



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

NOVEMBER 1, 2022 – 7:00 P.M.

COUNCIL CHAMBERS

C21/22

- 1. Call to Order**
- 2. National Anthem**
- 3. Land Acknowledgement Statement**
- 4. Disclosures of Interest and the General Nature Thereof**
- 5. Presentations**
 - a) Michelle Hughes
Retirement and Service Recognition
- 6. Mayor's Announcements & Remarks**
- 7. Councillor's Announcements & Remarks**
- 8. Adoption of Previous Council Minutes**
 - a) Minutes of the regular meeting of Council held September 27, 2022
- 9. Public Meeting**
- 10. Delegations**
- 11. Staff Reports & Recommendations**
 - a) Administrative Staff Reports
 - i. Memorandum Re: Results of 2022 Municipal Elections
- 12. Review of Correspondence**

13. By-laws

- a) By-law No. 045-2022 being a By-law to amend By-law No. 071-2019, being a By-law to establish and regulate the Township of Wainfleet Fire & Emergency Services

14. Notices of Motion

15. Closed Meeting

- a) Item under Section 239(2)(d) of the Municipal Act, 2001, labour relations or employee negotiations – 1 item (a matter pertaining to employee negotiations)
- b) Item under Section 239(2)(b) of the Municipal Act, 2001, personal matters about an identifiable individual – 1 item (a matter pertaining to an identifiable individual)
- c) Minutes of the closed meeting of Council held September 27, 2022

16. Rise & Report

17. By-law to Confirm the Proceedings of Council

- a) By-law No. 046-2022 being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on November 1, 2022.

18. Adjournment



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

C19/22
SEPTEMBER 27, 2022
6:00 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. Ciuffetelli Deputy Clerk
L. Earl Mngr. of Community & Development Services
L. Gudgeon Manager of Human Resources
S. Ivins Planner
M. Jemison Drainage Superintendent
M. Luey Manager of Corporate Services/Treasurer
R. Nan Manager of Operations
A. Chrastina Administrative Assistant

C19/22

1. Call to Order

Mayor Gibson called the meeting to order at 6:00 p.m.

2. Closed Meeting

Resolution No. C-2022-161

Moved by Councillor MacLellan

Seconded by Councillor Gilmore

“THAT Council now move into closed session to discuss:

- a) Item under Section 239(2)(c)(f) of the Municipal Act, 2001, a proposed or pending acquisition or disposition of land by the municipality or local board, advice that is subject to solicitor-client privilege including communications necessary for that purpose – 2 items (Acquisition or disposition of land matters)
- b) Item under Section 234 (2)(e) of the Municipal Act, 2001, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – 1 item (A potential litigation matter)

CARRIED

3. Rise & Report

The Clerk reported that Council met in closed session to receive advice subject to solicitor-client privilege respecting 2 items relating acquisition or disposition of land matters and received information respecting a potential litigation matter. Confidential direction was given on all matters.

4. National Anthem

5. 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.

6. Disclosures of Interest and the General Nature Thereof

Councillor MacLellan declared an interest on the following agenda items:

- 13. d) PSR-004/2022 Re: Zoning By-law Amendment File No. Z05-2022W Loeffen Farm Ltd. (IBI Group – Agent)
- 13. e) PWSR-016/2022 Re: Award of Tender for Churchill Avenue Storm Restoration Project
- 15. a) By-law No. 043-2022

The interests were declared as Councillor MacLellan's employer has a business interest on the matters.

7. Presentations

Cindilee and Gord Flagg presented Mayor Gibson a drum bag for the 13 for 13 Cultural Festival hand drum.

8. 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.
- Thank you to all who attended the Marshville Heritage Festival this past weekend, after a two-year pause. The Wainfleet Fall Fair will also be resuming this year September 22nd to 24th.
- Wainfleet's own Malarie Jones has had a very successful summer:
 - She placed 10th in Varese Italy for the Junior Worlds U19 Rowing Championships in July in a Womens 4 representing Team Canada.
 - She earned a Henley Gold at the 138th Canadian Royal Henley Regatta 2022 in a Champ 8.
 - She earned a Silver in a Womens 4 and a Gold in a Womens 8 representing Team Ontario in the Canada Summer Games
- The Police Services Board will meet Thursday September 22nd at 8:30 a.m. Regional Council will meet later that same day at 6:30 p.m.

- Our next regular meeting of Council will be held September 27th, 2022 at 7:00 p.m.

9. Councillor's Announcements & Remarks

Councillor Cridland noted that the next Niagara Transit Commission meeting will be held October 4 at 3:00 p.m. and further noted that the Niagara Peninsula Conservation Authority will be hosting its annual Balls Falls event on October 7 at the Ball's Falls Conservation Area.

Councillor Van Vliet noted that the Lions Club is hosting a Wainfleet Lion's Spooktacular Fair on October 29 at 10:00 a.m. – 4:00 p.m.

10. Adoption of Previous Council Minutes

a) Minutes of the regular meeting of Council held September 6, 2022

Resolution No. C-2022-162

Moved by Councillor Cridland

Seconded by Councillor MacLellan

"THAT the minutes of the regular Council meeting held on September 6, 2022 be adopted as circulated."

CARRIED

11. Public Meeting

N/A

12. Delegations

a) Marty Mako, Commander, Mobile Integrated Health, Niagara EMS
10 year anniversary of the Wainfleet Community Response Unit (CRU)

Resolution No. C-2022-163

Moved by Councillor Cridland

Seconded by Councillor Gilmore

"THAT the presentation from Marty Mako, Commander, Mobile Integrated Health, Niagara EMS here to make a delegation respecting the 10 year anniversary of the Wainfleet Community Response Unit be received as information."

CARRIED

13. Staff Reports & Recommendations

a) Administrative Staff Reports

- i. ASR-019/2022 Re: 2022 Capital Project Update

Resolution No. C-2022-164

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“THAT Administrative Staff Report 019/2022 regarding Capital expenditures to date be received for information.”

CARRIED

- ii. ASR-020/2022 Re: 2021 Auditor’s Report & Draft Financial Report

Resolution No. C-2022-165

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“THAT Administrative Staff Report 019/2022 regarding Capital expenditures to date be received for information.”

CARRIED

b) Community and Development Services Staff Reports

- i. CDS-004/2022 Re: Municipal Banner Program – Winter

Resolution No. C-2022-166

Moved by Councillor Gilmore

Seconded by Councillor Van Vliet

“THAT Report ASR-020/2022 be received; and

THAT the 2021 Auditor’s Report Council – Communication of Audit Strategy and Results be received for information; and

THAT Council approve the 2021 Draft Financial Report; and

THAT Council direct staff to allocate the operating surplus into Reserve Account; and

THAT staff be directed to establish a rate stabilization reserve and report back with details and logistics moving forward on the operation and conduct of the reserve.”

CARRIED

c) Drainage Staff Reports

- i. DSR-006/2022 Re: 2022 Drainage Program Update

Resolution No. C-2022-167

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“**THAT** Community & Development Services Staff Report CDS-004/2022 respecting Municipal Banner Program - Winter be received; and

THAT staff be directed to order the preferred Municipal Banner for the winter theme being 8 red and 8 blue with the wording “Seasons Greetings”.

CARRIED

d) Planning Staff Reports

At this point in the meeting, Councillor MacLellan left the Council Chambers and did not take part in discussion.

- i. PSR-004/2022 Re: Zoning By-law Amendment File No. Z05/2022W
Loeffen Farms Ltd. (IBI Group – Agent)

Resolution No. C-2022-168

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

“**THAT** Drainage Staff Report DSR-006/2022 respecting the Township’s Drainage Program Update be received.”

CARRIED

e) Public Works Staff Reports

- i. PWSR-016/2022 Re: Award of Tender for Churchill Avenue Storm Restoration Project

Resolution No. C-2022-169

Moved by Councillor Cridland

Seconded by Councillor Gilmore

“THAT Planning Staff Report PSR-004/2022 be received; and

THAT Zoning By-law Amendment File No. Z05/2022W for lands described as Concession 1, Part Lot 19 RP 30R-13314 Part 1, known municipally as 12017 Station Road, be approved for the reasons outlined in PSR-004/2022; and

THAT the application be deemed consistent with the Provincial Policy Statement 2020 and other matters of Provincial interest; and

THAT the zoning by-law amendment attached as Appendix “C” be adopted.”

CARRIED

14. Review of Correspondence

None.

15. By-laws

Resolution No. C-2022-170

Moved by Councillor Cridland

Seconded by Councillor Gilmore

“THAT the following by-law be read and passed this 27th day of September, 2022:

- a) By-law No. 043-2022 Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 034-2014 of the Corporation of the Township of Wainfleet with respect to those lands forming Part of Lot 19, Concession 1 RP 30R-13314 Part 1 in the Township of Wainfleet, known municipally as 12017 Station Road.”

CARRIED

At this point in the meeting, Councillor MacLellan returned back to the Council Chambers.

16. Notices of Motion

None.

17. Closed Meeting

Resolution No. C-2022-171

Moved by Councillor MacLellan

Seconded by Councillor Cridland

“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 employees– 1 item (A cost recovery matter)

CARRIED

18. Rise & Report

The Clerk reported that Council met in closed session to discuss and provide direction on a personal matter about an identifiable individual respecting a cost recovery matter.

Confidential closed meeting minutes were approved.

19. By-law to Confirm the Proceedings of Council

Resolution No. C-2022-172

Moved by Councillor MacLellan

Seconded by Councillor Cridland

“**THAT** By-law No. 044-2022 being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on September 27, 2022 be read and passed this 27th day of September, 2022.”

CARRIED

20. Adjournment

There being no further business, the meeting was adjourned at 8:48 p.m.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK



Memorandum

To: Mayor and Members of Council
From: W. Kolasa, Chief Administrative Officer/Clerk
Date: November 1, 2022
Re: Results of 2022 Municipal Elections

Voting Day for the 2022 Municipal Elections was October 24, 2022. Unofficial results were publicly posted following the close of voting. In accordance with Sections 55(4) and 55(4.1) of the Municipal Elections Act, the final results of the election were certified and posted to the Township's website on October 25, 2022 – as was a Declaration of Election declaring the candidate or candidates, as the case may be, who received the highest number of votes to be elected.

Copies of the certified Elections Summary and Declaration of Election are attached to this memorandum as information.

Certification of Election Results & Declaration of Election

Certification of election results following the close of voting forms a critical part of the duties of the Clerk associated with the conduct of every Municipal Election. As provided for in the Municipal Elections Act, on the day following voting, the Clerk undertakes a thorough review of all election materials and documentation associated with Voting Day activities to ensure completeness and accuracy in accordance with the Municipal Election Act. The certification process is specifically intended to identify and address anomalous situations prior to the final results of the election being confirmed and certified.

During the certification review on October 25, 2022, an anomalous situation was identified. As background: Wainfleet has exclusively utilized a vote-by-mail system since 2014. As such, Wainfleet's vote processes are all centered around electors delivering sealed Return Voting Envelopes to the Township. Each Return Voting Envelope contains a signed declaration of voter eligibility and a sealed Ballot Secrecy Envelope containing the elector's marked ballot and is securely stored in a ballot box upon receipt.

Our vote-by-mail processing procedures provide:

- Upon the opening of a ballot box, sealed Return Voting Envelopes in the box are batched into groups of 25 to provide for manageable processing.
- Processing involves opening each sealed Return Voting Envelope, scanning the signed declaration of voter eligibility to record the elector as having voted and then placing the accompanying sealed Ballot Secrecy Envelope (holding the elector's marked ballot) into a Secure Collection Box to be taken to a central ballot counting location for subsequent

tabulation. Meanwhile, the original signed declarations along with the now-opened Return Voting Envelopes are retained in a separate storage box for audit purposes.

- This separation of the contents of Return Voting Envelopes into 2 streams (the first one being the elector's signed declaration and Return Voting Envelope, and the second being the sealed Secrecy Envelope containing that elector's ballot for future counting) is intended to anonymize the voting process – to ensure that nobody can trace back a specific ballot to a specific elector – thus ensuring the privacy and secrecy of each elector's vote.

During the review of all of our materials as part of the certification process, staff located one batch of 25 time-stamped and unopened Return Envelopes filed in one of the storage boxes containing the already-processed declarations and Return Voting Envelopes. In those same storage boxes containing the already-processed declarations and Return voting Envelopes, staff also located a further 4 time-stamped and sealed Ballot Secrecy Envelopes that had not been transferred into a Secure Collection Box to be taken to a central ballot counting location.

The accuracy and validity of the ballots that were processed on Voting Day was not in question – but it was determined that there were 29 electors that had legitimately cast their ballots prior to 8:00 pm on Voting Day – and their votes were not originally counted.

As those ballots were legally returned to the Township prior to the close of voting at 8:00 pm on Voting Day – those ballots needed to be counted. A special count was therefore undertaken at 6:00 pm on October 25, 2022, in the same manner and using the same procedures that were utilized on Voting Day - and the totals from that special count were added to the totals from Voting Day's tabulated results to provide a final count of votes cast for each candidate.

All candidates were notified of the situation and were invited to attend to observe special count at 6:00 pm. In accordance with the Municipal Elections Act, candidates that were unable to attend personally were permitted to send a scrutineer in their place – and we did have a total of 10 candidates/scrutineers in attendance.

Following the special count, staff were able to finalize the certification of election results – and the final results were posted to the Township's website following the special count (copy attached).

In closing, staff would note that, when results are displayed on election night, every municipality includes a disclaimer on those results that they are “unofficial until certified by the Clerk”. The reason for this disclaimer is so that the certification process contemplated by the Municipal Elections Act can be undertaken to carefully audit Voting Day processes, materials and documentation to ensure that every elector's vote is properly accounted for. In certifying the results on October 25, 2022, I am confident that the Township has achieved that: each elector's vote was properly recorded.

Restricted Acts after Voting Day

At its meeting of February 15, 2022, Council considered [Report ASR-005/2022](#) from the Deputy Clerk regarding restricted acts of Council either after Nomination Day and/or after

Voting Day in the case of less than three-quarters (75%) of Members of the outgoing Council returning as part of the new, incoming Council.

At this time, staff would advise that the Restricted Act provisions of the Municipal Act, 2001, are in effect. This means that Council is currently prohibited from taking the following actions:

- (a) the appointment or removal from office of any officer of the municipality;
- (b) the hiring or dismissal of any employee of the municipality;
- (c) the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal (see *Note*); and
- (d) making any expenditures or incurring any other liability which exceeds \$50,000 (see *Note*).

Note: Clauses (c) and (d), above, do not apply if the disposition, expenditure or liability was included in the most recent budget approved by Council before Nomination Day in the election.

Staff would note that, prior to the lame duck period, Council did enact a by-law (By-law No. 010-2022 at the above-noted Council Meeting of February 15, 2022) delegating authority to the Chief Administrative Officer to approve some of these restricted acts should circumstances warrant. In the event that such actions are taken by the CAO, the exercise of such delegated authority would be reported to Council as soon as is practicable.

Elections Summary

Municipal Elections Act, 1996 (s.55(4.1))



	TABULATOR 1	TABULATOR 2	TABULATOR 3	TABULATOR 4	TABULATOR 4(2)	TOTAL
Candidate						
MAYOR						
Kevin GIBSON	274	220	242	308	11	1,055
Brian GRANT	208	270	286	288	15	1,067
Alfred KIERS	94	123	121	124	3	465
COUNCILLOR						
Joan ANDERSON	270	240	244	313	9	1,076
Jeannine DERUITER	220	247	284	277	11	1,039
Sharon FRASER	188	211	251	237	7	894
Terry GILMORE	339	381	362	416	13	1,511
James (J.C.) GOODACRE	172	200	198	200	11	781
John MACLELLAN	261	259	276	308	11	1,115
Bree PROUX	137	197	198	207	11	750
Sherri VAN VLIET	297	282	284	367	13	1,243
ENGLISH PUBLIC TRUSTEE						
Deanne MACINTOSH	218	215	214	284	12	943
Jessica VANSYDENBORGH	165	191	225	196	10	787
ENGLISH SEPARATE TRUSTEE						
Karen DESJARDINS	27	30	33	28	-	118
Denny DI LORENZO	45	40	44	56	3	188
John EATON-TURNER	11	13	14	12	-	50
EP Ballots Processed	473	510	545	607	25	2,160
ES Ballots Processed	89	96	102	105	4	396
FP Ballots Processed	6	4	3	6	-	19
FS Ballots Processed	8	4	1	1	-	14
NR Ballots Processed	5	2	6	1	-	14
Total Ballots Processed	581	616	657	720	29	2,603
Total Eligible Electors as at Close of Voting						6,254
Voter Turnout						41.6%
REJECTED BALLOTS						
Ballots returned without Voter Declarations	4					

OCTOBER 25, 2022

Date

William J. Kolasa, CAO/Clerk

Note: Tabulator 4(2) represents the votes counted during the special count on October 25, 2022, being ballots identified during the Clerk's certification process as having been cast prior to the close of voting on October 24, 2022, but not being processed through vote tabulators on Voting Day.

Form EL32(W)
DECLARATION OF ELECTION
Municipal Elections Act, 1996 (s. 55(4) a)



I, William J. Kolasa, Clerk of the Corporation of the Township of Wainfleet, in the Regional Municipality of Niagara, hereby declare the following candidates elected as a result of the Municipal Election held October 24, 2022.

<i>OFFICE</i>	<i>ELECTED CANDIDATE</i>
MAYOR	BRIAN GRANT
COUNCILLOR	JOAN ANDERSON TERRY GILMORE JOHN MACLELLAN SHERRI VAN VLIET

DATED this 25th day of October, 2022.

William J. Kolasa, CAO/Clerk

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 045-2022

Being a By-law to amend By-law No. 071-2019,
being a By-law to establish and regulate the
Township of Wainfleet Fire & Emergency Services

WHEREAS the Council of the Township of Wainfleet enacted By-law No. 071-2019 to establish and regulate the Township of Wainfleet Fire & Emergency Services;

AND WHEREAS the Council of the Township of Wainfleet considered Report FSR-008/2022 on the 11th day of July, 2022, and approved housekeeping changes to the Fire Department organizational structure to prepare for a new Centralized Fire Station, thus necessitating amendment to the Fire Department Establishing and Regulating By-law No. 071-2019;

AND WHEREAS the Council of the Township of Wainfleet deems it necessary and appropriate to amend By-law No. 071-2019;

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

- 1) **THAT** Schedule "A", attached hereto and forming part of this By-law, is hereby appended as Schedule "B" to By-law No. 071-2019.
- 2) **AND THAT** this By-law shall come into force and take effect on the date of final passage thereof.

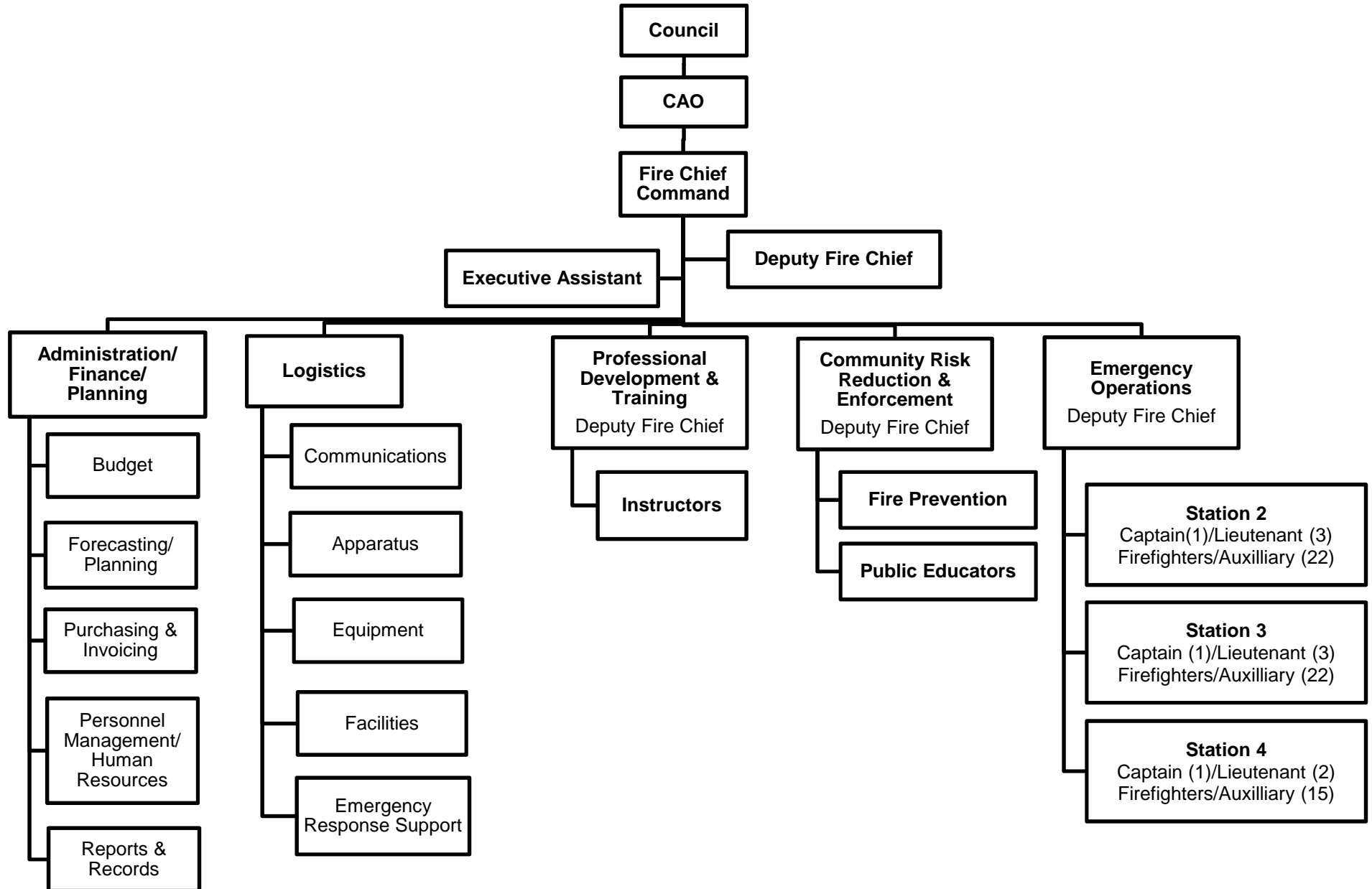
BY-LAW READ AND PASSED THIS 1ST DAY OF NOVEMBER, 2022

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

APPENDIX “A” TO BY-LAW NO. 045-2022

SCHEDULE “B” TO BY-LAW NO. 071-2019



THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 046-2022

Being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet at its regular meeting held September 27, 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 regular meeting held September 27, 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 1ST DAY OF NOVEMBER, 2022

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK