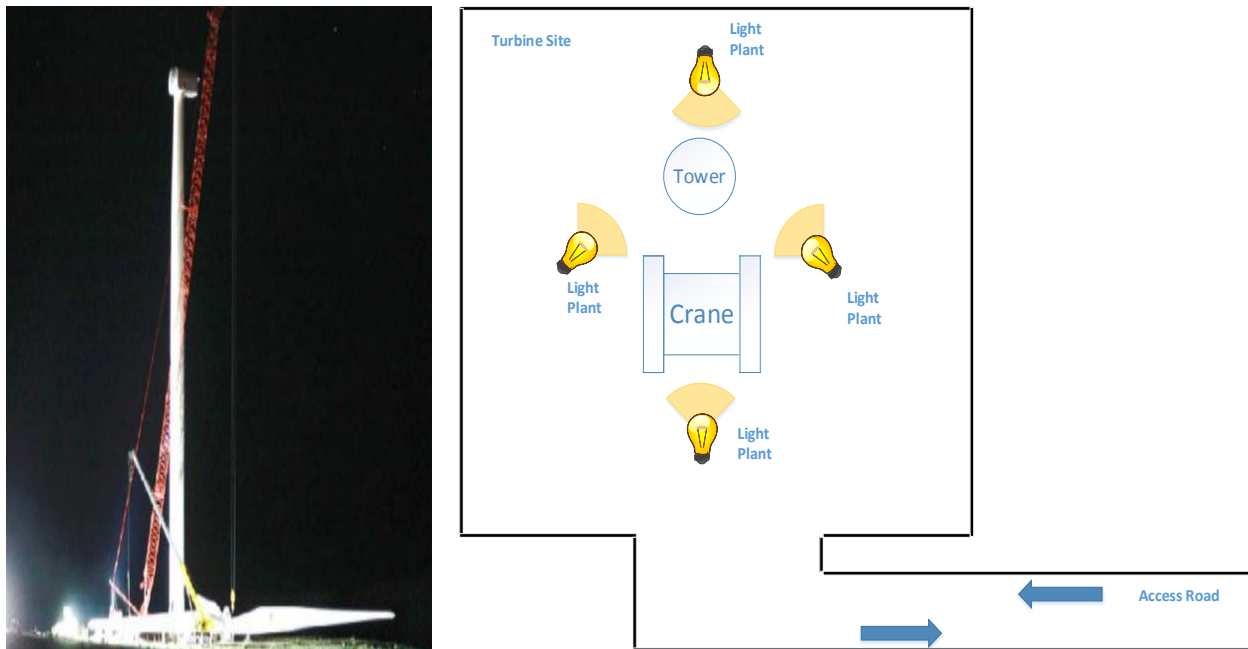
The work being performed during this time will be the wind turbine erection. It involves the use of cranes to lift and stack tower components. The main source of noise will be the engine of the crane which is in use. Below is a description of the various crews and their equipment who may work a night shift should an exemption be granted. Note that not all equipment will be running simultaneously for the duration of the shift.

<b>Crew</b>	<b>Heavy Equipment</b>	<b>Small Tools</b>
Pre Cast Concrete Assembly	LG1550 Crane 1xZoom Boom 4xLight Plants 3xCrew Trucks	
Assembly of Wind Turbine Generator	LTM 1250 Crane Grove 9000E Crane 1xTelehandler 1xMan Lift	1 Small Generator Commercial Power Tools



	1xLight Plant 3xCrew Trucks	
Wind Turbine Generator Installation	LR16000 Crane 80 ton Crawler Crane 1xTelehandler 1xSkid Steer 1xMan Lift 4xCrew Trucks 4-6xLight Plants 1x690 Generator 2xFrost Fighters 1xPressure washer (occasional)	Commercial Power Tools

### Tower Light Orientation:



The lighting orientation around the tower is dependent on the activity, however, pictured above is a sample of the most common orientation used by our crews. Note that three of the light plants face the tower directly and the fourth is behind the crane, lighting the crane operator's field of vision. Crew will make every effort to light in the least intrusive way possible.



**Minimum Distance to Closest Receptor:**

You will find below a list of turbine locations which are 700 meters or further from any residential building and the dates Borea Construction is planning to commence construction at these tower locations.

<b><u>Turbine Location</u></b>	<b><u>Minimum Distance to Closest Receptor (Non Participating Landowners)</u></b>	<b><u>Construction to Commence</u></b>
T59	775M	CW07 – CW14
T60	840M	CW21 – CW 25
T18	710M	CW11 – CW16
T58	820M	CW23 – CW 27
T56	950M	CW06 – CW11
T27	710M	CW07 – CW11
T28	710M	CW06 – CW09
T09	710M	CW27 – CW 30
T32	710M	CW19 – CW 22
T78	780M	CW06 – CW10
T36	710M	CW26 – CW 31

**Reasoning:**

For Borea Construction, the safety of our crews are paramount. Each turbine component has a prescribed maximum wind speed at which it can be safely lifted. If granted this exception, crews would be able to assemble components starting earlier in the morning, or later at night when wind speeds are at the lowest. The exemption to By-Law 2013-50 would allow Borea Construction to schedule work during the lowest forecasted wind hours, when lifting the components is safest.

**Mitigation:**

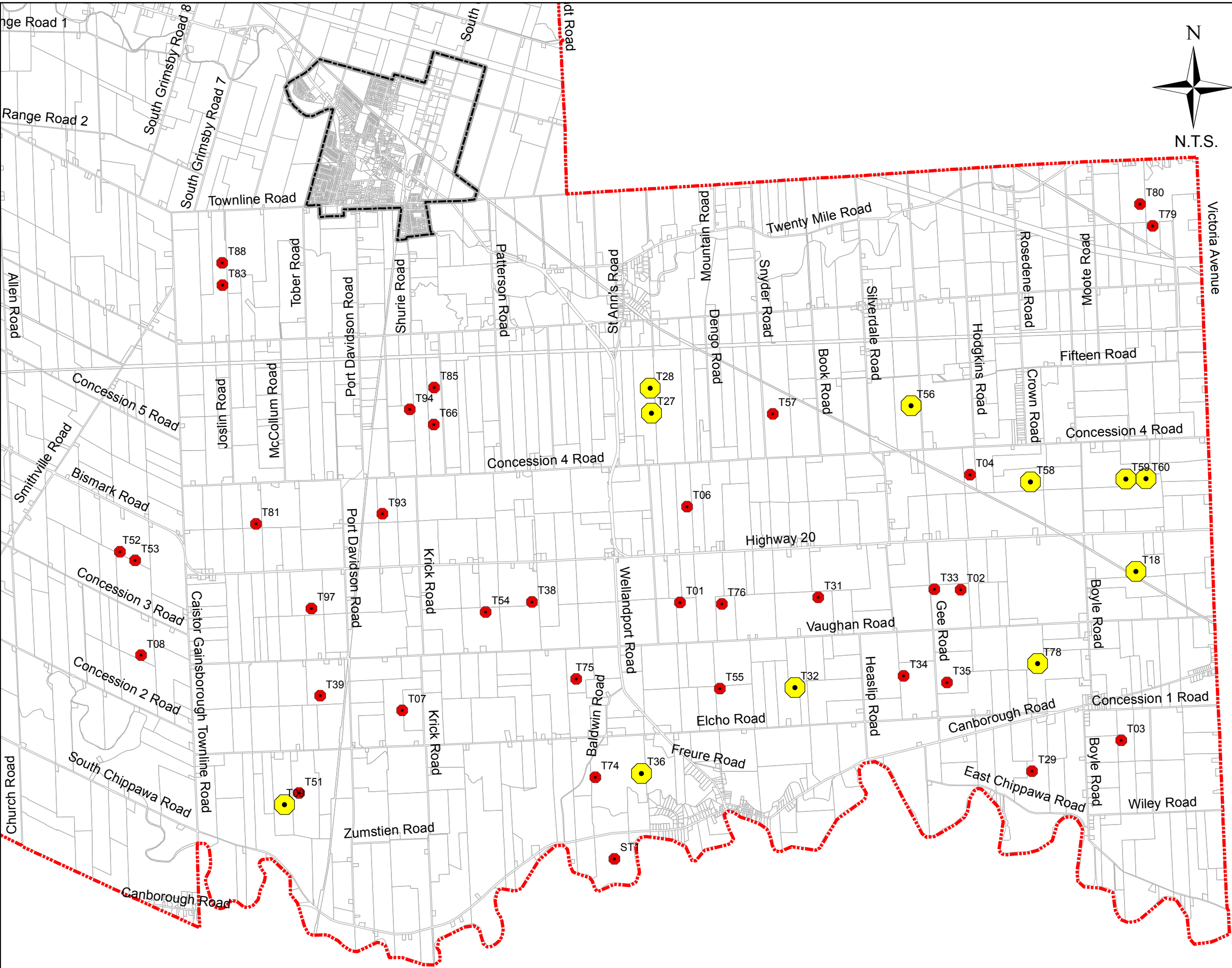
In order to mitigate the noise, only essential personnel will be allowed on site during the night shift. Additionally, only the Foreman from a particular crew and the site Safety Officer will be allowed to leave a site throughout the shift. Every attempt will be made to prepare a site for work during the regular working hours to minimize the effects of the night shifts on the community.

We believe that it will be most beneficial for the local community for our construction works on the Niagara Region Wind Farm to be finished as soon as possible so as to make the minimum disruption to everyday life in this area.

Thank you for your consideration of this request.

Site Manager





# Wind Turbines Proposed Exceptions to Noise By-law

- Legend**
- Turbines proposed to be exempt from noise By-law
  - Turbines
  - Smithville Urban Boundary
  - Municipal Boundary
  - Parcel Fabric

Created: February 2016

The information depicted on this map  
has been compiled from various sources  
and is for illustrative purposes only.



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

**BY-LAW NO. 2016-15**

**A BY-LAW TO AUTHORIZE AN AMENDMENT TO THE ROAD USE AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND FWRN LP FOR USE OF A PORTION OF THE UNOPENED ROAD ALLOWANCE KNOWN AS SOUTH GRIMSBY ROAD 6**

**WHEREAS** the Corporation of the Township of West Lincoln deems it expedient to enter into an amendment to the Road Use Agreement between the Corporation of the Township of West Lincoln and FWRN LP for use of a portion of the unopened road allowance known as South Grimsby Road 6;

**NOW THEREFORE 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 amendment to the Road Use Agreement between the Corporation of the Township of West Lincoln and FWRN LP for use of a portion of the unopened road allowance known as South Grimsby Road 6; and,
2. That, the Mayor and Clerk be authorized to sign the above mentioned amending agreement and to affix the Corporate Seal thereto.

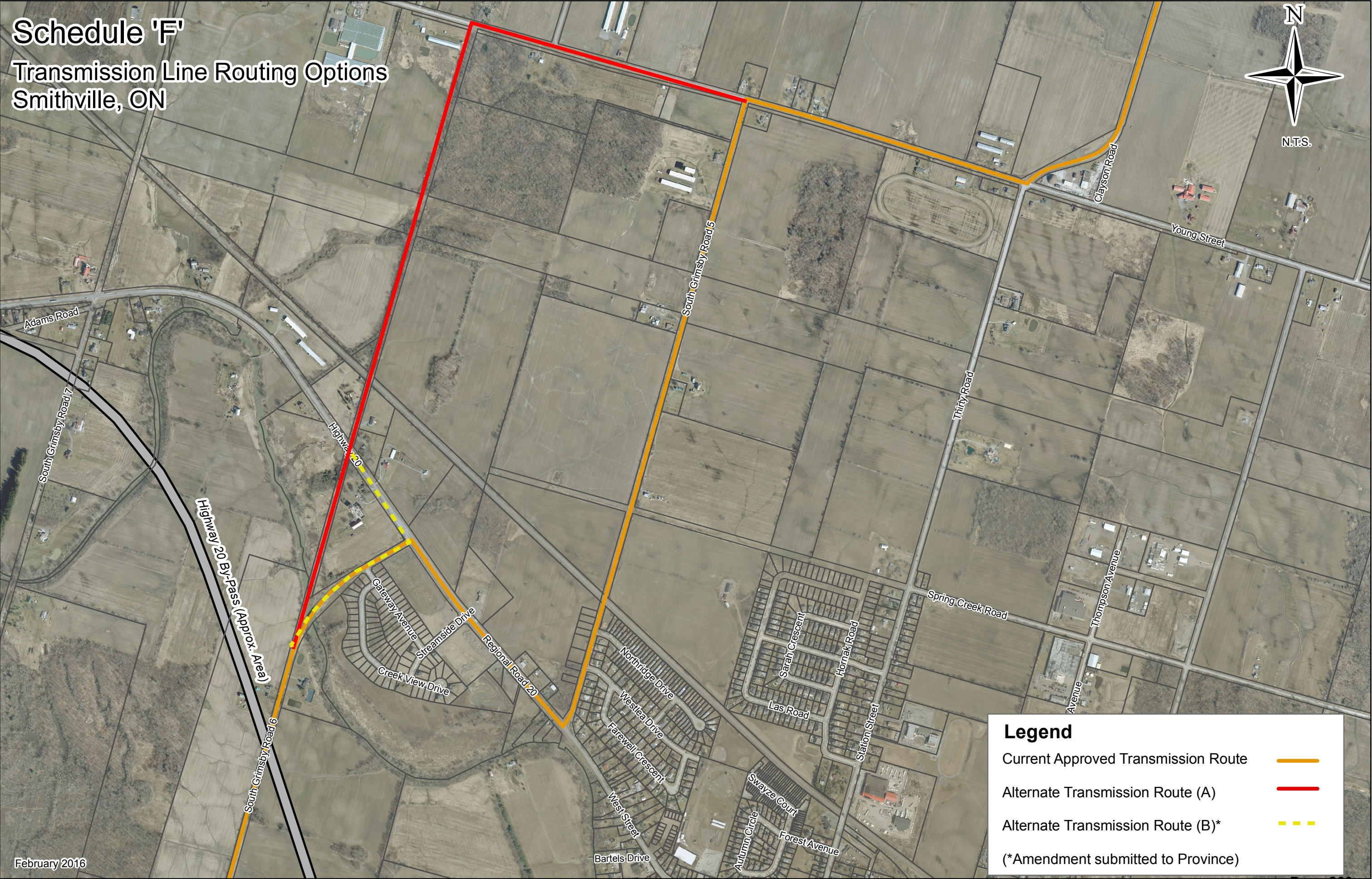
**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 29<sup>th</sup> DAY OF FEBRUARY, 2016.**

\_\_\_\_\_  
**MAYOR DOUGLAS JOYNER**

\_\_\_\_\_  
**CAROLYN LANGLEY, CLERK**



Schedule 'F'  
Transmission Line Routing Options  
Smithville, ON



February 2016

Document Path: X:\w\GIS\2016\BRIAN\Schedule F - Transmission\_Line\_SouthGrimsby5.mxd



**DATE:** February 29, 2016  
**REPORT NO:** RFD-C-03-2016  
**SUBJECT:** Approval of Agreements on Share of Assessment due to Land Severance  
**CONTACT:** Carolyn Langley, Clerk

**OVERVIEW:**

This report is written to obtain approval of Agreements on Share of Assessment (Drainage Apportionment Agreements) resulting from Land Severance.

**RECOMMENDATION:**

- (1) That, Report RFD-C-03-2016 dated February 29, 2016 regarding the “Approval of Agreements on Share of Assessment due to Land Severance”; be received; and
- (2) That, the following drainage apportionment agreements relating to the following properties/files, be and are hereby approved by Council:
  - (a) Canadian Reformed Church and Canadian Reformed School
  - (b) Patrick & Sharron Maddeaux
  - (c) Ken & Anita Friesen

**ALIGNMENT TO STRATEGIC PLAN:**

Not applicable to this report.

**BACKGROUND:**

The Drainage Act provides a means by which property owners who are experiencing drainage/water issues can petition the Council and request that drainage works/construction of a municipal drain be undertaken to address drainage/water issues in specific areas. Once the Engineer’s Report relating to construction of a municipal drain has been approved and all the necessary steps in the process have been undertaken, the owner is assessed their share of the cost associated with the construction of the drain. Any future maintenance on the drain is also assessed to each owner at the same percentage amount as outlined in the approved Engineer’s report.

Occasionally, a parcel of land in a drainage area is the subject of a land severance. When this occurs the affected owner can enter into an Agreement on Share of Assessment which is prepared by the Drainage Superintendent and subsequently must be approved by Council as required by subsection 65(2) of the Drainage Act, R.S.O. 1990, c. D.17.

**CURRENT SITUATION:**

Due to Severance of Land applications B5/2014WL, B4/2015WL, and B5/2015WL; an Agreement on Share of Assessment is required as a condition of severance for each application. Attached are three (3) Agreements on Share of Assessment which were signed by



land owners and submitted to Council for approval. Staff is now submitting the following three Agreements on Share of Assessment for approval:

- i) Canadian Reformed Church and Canadian Reformed School – Roll # 2602 030 013 07700 and 2602 030 013 07800 - Watershed of Smithville North Drain
- ii) Patrick & Sharron Maddeaux – Roll # 2602 030 013 10102 and (To Be Determined) – Watershed of Smithville North Drain
- iii) Ken & Anita Friesen – Roll # 2602 020 005 03900 and (To Be Determined) – Watershed of Fifteen Mile Drain

**FINANCIAL IMPLICATIONS:**

There are no financial implications.

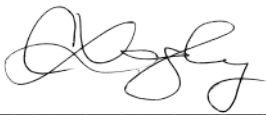
**INTER-DEPARTMENTAL COMMENTS:**

The Planning Department provided the verification of severed properties that required an Agreement on Share of Assessment.

**CONCLUSION:**

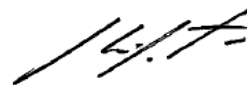
Staff is recommending approval of the three Agreements on Share of Assessment.

**Respectfully submitted by:**



**Carolyn Langley, Clerk**

**Approved by:**



**Chris Carter, CAO**

**Reviewed by:**



**Brent Julian,  
Director of Public Works & Engineering**

**Reviewed by:**



**Brett Jackson,  
Drainage Superintendent**



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

## **BY-LAW NO. 2016-12**

**A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AT ITS REGULAR MEETING HELD ON THE 25<sup>th</sup> DAY OF JANUARY, 2016 AND ITS SPECIAL MEETING HELD ON THE 8<sup>th</sup> DAY OF FEBRUARY, 2016.**

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

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

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

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

1. That the minutes of the second meeting, regular, held on the 25<sup>th</sup> day of January, 2016 and the third meeting, special, held on the 27<sup>th</sup> day of January 2016 and the fourth meeting, special, held on the 8<sup>th</sup> day of February 2016, of the Municipal Council of the Corporation of the Township of West Lincoln, be and the same are hereby adopted.
2. That where no individual by-law has been or is passed with respect to the taking of any action authorized in or by the above mentioned minutes or with respect to the exercise of any powers by the Council in the above mentioned minutes, then this By-law shall be deemed for all purposes to be the By-law required for approving and authorizing and taking of any action authorized therein or thereby, or required for the exercise of any powers therein by the Council.
3. That the Mayor and the proper officers of the Corporation of the Township of West Lincoln are hereby authorized and directed to do all things necessary to give effect to the said action of the Council or to obtain approvals where required and, except where otherwise provided, the Mayor, Clerk, and/or the Administrator are hereby directed to execute all documents necessary on behalf of the Corporation of the Township of West Lincoln and to affix thereto the corporate seal of the Corporation of the Township of West Lincoln.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
29<sup>th</sup> DAY OF FEBRUARY, 2016.**

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**MAYOR DOUGLAS JOYNER**

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**CAROLYN LANGLEY, CLERK**



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

**BY-LAW NO. 2016-13**

**A BY-LAW TO AUTHORIZE A SUPPLEMENT AGREEMENT  
BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST  
LINCOLN AND THE CORPORATION OF THE CITY OF THOROLD  
FOR HEARING OFFICER SERVICES.**

**WHEREAS** the Council of the Corporation of the Township of West Lincoln deems it necessary to enter into a Supplement Agreement with the Corporation of the City of Thorold for Hearing Officer services.

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

1. That, the Corporation of the Township of West Lincoln enters into a Supplement Agreement with the Corporation of the City of Thorold for Hearing Officer services.
2. That, the Mayor and Clerk be authorized to sign the above mentioned Supplement Agreement and to affix the Corporate Seal thereto.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS 29<sup>th</sup>  
DAY OF FEBRUARY, 2016.**

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**MAYOR DOUGLAS JOYNER**

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**CAROLYN LANGLEY, CLERK**



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

**BY-LAW NO. 2016-14**

**A BY-LAW TO AMEND ZONING BY-LAW NO. 79-14, AS  
AMENDED, OF THE TOWNSHIP OF WEST LINCOLN**

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

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

1. THAT Map 2 to Schedule ‘A’ to Zoning By-law No. 79-14, as amended, is hereby amended by changing the zoning on the subject lands shown on Schedule ‘A’, attached hereto and forming part of this By-law from an “Open Space (O1)”, “Residential (R1)”, “Residential (R4)”, “Residential with exception (R4-425)”, and “Restricted Agricultural with exception (A1-426)” zone to a “Residential Multiple Three with Exception” zone.
2. THAT Section 14A of Zoning By-law 79-14, as amended, is hereby amended by adding the following exceptions to Section 29:

- RM3-568            Notwithstanding the provisions of the “RM3” Zone, the subject lands shown as RM3-568 on Schedule ‘A’ shall be subject to the following amended provisions:

(a)    Where dwellings front on a private street, the street in the condominium plan shall have a minimum width of 6 metres of paved surface.

(b)    That the minimum front yard setback be 6 metres.

(c)    That the rear yard setback to be 4.5 metres.

(d)    That the minimum setback between semi-detached and triplex units be 3 metres.

(e)    That the front of the property deemed to be Shurie Road, not the internal condominium road.

(f)    That the setbacks be measured to the edge of the condominium units, and not the ownership boundaries of the individual condominium units.

(g)    That any accessory buildings not be permitted to straddle ownership lines and that there be no minimum setback to ownership lines.

(h)    All other provisions of the RM3 zone and By-law 79-14, as amended, continue to apply.

3. AND 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 29<sup>th</sup>  
DAY OF FEBRUARY, 2016.**

\_\_\_\_\_  
**MAYOR DOUGLAS JOYNER**

\_\_\_\_\_  
**CAROLYN LANGLEY, CLERK**



## **EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2016-14**

The subject land is located on the west side of Shurie Road within the urban area of Smithville. The lands are described as being Part Lot 31, Concession 6, former Township of Gainsborough, Township of West Lincoln.

The subject lands are zoned R1, R4, R4-425, A1-426 and Open Space as the lands were part of a previously draft approved plan of condominium. Additional lands were acquired and added, and thus, a new application for Standard Condominium and Rezoning were required. A new zone was required to ensure the lands were all in the same zone and to reflect the new condominium design. The RM3-568 zone will recognize a narrower condominium road, reduce front and rear yard setbacks and reduce the setback between units. The zoning provisions will also recognize Shurie Road as the front of the lot and that the setbacks are measured to the units, not to the ownership lines.

File: 1601-018-15

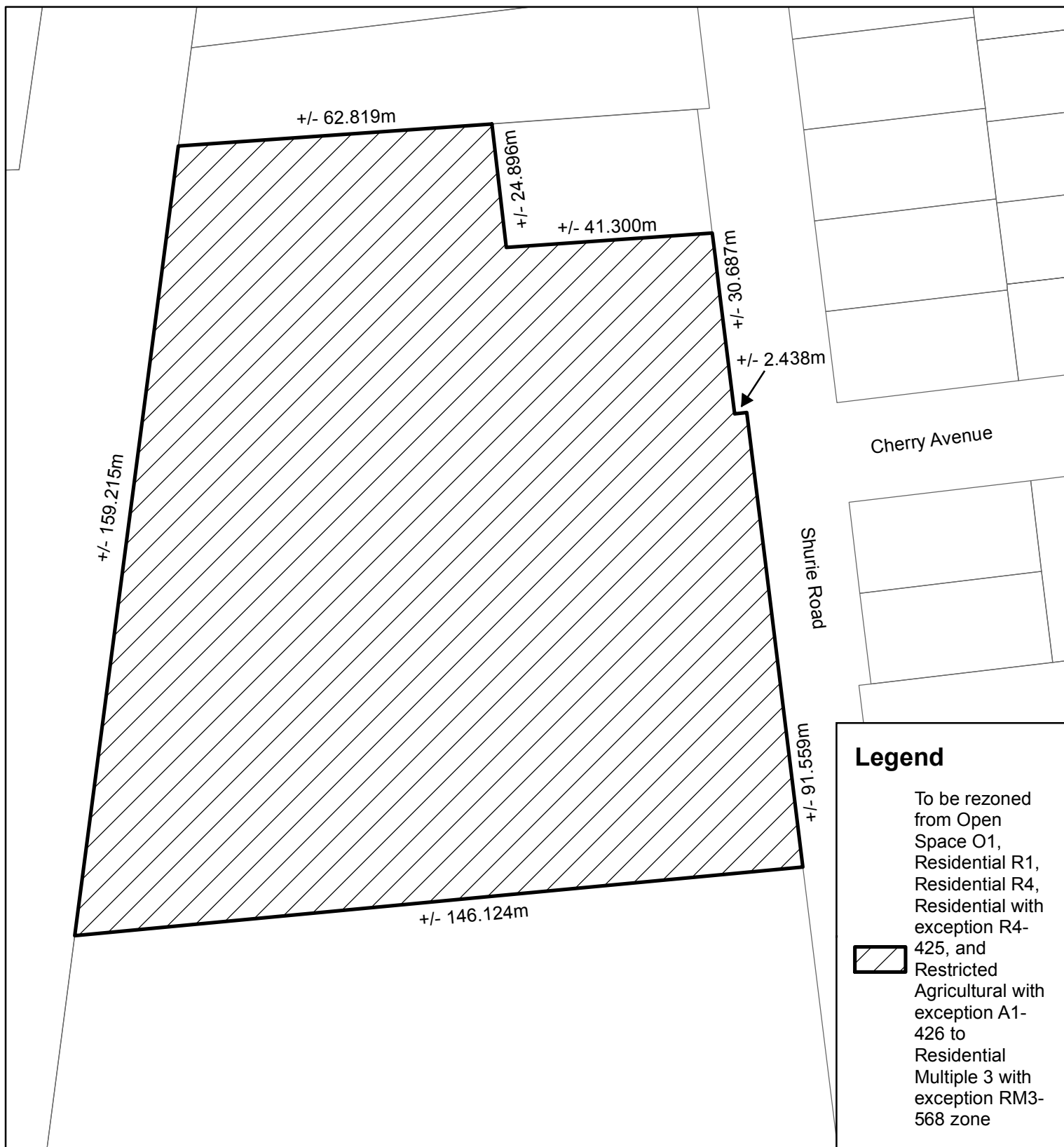
Applicant: RVL Contracting Inc.



# Schedule 'A' Detail Map



N.T.S.



This is Schedule 'A' to By-law No. 2016-14 passed the 29th day of February, 2016.



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

**BY-LAW NO. 2016-15**

**A BY-LAW TO AUTHORIZE AN AMENDMENT TO THE  
ROAD USE AGREEMENT BETWEEN THE  
CORPORATION OF THE TOWNSHIP OF WEST LINCOLN  
AND FWRN LP FOR USE OF A PORTION OF THE  
UNOPENED ROAD ALLOWANCE KNOWN AS SOUTH  
GRIMSBY ROAD 6**

**WHEREAS** the Corporation of the Township of West Lincoln deems it expedient to enter into an amendment to the Road Use Agreement between the Corporation of the Township of West Lincoln and FWRN LP for use of a portion of the unopened road allowance known as South Grimsby Road 6;

**NOW THEREFORE 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 amendment to the Road Use Agreement between the Corporation of the Township of West Lincoln and FWRN LP for use of a portion of the unopened road allowance known as South Grimsby Road 6; and,
2. That, the Mayor and Clerk be authorized to sign the above mentioned amending agreement and to affix the Corporate Seal thereto.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS 29<sup>th</sup>  
DAY OF FEBRUARY, 2016.**

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**MAYOR DOUGLAS JOYNER**

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**CAROLYN LANGLEY, CLERK**