

THE REGIONAL MUNICIPALITY OF NIAGARA

PROCEEDINGS OF COUNCIL

REPORT CL 5-2010

The Municipal Council of the Regional Municipality of Niagara met in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, April 22, 2010 and Friday, April 23, 2010 commencing at 6:35 p.m.

The following individuals were in attendance during the Closed Session of the Regional Council meeting:

ATTENDANCE

Council: Regional Chair Partington; Councillors Augustyn; Badawey, Baty; Bentley; Burroughs; Bylsma; Casselman; Cordiner; D'Angela; Gabriel; Goulbourne; Greenwood; Henderson; Hodgson; Katzman; Lepp; Marshall; McMullan; Puttick; Rigby; Salci; Saracino; Smeaton; Timms; Trombetta; Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Robson, Commissioner, Integrated Community Planning; Bergsma, Commissioner, Corporate Services; Brothers, Commissioner Public Works; Hutchings, Commissioner, Community Services; Kyne, Director, Legal Services; Bain, Regional Clerk; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair; Weir, Director, Administration; Steele, Associate Director, Strategic Business Management; Armstrong, Manager, Organizational and Leadership Development; Ms. Isajiw, Legal Counsel; Ms. Elliott, Director, HR Services; Ms. Learn, Director, ESC; Ms. Casement, Manager Employee Relations; Ms. Cocco, Total Rewards Strategist.

CALL TO ORDER

152. Regional Chair Partington called the meeting to order at 6:35 p.m.

CONFLICTS OF INTEREST

153. Councillor Forster declared a pecuniary interest with respect to the Matters of Labour Relations - ONA Collective Bargaining Update and *Public Sector Compensation Restraint to Protect Public Services Act, 2010*, as she is a staff member with the Ontario Nurses Association, and she therefore vacated the Council Chamber and took no part in the discussion of, or voting on, this matter.

Councillor Heit declared a pecuniary interest with respect to the Matters of Solicitor Client Advice and Potential Litigation Involving the Municipality--Niagara Parks Police and Matters of the Security of the Property of the Municipality and Solicitor Client Advice respecting the Contract Award for Garbage, Recycling and Organics Collection Services, as Modern Landfill and Niagara Parks Police are clients of the company for whom he is employed, and he therefore vacated the Council Chamber and took no part in the discussion of, or voting on, these matters.

Councillor Martin declared a pecuniary interest with respect to the Matters of Labour Relations - ONA Collective Bargaining Update and *Public Sector Compensation Restraint to Protect Public Services Act, 2010*, as his wife is a member CUPE, and he therefore vacated the Council Chamber and took no part in the discussion of, or voting on, this matter.

CLOSED SESSION

154. Moved by Councillor Timms
Seconded by Councillor Baty

That this Council do now move into Closed Session for the purposes of receiving information of a confidential nature relating to A Matter of the Security of the Property of the Municipality – Proposed Waste Disposal Agreement; Matters of Solicitor Client Advice and Litigation Involving the Municipality—Niagara 2031 Growth Plan Appeals; Matters of Labour Relations Emergency Medical Services (EMS) Update and ONA Collective Bargaining Update; A Matter of the Security of the Property of the Municipality; Confidential Police Matters – Initiation of Capital Project ZPO0907; and A Matter of Labour Relations – Emergency Medical Services (EMS) Update; A Matter of Labour Relations: ONA Collective Bargaining Update and *Public Sector Compensation Restraint to Protect Public Services Act, 2010*; Matters of Solicitor Client Advice and Potential Litigation Involving the Municipality--Niagara Parks Police and Matters of the Security of the Property of the Municipality and Solicitor Client Advice respecting the Contract Award for Garbage, Recycling and Organics Collection Services.

Carried.

155. Matters of Solicitor Client Advice and Potential Litigation Involving the Municipality--Niagara Parks Police

Mr. Kyne provided Regional Council with an oral report on Matters of Solicitor Client Advice and Potential Litigation Involving the Municipality – Niagara Parks Police.

CLOSED SESSION, RISE AND REPORT

156. Moved by Councillor Badawey
Seconded by Councillor McMullan

That this Committee do now rise without report.

Carried.

157. Piping In of the Regional Chair; Members of the
First Regional Council and Past Regional Chairs of the Niagara Region

Mr. Alan Spencer, Manager, Sexual Health piped the Regional Chair; Members of the first Regional Council and Past Regional Chairs of the Niagara Region into the Council Chamber to commemorate the Niagara Region's 40th Anniversary.

Council met in regular session, commencing at 7:13 p.m. with an Invocation by Councillor Badawey followed by the singing of 'O Canada'.

The following individuals were in attendance during the Open Session of the Regional Council meeting:

ATTENDANCE

Council: Regional Chair Partington; Councillors Augustyn; Badawey, Baty; Bentley; Burroughs; Bylsma; Casselman; Cordiner; D'Angela; Forster; Gabriel; Goulbourne; Greenwood; Heit, Henderson; Hodgson; Katzman; Lepp; Marshall; Martin; McMullan; Puttick; Rigby; Salci; Saracino; Smeaton; Timms; Trombetta; Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Robson, Commissioner, Integrated Community Planning; Bergsma, Commissioner, Corporate Services; Brothers, Commissioner Public Works; Hutchings, Commissioner, Community Services; Kyne, Director, Legal Services; Bain, Regional Clerk; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair; Weir, Director, Administration; Pollock, Director, Waste Management; Pilon, Associate Director, Service Quality & Improvement; Steele, Associate Director, Strategic Business Management; Ms. Isajiw, Legal Counsel; Ms. Lamb, Communications Specialist; Ms. Habermehl, Associate Director, Waste Collection and Diversion Operations.

ADOPTION OF THE AGENDA

158. Moved by Councillor D'Angela
Seconded by Councillor McMullan

That the Council Agenda CL 5-2010, be approved and adopted as presented.

Carried.

CONFLICT OF INTEREST

159. Councillor Bylsma declared a pecuniary interest with respect to any matters that deal with Wind Energy Project, as he has a family member involved in a Wind Energy Project Development in the Niagara Region and he therefore took no part in the discussion of, or voting on, this matter

Councillor Forster declared a pecuniary interest with respect to the Matters of Labour Relations - ONA Collective Bargaining Update and *Public Sector Compensation Restraint to Protect Public Services Act, 2010*, as she is a staff member with the Ontario Nurses Association, and she therefore vacated the Council Chamber and took no part in the discussion of, or voting on, this matter.

Councillor Heit declared a pecuniary interest with respect to any matters that deal with wireless communication as he is employed by a wireless communication company and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Heit declared a pecuniary interest with respect to the Contract Award for Garbage, Recycling and Organics Collection Services as Modern Landfill is a client of his company and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Heit declared a pecuniary interest with respect to the Niagara Parks Police, as they are clients of the company for whom he is employed, and he therefore took no part in the discussion of, or voting on, these matters.

Councillor Martin declared a pecuniary interest with respect to the Matters of Labour Relations - ONA Collective Bargaining Update and *Public Sector Compensation Restraint to Protect Public Services Act, 2010*, as his wife is a member CUPE, and he therefore vacated the Council Chamber and took no part in the discussion of, or voting on, this matter.

PRESENTATIONS

160. **Presentations to the Members of the
First Regional Council and the Past Regional Chairs**

Earlier this evening, Regional Councillors had an opportunity to spend some time with six honoured guests joining us for the first part of the council meeting. We are honouring citizens who served on the first Regional Council from 1970 to 1972. Combined, these distinguished gentlemen have dedicated over 68 years to serving the public through participation in regional politics, with many more years of service to constituents at both the local level and federal level.

The Regional Chair noted that Niagara Region has had five Regional Chairs, including himself, and in attendance are Wilbert Dick, Brian Merrett and Councillor Debbie Zimmerman. Former Regional Chair John Campbell, who passed away, was the longest serving Regional Chair from 1970 to 1985.

The remaining six former Regional Councillors, spent many years devoted to helping their constituents and advancing and promoting Niagara Region, contributing to various boards and commissions in education, health, planning, heritage and culture, agricultural and economic development. The scope of their individual contributions is vast but it's the magnitude of the combined efforts that we enjoy today.

The life of a politician has many rewards in regards to the contributions you make to your community. In many ways, you never retire from politics – your commitment simply takes on different forms. There are always sacrifices to be made in choosing a political life, and the Regional Chair thanked these gentlemen on behalf of Regional Council today, for their hard work and commitment in establishing regional government in Niagara.

Bill Andres

Mr. Bill Andres represented Niagara-on-the-Lake from 1970 to 1974.

Mr. Andres contributed greatly to what the Niagara Region is today, it is through hard work and perseverance that he has served 50 years on behalf of his constituents at all levels of government, whether it be Township, County, Regional, Federal or Provincial, Bill is honoured for enriching the community with his accomplishments.

Bob Bell

Mr. Bob Bell represented St. Catharines from 1970 – 1985.

Mr. Bell served Niagara Region for a total of 27 years and he is honoured for his noble efforts. Mr. Bell served the Niagara Region as Regional Councilor for 16 years.

Bill Marshall

Mr. Bill Marshall represented St. Catharines from 1970-1988.

Mr. Marshall has extensive experience serving the Town of Merriton and St. Catharines and it was not too long until he served as an Alderman then moved up as a Regional Councilor for the Niagara Region. It is through these 35 years of service that we honour his contributions.

Allan Pietz

Mr. Allan Pietz represented Welland over a series of elections and councils stretching from 1970 to 1994 (including: 1970-78; 1980-82; 1984-85; 1991-94).

Mr. Pietz, who is Welland-born, is recognized for his dedication and loyalty serving the Niagara Region for a total of 43 years. Mr. Pietz is recognized for moving the first original motion at Regional Council, Alan is admired for his time served.

Joseph Reid

Mr. Joseph Reid represented St. Catharines from 1970 to 1974.

Mr. Reid, Saskatchewan-born, has also contributed to regional government through his 23 years of service. Mr. Reid represented the City of St. Catharines for a year and as a Mayor for three years, he has also worked in the federal government for ten years. Mr. Reid retired from politics in 1988, and currently enjoys spending time with his children and grandchildren.

Gordon Joseph (Mike) Taylor

Mr. Gordon Joseph (Mike) Taylor represented Fort Erie from 1970 to 1978.

The extent of Mr. Taylor's contributions to the Niagara Region is vast. As well as serving as Regional Councilor, Mike was an active member in a wide variety of groups such as Regional Council Public Works Committee, Fort Erie Board of Education, and Fort Erie Chamber of Commerce Board of Directors.

Former Chairman John Campbell

Mr. John Campbell served as Regional Chair from 1970 to 1985.

Serving 16 years as Regional Chair, this Niagara-on-the-Lake native was the longest serving Regional Chair. It was his humble demeanor, his strong interpersonal skills, and his love for the Niagara region that made Mr. Campbell a distinguished and dignified leader. Mr. Campbell was a member of numerous committees and boards, and also served as an advisor to the Niagara Escarpment Commission.

Former Chairman Wilbert Dick

Mr. Wilbert Dick served as Regional Chair from 1985 to 1991.

Serving as Regional Chair for 6 years, Mr. Wilbert Dick is recognized for stimulating the Region's economy while in service. Allocating his time toward promoting the Region's tourism and economic development, the job market within the Niagara Region flourished when he served as Regional Chair. As well as serving as Lord Mayor of Niagara-on-the-Lake for eight years, he was also the Vice- Chairman of: Planning and Development, Public Works and Utilities, and the Social Services Committee.

Former Chairman Brian Merrett

Mr. Brian Merrett served as Regional Chair from 1991 to 1997.

Serving as Regional Chair for 6 years, this Niagara Falls native is acknowledged for his invested interest in the citizens of the Niagara Region. Concerned about the well-being of the Niagara Region's residents, Mr. Merrett is credited for the implementation of the region-wide emergency telephone system. Whether he was sitting on various committees or distinguished boards, Mr. Brian Merrett was awarded for his active involvement when he received the Niagara Award for Community Contribution in 1997.

Former Chair and current Regional Councillor Debbie Zimmerman

Regional Councillor Debbie Zimmerman served as Regional Chair from 1997 to 2003.

Regional Councillor Zimmerman served as Regional Chair for 6 years from 1997 to 2003, and was the first woman elected to this office. Councillor Zimmerman began her political career in 1978 when she was elected as Alderman for the Town of Grimsby. In 1989 she was selected to fill a vacated Regional Council seat for the Town of Grimsby. She has been elected to the same seat since that time. In 1997 she was first elected Regional Chair of the Region of Niagara, a position that she served for two terms. The Province of Ontario appointed Councillor Zimmerman to the Niagara Escarpment Commission from 1994 to 1997. Councillor Zimmerman currently serves on several standing committees, and makes ongoing contributions to the quality of life of residents in Grimsby and Niagara as a whole.

Regional Chair Partington presented the members of the first Regional Council and the Past Regional Chairs with watches to commemorate the Niagara Region's 40th Anniversary.

They were each provided with an opportunity to say a few words.

161. Special Constable Applications – Niagara Parks Police

Mr. Stuart Ellis, Lampard, Ellis & Walsh provided Regional Council with a presentation that detailed the events that lead up to the situation the Niagara Parks Police Special Constables now face.

Moved by Councillor Burroughs
Seconded by Councillor Trombetta

That the notice requirement to bring forward a motion respecting the Niagara Parks Police, be waived.

Carried.

Moved by Councillor Puttick
Seconded by Councillor Saracino

WHEREAS the Council of the Regional Municipality of Niagara recognizes the 123 years of exemplary service by the Niagara Parks Police Service to the residents of the Region of Niagara and its predecessors;

WHEREAS it is desirable and appropriate that the continued existence of the Niagara Parks Police as an entity, funded by the Niagara Parks Commission, be continued now and in the future;

WHEREAS the Council of the Regional Municipality of Niagara wishes to work together with the Niagara Parks Commission, Province of Ontario, the Region of Niagara Police Services Board, the Region of Niagara Police Service; OPSEU, the Niagara Regional Police Association, the Police Association of Ontario and any other relevant entity or authority to achieve the desired result, namely, the continuation of the existence of the Niagara Parks Police.

NOW THEREFORE, THE COUNCIL OF THE REGIONAL MUNICIPALITY OF NIAGARA RESOLVES AS FOLLOWS:

That the Regional Municipality of Niagara endorses the continued existence of the Niagara Parks Police as an identifiable police force entirely paid for out of funds from the Niagara Parks Commission and with duties and obligations under the *Police Services Act* and any applicable Regulations thereunder;

That the Regional Municipality of Niagara directs its Chair and Senior Staff to aggressively pursue this continued existence of the Niagara Parks Police, either by,

- i) Continuance of the Special Constable status of members of the Niagara Parks Police for a period of five (5) years and thereafter;
- ii) Making applications to the Ontario Civilian Police Commission under the provision of paragraph 5 (1) (vi) of the Police Services Act of Ontario, or approval of the attainment of the status of a separate police service by the Niagara Parks Police, or
- iii) The passage of amendments to the *Niagara Parks Act* or the *Police Services Act*, or both, in order to ensure the continued existence of the Niagara Parks Police as an identifiable police service with jurisdiction over Niagara Parks lands and water contiguous thereto, the Niagara Parkway, and any other relevant area of jurisdiction, and subject to all provisions of the *Police Services Act* and relevant Regulations, including SIU and civilian oversight and accountability requirements.

That the Regional Municipality of Niagara clearly instructs its Chair and Senior Staff to vigorously pursue the above stated objectives, either alternatively or in combination not later than three months from the passage of this Resolution.

Carried.

(Mr. Ellis' presentation is attached to these minutes.)

APPROVAL OF MINUTES

162. CL 4-2010

Moved by Councillor Saracino
Seconded by Councillor Katzman

That Report CL 4-2010, being the minutes of the Proceedings of Council of Thursday, March 25, 2010, be approved and adopted.

Carried.

CORRESPONDENCE

163. Moved by Councillor Trombetta
Seconded by Councillor Lepp

That Communications C7452 to C7466 and C7469 to C7471; C7473; C7476 and C7479 to C7481 be received and dealt with as noted in the Council Agenda and Addendum, which reads as follows:

C7452 A letter from Carolyn Kett, Town Clerk, Town of Fort Erie (March 23, 2010) addressed to the Honourable Rick Bartolucci, Minister of Community Safety and Correctional Services respecting the Town of Fort Erie Council's support for the initiatives of the Niagara Parks Police for full Police status.

Received.

C7453 A letter from Franco Piscitelli, Co-Chair, Casino Police Security Alliance (March 10, 2010) respecting their support for the services provided by the Niagara Parks Police.

Received.

C7454 A letter from Wayne Thomson, Chair, Niagara Falls Tourism (March 18, 2010) respecting their support for the services provided by the Niagara Parks Police.

Received.

C7455 A letter from Major Vincent S. Iacovitti, New York State Park Police (March 18, 2010) addressed to the Honourable Rick Bartolucci, Ministry of Community Safety and Correctional Services respecting their support for the services provided by the Niagara Parks Police.

Received.

C7456 A letter from Holly Dowd, Town Clerk, Town of Niagara-on-the-Lake (March 31, 2010) addressed to the Honourable Rick Bartolucci, Ministry of Community Safety and Correctional Services respecting their support for the services provided by the Niagara Parks Police.

Received.

C7457 Card of thanks from Cheryl Grimo an employee of the Public Health Department for the kind donation to Niagara Falls Community Outreach in memory of her mother Marion B. Grimo.

Received.

C7458 A memorandum from Brian Hutchings, Commissioner, Community Services (April 22, 2010) respecting Regional Council's motion re: Chile Earthquake Relief.

Received.

C7459 Card of thanks from Lorraine Mantha an employee of the Public Health Department for the kind donation to Canadian Cancer Society in memory of her husband Robert Baxter Turner.

Received.

C7460 Card of thanks from Melody Gouthro an employee of the Integrated Community Planning Department for the kind donation to Meadows of Dorchester, Primrose Place in memory of her mother Georgina Mills.

Received.

C7461 A memorandum from Kevin Bain, Regional Clerk (April 15, 2010) respecting the Amendment to Fees and Charges By-law.

Received.

C7462 A memorandum from Rick Niesink, Biosolids Manager (April 14, 2010) respecting Additional Information Request on PWA 22-2010, Niagara Biosolids Management Master Plan.

Received.

C7463 A letter from Dean Elliott, Chair, Canadian American Law Enforcement Organization (March 16, 2010) respecting their support for the services provided by the Niagara Parks Police.

Received.

C7464 A letter from John L. Kinney, President, Whirlpool Jet Boat Tours (March 12, 2010) respecting their support for the services provided by the Niagara Parks Police.

Received.

C7465 A letter from Minister James Moore, Ministry of Canadian Heritage of Official Languages (April 1, 2010) respecting the invitation to Her Majesty the Queen to the Niagara Region during her upcoming Royal Visit to Canada.

Received.

C7466 A letter from Jack R. Stanborough, Regional Supervising Coroner, Ministry of Community Safety and Correctional Services (March 11, 2010) respecting their support for the services provided by the Niagara Parks Police.

Received.

C7469 An email from Domenic Caruso (April 19, 2010) respecting Garbage Pickup.

Received and referred to the consideration of Report PWA 32-2010/CSD 43-2010.

C7470 A letter from Emmie Leung, Founder and CEO, Emterra Environmental (April 20, 2010) respecting the Award of 2009-RFP-044 for the Collection/Haulage of Garbage, Recyclables, Organics Waste & White Goods – Regional Council Meeting, April 22, 2010 7PM.

Received and referred to the consideration of Report PWA 32-2010/CSD 43-2010.

C7471 An email from Bruce Hodgson, Director Market Development, The St. Lawrence Seaway Management Corporation (April 19, 2010) respecting the pending changes to garbage pick-up from weekly to every second week.

Received and referred to the consideration of Report PWA 32-2010/CSD 43-2010.

C7473 Card of thanks from Denise Bourque an employee of the Community Services Department for the kind donation to Help a Child Smile in memory of her mother-in-law Dorothy Dillon.

Received.

C7476 An email from Domenic Caruso (April 21, 2010) respecting Garbage Pickup.

Received and referred to the consideration of Report PWA 32-2010/CSD 43-2010.

C7479 Card of thanks from Peggy Detlor an employee of the Public Health Department for the kind donation to the Heart and Stock Foundation in memory of her mother-in-law Evelyn Irene Detlor.

Received.

C7480 Card of thanks from Patrick Robson an employee of the Integrated Community Planning Department for the kind donation to the Tender Wishes Foundation in memory of his mother-in-law Shirley Patricia Robertson.

Received.

Carried.

164. Moved by Councillor D'Angela
Seconded by Councillor Burroughs

That Communications C7482, A letter from Susan Daniels, City Clerk, City of Thorold (April 22, 2010) respecting the City of Thorold's Council resolutions regarding garbage collection, be received and referred to the consideration of Report PWA 32-2010/CSD 43-2010.

Carried.

165. Moved by Councillor Forster
Seconded by Councillor Gabriel

That Correspondence Items C7467; C7468; C7472; C7474; C7475 and C7477, which are requests to speak at this Regional Council meeting, respecting the Contract Award for Garbage, Recycling and Organics Collection Services, Report PWA 32-2010/CSD 43-2010, be received and all the requests to speak be approved with a five minute time limit, given the length of the Council Agenda.

Carried.

166. Moved by Councillor Augustyn
Seconded by Councillor Rigby

That Correspondence Item C7478, A memorandum from Kevin Bain (April 22, 2010) respecting the Proposed Procedure for Consideration of the Contract Award for Garbage, Recycling and Organics Collection Services, be received and the proposed procedure be approved.

Carried.

The following individuals were in attendance during the Closed Session of the Regional Council meeting:

ATTENDANCE

Council: Regional Chair Partington; Councillors Augustyn; Badawey, Baty; Bentley; Burroughs; Bylsma; Casselman; Cordiner; D'Angela; Gabriel; Goulbourne; Greenwood; Henderson; Hodgson; Katzman; Lepp; Marshall; McMullan; Puttick; Rigby; Salci; Saracino; Smeaton; Timms; Trombetta; Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Robson, Commissioner, Integrated Community Planning; Bergsma, Commissioner, Corporate Services; Brothers, Commissioner Public Works; Hutchings, Commissioner, Community Services; Kyne, Director, Legal Services; Bain, Regional Clerk; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair; Weir, Director, Administration; Pollock, Director, Waste Management; Pilon, Associate Director, Service Quality & Improvement; Steele, Associate Director, Strategic Business Management; Ms. Isajiw, Legal Counsel; Ms. Lamb, Communications Specialist; Ms. Habermehl, Associate Director, Waste Collection and Diversion Operations.

Others: Mr. Emanuelli, Legal Counsel.

CLOSED SESSION

167. Moved by Councillor Rigby
Seconded by Councillor Marshall

That this Council do now move into Closed Session for the purposes of receiving information of a confidential nature relating to Matters of the Security of the Property of the Municipality and Solicitor Client Advice respecting the Contract Award for Garbage, Recycling and Organics Collection Services.

Carried.

168. Matters of the Security of the Property of the Municipality and Solicitor Client Advice respecting the Contract Award for Garbage, Recycling and Organics Collection Services

Regional Council was provided with solicitor-client advice respecting the Contract Award for Garbage, Recycling and Organics Collection Services.

CLOSED SESSION, RISE AND REPORT

169. Moved by Councillor Katzman
Seconded by Councillor Casselman

That this Committee do now rise without report.

Carried.

The following individuals were in attendance during the Open Session of the Regional Council meeting:

ATTENDANCE

Council: Regional Chair Partington; Councillors Augustyn; Badawey, Baty; Bentley; Burroughs; Bylsma; Casselman; Cordiner; D'Angela; Forster; Gabriel; Goulbourne; Greenwood; Heit, Henderson; Hodgson; Katzman; Lepp; Marshall; Martin; McMullan; Puttick; Rigby; Salci; Saracino; Smeaton; Timms; Trombetta; Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Robson, Commissioner, Integrated Community Planning; Bergsma, Commissioner, Corporate Services; Brothers, Commissioner Public Works; Hutchings, Commissioner, Community Services; Kyne, Director, Legal Services; Bain, Regional Clerk; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Regional Clerk.

Staff
(Other): Messrs. Roberts, Executive Officer to the Regional Chair; Weir, Director, Administration; Pollock, Director, Waste Management; Pilon, Associate Director, Service Quality & Improvement; Steele, Associate Director, Strategic Business Management; Ms. Isajiw, Legal Counsel; Ms. Lamb, Communications Specialist; Ms. Habermehl, Associate Director, Waste Collection and Diversion Operations.

Others: Mr. Emanuelli, Legal Counsel.

CURFEW EXTENSION

170. Moved by Councillor Rigby
Seconded by Councillor Goulbourne

That Regional Council extend this meeting's curfew, in order to complete the Council's business listed on the Order of Business.

Carried.

DELEGATIONS

**Contract Award for Garbage, Recycling and
Organics Collection Services**
PWA 32-2010/CSD 43-2010

171. **Mr. Andy Petrowski**

Mr. Andy Petrowski requested that Regional Council support Option 1 without grass collection and that staff and Regional Council take the time required to review the bids more closely, given the media coverage the preferred contractor has been receiving. He also expressed concern that the reference criteria was only afforded 100 points out of 1,000 points in the evaluation process.

Moved by Councillor Burroughs
Seconded by Councillor Greenwood

That Mr. Petrowski's presentation be received and referred to the consideration of Report PWA 32-2010/CSD 43-2010.

Carried.

172. **Mr. Ray Konkle**

Mr. Ray Konkle provided Regional Council with some information from an award that he was involved in sometime ago, where the lowest bidder was awarded the contract and it ended extremely badly.

Moved by Councillor Rigby
Seconded by Councillor Marshall

That Mr. Konkle's presentation be received and referred to the consideration of Report PWA 32-2010/CSD 43-2010.

Carried.

(Mr. Konkle's presentation is attached to these minutes)

173. **Ms. Paulina Leung, Emterra Environmental**

Ms. Paulina Leung, Emterra Environmental noted the concerns that have been raised about Emterra's performance, however, she assured everyone that the situation is not as dire as it seems. Ms. Leung noted that Emterra will be retaining employees from the Niagara Region to fulfill their contract requirements, and that the wages will be at par if not slightly higher than what the other existing contractor is paying.

Moved by Councillor Augustyn
Seconded by Councillor McMullan

That Ms. Leung's presentation be received and referred to the consideration of Report PWA 32-2010/CSD 43-2010.

Carried.

174. **Mrs. Robbie Craine Davidson**

Mrs. Robbie Craine Davidson advised Regional Council that she is opposed the proposed changes, as she believes that the changes to the limits won't reduce the garbage, however, it may increase the number of tags being purchased. Mrs. Davidson noted her concerns with the storage of garbage for two weeks, and in the event a resident misses their garbage day, they now have to store that garbage for a month, which will produce pests and emit offensive odours throughout the communities. Mrs. Davidson also noted her concern for the Modern employees who will be put out of work if Niagara Region approves the preferred contractor, who is located in Burlington, not in Niagara Region.

Moved by Councillor Rigby
Seconded by Councillor Marshall

That Mrs. Davidson's presentation be received and referred to the consideration of Report PWA 32-2010/CSD 43-2010.

Carried.

(Mrs. Davidson's presentation is attached to these minutes)

175. **Gary Smith, Modern Corporation**

Mr. Gary Smith, Modern Corporation advised Regional Council that they have been involved in many RFP's, and questions do arise when a contractor bids so much lower than the rest. He suggested that this should be a concern to the Niagara Region and he therefore recommended that Regional Council take the time required to evaluate the bids further, being as there are eleven months left in the current contract.

Moved by Councillor Burroughs
Seconded by Councillor Henderson

That Mr. Smith's presentation be received and referred to the consideration of Report PWA 32-2010/CSD 43-2010.

Carried.

176. **Norm St. George**

Mr. Norm St. George addressed Niagara Region's diversion rate and manner in which the bidders were rated. Mr. St. George asked Regional Council to leave the garbage issue alone this year and let the next term of Council deal with it.

Moved by Councillor Zimmerman
Seconded by Councillor McMullan

That Mr. St. George's presentation be received and referred to the consideration of Report PWA 32-2010/CSD 43-2010.

Carried.

(Mr. St. George's presentation is attached to these minutes)

COMMITTEE REPORTS

JOINT REPORTS

177. **Contract Award for Garbage, Recycling and
Organics Collection Services**
PWA 32-2010/CSD 43-2010

Moved by Councillor Rigby
Seconded by Councillor Augustyn

That Report PWA 32-2010/CSD 43-2010, April 13 & 14, 2010 respecting Contract Award for Garbage, Recycling and Organics Collection Services, be received;

That the seven year contract for 2009-RFP-44 "Collection/Haulage of Garbage, Recyclables, Organic Waste and White Goods", starting March 1, 2011 be awarded to Halton Recycling Ltd., doing business as Emterra Environmental, for the following collection services.

Upon a recorded vote being requested, the Council was divided on the aforementioned motion as follows:

Voting for the Motion:

Councillor Augustyn	Councillor Goulbourne
Councillor Badawey	Councillor Henderson
Councillor Baty	Councillor Hodgson
Councillor Bentley	Councillor Lepp
Councillor Bylsma	Councillor Marshall
Councillor Casselman	Councillor Martin
Councillor Cordiner	Councillor Rigby
Councillor Gabriel	Councillor Zimmerman (16)

Voting Against the Motion:

Councillor Burroughs	Councillor McMullan
Councillor D'Angela	Councillor Salci
Councillor Forster	Councillor Saracino
Councillor Greenwood	Councillor Smeaton
Councillor Katzman	Councillor Timms
Councillor Puttick	Councillor Trombetta (12)

Upon the recorded vote being taken, the Regional Chair declared the motion carried.

Moved by Councillor Rigby
Seconded by Councillor Augustyn

That a grass collection ban be implemented effective March 1, 2011.

Carried.

Councillors Casselman; D'Angela; Greenwood; Heit; Katzman; Salci and Timms requested that they be recorded as opposed to the aforementioned motion.

Moved by Councillor Rigby
Seconded by Councillor Augustyn

That the following collection services be included in the contract for 2009-RFP-44:

- a) Option 2 – 65% Diversion:
As part of the current strategy to achieve an estimated 65% waste diversion, provision of Base and Enhanced Services, at a first year contract cost of \$16,772,697 (exclusive of tax and any adjustments for diesel fuel cost) and a seven year total estimated cost of \$124,096,316 (exclusive of tax), consisting of:
- i) Every other week garbage collection for the low density residential sector and other eligible properties, with a three container (bag-Can) limit for the low density residential sector (one to six unit residential buildings), and container limits for other sectors as outlined in Appendix IV of this report;
 - ii) Weekly garbage collection for designated business areas;
 - iii) Weekly Blue and Grey Box recycling collection for the low density and high density residential sectors, designated business areas and other eligible properties;
 - iv) Weekly Green Bin organics collection for the low density residential sector, designated business areas and other eligible properties;
 - v) Weekly leaf/yard material collection, with no grass collection, for the low density residential sector, which includes a separate leaf/yard material and brush collection in April and November in urban areas only;
 - vi) Weekly collection of household bulky items and white goods as previously approved for the low density residential sector;
 - vii) Once per year Christmas tree collection, special set out services and garbage container (bag/can) exemptions as previously approved for the low density residential sector.

Upon a recorded vote being requested, the Council was divided on the aforementioned motion as follows:

Voting for the Motion:

Councillor Augustyn	Councillor Henderson
Councillor Baty	Councillor Puttick
Councillor Bylsma	Councillor Rigby
Councillor Gabriel	Councillor Smeaton (9)
Councillor Goulbourne	

Voting Against the Motion:

Councillor Badawey	Councillor Katzman
Councillor Bentley	Councillor Lepp
Councillor Burroughs	Councillor Marshall
Councillor Casselman	Councillor Martin
Councillor Cordiner	Councillor McMullan
Councillor D'Angela	Councillor Salci
Councillor Forster	Councillor Saracino
Councillor Greenwood	Councillor Timms
Councillor Heit	Councillor Trombetta
Councillor Hodgson	Councillor Zimmerman (20)

Upon the recorded vote being taken, the Regional Chair declared the motion defeated.

Moved by Councillor Rigby
Seconded by Councillor Zimmerman

That the following collection services be included in the contract for 2009-RFP-44:

- a) Option 1 as part of a strategy to achieve waste diversion, provision of Base and Enhanced Services, at a first year contract cost of \$16,550,866 (exclusive of tax and any adjustments for diesel fuel cost) and a seven year total estimated cost of \$122,821,183 (exclusive of tax), consisting of:
 - i) Weekly garbage collection for the low density residential sector and other eligible properties, with a one container (bag/can) limit for the low density residential sector (one to six unit residential buildings) and container limits for other sectors as outlined in Appendix IV of this report;
 - ii) Weekly Blue and Grey Box recycling collection for the low density and high density residential sectors, designated business areas and other eligible properties;
 - iii) Weekly Green Bin organics collection for the low density residential sector, designated business areas and other eligible properties;
 - iv) Weekly leaf/yard material collection, with no grass collection, for the low density residential sector, which includes a separate leaf/yard material and brush collection in April and November in urban areas only;
 - v) Weekly collection of household bulky items and white goods as previously approved for the low density residential sector;
 - vi) Once per year Christmas tree collection, special set out service and garbage container (bag/can) exemptions as previously approved for the low density residential sector.

Carried.

Moved by Councillor Rgiby
Seconded by Councillor Zimmerman

- b) Enhanced Services as selected by local municipalities for litter bin collection, front end garbage bin collection services and additional curbside collection in designated areas, as outlined in Appendix IV of this report.
- c) Public open space street side collection of recyclables on a per stop basis as a provisional enhanced service, as selected by local municipalities and outlined in this report.

Carried.

Moved by Councillor Rigby
Seconded by Councillor Augustyn

That the award of the provisional item in 2009-RFP-44 for Green Bin organics collection service for multi-residential buildings be deferred pending confirmation of available organics processing capacity and affordability of this service.

That the collection contract agreement with Halton Recycling Ltd., doing business as Emterra Environmental, be prepared by the Director of Legal Services.

That the Regional Chair and Regional Clerk be authorized to execute the collection contract agreement on behalf of the Corporation.

That the Waste Management Services By-Laws 95-2008 and 117-2008 be amended to reflect the new service levels as approved by Council.

That Staff be directed to review the current waste diversion target and timelines and report back to Waste Management Planning Steering Committee and Public Works Committee.

Carried.

Moved by Councillor Rigby
Seconded by Councillor Augustyn

That staff be requested to report back to the Public Works Committee on a policy to provide garbage container limit exemptions to households with disposable diaper waste and waste associated with special medical care.

Carried.

INTEGRATED COMMUNITY PLANNING COMMITTEE

178. Report 5-2010

Moved by Councillor Casselman
Seconded by Councillor McMullan

That Report 5-2010, being the minutes of the Integrated Community Planning Committee meeting of Wednesday, April 14, 2010, be received and the recommendations contained therein be approved.

Carried.

PUBLIC WORKS COMMITTEE

179. Report 5-2010

Moved by Councillor Casselman
Seconded by Councillor McMullan

That Report 5-2010, being the minutes of the Public Works Committee meeting of Tuesday, April 13, 2010, be received and the recommendations contained therein be approved ***as amended***.

Carried.

CORPORATE SERVICES COMMITTEE

180. Report 5-2010

Moved by Councillor Casselman
Seconded by Councillor McMullan

That Report 5-2010, being the minutes of the Corporate Services Committee meeting of Wednesday, April 14, 2010, be received and the recommendations contained therein be approved ***as amended***.

Carried.

PUBLIC HEALTH AND SOCIAL SERVICES COMMITTEE

181. Report 5-2010

Moved by Councillor Casselman
Seconded by Councillor McMullan

That Report 5-2010, being the minutes of the Public Health and Social Services Committee meeting of Tuesday, April 13, 2010, be received and the recommendations contained therein be approved.

Carried.

40TH ANNIVERSARY COMMITTEE

182. Reports 7-2010

Moved by Councillor Casselman
Seconded by Councillor McMullan

That Reports 7-2010, being the minutes of the 40th Anniversary Committee meeting of Wednesday, March 24, 2010, be received and the recommendations contained therein be approved.

Carried.

COMMITTEE OF THE WHOLE

183. **COTW 6-2010**

Moved by Councillor Casselman
Seconded by Councillor McMullan

That Report COTW 6-2010, being the minutes of the Committee of the Whole meeting of Wednesday, March 31, 2010, be received and the recommendations contained therein be approved.

Carried.

The following individuals were in attendance during the Closed Session of the Regional Council meeting:

ATTENDANCE

Council: Regional Chair Partington; Councillors Augustyn; Badawey, Baty; Bentley; Burroughs; Bylsma; Casselman; Cordiner; D'Angela; Forster; Gabriel; Goulbourne; Greenwood; Heit; Henderson; Hodgson; Katzman; Lepp; Marshall; Martin; McMullan; Puttick; Rigby; Salci; Saracino; Smeaton; Timms; Trombetta; Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Robson, Commissioner, Integrated Community Planning; Bergsma, Commissioner, Corporate Services; Brothers, Commissioner Public Works; Hutchings, Commissioner, Community Services; Kyne, Director, Legal Services; Bain, Regional Clerk; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Regional Clerk.

Staff (Other): Messrs. Roberts, Executive Officer to the Regional Chair; Weir, Director, Administration; Pilon, Associate Director, Service Quality & Improvement; Steele, Associate Director, Strategic Business Management.

CLOSED SESSION

184. Moved by Councillor Timms
Seconded by Councillor McMullan

That this Council do now move into Closed Session for the purposes of receiving information of a confidential nature relating to A Matter of the Security of the Property of the Municipality – Proposed Waste Disposal Agreement; Matters of Solicitor Client Advice and Litigation Involving the Municipality—Niagara 2031 Growth Plan Appeals; Matters of Labour Relations Emergency Medical Services (EMS) Update and ONA Collective Bargaining Update; A Matter of the Security of the Property of the Municipality; Confidential Police Matters – Initiation of Capital Project ZPO0907; and A Matter of Labour Relations – Emergency Medical Services (EMS) Update; A Matter of Labour Relations: ONA Collective Bargaining Update and *Public Sector Compensation Restraint to Protect Public Services Act, 2010*.

Carried.

185. Matters of Solicitor Client Advice and Litigation
Involving the Municipality—Niagara 2031 Growth Plan Appeals

Moved by Councillor Puttick
Seconded by Councillor Badawey

That the confidential memorandum from Mike Kyne, Director, Legal Services, April 20, 2010, respecting Matters of Solicitor-Client Privilege and Ongoing Litigation re: OMB Appeals of RPPA 2-2009 (Niagara 2031 Growth Management Strategy, be received; and

That the Director of Legal Service be authorized to proceed as directed.

Carried.

186. A Matter of the Security of the Property of the Municipality
Confidential Police Matters – Initiation of Capital Project ZPO0907
CSD 38-2010

Moved by Councillor Augustyn
Seconded by Councillor Greenwood

That Confidential Report CSD 38-2010, April 14, 2010, respecting A Matter of the Security of the Property of the Municipality; Confidential Police Matters – Initiation of Capital Project ZPO0907, be received and the recommendations contained therein be approved.

Carried.

187. A Matter of Labour Relations: ONA Collective Bargaining Update and *Public Sector Compensation Restraint to Protect Public Services Act, 2010*

Moved by Councillor Augustyn
Seconded by Councillor Bentley

That the confidential memorandum from John Bergsma, Commissioner, Corporate Services, April 22, 2010, respecting A Matter of Labour Relations: ONA Collective Bargaining Update and *Public Sector Compensation Restraint to Protect Public Services Act, 2010*, be received.

Carried.

CLOSED SESSION, RISE AND REPORT

188. Moved by Councillor Marshall
Seconded by Councillor Bylsma

That this Committee do now rise with report.

Carried.

The following individuals were in attendance during the Open Session of the Regional Council meeting:

ATTENDANCE

Council: Regional Chair Partington; Councillors Augustyn; Badaway, Baty; Bentley; Burroughs; Bylsma; Casselman; Cordiner; D'Angela; Forster; Gabriel; Goulbourne; Greenwood; Heit, Henderson; Hodgson; Katzman; Lepp; Marshall; Martin; McMullan; Puttick; Rigby; Salci; Saracino; Smeaton; Timms; Trombetta; Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Robson, Commissioner, Integrated Community Planning; Bergsma, Commissioner, Corporate Services; Brothers, Commissioner Public Works; Hutchings, Commissioner, Community Services; Kyne, Director, Legal Services; Bain, Regional Clerk; Dr. Williams, Medical Officer of Health; Ms. Pilon, Deputy Regional Clerk.

Staff (Other): Messrs. Roberts, Executive Officer to the Regional Chair; Weir, Director, Administration; Pollock, Director, Waste Management; Pilon, Associate Director, Service Quality & Improvement; Steele, Associate Director, Strategic Business Management.

CHIEF ADMINISTRATIVE OFFICER'S REPORT

189. Relationships with Council's
Agencies, Boards and Commissions, Update and Progress Report
CAO 3-2010

Moved by Councillor Timms
Seconded by Councillor Casselman

That Report CAO 3-2010, April 22, 2010, respecting Relationships with Council's Agencies, Boards and Commissions, Update and Progress Report, be deferred to the May 13, 2010 Regional Council meeting.

Carried.

MOTION

190. Freezing of Wages

Moved by Councillor Heit
Seconded by Councillor Burroughs

That the motion respecting the freezing of wages, be deferred to the May 13, 2010 Regional Council meeting.

Carried.

BY-LAWS

191. Moved by Councillor Lepp
Seconded by Councillor Trombetta

That the following Bills be now read and do pass:

Bill 43

A By-Law To Appoint By-Law Enforcement Officers To Enforce the Sewer Use By-Law No. 47-2008, As Amended, and To Repeal By-Law 65-2007

Bill 44

A By-Law To Accept, Assume and Dedicate Part of Township Lot 23, Concession 4 (Grantham) Part of Township Lots 2 and 3, Concession 4 (Louth), Part of Lots 2 and 3, Concession 3 (Louth) and Part of Block G, Plan TP 34 (Louth) in the City of St. Catharines as Part of Regional Road No. 77 (Fourth Avenue)

Carried.

192. Moved by Councillor Salci
Seconded by Councillor Goulbourne

That the following Bills be now read and do pass:

Bill 46

A By-Law To Authorize the Submission of an Application to the Ontario Infrastructure Projects Corporation (“OIPC”) for Financing Certain Capital Works of the Corporation of the City of Niagara Falls; and to Authorize Long Term Borrowing for Such Works Through the Issue of Debentures to OIPC

Bill 47

A By-Law To Authorize the Borrowing Upon Debentures in the Principal Amount of \$1,447,565.00 for a Purpose of the Town of Fort Erie

Bill 48

A By-Law To Authorize the Borrowing Upon Debentures in the Principal Amount of \$28,400,334.00 for Purposes of the Regional Municipality of Niagara

Bill 49

A By-Law To Amend By-Law 18-2006, As Amended Being a By-Law to Establish Fees and Charges for Services and Activities Provided by the Regional Municipality of Niagara and For the Use of its Property.

Bill 50

A By-Law To Provide for the Adoption of Amendment 6-2009 to the Official Plan for the Niagara Planning Area to Provide Value Added Agricultural Policies

Carried.

CONFIRMING BY-LAW

193. Moved by Councillor Henderson
Seconded by Councillor Burroughs

That the following Bill be now read and do pass:

Bill 45

A By-law to Adopt, Ratify and Confirm the Actions of Regional Council at its Meeting held on the 22nd of April, 2010.

Carried.

ADJOURNMENT

The Council meeting adjourned at 1:55 a.m.

Peter Partington
Regional Chair

Janet Pilon
Deputy Regional Clerk

Kevin Bain
Regional Clerk