



The Municipal Corporation of the  
Town of Fort Erie

**SPECIAL COUNCIL MEETING**

**MONDAY, OCTOBER 23, 2006**

**COUNCIL CHAMBERS**

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**MINUTES**

**1) CALL TO ORDER**

The meeting was called to order at 6:10 p.m.

**2) INVOCATION**

The Invocation was read by the Clerk.

**3) ROLL CALL**

PRESENT: His Worship Mayor Wayne H. Redekop; Councillors Berry, Fell,  
Gorham, Lewis, Noyes and Shular

ALSO

PRESENT: \*D. Martin, Regional Councillor  
H. Schlange, Chief Administrative Officer  
C.J. Kett, Town Clerk  
M. Neubauer, Director of Corporate Services  
R. Tripp, Director of Infrastructure Services  
R. Mostacci, Director of Community & Development Services  
C. Watson, Legislative Assistant

\*Arrival time: 8:00 p.m.

SUPPORT

STAFF: J. Douglas, Fire Chief  
R. Wilson, Manager, CGDC  
C. Schofield, Legal Assistant

MEDIA

PRESENT: Joel Hoidas, The Times; Ray Spiteri, The Review; Mike Cloutier,  
The Herald and Jessica Arcaro, Niagara This Week

MEMBERS OF THE PUBLIC PRESENT: 87

#### **4) REVIEW OF ADDENDUM/ANNOUNCEMENTS**

##### Addendum

Additional delegations at the Public Meeting regarding the Proposed Encroachment Policy: John Papadakis, 3835 Wellington Road; George Haar, 2871 Thunder Bay Road and Peter Collard, 2936 Thunder Bay Road. Correction to the Public Meeting regarding Review of Boards and Committees on Page 3 No. 6(a)(ii) of the October 2, 2006 Council-in-Committee Minutes. Minor correction to By-law No. 173-06 to close Courtwright Street and Dufferin Street from Central Avenue to Niagara Boulevard and not Klauck Street.

For the record, the Mayor requested Report No. CDS-87-06 tabled to the Council-in-Committee Meeting of October 23, 2006 be further tabled to the Council-in-Committee Meeting of November 6, 2006 per the memorandum received from the Director of Community & Development Services.

##### Announcements

Mayor Redekop made the following announcements:

- On October 19, 2006 the Fort Erie Public Library received an RBC grant in the amount of \$25,000 for the after school KidsQuest Program allowing it to expand to five (5) days a week.
- On October 12, 2006 the Mayor met with a delegation from China hosted by the Peace Bridge Brokerage (PBB). They met with IT staff to discuss information technology and opportunity for links to businesses they are involved in. The PBB has been in China for a number of years.
- On October 28, 2006 the Royal Canadian Legion will be selling poppies to wear from November 1-11, 2006 to acknowledge the sacrifice of men and women from our armed services over the years.
- The Mayor announced Council will consider a resolution regarding the storm on October 12 and 13, 2006 to recognize the many companies and individuals who assisted during the state of emergency. CNP did an exceptional job to bring in additional resources to restore power. The final connections that took place today were individuals who were not home or who suffered significant damage. All municipalities in Niagara assisted including the Region of Niagara's Community Services Department who assisted with the shelter at the Leisureplex, seniors and low income families. On behalf of the Town of Fort Erie the Mayor thanked all of those who participated.

The Mayor also advised the boil water advisory was lifted on Sunday, October 22, 2006 which affected properties along the Niagara Parkway from Hyde Avenue to Niagara Christian College and those residents on private wells.

**5) DISCLOSURES OF PECUNIARY INTEREST AND GENERAL NATURE**

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NIL

**6) ADOPTION OF MINUTES**

- (a) Regular Meeting of Council – September 25, 2006

Resolution No. 1  
Shular-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby adopts the minutes of the Regular Meeting of Council held September 25, 2006, as printed. (CARRIED)

**7) PUBLIC MEETING – MUNICIPAL ACT, 2001**

- (a) Proposed Encroachment Policy

Re: Regulate encroachments upon municipal highways affecting residential, commercial and waterfront properties.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of a Public Meeting to receive comments regarding the proposed Encroachment Policy to regulate, and in some cases restrict, encroachments upon municipal highways, affecting residential, commercial and waterfront properties.

The Mayor indicated the Committee would now hear from those persons who registered to speak to the matter.

- (i) Garry Skerrett, Ontario Shorewalk Association

*Mr. Skerrett delivered a power point presentation which can be accessed in full text by clicking on the presentations link and a paper copy of same is also available in the Clerk's Department.*

Mr. Skerrett, on behalf of Ontario Shorewalk Association, stated he was present to speak about why the public is best served by the removal of all illegal fences from waterfront road allowances. He reviewed the history since October 2005 when a staff team was sent out to examine waterfront road allowances and make recommendations for a waterfront improvement project. The team noted a fence encroaching on the Windmill Point road allowance and suggested the work be stopped however, in January 2006 the Town informed the owner he could complete the fence on the condition of entering into an encroachment agreement. In early July the owner received an encroachment agreement prior to a proposed Encroachment Policy. He questioned under whose

authority could the Town legitimize completion of the fence. He referred to a gazebo encroaching on a road allowance and the property owner received an order to remove it within thirty days. He questioned what kind of a double standard do we have. He stated fences and other soft encroachments should not be allowed to remain on waterfront road allowances under encroachment agreements because they are illegal trespass and against public interest.

In closing, Mr. Skerrett requested Council to extract waterfront road allowances from the proposed Encroachment Policy for municipal road allowances and direct staff to prepare a policy for encroachments on waterfront road allowances to be considered as part of the Encroachment Policy for Parks and Open Space. He further requested Council to direct staff to act on the October 6, 2006 letter of complaint from Shorewalk to the Clerk asking for the removal of encroaching fences identified by surveys on Windmill Point Road and Bertie Bay Road.

(ii) Richard Griffin, Windmill Point Road

*A copy of Mr. Griffin's presentation is available in the Clerk's Department.*

Mr. Griffin stated last fall he engaged Hasselman Nurseries to replace his 22 year-old broken down stockade fence last fall. On October 31, 2005 he received a phone call from the Town advising the fence he was having erected could intrude into the road allowance and requested the installation stop. On January 10, 2006 Mr. Griffin learned the Town authorized the completion of the fence on the condition that he enter into an encroachment agreement with the Town. In each July, 2006 he received a proposed by-law authorizing an encroachment agreement to cover the fence. He next learned the proposal was not approved and the matter was deferred for additional review by the Town regarding an encroachment policy. In September the Town forwarded a copy of the policy and a copy of the "No Tolerance" memo from Shorewalk.

Mr. Griffin reviewed aspects of the proposed policy and suggested it has a broad definition of encroachment and the definition of a waterfront road allowance is puzzling. He stated the Town's practice of entering into encroachment agreements provides adequate protection for future removal should any soft encroachments interfere with development. He suggested the proposed policy presents a host of practical and legal problems including disparate treatment for adjoining owners of waterfront road allowances without a rational basis. Additionally, it is premature to adopt a policy until all surveys have been completed so that Council knows the nature and extent of any encroachment. He suggested a "no tolerance" approach does not make sense and the Town should reserve its discretion and exercise it appropriately on a case by case basis.

In closing, Mr. Griffin stated the Town has an interest in ensuring no encroachment could give rise to any claim of adverse possession and requires a consistent policy to ensure any encroachment does not interfere with development. Residents and visitors to Fort Erie have an interest in using road allowances as an opportunity to enjoy the beaches, consistent with policies and programs of the Town. Landowners of adjoining road allowances have an interest but should not have the burden and expense of removing a soft encroachment that does not interfere with development. Commercial and residential landowners should be governed by a reasonable policy consistent throughout the Town. Builders, engineers, landscapers, lawyers need a sensible policy to accommodate the interest of those they serve. He urged everyone concerned to get together, perhaps in a study group with a representative from each interest group, and work with Town staff to build a consensus for an overall policy.

(iii) Cameron Williams and Richard Halinda, o/b Fort Erie Bar Association

*A copy of Mr. Williams written presentation is available in the Clerk's Department.*

Mr. Williams advised he and Mr. Halinda, on behalf of the Fort Erie Bar Association, request this matter be tabled in order for the Bar Association to provide detailed written comments concerning the policy and draft by-law. This request was endorsed by all members of the Bar in attendance at a special meeting. The Bar Association is also prepared to meet with Town Staff, Mr. Skerrett and Mr. Griffin, after it has provided these comments, to discuss concerns and attempt to develop a policy and by-law that all find acceptable. He suggested the policy and by-law have serious implications for the Bar in conveying property and not just the portion dealing with waterfront road allowances. The Bar would prefer one policy that deals with all encroachments based on consistent criteria.

Mr. Williams stated there are three general matters he would like to bring to Council's attention:

1. In real estate matters encroachments are the rule rather than the exception. A fence that is precisely on a property line or a precisely marked boundary is a rare event. Most properties are either encroached upon or are encroaching on their neighbours. In those encroachments not covered by the doctrine of adverse possession, most neighbours make their own arrangements to deal with the encroachment.
2. There seems to be some misunderstanding by some as to the nature of an encroachment agreement. He clarified that the encroachment agreement indicates the party may use the encroachments until it is demolished, removed, destroyed by fire or required by the Town for municipal purposes. It provides the encroaching party, at its cost

shall remove the encroachment upon six months notice in writing, and the owner who enters into this agreement pays a fee, agrees to indemnify the Town and provides insurance.

3. The proposed Encroachment Policy respecting waterfront road allowances and public access to the beach have become one issue however, they are two separate issues. Many of the beaches in Fort Erie are private and the water lots conveyed to the predecessors in title held by individual property owners or associations. He suggested that treating lakefront property owners differently than those that encroach on any other road allowance will not lead to greater access to the beach but will have the opposite effect.

Mr. Halinda stated the Town has had a sensible case by case approach but understands the need for a policy. He advised he represents hundreds of property owners in Fort Erie who abut road allowances. He indicated there are many issues to be addressed in the draft by-law including the definition of a municipal road allowance. There are numerous plans of subdivision that have lanes some of which are private not public. He further indicated there are areas identified in the report that were not included in the draft by-law. He also referred to sections of the *Municipal Act, 2001* that would apply. He advised these are the type of things the Committee will review and include in their recommendations for a policy and by-law that makes sense.

- (iv) John Papadakis, 3835 Wellington Road

Mr. Papadakis complimented Mr. Skerrett and Shorewalk and advised he supports their endeavours. He believes the matter should be tabled.

- (v) George Haar, 2871 Thunder Bay Road

Dr. Haar stated his concerns have been addressed in Mr. Griffin's presentation and he had nothing further to add.

- (vi) Peter Collard, 2936 Thunder Bay Road

Mr. Collard stated his concerns have been addressed in Mr. Griffin's presentation and he had nothing further to add.

The Mayor invited those wishing to speak to the matter to come forward.

- (vii) Mr. Arnold Cooper, 494 Prospect Point Road North

Mr. Cooper stated he would like to bring up the proposal he brought forward on May 8, 2006 with respect to the Stonemill Road allowance. The property owner on the west side is continuing to add to the road allowance. On the east side the Town has installed a ditch that drains to Thunder Bay Road and Stonemill Road. He stated there is no room for 2-3 fishermen to park their cars and trailers after they put their boat in the water. Mr. Cooper requested Council to keep his proposal in mind.

(viii) Brigitte Bonner, 3208 Young Avenue

Mrs. Bonner is appalled the Town will not enforce its Fence By-law on waterfront property. She suggested if the average citizen put up a fence on private property the by-law would be enforced. She questioned why there is another set of rules for those on the waterfront. She referred to the \$500 registration fee and \$150 annual fee for waterfront land owners who enter into encroachment agreements and questioned how the Town could give away lake front property for next to nothing. She remarked these road allowances are public property and no one should be placing their buildings on public property and the Fence By-law should apply to everyone. She referred to a garage that was standing for eighty years that must be removed because it is on public property in order that a sidewalk can be installed. She questioned why it is being removed. She suggested that rule should apply to all property owners in Fort Erie.

In closing, Mrs. Bonner stated she does not see the advantage of taking a minimal fee to put into our parks when waterfront road allowances are part of our parks.

(ix) Paul Kassay, 43 St. George Court

Mr. Kassay advised he was involved in the Battle of the Beaches in the mid-60's. He questioned if these encroachments happened accidentally or accidentally on purpose.

Mayor Redekop announced the Public Meeting was now concluded.

*At this point, Council recessed for ten (10) minutes.*

**8) PUBLIC NOTICE**

(a) Proposed Budget Amendment

Re: Transfer of funds (\$30,000) from grant to capital Account under transit funding – Accessible Van

**9) PRESENTATIONS AND DELEGATIONS**

(a) Dr. Harvey H. Grenn, 223 Crystal Plaza

Re: Point Abino Lighthouse and Accessibility

*A written copy of Dr. Grenn's presentation is available in the Clerk's Department.*

Dr. Grenn advised several fellow citizens assisted him with the following presentation regarding the Point Abino Lighthouse:

1. The Crown, through the Canadian Coast Guard some years ago, deeded the Lighthouse to the Town thereby making it responsible for the maintenance of the Lighthouse and Keeper's dwelling. He referred to two recent engineer reports that were tabled by Council, advising the Lighthouse to be in serious need of repair and renovation in order to maintain its physical and structural integrity. Estimated costs were \$390,000 for the Lighthouse and \$70,000 for the Keeper's dwelling. He indicated there have been no repairs since 1997 and a further estimate exists for ongoing annual maintenance costs for the Lighthouse. Dr. Grenn stated it is believed the Town does not currently have such funds and questioned if all efforts to obtain appropriate federal and provincial funding have been exhausted. He suggested that a campaign for appropriate public donations in support of the essential repairs to the Lighthouse could be successful and consider modest tour fees to raise the necessary funding.
2. Dr. Grenn referred to the annual tours negotiated between the Town and the Point Abino Association and suggested those tourists and locals taking the tours were faced with unusual restricted access because the roadway is currently regulated by the Association, a barrier gate, an unfriendly guard and a waiver containing restrictive rules that must be signed prior to the tour. He further suggested the Association's property owners, with the presence of a national heritage structure, must face the legal fact of the public's right to unrestricted public access.

Dr. Grenn stated the perpetual right of access to the Lighthouse by the public, by both land and sea, was granted in perpetuity by the Crown as a type of patent in a ruling commanded by the Lieutenant Governor in Council on January 3, 1898, as part of the deed covenant transferring the property from the Crown to a Mr. Allan Isaac Holloway. A patent granted by the Crown was acknowledged and stated in a decision handed down on February 27, 1926 concerning property rights in the relevant area and he read a quote from the Division of Property Hearing and Judgement. He indicated the perpetual ruling of 1898 is Canadian law and historically must be followed accordingly.

In closing, Dr. Grenn stated Fort Erie has a legal, ethical and moral responsibility to see that the laws are adhered to and enforced accordingly.

## **10) COMMUNICATIONS**

### **(a) Safe Kids Canada**

Re: Request proclamation of "Safe Crossing Week" - October 23-29, 2006

Resolution No. 2  
Noyes-Shular

THAT: The Municipal Council of the Town of Fort Erie hereby authorizes the Mayor to proclaim the following:

- (i) October 23-29, 2006 as "Safe Crossing Week"
- (ii) October 16-22, 2006 as "Canada's Citizenship Week", and further

THAT: The organizations be so notified that they may place proclamations in any of the local papers at their expense. (CARRIED)

(b) Winterfest of Greater Fort Erie

Re: Request permission to conduct Opening Ceremonies and fireworks display at Sugarbowl Park - Saturday, November 18, 2006

Re: Request permission to conduct 34th Annual Santa Claus Parade - Saturday, November 25, 2006 and temporary road closures

Resolution No. 3  
Gorham-Lewis

THAT: The Municipal Council of the Town of Fort Erie hereby grants permission to Winterfest of Greater Fort Erie to conduct their Opening Ceremonies and public fireworks display at Sugarbowl Park on November 18, 2006 commencing at approximately 7:00 p.m., subject to the organization complying with the provisions of Fireworks By-law No. 85-92 and any orders that may be directed by the Fire Chief for the Town of Fort Erie, and further

THAT: The Municipal Council of the Town of Fort Erie hereby grants permission to the Winterfest of Greater Fort Erie to conduct its 34th Annual Santa Claus Parade on November 25, 2006 according to the route submitted, and further

THAT: The organization shall provide the Town of Fort Erie with liability insurance in the amount of \$2,000,000, naming the Town as additional insured. (CARRIED)

(c) Minister of Citizenship and Immigration

Re: Request proclamation of "Canada's Citizenship Week" - October 16-22, 2006

**Reference:** See (a) above.

(d) Fort Erie S.P.C.A.

Re: Board of Directors Minutes - September 13, 2006

**Reference:** Receive and file.

(e) Kinette Club of Stevensville

Re: Request rent reduction for Stevensville Hall – various events

Resolution No. 4  
Fell-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby approves the reduction of the Stevensville Memorial Hall rental fees (\$221) associated with their project entitled "Together We Can Do It" to be held on October 22, 2006 and the annual Seniors Turkey Dinner to be held on December 3, 2006. (CARRIED)

(f) Ontario Lottery and Gaming Corporation

Re: Slot revenues allocated to Town of \$522,132 for period July 1 –  
September 30, 2006 (Total to date: \$26,325,578)

**Reference:** Receive and file.

(g) Communication Items

Resolution No. 5  
Lewis-Gorham

THAT: Communication items (d) and (f) be dealt with according to the agenda  
references. (CARRIED)

## 11) REPORTS OF COMMITTEES

Resolution No. 6  
Berry-Gorham

THAT: The Municipal Council of the Town of Fort Erie hereby adopts the  
minutes of the Regular Meeting of Council-in-Committee held October 2,  
2006, as amended, as printed. (CARRIED)

Resolution No. 7  
Lewis-Gorham

THAT: The following board and committee reports be received and filed:  
(a) Ridgeway Business Improvement Area - June 6, 2006;  
September 12, 2006  
(b) Fort Erie Public Library Board - September 19, 2006  
(c) Bridgeburg Downtown Business Improvement Area - Board of  
Management - September 13, 2006  
(d) Community Health and Wellness Committee - September 20,  
2006  
(e) Senior Citizens Advisory Committee - October 4, 2006  
(f) Accessibility Advisory Committee – September 26, 2006  
(CARRIED)

Resolution No. 8  
Noyes-Shular

THAT: The minutes of the Community Gaming Development Corporation  
meetings of August 30, 2006 and September 27, 2006 be accepted and  
approved. (CARRIED)

## 12) ENQUIRIES BY MEMBERS

(a) Regional Councillor Report

RC Martin advised the Region has adopted a new methodology with  
respect to water and sewer capital projects. In the past its policy was  
pay-as-you-go financing however, in light of the significant increase in  
costs, they are looking at ways to reduce the costs to the municipality.  
There will be a significant reduction in projected costs over the next five  
(5) years.

(b) Response to Past Enquiries

The Chief Administrative Officer recited the following response to a past Council enquiry:

1. Response to enquiry by Councillor Fell at the Council Meeting of August 21, 2006 in connection with the Crescent Beach Grill and Bar delegation, he questioned what avenues were available to the Town to place restrictions on a commercially zoned property in general. The Manager of Development Approvals advised the Town couldn't put restrictions on commercial property unless the owners wished to put the restriction on themselves through a rezoning. Property can only be restricted through rezoning. Council can decide to change the zoning on the property but the owner has a right of appeal and there would be legal non-conforming use considerations that would allow it to continue. The Committee of Adjustment deals with expanding or changing a legal non-conforming use.

(c) Member Enquiries

(i) Councillor Noyes

Councillor Noyes advised she attended a meeting at the Conservation Club in Stevensville and became aware that the Ministry of Natural Resources (MNR) decreased the number of conservation officers in Niagara from four to one. Fishermen and hunters are concerned there will be only one conservation officer to deal with the complaints and problems. She stated Kim Craitor advised many MNR staff have been diverted to education. She added conservation is an important part of the environment and tourism and a 75% cut is significant. The Mayor suggested Councillor Noyes bring the matter up under New Business.

Councillor Noyes advised the residents are concerned about a blockage in the creek that runs through Stevensville since the water level is very high and she questioned who was responsible. Mr. Tripp advised he will bring the matter to the attention of the Drainage Superintendent.

Councillor Noyes questioned if there was a provincial emergency fund to assist residents who sustained damage to their homes during the storm. Mr. Schlange responded he has had discussions with Municipal Affairs and Housing and advised there is no program to assist residents however, the Region is providing social assistance.

(ii) Councillor Fell

Councillor Fell advised he received a number of calls this past Friday, a week after the storm, from residents in Crescent Park complaining about Enbridge Gas shutting off residents' gas and red tagging gas metres if no one was home. He doesn't know if it was wide spread or just in Crescent Park. He spoke to someone at Enbridge and was told the Fire Department requested them to do so. He spoke with the Fire Chief tonight who denied this and would like to provide the Fire Chief with an opportunity to comment. The Fire Chief advised he heard about this through Fire Inspector Rick Leach on Friday. Previously that day he had a conversation with a Manager at Enbridge who indicated they did have concerns with flooding in the Crescent Park area. The Fire Chief indicated Town-wide there were only fifty (50) complaints of flooding. On Thursday he had an opportunity to discuss the possibility of Direct Energy bringing in a trailer to assist those in the Crescent Park area who had flooded. At no time did he or his staff indicate they wanted red tagging done.

The Fire Chief advised he will follow-up with Enbridge and will amend the emergency process to include the Enbridge Operations Centre so they are fully apprised in future. Councillor Fell remarked follow-up visits should have been made to the residents whose metres they shut off and there appeared to be discrepancy in information. He wanted to ensure it was not an initiative of the Fort Erie Fire Department. The Mayor responded the information he and the CAO received from Enbridge is at odds with the information received from residents.

Councillor Fell advised he spoke to Mr. Tripp regarding clean-up of branches in the Crescent Park area and the end of this week is targeted for completion. Mr. Tripp confirmed they started at Buffalo Road and are working in an easterly direction. He hopes the first run in Crescent Park will be completed this week. There is still a lot of work to be done beyond that i.e. tree trimming.

Councillor Fell referred to a small article in the Times regarding Regional branch pick-up that was probably submitted a long time ago which the residents should disregard. Mr. Tripp responded this is a standard service they provide and part of their announcement procedures but not relevant to the type of clean-up that is required.

(iii) Councillor Shular

Councillor Shular questioned if staff could clarify if the grass median on Walden Boulevard was recently traversed upon creating deep ruts. He advised there is no sign posted indicating "no parking." The Mayor requested Mr. Tripp to look into the matter.

(iv) Councillor Noyes

Councillor Noyes advised it was brought to her attention that Fire Station No. 5 in Stevensville should have a sign on the opposite side of the road to advise the public there is a fire station there because it is by the railroad track. The Fire Chief responded since it is a Regional road the sign must be installed by the Region and he has requested them to do so however, he will follow-up on the matter.

**13) MOTIONS**

(a) COMMITTEE-OF-THE-WHOLE

Resolution No. 9  
Shular-Noyes

THAT: Council does now go into Committee-of-the-Whole to discuss the following:

(A) REPORT NO. CS-39-1-06 – BOARD AND COMMITTEE REVIEW (CARRIED)

Resolution No. 10  
Fell-Noyes

THAT: Council does now rise from Committee-of-the-Whole with the following report:

THAT: A by-law, as amended, be submitted to the Council Meeting of October 23, 2006 to amend the Procedural By-law in accordance with the provisions of this report, as amended, and further

THAT: The report and by-law be amended to retain the Fort Erie Municipal Non-Profit Housing Corporation as a board of the Town until the board has an opportunity to respond to the recommendation to dissolve same., and further

THAT: The report and by-law be further amended to retain the Cemetery Advisory Committee as a committee of the Town. (CARRIED)

**14) NOTICE OF MOTION**

NIL

**15) CONSIDERATION OF BY-LAWS**

Resolution No. 10A  
Fell-Berry

THAT: By-law Nos. 171-06 and 172-06 be removed from the by-law package and dealt with separately. (CARRIED)

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Resolution No. 11  
Fell-Noyes

- THAT: The by-law package containing:
- (a) By-law No. 167-06: To authorize the execution of a Site Plan Agreement – Commercial Cardlock Re-Fueling Centre – Peace Bridge Truck & Travel Centre Inc. and Suncor Energy Products Inc.
  - (b) By-law No. 168-06: To deem a certain registered plan of subdivision not to be a registered plan of subdivision – Sandra Jean O'Hara and Jamie Edward O'Hara – 115 Haun Road
  - (c) By-law No. 169-06: To establish a Tariff of Fees for the processing of Planning Applications and to repeal By-law No. 26-04
  - (d) By-law No. 170-06: To establish the Environmental Advisory Committee
  - (e) By-law No. 173-06: To temporarily close certain Town streets during the 34th Annual Santa Claus Parade
  - (f) By-law No. 174-06: To authorize a fourth amending agreement with Ontario Municipal Insurance Exchange (OMEX)
  - (g) By-law No. 175-06: To authorize the entry into a Lease Agreement with the Greater Fort Erie Health Services Corporation
  - (h) By-law No. 176-06: To amend Zoning By-law No. 129-90 – 775515 Ontario Limited – George Russell – Cambridge Road East (NS) (Removal of Holding Provisions)
  - (i) By-law No. 177-06: To amend Council Rules of Procedure By-law No. 145-06 (Boards and Committees) and By-law No. 171-2002 and to repeal By-law No. 27-2000
  - (j) By-law No. 178-06: To exempt a certain lot in the Village Creek Phase 1, Registered Plan, 59M-347 from Part Lot Control, pursuant to Section 50 of the Planning Act, 1990 (Puppy Hut Limited)

be hereby introduced and given first and second reading.

(CARRIED)

Resolution No. 11A  
Fell-Lewis

- THAT: The term as outlined in Schedule "A" to By-law No. 175-06 be and it is hereby amended by deleting the words "October 30, 2006" and inserting in lieu thereof the words "November 1, 2006. "

(CARRIED)

Resolution No. 11B  
Berry-Gorham

- THAT: By-law No. 169-06 be removed from the by-law package for third and final reading and dealt with separately.

(CARRIED)

Resolution No. 12  
Gorham-Lewis

- THAT: The by-law package containing:
- (a) By-law No. 167-06
  - (b) By-law No. 168-06
  - (c) By-law No. 170-06
  - (d) By-law No. 173-06
  - (e) By-law No. 174-06
  - (f) By-law No. 175-06, as amended
  - (g) By-law No. 176-06
  - (h) By-law No. 177-06
  - (i) By-law No. 178-06

be hereby given third and final reading, be signed by the Mayor and the Clerk and the corporate seal affixed thereto.

(CARRIED)

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Resolution No. 12A  
Shular-Lewis

THAT: The third item of Schedule "A" to By-law No. 169-06 be and it is hereby amended by deleting the fee "\$2,000" and inserting in lieu thereof the fee "\$1,890." (CARRIED)

Resolution No. 12B  
Gorham-Lewis

THAT: By-law No. 169-06, as amended, be hereby given third and final reading, be signed by the Mayor and the Clerk and the corporate seal affixed thereto. (CARRIED)

Resolution No. 12C  
Fell-Noyes

THAT: By-law No. 171-06: To establish Heritage Tree Criteria for the Town of Fort Erie be hereby introduced and given first and second reading. (CARRIED)

Resolution No. 12D  
Gorham-Lewis

THAT: By-law No. 171-06 be hereby given third and final reading, be signed by the Mayor and the Clerk and the corporate seal affixed thereto. (CARRIED)

Resolution No. 12E  
Fell-Noyes

THAT: By-law No. 172-06: To establish the Museum and Cultural Heritage Committee and to repeal By-law Nos. 25-96, 197-99, 49-2003 and 215-05 be hereby introduced and given first and second reading. (CARRIED)

Resolution No. 12F  
Noyes-Lewis

THAT: By-law No. 172-06 be amended by deleting the words "Museum and Cultural Heritage Committee" and inserting in lieu thereof the words "Museum Heritage Committee". (WITHDRAWN)

Resolution No. 12G  
Gorham-Lewis

THAT: By-law No. 172-06 be hereby given third and final reading, be signed by the Mayor and the Clerk and the corporate seal affixed thereto. (CARRIED)

Resolution No. 13  
Berry-Gorham

THAT: By-law No. 179-06 (Ratification of Minutes) be hereby introduced and given first and second reading. (CARRIED)

Resolution No. 14  
Lewis-Gorham

THAT: By-law No. 179-06 be given third and final reading, be signed by the Mayor and the Clerk and the corporate seal affixed thereto. (CARRIED)

**16) NEW BUSINESS**

(a) Fort Erie Native Cultural Centre Inc.

Re: Minutes of Settlement

Resolution No. 15  
Noyes-Shular

THAT: The Municipal Council of the Town of Fort Erie hereby approves the Minutes of Settlement for the Fort Erie Native Cultural Centre.

(CARRIED)

(c) Approval of Community Event

Re: Bridgeburg Station Downtown Business Improvement Association Annual Halloween Event - Saturday, October 28, 2006 - Municipal Parking Lot on Courtwright Street

Resolution No. 16  
Gorham-Lewis

THAT: The Municipal Council of the Town of Fort Erie hereby grants permission to the Bridgeburg Station Downtown Business Improvement Area to hold their Annual Halloween Event in the municipal parking lot located on Courtwright Street on Saturday, October 28, 2006 from 11:00 a.m. to 2:00 p.m.

(CARRIED)

(d) December Meeting Schedule

Resolution No. 17  
Shular-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby suspends Council Rules of Procedure By-law No. 145-06 in order to re-establish the December Meeting schedule as follows:

December 4, 2006 – Inaugural Meeting

December 11, 2006 – Council-in-Committee and Special Council

December 18, 2006 – Cancelled

December 27, 2006 – Cancelled

(CARRIED)

(e) October 12<sup>th</sup> Winter Storm

Re: Request funding under ODRAP

Resolution No. 18  
Noyes-Shular

**WHEREAS** the Town of Fort Erie suffered a surprise winter storm on October 12, 2006 resulting in considerable damage throughout the municipality, and

**WHEREAS** it is deemed desirable to apply to the Province of Ontario under the Ontario Disaster Relief Assistance Program (ODRAP) for funding to assist the municipality with recovery and clean-up costs;

**NOW THEREFORE BE IT RESOLVED** by the Municipal Council of the Town of Fort Erie that it hereby authorizes the Treasurer to advise the Minister of Municipal Affairs and Housing that the Town of Fort Erie intends to submit a Municipal Damage Report under ODRAP to seek financial assistance in the recovery of costs associated with the October 12, 2006 storm event.

(CARRIED)

SPECIAL COUNCIL MINUTES – MONDAY, OCTOBER 23, 2006  
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(f) October 12<sup>th</sup> Winter Storm

Re: Expression of Appreciation

Resolution No. 19  
Shular-Noyes

**WHEREAS** the Town of Fort Erie experienced a surprise snow storm on October 12, 2006 resulting in a loss of power for the entire community for at least the first 24 hours and for a large part of the community up to 6 days later, resulting in a declaration of state of emergency, and

**WHEREAS** due to the leaves still being on the trees and the weight of the snow, many power and telephone lines were damaged or destroyed as well as thousands of trees, and

**WHEREAS** the Town of Fort Erie wishes to express its sincere appreciation and gratitude to those who assisted the Town during the state of emergency;

**NOW THEREFORE BE IT RESOLVED** by the Municipal Council of the Town of Fort Erie that it hereby expresses its sincere appreciation and gratitude to all those who assisted the Town of Fort Erie during the October 12, 2006 snow storm and in particular the following:

Community Services	Line Crews	Tree Crews	Other Contractors & Suppliers
Niagara Regional Police	Canadian Niagara Power	Town of Fort Erie Regional	Cornell Feenstra Electric Ltd.
St. John Ambulance	Cornwall Electric	Municipality of Niagara	Guelph Utility Pole Badger Ltd.
Red Cross	Westario Power	City of St. Catharines	Dynamic Industries
Salvation Army	Niagara Falls Hydro	Lucas	Feastivities by Home
YMCA	Niagara-on-the-Lake Hydro	Davey Tree	Style Catering
50 Taxi	Welland Hydro	Pineridge	Betty's Restaurant
Fort Erie Fire Department	Horizon Utilities (St. Catharines & Hamilton)	Hydro One Forestry	Tim Horton's (Fort Erie, Crystal Beach, Port Colborne)
Jaycees	Peninsula West Hydro		Holiday Inn
Regional Municipality of Niagara	Hydro One		Comfort Inn
City of Thorold	Enersource		Grafton Utility
Town of Niagara-on-the-Lake	Mississauga		Bel-volt Sales
City of Welland	Burlington Hydro		Gerrie Electric
City of Niagara Falls	K-Line		Kabar
Niagara Parks Commission	GAMS		Century Vallen
Niagara Peninsula Conservation Authority	Haldimand Hydro		Proliner Utility Products
Town of Pelham			Ebersole Excavating
Town of Lincoln			Ducheron Trucking
Town of Grimsby			Lawns and More
City of St. Catharines			Sobey's
City of Port Colborne			Walmart
Township of Wainfleet			
Town Staff			

Resolution No. 19A  
Fell-Gorham

THAT: The resolution be amended by inserting under Community Services the words "Town of Fort Erie Administrative Staff and the "Emergency Management Team."  
(CARRIED)

SPECIAL COUNCIL MINUTES – MONDAY, OCTOBER 23, 2006  
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Resolution No. 19B  
Shular-Noyes

**WHEREAS** the Town of Fort Erie experienced a surprise snow storm on October 12, 2006 resulting in a loss of power for the entire community for at least the first 24 hours and for a large part of the community up to 6 days later, resulting in a declaration of state of emergency, and

**WHEREAS** due to the leaves still being on the trees and the weight of the snow, many power and telephone lines were damaged or destroyed as well as thousands of trees, and

**WHEREAS** the Town of Fort Erie wishes to express its sincere appreciation and gratitude to those who assisted the Town during the state of emergency;

**NOW THEREFORE BE IT RESOLVED** by the Municipal Council of the Town of Fort Erie that it hereby expresses its sincere appreciation and gratitude to all those who assisted the Town of Fort Erie during the October 12, 2006 snow storm and in particular the following:

Community Services	Line Crews	Tree Crews	Other Contractors & Suppliers
Niagara Regional Police	Canadian Niagara Power	Town of Fort Erie	Cornell Feenstra Electric Ltd.
St. John Ambulance	Cornwall Electric	Regional Municipality of Niagara	Guelph Utility Pole Badger Ltd.
Red Cross	Westario Power	City of St. Catharines	Dynamic Industries
Salvation Army	Niagara Falls Hydro	Lucas	Feastivities by Home Style Catering
YMCA	Niagara-on-the-Lake Hydro	Davey Tree	Betty's Restaurant
50 Taxi	Welland Hydro	Pineridge	Tim Horton's (Fort Erie, Crystal Beach, Port Colborne)
Fort Erie Fire Department	Horizon Utilities (St. Catharines & Hamilton)	Hydro One Forestry	Holiday Inn
Jaycees	Peninsula West Hydro		Comfort Inn
Regional Municipality of Niagara	Hydro One		Grafton Utility
City of Thorold	Enersource		Bel-volt Sales
Town of Niagara-on-the-Lake	Mississauga		Gerrie Electric
City of Welland	Burlington Hydro		Kabar
City of Niagara Falls	K-Line		Century Vallen
Niagara Parks Commission	GAMS		Proliner Utility Products
Niagara Peninsula Conservation Authority	Haldimand Hydro		Ebersole Excavating
Town of Pelham			Ducheron Trucking
Town of Lincoln			Lawns and More
Town of Grimsby			Sobey's
City of St. Catharines			Walmart
City of Port Colborne			
Township of Wainfleet			
Town Staff			
Town of Fort Erie Administrative Staff			
Emergency Management Team			

(CARRIED)

(g) Federation of Canadian Municipalities

Re: Request long-term federal plan to fix municipal infrastructure deficit

Resolution No. 20  
Noyes-Shular

**WHEREAS** Canadian communities are facing an infrastructure crisis, amounting to a \$60 billion national municipal infrastructure deficit, and

**WHEREAS** it is imperative the Government of Canada demonstrate leadership in resolving the crisis, and

**WHEREAS** it is prudent that a long term federal plan and commitment be established to control and resolve this problem;

**NOW THEREFORE BE IT RESOLVED** by the Municipal Council of the Town of Fort Erie that it hereby petitions the Minister of Transportation, Infrastructure and Communities to develop and implement a long term federal commitment to infrastructure investment in Canadian communities, and further

THAT: Mr. Rob Nicholson, M.P.P. be respectfully requested to communicate the importance of this issue to the Canadian government and further

THAT: The appropriate persons be so notified of this action.  
(CARRIED)

(h) Ministry of Natural Resources

Re: Decrease in Conservation Officers in Niagara Region

Resolution No. 21  
Noyes-Shular

THAT: The Municipal Council of the Town of Fort Erie hereby expresses concern regarding the decrease in Conservation Officers by the Ministry of Natural Resources in the Niagara Region from four to one, and further

THAT: The Ministry of Natural Resources recognize that protecting and caring for the environment is essential to long-term health and wellness to the Town of Fort Erie, and further

THAT: The Ministry of Natural Resources be and they are hereby requested to reinstate the complement of Conservation Officers in the Niagara Region to four, and further

THAT: A copy of this resolution be circulated to area municipalities in Niagara.  
(CARRIED)

Resolution No. 22  
Shular-Fell

THAT: The hour of adjournment be extended beyond 9:30 p.m. (CARRIED)

(i) Report No. CDS-87-06 – Site Plan Agreement-Albert Street Townhouses

Resolution No. 23  
Fell-Shular

THAT: Report No. CDS-87-06 be deferred to the Council-in-Committee Meeting of November 6, 2006. (CARRIED)

**17) SCHEDULING OF MEETINGS**

- (a) Conference on “Accessibility is for Everyone” – Tuesday, October 24, 2006 at 10:00 a.m. – Leisureplex Banquet Hall hosted by the Fort Erie Accessibility Advisory Committee
- (b) Traffic Co-Ordinating Committee – Wednesday, October 25, 2006 at 3:00 p.m. – Conference Room No. 3

**18) ADJOURNMENT**

Resolution No. 24  
Lewis-Gorham

THAT: The Municipal Council of the Town of Fort Erie hereby adjourns at 9:34 p.m. to reconvene into Regular Meeting of Council on October 30, 2006 at 6:00 p.m. (CARRIED)

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MAYOR

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CLERK