



**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET**  
**REGULAR MEETING OF COUNCIL AGENDA**

**SEPTEMBER 6, 2022 – 7:00 P.M.**

**COUNCIL CHAMBERS**

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C18/22

- 1. Call to Order**
- 2. National Anthem**
- 3. Land Acknowledgement Statement**
- 4. Disclosures of Interest and the General Nature Thereof**
- 5. Mayor's Announcements & Remarks**
- 6. Councillor's Announcements & Remarks**
- 7. Adoption of Previous Council Minutes**
  - a) Minutes of the regular meeting of Council held August 9, 2022
  - b) Minutes of the special meeting of Council held August 18, 2022
- 8. Public Meeting**
  - a) Zoning By-law Amendment Z05/2022W – IBI Group (Agent) on behalf of Loeffen Farms Ltd. (Owner) – 12017 Station Road, Wainfleet
- 9. Delegations**
- 10. Staff Reports & Recommendations**
  - a) Administrative Staff Reports
    - i. ASR-018/2022 Re: 2022 Municipal Election Update/Niagara Compliance Audit Committee
  - b) Public Works Staff Reports
    - i. Memorandum Re: Sports Complex Drainage Tender

**11. Review of Correspondence**

**12. By-laws**

- a) By-law No. 037-2022 being a by-law to provide for drainage works in the Township of Wainfleet in the Region of Niagara (Chambers Corner Drain Extension) (Third & Final Reading)
- b) By-law No. 041-2022 being a by-law to establish the Niagara Compliance Audit Committee for the Township of Wainfleet

**13. Notices of Motion**

**14. Closed Meeting**

**15. Rise & Report**

**16. By-law to Confirm the Proceedings of Council**

- a) By-law No. 042-2022 being a by-law to adopt, ratify and confirm the actions of the Council at its special meeting held on August 18, 2022 and its regular meeting held on September 6, 2022.

**17. Adjournment**



**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET  
REGULAR MEETING OF COUNCIL MINUTES**

C16/22  
AUGUST 9, 2022  
7:00 P.M.  
COUNCIL CHAMBERS

**PRESENT:**

K. Gibson	Mayor
D. Cridland	Councillor
T. Gilmore	Councillor
J. MacLellan	Councillor
S. Van Vliet	Councillor

**STAFF PRESENT:**

W. Kolasa	Chief Administrative Officer
M. Alcock	Fire Chief
M. Ciuffetelli	Deputy Clerk
L. Earl	Mngr. of Community & Development Services
L. Gudgeon	Manager of Human Resources
B. Hopkins	Chief Building Official
M. Jemison	Drainage Superintendent
R. Nan	Manager of Operations
A. Chrastina	Administrative Assistant

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C16/22

**1. Call to Order**

Mayor Gibson called the meeting to order at 7:00 p.m.

**2. National Anthem**

**3. Land Acknowledgement Statement**

Mayor Gibson acknowledged that the land on which we gather is the traditional territory of the Anishinaabeg and Haudenosaunee Peoples, acknowledging the One Bowl and Spoon Treaty.

**4. Disclosures of Interest and the General Nature Thereof**

Councillor MacLellan declared an interest on the following agenda item:

10. e) i. PWSR-014/2022 Re: Award of Tender – Asphalt Patching

The interest was declared as Councillor MacLellan's employer bid on the contract listed in the report.

**5. Mayor's Announcements & Remarks**

Mayor Gibson provided the following remarks:

- Please note that meeting proceedings are being broadcast live, recorded and made available through the Township website and youtube.com.

- “I wanted to remind everyone of the great event taking place in a week in the Township of Wainfleet – being the 13 For 13 Cultural Festivals on August 16 at the Wainfleet Arena Park. This is going to be really a lot of fun – there’ll be food trucks, fireworks, games, family entertainment, the Farmers Market and the evening concert with Juno award-winner Susan Aglukark and popular local band - the Great Lake Swimmers.
  - Time: 5:00pm - 10:00pm
  - Location: Wainfleet Arena Park
  - Admission: FreeI’m really glad to see the excitement in Wainfleet as people are looking forward to a good community event like this with something for everyone. I’m looking forward to seeing everyone there.”
- For those who may not have heard, Wainfleet’s very own, Malarie Jones who is 16 years old was selected to represent Team Canada in Varese Italy for Junior U19 Rowing Championships last month. Malarie has also been selected for Team Ontario for the Canada Summer Games.
- Last week 2,500 people attended the Dinner at the Dairy event in West Lincoln.
- Regional Council will meet Thursday August 25 at 6:30 p.m.
- Our next regular meeting of Council will be held September 6, 2022 at 7:00 p.m.

**6. Councillor’s Announcements & Remarks**

Councillor Cridland advised that the next Niagara Transit Commission meeting is Tuesday August, 22 at 3:00 p.m. at the Region and again Tuesday September 6 at 3:00 p.m. at the Region.

Councillor Gilmore asked if Regional Council meetings have returned to normal. Mayor Gibson confirmed these are currently hybrid meetings which he is attending in person.

**7. Adoption of Previous Council Minutes**

**Resolution No. C-2022-139**

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“**THAT** the minutes of the regular meeting of Council held July 12, 2022 and the special meeting of Council held August 3, 2022 be adopted as circulated.”

CARRIED

**8. Public Meeting**

N/A

## 9. Delegations

- a) John Armstrong, Rogers Communications – Wainfleet Expansion Plans

**Resolution No. C-2022-140**

Moved by Councillor MacLellan

Seconded by Councillor Cridland

“**THAT** the delegation presentation from John Armstrong respecting Rogers Wainfleet expansion be received as information.”

CARRIED

- b) Jason Duliban, Wainfleet Minor Hockey – Signage Allowance

**Resolution No. C-2022-141**

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

“**THAT** the delegation presentation from Jason Duliban respecting Wainfleet Minor Hockey’s request for signage allowance be received; and

**THAT** Mr. Duliban create a conceptual drawing and move ahead with the process in coordination with staff forthwith.”

CARRIED

- c) David Lain, 20304 Kwik Mix Road – Conditional Construction Permit

**Resolution No. C-2022-142**

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

“**THAT** the delegation presentation from David Lain respecting 20304 Kwik Mix Road – Conditional Construction Permit be received for information.”

CARRIED

## 10. Staff Reports & Recommendations

- a) Building Staff Reports

- i. BSR-003-2022 Re: Extension of Conditional Building Permit Kwik Mix

**Resolution No. C-2022-143**

Moved by Councillor Gilmore

Seconded by Councillor MacLellan

**“THAT** Building Staff Report BSR-003/2022 respecting the extension of Conditional Building Permits W172-2020, W173-2020, W174-2020 – 20403 Kwik Mix Road be received; and

**THAT** the Township of Wainfleet amend the Conditional Building Permit Agreements with David Lain, Agent for 1806193 Ontario Inc., to permit an extension of the compliance date to September 16, 2023.”

CARRIED

b) Administrative Staff Reports

- i. ASR-017/2022 Re: 2022-2026 Multi Year Accessibility Plan

**Resolution No. C-2022-144**

Moved by Councillor Cridland  
Seconded by Councillor MacLellan

**“THAT** Administrative Staff Report ASR-017/2022 respecting a new 2022-2026 Multi-Year Accessibility Plan be received;

**AND THAT** the draft 2022-2026 Multi-Year Accessibility Plan developed for the Township of Wainfleet by the Herrington Group Ltd. be adopted.”

CARRIED

- ii. Memorandum Re: Wainfleet Central Fire Station Borrowing By-law

**Resolution No. C-2022-145**

Moved by Councillor MacLellan  
Seconded by Councillor Gilmore

**“THAT** the memorandum respecting Wainfleet Central Fire Station Borrowing By-law be received for information.”

CARRIED

c) Drainage Staff Reports

- i. DSR-005/2022 Re: Request for Drain Improvement – North East Consolidated

**Resolution No. C-2022-146**

Moved by Councillor Van Vliet  
Seconded by Councillor MacLellan

**“THAT** DSR-005-2022 regarding a request for a drain improvement, North East Consolidated, be received as information;

**AND THAT** Council accept the Request for Drain Improvement and authorize staff to prepare and distribute the necessary notices in accordance with Section 78(1) Drainage Act;

**AND FURTHER THAT** Council appoint Spriet Associates Engineering under the Drainage Act to improve the North East Consolidated Drain.”

CARRIED

d) Fire Staff Reports

- i. FSR-009/2022 Re: WFES Second Quarter Review

**Resolution No. C-2022-147**

Moved by Councillor Gilmore

Seconded by Councillor Van Vliet

**“THAT** Fire Staff Report FSR-009/2022 respecting 2022 Second Quarter Fire & Emergency Services Review be received for information.”

CARRIED

e) Public Works Staff Reports

- i. PWSR-014/2022 Re: Award of Tender – Asphalt Patching

*At this point in the meeting, Councillor MacLellan left the Council Chambers and did not partake in discussions due to his declared conflict of interest earlier in the meeting.*

**Resolution No. C-2022-148**

Moved by Councillor Cridland

Seconded by Councillor Gilmore

**“THAT** Public Works Staff Report PWSR-014/2022 respecting Award of Tender for Asphalt Patching be received; and

**THAT** Council direct the Manager of Operations to engage the services of R. Griffin Construction to complete the Asphalt Patching Tender.”

CARRIED

*Councillor MacLellan returned to the Council Chambers.*

- ii. PWSR-015/2022 Re: Award of Tender – Sports Complex Drainage Improvement

**Resolution No. C-2022-149**

Moved by Councillor Gilmore

Seconded by Councillor Van Vliet

**“THAT** Public Works Staff Report PWSR-015/2022 respecting Award of Tender for Sports Complex Drainage be received; and

**THAT** Council direct the Manager of Operations to research options respecting parking implications of drainage works on the sports field and report back at a special meeting of Council.”

CARRIED

**11. Review of Correspondence**

- a) C-2022-152 Re: Township of Wainfleet Integrity Commissioner Annual Report

**Resolution No. C-2022-150**

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

**“THAT** Correspondence item C-2022-152 respecting Integrity Commissioner Annual Report be received for information; and

**THAT** the incoming Council receive the same training as the current Council.”

CARRIED

- b) C-2022-153 Re: Township of Wainfleet Central Fire Station Monthly Report

Future project update correspondence be posted to both the Council Information Package and dedicated Central Fire Station Project webpage going forward for ease of public access.

- c) C-2022-160 Re: Invasive Species Centre - Paddle with a Purpose Event

This request has previously been fulfilled by staff.



## 12. By-laws

### **Resolution No. C-2022-151**

Moved by Councillor Van Vliet

Seconded by Councillor Cridland

**“THAT** By-law No. 039-2022 being a by-law to authorize certain new capital work(s) of the Corporation of the Township of Wainfleet (the “lower-tier municipality”); to authorize the submission of an application to Ontario Infrastructure and Lands Corporation (“OILC”) for financing of such capital work(s); to authorize temporary borrowing from OILC to meet expenditures in connection with such capital work(s); and to authorize long-term borrowing for such capital work(s) through the issue of debentures by Regional Municipality of Niagara (the “upper-tier municipality”) to OILC be read and passed this 9th day of August, 2022.”

CARRIED

## 13. Notices of Motion

None.

## 14. Closed Meeting

### **Resolution No. C-2022-152**

Moved by Councillor Van Vliet

Seconded by Councillor Gilmore

**“THAT** Council now move into closed session to discuss:

- a) Item under Section 239 (2) (b) of the *Municipal Act, 2001*, personal matters about an identifiable individual, including municipal or local board employees – 1 item (An accounts receivable matter)
- b) Item under Section 239 (2) (a) of the *Municipal Act, 2001*, the security of the property of the municipality or local board (An application pertaining to absolute title matter)
- c) Item under Section 239 (e) of the *Municipal Act, 2001*, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board (A by-law enforcement matter)”

CARRIED

## 15. Rise & Report

The Deputy Clerk reported that Council went into closed session to receive information and provide direction respecting an accounts receivable matter. Council received information respecting an application pertaining to an absolute

title matter and provided confidential direction to staff respecting a by-law enforcement matter.

**16. By-law to Confirm the Proceedings of Council**

**Resolution No. C-2022-153**

Moved by Councillor Van Vliet  
Seconded by Councillor Gilmore

“**THAT** By-law No. 040-2022 being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet at its special meeting held August 3, 2022 and its regular meeting held August 9, 2022. be read and passed this 9th day of August, 2022.”

CARRIED

**17. Adjournment**

There being no further business, the meeting was adjourned at 10:05 p.m.

\_\_\_\_\_  
K .Gibson, MAYOR

\_\_\_\_\_  
M. Ciuffetelli, DEPUTY CLERK



**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET  
SPECIAL MEETING OF COUNCIL MINUTES**

C17/22  
AUGUST 18, 2022  
9:00 A.M.  
ELECTRONIC PARTICIPATION

PRESENT: K. Gibson Mayor  
D. Cridland Councillor  
T. Gilmore Councillor  
J. MacLellan Councillor  
S. Van Vliet Councillor

STAFF PRESENT: W. Kolasa Chief Administrative Officer  
M. Ciuffetelli Deputy Clerk

C17/22

1. **Call to Order**

Mayor Gibson called the meeting to order at 9:04 a.m.

2. **Land Acknowledgement Statement**

Mayor Gibson acknowledged that the land on which we gather is the traditional territory of the Anishinaabeg and Haudenosaunee Peoples, acknowledging the One Bowl and Spoon Treaty.

3. **Disclosure of Pecuniary Interest and the General Nature Thereof**

None.

4. **Staff Reports & Recommendations**

a) Memorandum Re: Sports Complex Drainage Tender

**Resolution No. C-2022-154**

Moved by Councillor Van Vliet

Seconded by Councillor Gilmore

**“THAT** a meeting be set up forthwith with key sports fields user groups (including groups using sports fields for parking areas) to explore the possibility of not draining portions of the fields and also considering traffic patterns that would minimize vehicle loading of the fields drainage; and

**THAT** a revised design be explored that eliminates some of the sports fields from the total drainage area from the whole of the project; and

**THAT** staff be delegated the authority to award the tender for the sports complex drainage, as revised, as recommended in PWSR-015/2022, thereafter.”

CARRIED

5. **Closed Meeting**

N/A

6. **Rise & Report**

N/A

7. **Adjournment of Meeting**

There being no further business, the meeting was adjourned at 9:42 a.m.

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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK

## PUBLIC MEETING INFORMATION REPORT

**Public Meeting:** Tuesday September 6<sup>th</sup>, 2022 at 7:00 p.m. in Council Chambers  
**File No.:** Zoning By-law Amendment Z05/2022W  
**Applicant:** IBI Group (Agent) on behalf of Loeffen Farms Ltd. (Owner)  
**Subject Property:** 12017 Station Road, Wainfleet

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### **Purpose of a Public Meeting**

The purpose of the Public Meeting is to provide more information about the application and provide an opportunity for public input. No recommendations are provided at the Public Meeting and Township Council will not be making any decisions at this meeting. A recommendation report will be prepared by staff and presented at a subsequent meeting of Township Council following a full review of the application.

Any person may make written or verbal representation either in support of or in opposition to the proposed Zoning By-law Amendment. Please note that all submissions, including personal information, will become part of the public record and may be publicly released. The Public Meeting will also be live-streamed through the Township's [Youtube](https://www.youtube.com/channel/UCvXpYpYpYpYpYpYpYpYpYpY) page. Written comments are encouraged and can be submitted by email to [planning@wainfleet.ca](mailto:planning@wainfleet.ca), personal delivery to the Township Office at 31940 Highway #3, Wainfleet or regular mail to P.O. Box 40, Wainfleet ON L0S 1V0, to the attention of Sarah Ivins, Planner.

### **Property Information**

The subject lands are located on the east side of Station Road, south of the Gord Harry Trail and are known municipally as 12017 Station Road. The subject lands are shown in Schedule "A". The subject lands are 40.04 hectares in size and are currently being used for residential and agricultural purposes. The surrounding land uses include residential and agricultural – an aerial photograph is attached as Schedule "B".

The subject lands are the subject of a consent application (File No. B15/2022W), which was provisionally approved by the Committee of Adjustment at the August 17<sup>th</sup>, 2022 hearing. Application is made for the consent to sever Part 1 (1.00 hectares) as a surplus farm dwelling and retain Part 2 (39.04 hectares) for continued agricultural use.

The subject lands are designated as Rural Area in the Regional Official Plan, designated as Agricultural Area, Environmental Protection Area and Fish Habitat in the Township Official Plan and zoned Agricultural Transition – A1 with Environmental Protection and Fish Habitat Overlays under Zoning By-law 034-2014.

### **Application Details**

The purpose of the proposed Zoning By-law Amendment application is to rezone Part 2 of the subject lands from the current Agricultural Transition – A1 zone to an Agricultural Transition – A1-1 zone for "Agricultural Purposes Only" to prohibit dwellings and to an Agricultural Transition – A1-28 zone to recognize a reduced lot area of 39.04 hectares where 40 hectares is required. The application also proposes to rezone Part 1 from the current Agricultural Transition – A1 zone to an Agricultural Transition – A1-29 zone to recognize a minimum front yard setback of 14.2 metres for

the existing dwelling, a minimum front yard setback of 4.9 metres for the existing accessory building and a maximum height of 9 metres for the existing accessory building. The existing Environmental Protection and Fish Habitat Overlays are to remain. The proposed Zoning By-law Amendment map is attached as Schedule "C".

### **Consultation**

In accordance with the *Planning Act*, a Notice of Public Meeting was mailed to all landowners within 120m of the subject property on July 21<sup>st</sup>, 2022 and a public notice sign was posted on the subject property. The notice was also posted on the Township's website at [www.wainfleet.ca/publicnotices](http://www.wainfleet.ca/publicnotices).

The application was circulated to external agencies and internal departments for review and comments on July 21<sup>st</sup>, 2022.

The Niagara Peninsula Conservation Authority noted no objection to the proposed zoning by-law amendment as there is no impact to the regulated features on the subject property.

Niagara Region noted no objection to the proposed zoning by-law amendment as it will satisfy the conditions of approval for the consent application and aligns with Provincial and Regional land use policies for surplus farm dwellings. Niagara Region Environmental Staff noted no objection provided that the existing Fish Habitat Overlay remains on Part 2.

The Township's Drainage Superintendent noted no objection to the proposed zoning by-law amendment. The subject property is assessed to the Casey Drain and as a condition of approval for the consent application, the severance shall be captured under the assessment schedule for the drain.

Any additional comments received prior to the public meeting will be addressed verbally at the public meeting and any comments received after the public meeting will be addressed in the staff report.

### **Next Steps**

A planning report regarding a complete review of the application will be brought forward by staff and considered by Council at a later date.

If a person or public body does not make oral submissions at the public meeting or make written submission to the Township of Wainfleet regarding the proposed Zoning By-law Amendment before the approval authority gives or refuses to give approval to the application, the person or public body is not entitled to appeal the decision of the Township of Wainfleet to the Ontario Land Tribunal.

If a person or public body does not make oral submissions at the public meeting and/or make written submissions to the Township of Wainfleet regarding the proposed Zoning By-law Amendment before the approval authority gives or refuses to give approval to the application, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Corporation of the Township of Wainfleet in respect of the proposed application, you must make a written request to the Deputy Clerk of the Township of Wainfleet at the address noted below and quote the appropriate file number(s).

**Contact**

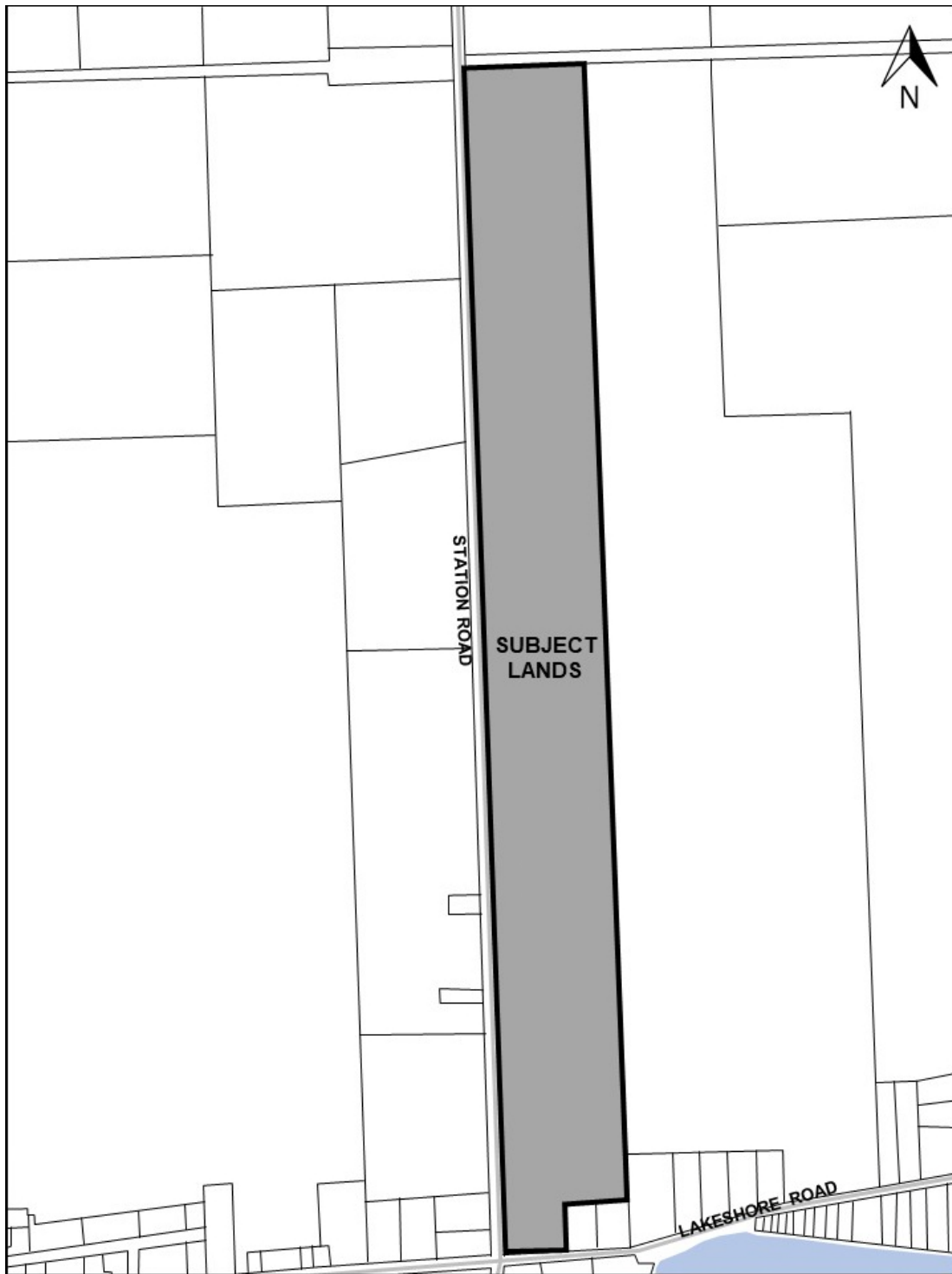
For further information regarding the proposed applications please contact Sarah Ivins, Planner, at 905-899-3463 ext. 225 or [planning@wainfleet.ca](mailto:planning@wainfleet.ca). Written comments can also be sent to the attention of Sarah Ivins.

To request to be notified of the decision, please contact the Deputy Clerk at [mciuffetelli@wainfleet.ca](mailto:mciuffetelli@wainfleet.ca).

**Attachments**

Schedule "A" – Location Map  
Schedule "B" – Aerial Photograph  
Schedule "C" – Proposed Zoning By-law Amendment

## Schedule "A" – Location Map



**Proposed Zoning By-law Amendment Application**  
**Z05/2022W**  
**Loeffen Farms Ltd.**

12017 Station Road  
Part Lot 19, Concession 1 RP 30R13314 PT 1  
2714 000 00428700

### **LOCATION MAP**

**TOWNSHIP OF WAINFLEET**  
*Wainfleet – Find your countryside!*

Date: September 2022

File No.: Z05/2022W



## Schedule "B" – Aerial Photograph



**Proposed Zoning By-law Amendment Application**  
**Z05/2022W**  
**Loeffen Farms Ltd.**

12017 Station Road  
Part Lot 19, Concession 1 RP 30R13314 PT 1  
2714 000 00428700

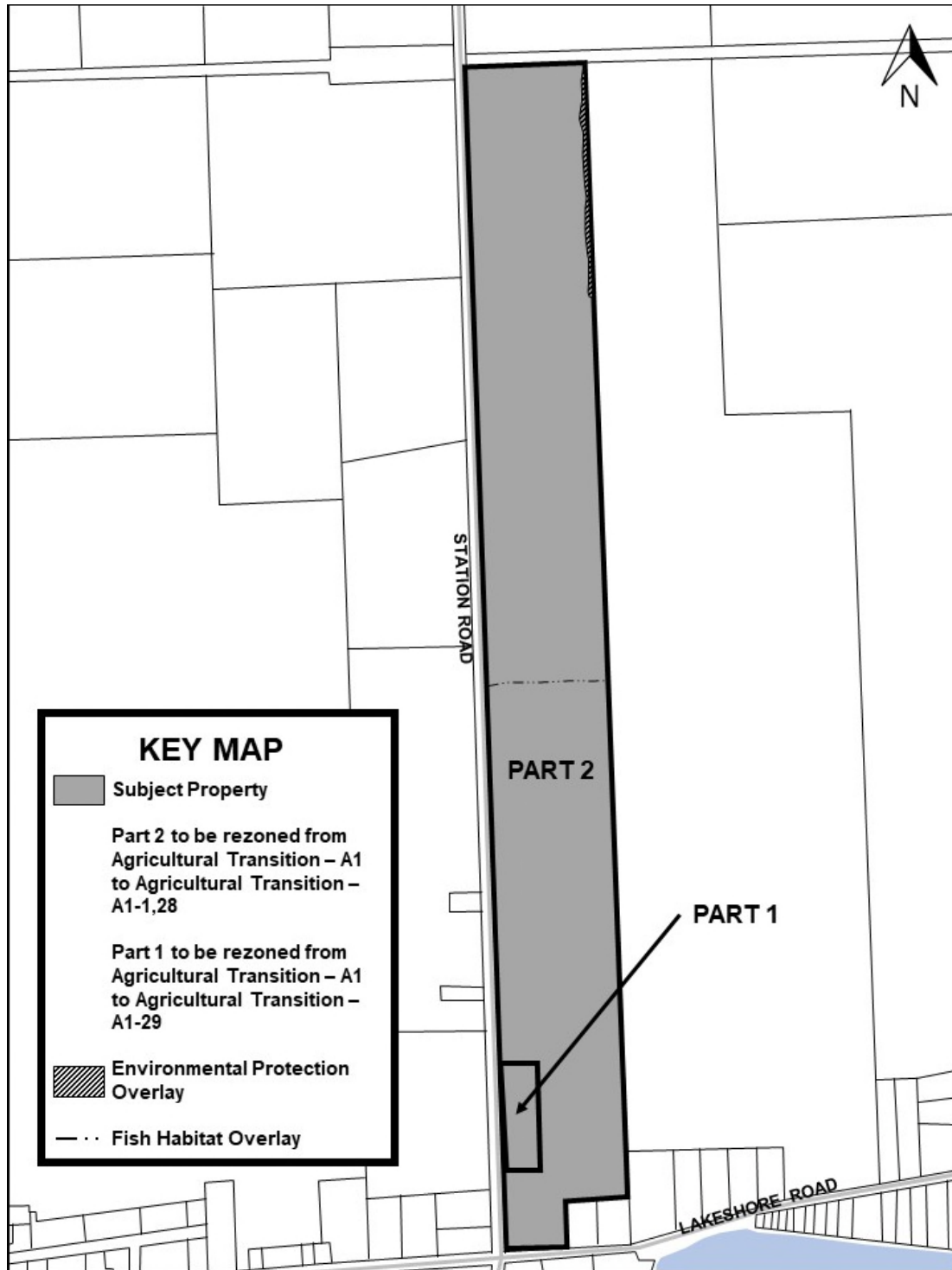
**AERIAL  
PHOTOGRAPH**

**TOWNSHIP OF WAINFLEET**  
*Wainfleet - Find your countryside!*

Date: September 2022

File No.: Z05/2022W

## Schedule "C" – Zoning By-law Amendment



**Proposed Zoning By-law Amendment Application**  
**Z05/2022W**  
**Loeffen Farms Ltd.**

12017 Station Road  
Part Lot 19, Concession 1 RP 30R13314 PT 1  
2714 000 00428700

**ZONING BY-LAW  
AMENDMENT MAP**

**TOWNSHIP OF WAINFLEET**  
*Wainfleet – Find your countryside!*

Date: September 2022

File No.: Z05/2022W

**TO:** Mayor Gibson & Members of Council

**FROM:** Meredith Ciuffetelli, Deputy Clerk

**DATE OF MEETING:** September 6, 2022

**SUBJECT:** 2022 Municipal Election Update/  
Niagara Compliance Audit Committee

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**RECOMMENDATION(S):**

**THAT** Administrative Staff Report ASR-018/2022 respecting be received;

**THAT** a By-law re-establishing the Niagara Compliance Audit Committee for the Township of Wainfleet and Terms of Reference, attached to this report as Appendix “A” be presented to Council for approval and ratification; and

**THAT** the Clerk be delegated the authority to make any necessary legislative or administrative changes to the terms of reference;

**AND THAT** the Clerk be delegated the authority to appoint members to the Compliance Audit Committee.

**EXECUTIVE SUMMARY:****Compliance Audit Committee**

- The *Municipal Elections Act, 1996* (the “Act”) requires municipalities and local boards to establish a Compliance Audit Committee before October 1<sup>st</sup>.
- A qualified elector who believes on reasonable grounds that a candidate or registered third party advertiser has contravened the campaign finance provisions of the Act may apply to the compliance audit committee for a compliance audit.
- Since 2010, the Township of Wainfleet, along with the Regional Municipality of Niagara, the Local Area Municipalities (LAMS) and the Niagara Public and Catholic School Boards (the “Joint Participants”), have continued with the joint Niagara Compliance Audit Committee (the “Committee”) under identical terms of reference. Staff are recommending continued participation in the joint Committee.
- Due to legislative changes to the Act, it is necessary to update the terms of reference for the joint Compliance Audit Committee.

**BACKGROUND:**

At its meeting of July 3, 2018, the Council of the Corporation of the Township of Wainfleet enacted By-law No. 034-2018 to establish the Niagara Compliance Audit Committee for the Township of Wainfleet in cooperation with the Regional Municipality of Niagara, the Local Area Municipalities in the Region and the two Niagara school boards. Since the joint Compliance Audit Committee was first established, the joint participants have continued

with the Committee under identical terms of reference, including recruitment and selection of members for appointment by councils/boards.

### **OPTIONS/DISCUSSION:**

A copy of the terms of reference are attached as Appendix "A". They have been reviewed and agreed to by the Area Clerks Election Working Group. It is expected that all participating Councils/Boards will have considered and finalized this matter within the month of September.

The draft by-law attached to this report as Appendix "B" includes a provision for delegated authority to the Clerk to make any future changes thereto as a result of legislative or administrative requirements, as well as delegated authority to the Joint Clerks for the appointment of the committee members, and to inform Council accordingly. It is more common now for Councils to delegate the appointment authority to the Clerks of the Committee in order to remove any perception of bias and to keep the statutory committee at arms-length, given Members of Council who seek re-election for the 2022-2026 term may be the subject of a compliance audit. Examples of such delegated authority include the Regions of: Durham, Halton, Peel, Waterloo and York.

### **Compliance Audit Committee Highlights**

- Each municipality and local board must establish a compliance audit committee before October 1 in an election year.
- The committee shall be composed of not less than 3 and not more than 7 members. Ineligible for appointment are: employees or officers of municipality or local board, members of council or local board, candidates or registered third party advertisers in the election for which the committee is established.
- When appointing persons to the committee, regard shall be had to professionals with a background in law, auditing, accounting, administration and/or public administration. Preference will be given to those with an understanding of municipal campaign finance rules, analytical and decision-making skills, and previous experience with or as a member of government boards, task forces and/or quasi-judicial bodies.
- Term of office of the committee is concurrent with the term of council or local board.
- The council or local board shall pay all costs in relation to the committee's operation and activities.
- The committee is responsible for considering applications from eligible electors that believe, on reasonable grounds, that a candidate or a registered third party has contravened a provision of the Act relating to election campaign finances even if a financial statement has not yet been filed under Section 88.25 of the Act.
  - The Region will be responsible for processing and covering the costs for any application for the Chair and Regional Councillors. LAMS are responsible for registered third party advertiser applications. School Boards are responsible for any trustee application.

The role of the compliance audit committee includes:

- Receive and determine whether or not to grant or reject applications.
- Appoint auditors, when necessary.
- Receive compliance audit report from auditor and make decision with regard to report if it indicates an apparent contravention of the Act and determine whether or not legal proceedings should be commenced against the candidate or registered third party.
- Consider reports submitted by the Clerk where it appears a contributor exceeded the contribution limit and make decisions with regard to such reports.

#### Joint Clerk's Role

- Acts as secretary to the compliance audit committee (for responding municipality).
- Establishes stipend for committee.
- Recruits and appoints committee members.
- Trains committee members.
- Establishes administrative practices and procedures.
- Ensures a process is in place for the selection and appointment of an auditor.
- Ensures legal representation is available to the committee.
- Reviews and reports on each contributor that may have exceeded contribution limits.

#### Alternatives/Options Reviewed

This report is driven by recent amendments to the Act relating to campaign finances. Council may determine to opt out of the joint Committee, however, it is not recommended since the Committee is a good example of the Region, LAMS and School Boards working together to achieve efficiencies and cost savings. If the Township opts out of a joint committee, the Township would be required to establish its own stand-alone committee prior to October 1, 2022.

Alternatively, Council may determine to retain authority for the appointment of the Committee members, as well as considering any future changes to the terms of reference rather than delegating such authority to the Clerk. However, this is also not recommended in order to keep the joint Compliance Audit Committee at arms-length for the reasons stated earlier and to provide for greater efficiencies in the event that further legislative changes occur or basic administrative changes are required.

#### Nomination Period

The candidate nomination period for the 2022 Municipal Election has closed. The nomination period began on Monday, May 2, 2022, and ended August 19, 2022 at 2:00 p.m. All candidates have been certified and Council will not be subject to restricted actions (commonly referred to as "lame duck period") as set out in Section 275 of the Municipal Act, 2001.

**FINANCIAL CONSIDERATIONS:**

The terms of reference for the Joint Compliance Audit Committee include a retainer of \$350.00 for each member (including training and mileage), and a *per diem* rate of \$250.00 per meeting, plus mileage, at the rate of the responding municipality requiring the services of the Committee. The base retainer costs will be shared among the Joint Participants while the *per diem* and mileage costs will be borne by the responding municipality. The proposed rates are in the middle of the range of regions/municipalities surveyed for 2022.

Any auditor or legal costs incurred with a compliance audit application will be the responsibility of the responding municipality (or board).

**OTHERS CONSULTED:**

- 1) Local Area Municipalities - Elections Working Group

**ATTACHMENTS:**

- 1) Appendix "A" – Draft By-law to establish the Joint Compliance Audit Committee

Respectfully submitted by,

Reviewed by,

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Meredith Ciuffetelli  
Deputy Clerk

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William J. Kolasa  
Chief Administrative Officer/Clerk

**“APPENDIX “A”**

**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET**

**BYLAW NO. 0XX-2022**

Being a bylaw to establish the Niagara Compliance Audit Committee for the Township of Wainfleet.

**WHEREAS** Section 88.37 of the *Municipal Elections Act, 1996* as amended requires the council or local board, to establish compliance committee before October 1<sup>st</sup> in an election year for the purposes of Sections 88.33 to 88.36 of the *Act* relative to a possible contravention of the election campaign finance rules;

**AND WHEREAS** it is deemed expedient to establish a compliance audit committee for the Township of Wainfleet related to the possible contravention of the said *Act* for election campaign finances;

**NOW THEREFORE** Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** a Joint Compliance Audit Committee be and it is hereby established to be known as the “Niagara Compliance Audit Committee”.
2. **THAT** the Terms of Reference for the Niagara Compliance Audit Committee annexed hereto as Schedule “A” be and are hereby authorized, approved and adopted.
3. **THAT** the Clerk of the Township of Wainfleet is hereby delegated the authority to effect any legislative or administrative amendments to Schedule “A” hereto which may arise at the request of one of the Joint Area Participants subsequent to the passage of this bylaw if deemed reasonable by the Clerk and Township Solicitor, and the Clerk shall notify Council in such instance.
4. **THAT** the Clerk of the Township of Wainfleet is hereby delegated the authority to appoint members to the Niagara Compliance Audit Committee pursuant to the Terms of Reference for the Niagara Compliance Audit Committee.
5. **THAT** pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the *Municipal Act, 2001*, as amended, the Clerk of the Township of Wainfleet is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this bylaw or its schedules as such may be determined to be necessary after the passage of this bylaw.
6. **THAT** Township of Wainfleet By-law No. 034-2018 be and is hereby repealed.

BY-LAW READ AND PASSED THIS 6<sup>TH</sup> DAY OF SEPTEMBER 6, 2022

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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK

## SCHEDULE “A” TO BY-LAW NO. XX-2022

### **Terms of Reference for Niagara Compliance Audit Committee 2022-2026**

#### 1. Authority

1. Sections 88.33 and 88.35 of the *Municipal Elections Act, 1996 (Act)* provides that an elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a registered third party has contravened a provision of the Act relating to election campaign finances may apply for a compliance audit of the candidate’s or registered third party’s campaign finances, even if the candidate has not filed a financial statement.
2. Sections 88.34 and 88.36 of the *Act* requires the clerk to review the contributions reported on the financial statements submitted by a candidate or registered third party and report any contraventions of any of the contribution limits to the compliance audit committee.
3. Section 88.37 of the *Act* requires the council or local board, to establish a compliance audit committee before October 1<sup>st</sup> in an election year for the purposes of Sections 88.33 to 88.36 of the *Act* relative to a possible contravention of the election campaign finance rules.

#### 2. Establishment of Committee

1. A Joint Compliance Audit Committee is established with the potential participants as set out below, and shall be named the “Niagara Compliance Audit Committee” (“Committee”):

Local Area Municipalities”: Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara on the Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland and Township of West Lincoln

“Region”: Regional Municipality of Niagara

“School Boards”: District School Board of Niagara and Niagara Catholic District School Board.

2. The potential participants as set out in Section 1 above, shall each determine its participation in the Committee, the results of which shall form the “Joint Participants.”
3. The Committee is a statutory committee.

#### 3. References

1. The following municipal terms shall have a corresponding meaning for School Boards: municipality/board, Council/Board, Clerk/Secretary, responding



## SCHEDULE "A" TO BY-LAW NO. XX-2022

municipality/responding board. Reference to Councils/Boards and Clerks shall be deemed to include those of the Joint Participants.

2. Responding municipality means the municipality/board responsible for the office, with the Region responsible for the offices of Regional Chair and Regional Councillors, municipalities responsible for the office of Mayor and Councillors/Aldermen and School Boards responsible for the office of trustees.
3. The local area municipalities shall receive the compliance audit applications on behalf of the Region and School Boards who will then immediately provide same to the Region or School Board to commence the compliance audit proceedings.

### 4. Term

1. The term of the Committee shall be concurrent with the term of Council. The term of appointment of the Committee members shall be November 15th of the regular election year to November 14 of the next regular election year, including any by-elections, or until such time as the applicable Committee has disposed of any remaining matters in accordance with the *Act*.

### 5. Duration

1. The Committee shall be established before October 1<sup>st</sup> in an election year.
2. The establishment of the Committee and terms of reference shall continue as set out herein from Council term to Council term unless determined otherwise by Council. However, the appointment of the members to the Committee shall be approved by each Council or delegated authority prior to October 1<sup>st</sup> in each election year.

### 6. Mandate

1. The mandate of the Committee is to hear and determine all applications filed in accordance with Sections 88.33 to 88.36 of the *Act* pursuant to the procedures established by the Clerks under the *Act*.
2. The powers and functions of the Committee as set out in Sections 88.33 to 88.36 of the *Act* include:
  - (a) within 30 days of receipt of a compliance audit application from an elector, review and decide whether it should be granted or rejected;
  - (b) if the application is granted, appoint an auditor licensed under the *Public Accounting Act, 2004* to conduct a compliance audit of the election campaign finances;
  - (c) receive the auditor's report;
  - (d) within 30 days of receipt of the auditor's report, consider the report and if the report concludes the candidate or registered third party appears to have contravened a provision of the *Act* relating to election campaign

## **SCHEDULE “A” TO BY-LAW NO. XX-2022**

finances, decide whether legal proceedings against the candidate or registered third party for the apparent contravention shall be commenced, and

- (e) within 30 days after receipt of a report from any participating municipality's Clerk of any apparent over-contributions to candidates or registered third parties, the Committee shall consider the Clerk's report and decide whether legal proceedings against the contributor should be commenced.

### **7. Composition**

1. The Committee shall be composed of a minimum of three (3) and a maximum of seven (7) members with preferred membership drawn from the following groups:
  - (a) accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
  - (b) legal profession with experience in municipal law, municipal election law or administrative law;
  - (c) professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals, and
  - (d) other individuals with knowledge of the campaign finance rules of the Act.
2. The Committee shall not include,
  - (a) employees or officers of the Joint Participants;
  - (b) members of the Council or Board of the Joint Participants;
  - (c) any persons who are candidates in the election for which the Committee is established;
  - (d) any person who is or intends to volunteer or seek employment to assist any candidate or registered third party in the election for which the Committee is established, or
  - (e) any person who is a registered third party in any local area municipality.
3. When an application has been filed under Section 88.33 of the *Act*, a minimum of three (3), maximum of five (5) of the seven (7) members of the Committee shall comprise the Committee for the purposes of reviewing and considering the application.
4. The Clerk of the responding municipality shall determine the selection of the three (3) to five (5) sitting members of the Committee from the pool of members based on availability.

### **8. Member Selection and Appointment**

1. The recruitment of committee members shall be advertised on the websites of the participating municipalities and school boards. Other recruitment measures may be initiated by the municipal Clerks and Secretaries, as they may deem fit.

## **SCHEDULE “A” TO BY-LAW NO. XX-2022**

2. All persons interested in serving on the Committee shall complete an application form as approved by the Clerks of the Joint Participants, setting out their qualifications and experience.
3. A Nomination Committee consisting of a minimum of three (3) of the Clerks or designates from the 12 Local Area Municipalities within Niagara, plus the Regional Municipality of Niagara, will review the applications and submit a joint short list of candidates to the Councils/Boards, or Clerk(s) as the delegated authority, for appointment approval.
4. In the event a vacancy occurs during the term, the municipality may rely on the remaining members to compose a Committee of three (3) to five (5) members.

### **9. Selection Criteria**

1. Without limiting the foregoing, members shall be selected on the basis of the following:
  - (a) demonstrated knowledge and understanding of municipal election campaign finance rules;
  - (b) proven analytical and decision-making skills;
  - (c) experience working on a committee, administrative tribunal, task force or similar setting;
  - (d) availability and willingness to attend meetings;
  - (e) excellent oral and written communication skills.

### **10. Chair of Committee**

1. The Committee members shall select a Chair from amongst its three (3) to five (5) sitting members at its first meeting.

### **11. Secretary to Committee**

1. The Clerk of the responding municipality shall act as Secretary to the Committee.

### **12. Compensation**

1. Members of the Committee shall receive a retention honorarium of \$350.00 including mileage, for attendance at a training session, the costs of which shall be shared equally amongst the Joint Participants.
2. Members shall receive an honorarium of \$250.00 per meeting, plus mileage, at the rate of the responding municipality.

### **13. Costs and Funding**

1. The responding municipality shall fund and pay all costs associated with the Committee, including the retention of an auditor and any costs incurred as a

## **SCHEDULE “A” TO BY-LAW NO. XX-2022**

result of a decision of the Committee being challenged to the Ontario Superior Court of Justice.

2. The Joint Participants shall equally share in the costs associated with advertising and training.

### **14. Auditor**

1. The Region shall, on behalf of the area clerks, take the necessary steps to secure an auditor to undertake any audits as may be requested by the Committee.

### **15. Meetings**

1. The Committee shall conduct its meetings in public but may deliberate in private.
2. The responding municipality's website shall be used to communicate meeting notices, agendas, minutes and decisions.
3. The Committee shall conduct its meetings in accordance with the responding municipality's Council Rules of Procedure By-law and the *Statutory Powers Procedures Act*, with modifications as deemed necessary.

### **16. Conflicts**

1. Committee members shall comply with the *Municipal Conflict of Interest Act* and shall disclose a pecuniary interest to the Secretary in advance of any meeting, where possible or absent him/herself from meetings for the duration of the consideration of the application, discussion and voting with respect to the matter.
2. In the event a member discloses a pecuniary interest to the application in advance of the meeting, the Clerk of the responding municipality shall select another member to replace him/her on the Committee.
3. To avoid possible conflict of interest, an auditor or accountant appointed to the Committee must agree, in writing, not to undertake the audits or preparation of the financial statements of any candidate or registered third party seeking election to the Councils/Boards.
4. All Committee members shall agree, in writing, they will not work or volunteer for, or contribute to, any candidate or registered third party in any capacity in an election to the Councils/Boards. If upon being made aware that a member has participated or contributed to a campaign or registered third party, the Clerks or designates, by majority vote, shall remove the member from the roster or recommend to the Councils/Boards, or the delegated authority, to rescind the appointment to the Committee.

## **SCHEDULE “A” TO BY-LAW NO. XX-2022**

### **17. Practices and Procedures**

1. The Clerk shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the *Act* to implement the Committee's decisions.



# Memorandum

**To:** Mayor and Council  
**From:** Richard Nan, Manager of Operations  
**Date:** September 6, 2022  
**Re:** Sports Complex Drainage Tender

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On August 9, 2022, during regular council meeting, staff presented a report regarding the award of tender for the Sports Complex Drainage project.

Concerns were raised regarding the possibility of utilizing the sports fields for parking areas during the Marshville Heritage and Fall Fair events that take place every year in September.

During a special meeting of Council held on August 18, 2022, Council directed staff:

**“THAT** a meeting be set up forthwith with key sports fields user groups (including groups using sports fields for parking areas) to explore the possibility of not draining portions of the fields and also considering traffic patterns that would minimize vehicle loading of the fields drainage; and

**THAT** a revised design be explored that eliminates some of the sports fields from the total drainage area from the whole of the project; and

**THAT** staff be delegated the authority to award the tender for the sports complex drainage, as revised, as recommended in PWSR-015/2022, thereafter.”

CARRIED

Pursuant to the Council direction, a hybrid in-person and zoom meeting was held on August 30, 2022, with representatives in attendance from Marshville Heritage, Fall Fair and the soccer organizers to discuss the potential drainage and parking concerns. Also in attendance was a representative from Spriet Associates (the engineering firm utilized by the Township to design the drainage works) and Councillor Maclellan.

I am pleased to advise that a very productive discussion was held – and everyone was happy to discuss the issues. At the meeting it was confirmed that once the sports fields drainage improvement project was completed, and with appropriate precautions in place,

the sports fields could, in fact, be occasionally used for event parking (including the Heritage Festival and the Fall Fair).

At the conclusion of the meeting, all participants understood the remaining primary concern was the use of sports fields for parking during rain events and saturated soil conditions. All agreed that under such circumstances, an alternative plan will need to be put in place for parking. All agreed that the drainage improvement project will add substantial value to utilizing the sports fields for many years to come.

Based on the overwhelming support of the user groups to complete the entire drainage improvements and the delegated authority provided by Council, Staff have awarded the Sports Complex Drainage Tender as recommended in PWSR-015/2022. Anthony's Excavating Central Inc.

Respectfully submitted by,

Approved by,

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Richard Nan  
Manager of Operations

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William J. Kolasa  
Chief Administrative Officer

**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET**

**BY-LAW NO. 037-2022**

Being a by-law to provide for drainage works  
in the Township of Wainfleet in the Region of  
Niagara (Chambers Corner Drain Extension)

**WHEREAS** the Council of the Township of Wainfleet has procured a report under section 4 of the Drainage Act for the Chambers Corner Drain Extension;

**AND WHEREAS** the report dated June 20, 2022, has been authored by B. Widner, P.Eng. of Spriet Associates London Limited and the attached report forms part of this by-law;

**AND WHEREAS** the estimated total cost of the drainage works is \$36,000;

**AND WHEREAS** \$14,960 is the amount to be contributed by the Township of Wainfleet for the drainage works;

**AND WHEREAS** the Council is of the opinion that drainage of the area is desirable;

**NOW THEREFORE** the Council of the Corporation of the Township of Wainfleet pursuant to the Drainage Act **HEREBY ENACTS AS FOLLOWS:**

1. The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.
2. The Corporation of the Township of Wainfleet may borrow on the credit of the corporation the amount of \$36,000, being the amount necessary for the improvement of the drainage works. This project will not be debentured.
3. This By-law comes into force on the passing thereof and may be cited at the "Chambers Corner Drain Extension By-law".

BY-LAW READ A FIRST TIME THIS 12<sup>TH</sup> DAY OF JULY, 2022.  
BY-LAW READ A SECOND TIME THIS 12<sup>TH</sup> DAY OF JULY, 2022.  
PROVISIONALLY ADOPTED THIS 12<sup>TH</sup> DAY OF JULY, 2022.

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K. Gibson, Mayor

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M. Ciuffetelli, DEPUTY CLERK



BY-LAW READ A THIRD TIME AND FINALLY ENACTED THIS \_\_\_\_\_ DAY OF

\_\_\_\_\_.

\_\_\_\_\_  
K. Gibson, Mayor

\_\_\_\_\_  
M. Ciuffetelli, DEPUTY CLERK

I, Meredith Ciuffetelli, Deputy Clerk of the Corporation of the Township of Wainfleet certify that the above By-law was duly passed by the Council of the Corporation and is a true copy thereof.

\_\_\_\_\_  
M. Ciuffetelli, DEPUTY CLERK

# THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

## BYLAW NO. 041-2022

Being a by-law to establish the Niagara Compliance Audit Committee for the Township of Wainfleet.

**WHEREAS** Section 88.37 of the *Municipal Elections Act, 1996* as amended requires the council or local board, to establish compliance committee before October 1<sup>st</sup> in an election year for the purposes of Sections 88.33 to 88.36 of the *Act* relative to a possible contravention of the election campaign finance rules;

**AND WHEREAS** it is deemed expedient to establish a compliance audit committee for the Township of Wainfleet related to the possible contravention of the said *Act* for election campaign finances;

**NOW THEREFORE** Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** a Joint Compliance Audit Committee be and it is hereby established to be known as the "Niagara Compliance Audit Committee".
2. **THAT** the Terms of Reference for the Niagara Compliance Audit Committee annexed hereto as Schedule "A" be and are hereby authorized, approved and adopted.
3. **THAT** the Clerk of the Township of Wainfleet is hereby delegated the authority to effect any legislative or administrative amendments to Schedule "A" hereto which may arise at the request of one of the Joint Area Participants subsequent to the passage of this bylaw if deemed reasonable by the Clerk and Township Solicitor, and the Clerk shall notify Council in such instance.
4. **THAT** the Clerk of the Township of Wainfleet is hereby delegated the authority to appoint members to the Niagara Compliance Audit Committee pursuant to the Terms of Reference for the Niagara Compliance Audit Committee.
5. **THAT** pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the *Municipal Act, 2001*, as amended, the Clerk of the Township of Wainfleet is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this bylaw or its schedules as such may be determined to be necessary after the passage of this bylaw.
6. **THAT** Township of Wainfleet By-law No. 034-2018 be and is hereby repealed.

BY-LAW READ AND PASSED THIS 6<sup>TH</sup> DAY OF SEPTEMBER, 2022

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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK

# THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

## BY-LAW NO. 042-2022

Being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet at its special meeting held August 18, 2022 and its regular meeting held September 6, 2022.

**WHEREAS** Subsection 5 (1) of the *Municipal Act, 2001*, S.O. 2001, Chapter M.25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

**AND WHEREAS** section 5 (3) of the *Municipal Act 2001*, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

**AND WHEREAS** it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

**NOW THEREFORE** the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. (a) The actions of the Council at its special meeting held August 18, 2022, and its regular meeting held September 6, 2022, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.  
  
(b) The above-mentioned actions shall not include:
  - (i) any actions required by law to be taken by resolution, or
  - (ii) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
2. The Mayor and proper officials of the Corporation of the Township of Wainfleet are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
3. Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the corporation of the Township of Wainfleet to all documents necessary to give effect to the above-mentioned actions.
4. This by-law shall come into force on the day upon which it is passed.

BY-LAW READ AND PASSED THIS 6<sup>TH</sup> DAY OF SEPTEMBER, 2022

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K. Gibson, MAYOR

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M. Ciuffetelli, DEPUTY CLERK