



## **COUNCIL MEETING, MARCH 21, 2006**

### **CIVIC SQUARE, COUNCIL CHAMBERS 60 EAST MAIN STREET**

Council met in Committee-of-the-Whole closed to the public at 6:35 p.m. and in open session at 8:00 p.m. on the above date.

His Worship Mayor Damian Goulbourne in the Chair.

The open meeting commenced with the playing of the National Anthem.

**Members Present:** Councillors D. Alexander, D. Beaudoin, M. Belcastro, P. Chiocchio, M. Dzugan, P. Grenier, M. A. Grimaldi (7:35 p.m.), J. Larouche, S. O'Dell (7:25 p.m.), B. Sharpe (7:30 p.m.), and J. Spadafora (7:20 p.m.).

**Members of the Staff and Others Present:**

Acting City Manager C.A. Stirtzinger

Acting City Clerk G. Gallaccio

City Solicitor G. Banks

Chief, Fire & Emergency Services P. Olah (8:00 p.m.)

General Manager Engineering, Public Works & Transportation Services D. Shantz (8:00 p.m.)

General Manager Financial & Corporate Services/Treasurer B. Silvestri (8:00 p.m.)

General Manager of Human Resources R. Beaumont

General Manager of Parks and Recreation B. LaPlante (8:00 p.m.)

Records Clerk C. Viger (8:00 p.m.)

General Manager of Planning and Development Services D. Thorpe

Regional Councillor J. Mastroianni (8:00 p.m.)

Transit Manager D. Stuart (8:00 p.m.)

(William Chalmers, Aird Berlis LLP was present during Committee-of-the-Whole discussions on a property matter).

**06-25** Moved by Dzugan and Grenier that Council meet in Committee-of-the-Whole, closed to the public at 6:35 p.m. to consider:

- a) the security of the property of the municipality; and
- b) personal matters about an identifiable individual, including municipal employees.

**CARRIED**

**06-25** Moved by Beaudoin and Chiocchio that the Committee-of-the-Whole arise from its closed meeting at 7:50 p.m.

**CARRIED**

### **DELEGATIONS:**

**06-28** Brian Hutchings, Commissioner, Community Services, Region of Niagara addressed Council regarding Social Services in Niagara.

### **THE FOLLOWING CORRESPONDENCE WAS READ:**

**05-118** Report from Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Water Conservation and Efficiency Program – Rain Barrel Purchase.

### **THE FOLLOWING CORRESPONDENCE WAS DELETED:**

**05-141** Joe Ruicci, Chair and Rick Alakas, Co-Chair, Niagara Blues and Jazz Society were unable to attend this evening to address Council regarding the Society's current activities and plans for the summer season.

**04-91** A By-law to authorize a Lease Agreement with the Welland Historical Museum to lease 140 King Street.

### **THE FOLLOWING COMMUNICATIONS WERE RECEIVED:**

**98-152**

**06-14** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- 2005 Remuneration and Expense Report – Members of Council.

**02-165** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – 2005 Annual Summary Report Safe Drinking Water Act 2002, Ontario Regulation 170/03.

**04-13**

**04-60** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Dedicated Gas Tax Funds Program for Public Transit.

**04-91** A By-law to authorize a Lease Agreement with the Welland Historical Museum to Lease 140 King Street.

**04-124** A By-law to authorize the acceptance of tender and the entering into a contract with Collective Utility Services Inc. for Municipal Water Meter Reading Services.

**05-141** Joe Ruicci, Chair and Rick Alakas, Co-Chair, Niagara Blues and Jazz Society – Update on

current activities and plans for the summer season.

- 06-1** A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meetings held on the March 3, 9, 13 and 21 day of March 2006.
- 06-3** Lorraine Bauer, Operational Manager, Wellspring Niagara Cancer Support Foundation – requesting permission to sell raffle tickets in the City of Welland.
- 06-7** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Accounts Payable – February 21, 2006 to March 15, 2006.
- 06-28** Brian Hutchings, Commissioner, Community Services, Region of Niagara – Social Services in Niagara.
- 06-37** A By-law to provide for the fixing of water and sanitary services rates to be paid by consumers for public benefits for the 2006 billing year, effective April 1<sup>st</sup>, 2006.
- 06-57** A By-law to authorize the entering into a contract with Mobil Striping & Sweeping Ltd. for Street Sweeping Rentals.
- 06-57** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Street Sweeper Rental.
- 06-65** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Tender – Supply of Asphaltic Materials.
- 06-65** A By-law to authorize the acceptance of tenders with Matrex Company for the supply of Cold Mix Asphaltic Materials; and with Hard Rock Paving for the supply of Hot Mix Asphaltic Materials.
- 06-66** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Supply of Stone, Gravel and Sand.
- 06-66** A By-law to authorize the acceptance of tenders with Port Colborne Quarries and Lafarge Canada Inc. for the supply of various grades of Stone, Gravel and Sand.
- 06-67** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Tender – Supply and Application of Road Surface Treatment Materials.
- 06-68** A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Ltd. Emulsion Division for the supply of Asphalt Emulsions.
- 06-68** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Tender – Supply of RS1 or HF150S Asphalt Emulsions.
- 06-73** Gen. Mgr. Engineering, Public Works & Transp. Serv./City Engineer D. Shantz – Supply of Top Soil.
- 06-73** A By-law to authorize the acceptance of a quotation with DiMartile Farms for the supply of Top Soil.
- 06-75** Gen. Mgr., Financial and Corp. Serv./Treasurer B. Silvestri- Development charges 2005 year end statement.
- 06-76** Tim Hudak, MPP – Erie- Lincoln – Private Member's Bill 75 An Act to amend the Assessment Act with respect to Homesteads.
- 06-77** Susan Daniels, Deputy City Clerk, City of Thorold – Resolution -Glass Return System.
- 06-77** Letter from Damian Bassett, CEO, Stewardship, Ontario – Key Facts on Glass Recycling in Ontario.

**06-1** Moved by Dzugan and Larouche that the Minutes of the Regular Council Meeting of March 7, 2006 and Special Council Meetings of March 3, 9, and 13, 2006 be and the same are hereby approved and adopted as circulated.

**CARRIED**

**98-152**

**06-14** Moved by Belcastro and Sharpe that the attached report with respect to 2005 Remuneration and Expenditures covering Members of Council be received and placed on file in the Clerk's Department.

**CARRIED**

**99-125** Moved by Belcastro and Sharpe that City Council endorse the document/initiative from C.A.W. entitled, "Solid Pension – Secure Future", as presented to Council by Mr. Rick Alakas, President, C.A.W. Local 523 and Mr. Mike Menacarin, C.A.W. National Representative, on December 13<sup>th</sup>, 2005.

**CARRIED**

**02-165** Moved by Sharpe and Chiochio that Report ENG-2006-07 regarding the 2005 Annual Summary Report as required per Safe Drinking Water Act 2002, Ontario Regulation 170/03 be received for information purposes.

**CARRIED****04-13**

**04-60** Moved by Alexander and Dzugan that Council directs the Treasurer to set up a Dedicated Gas Tax Fund Reserve Account to receive the provincial gas tax funding for 2005/2006, and That Council approves the signing of the 2005/2006 Letter of Agreement between the City of Welland and the Province of Ontario related to the conditions for eligible expenditures which can be applied against the provincial funding provided under the Dedicated Gas Tax Funds for Public Transportation Program.

**CARRIED**

**05-118** Moved by Belcastro and Sharpe that Council approves the direct purchase of 200 RiverSafe RainBarrels from RiverSides Stewardship Alliance at a cost of \$27,000.00.

**CARRIED**

**06-3** Moved by Belcastro and Sharpe that permission is hereby granted to the Wellspring Niagara Cancer Support Foundation to sell raffle tickets in the City of Welland under authority of Lottery License M481439; subject to the receipt of a \$25.00 administration fee for processing this request.

**CARRIED**

**06-7** Moved by Belcastro and Sharpe that the Accounts Payable Report - Summary be received and the City Treasurer be instructed to pay the list of accounts as follows:

1	01-Feb-2006	\$	1,370,473.22
2	22-Feb-2006		675,891.57
3	24-Feb-2006		1,922.69
4	28-Feb-2006		5,000.00
5	03-Mar-2006		507,498.74
6	10-Mar-2006		208,957.11
7	13-Mar-2006		46,088.79
8	14-Mar-2006		6,101,985.97
9	15-Mar-2006		<u>582,627.53</u>
	<b>Total</b>	<b>\$</b>	<b>9,500,445.62</b>

**CARRIED**

**06-28** Moved by Chiocchio and Larouche that the presentation by Brian Hutchings, Commissioner, Community Services, Region of Niagara regarding Social Services in Niagara be received for information.

**CARRIED**

**06-57** Moved by Belcastro and Sharpe that Council provide early Operating Budget approval and authorize acceptance of the tender of Mobil Striping & Sweeping Ltd. for Street Sweeping Rentals at the tendered price of \$83.00/hour, plus GST, this being the lowest price of the four (4) tenders submitted.

**CARRIED**

**06-65** Moved by Belcastro and Sharpe that Council provide early budget approval to accept the tender of Matrex Company for the supply of Fine and Course Blend Cold Mix, and the tender of Hard Rock Paving for the supply of HL2, HL3, HL3A and HL8 Hot Mix Asphaltic Materials, these being the lowest unit prices submitted of the four (4) tenders received.

**CARRIED**

**06-66** Moved by Belcastro and Sharpe that Council accepts the tenders of Port Colborne Quarries Limited and Lafarge Canada Inc. for the Supply of Stone, Gravel and Sand at the lowest unit prices submitted price for each stone, gravel and sand category, and further authorizes staff to request Hard Rock Construction Inc. and Vineland Quarries and Crushed Stone Ltd. to provide a trucking rate for the Supply of Stone, Gravel and Sand in order to be utilized as back ups.

**CARRIED**

**06-67** Moved by Belcastro and Sharpe that Council provide early budget approval to accept the tender of Norjohn Emulsion Division for the supply and application of Road Surface Treatment Materials for the total price of \$51,702 as this being the only tender submitted that meets tender specifications.

**CARRIED**

**06-68** Moved by Belcastro and Sharpe that Council provide early budget approval to accept the tender of Norjohn Ltd. Emulsion Division for the supply of RS1 or HF150S Asphalt Emulsions at the quoted price of \$23,100.00, this being the lowest eligible tender meeting specifications.

**CARRIED**

**06-73** Moved by Belcastro and Sharpe that Council accepts the quotation for the Supply of Top Soil as submitted by DiMartile Farms at the quoted price of \$27.51 per cubic metre, as this was the only price submitted to supply top soil.

**CARRIED**

**06-75** Moved by Grenier and Sharpe that the Treasurer's Statement attached to Report FIN-06-05, in accordance with the Development Charges Act and O. Reg. 104/98, be received and the City Clerk be instructed to forward a copy of this Statement to the Minister of Municipal Affairs within 60 days of giving this report to Council as per Section 43(3).

**CARRIED**

**06-76** Moved by Grenier and Chiocchio that the letter from Tim Hudak, MPP –Erie-Lincoln dated March 6, 2006 regarding the Private Member's Bill, Bill 75 An Act to amend the Assessment Act with respect to Homesteads be received for information.

**CARRIED**

**06-77** Moved by Belcastro and Sharpe that the letter from the City of Thorold regarding a Glass Return System be received for information.

**CARRIED**

**06-77** Moved by O'Dell and Larouche that the letter from Damian Bassett, CEO, Stewardship Ontario regarding the Key Facts on Glass Recycling in Ontario be received for information.

**CARRIED**

### **BUSINESS ARISING FROM COMMITTEE-OF-THE-WHOLE**

**04-48** Moved by Larouche and Dzugan that Council authorizes the proposal detailed in the letter dated March 21, 2006 from City Solicitor George Banks to MMFX Technologies Corp. with respect to Centre Properties (Welland) Ltd., Centre Salvage Ltd., and City of Welland Agreement dated December 3, 2004 and with respect to Amending Agreement between MMFX Technologies Corp. and City of Welland.

**CARRIED**

*(Councillor Beaudoin asked to recorded as opposed to the Resolution).*

### **BY-LAWS**

#### **BY-LAWS PRESENTED FOR FIRST READING:**

1. Moved by Belcastro and Sharpe that leave now be given to introduce the following proposed By-laws entitled:

**04-124**

BYL 2006 – 25

A By-law to authorize the acceptance of tender and the entering into a contract with Collective Utility Services Inc. for Municipal Water Meter Reading Services.

**06-37**

BYL 2006 – 26

A By-law to provide for the fixing of water and sanitary services rates to be paid by consumers for public benefits for the 2006 billing year, effective April 1<sup>st</sup>, 2006.

**06-57**

BYL 2006 – 27

A By-law to authorize the entering into a contract with Mobil Striping & Sweeping Ltd. for Street Sweeping Rentals.

...continued...

**BY-LAWS PRESENTED FOR FIRST READING...CONT'D.:****06-65**

BYL 2006 – 28

A By-law to authorize the acceptance of tenders with Matrex Company for the supply of Cold Mix Asphaltic Materials; and with Hard Rock Paving for the supply of Hot Mix Asphaltic Materials.

**06-66**

BYL 2006 – 29

A By-law to authorize the acceptance of tenders with Port Colborne Quarries and Lafarge Canada Inc. for the supply of various grades of Stone, Gravel and Sand.

**06-68**

BYL 2006 – 30

A By-law to authorize the acceptance of tender and entering into a contract with Norjohn Ltd. Emulsion Division for the supply of Asphalt Emulsions.

**06-73**

BYL 2006 – 31

A By-law to authorize the acceptance of a quotation with DiMartile Farms for the supply of Top Soil.

**06-1**

BYL 2006 – 32

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meetings held on the March 3, 7, 9, 13 and 21day of March 2006.

And that the same be now read a first time.

**CARRIED**

**BY-LAWS PRESENTED FOR SECOND AND THIRD READING:**

2. Moved by Belcastro and Sharpe that the By-laws listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, having been read a first time and considered, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal the same.

**CARRIED**

**NOTICE OF MOTION**

**In accordance with By-law 9972 as amended by By-law 2001-2 passed on January 16, 2001, Councillor(s) must submit their Notice of Motion(s) in writing no later than Wednesday, March 29, 2006 for inclusion on the next Regular Council Meeting Agenda of April 4, 2006.**

**06-82** Councillor Beaudoin gave Notice of Motion of the following issue to be presented to Council at the March 28, 2006 General Committee Meeting:

***That staff investigate and report back to Council with cost estimates for the erection of bollards/jersey barriers at the end of Nelles Road to prevent recreational vehicles from using this as a thoroughfare.***

**06-83** Councillor Beaudoin gave Notice of Motion of the following issue to be presented to Council at the March 28, 2006 General Committee Meeting:

***That staff contact the governing body of the hydro right of way by Golden Boulevard to have barriers erected from east to west at strategic locations to prevent recreational vehicles from using this area.***

Council adjourned at 9:20 p.m.

These Minutes approved and adopted by Motion of Council this 4<sup>th</sup> day of April, 2006.

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**MAYOR**

**ACTING CLERK**