



The Municipal Corporation of the
Town of Fort Erie

REGULAR COUNCIL MEETING

MONDAY, NOVEMBER 28, 2005

COUNCIL CHAMBERS

MINUTES

1) CALL TO ORDER

The meeting was called to order at 6:40 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
R. Mostacci, Acting Chief Administrative Officer
C.J. Kett, Town Clerk
M. Neubauer, Director of Corporate Services
R. Tripp, Director of Infrastructure Services
J. Mrozek, Acting Director of Community & Development Services
R. Wilson, Manager, CGDC
C. Watson, Legislative Assistant

MEDIA

PRESENT: Joel Hoidas, The Times; John Robbins, The Review, COGECO;
Mike Cloutier, The Herald and John Vessoayan, Niagara This
Week

MEMBERS OF THE PUBLIC PRESENT: 35

Resolution No. 1
Gorham-Lewis

THAT: The Municipal Council of the Town of Fort Erie hereby suspends the
Council Rules of Procedure By-law No. 200-85, as amended, in order to
amend the hour of commencement to begin the Council meeting
following the Special Closed Session Meeting. (CARRIED)

4) REVIEW OF ADDENDUM/ANNOUNCEMENTS

Addendum

NIL

Announcements

Mayor Redekop made the following announcements:

- The Mayor's Forum on Diversity and Inclusion was held on November 17, 2005. The event was hosted by the Multicultural Centre with over 400 attendees. Further information will be forthcoming.
- The Mayor advised he recently met with members of the BIA's, Garrison Road business owners, Fort Erie Museum, Fort Erie Public Library, staff from Parks and Leisure Services and the Niagara Regional Police with respect to vandalism. He further advised it is necessary for the individual victims and municipal property managers to complete a report with the Niagara Regional Police for tracking purposes. A public awareness program will be undertaken by Town staff using technology and providing aspects on how citizens and police can cooperate to reduce vandalism.
- The Mayor met with two physicians, Kim Craitor, M.P., a representative from Tim Hudak's office and three representatives from the Niagara Health System (NHS) to discuss the temporary closure of critical care beds at Douglas Memorial Hospital. Three beds have been hooked up to provide cardiac care. There is a shortage of 38 cardiac care nurses in the Niagara Region. He will obtain information from the NHS respecting a briefing note to the Regional Office of the Ministry outlining strategies to ascertain how the Town can assist. The NHS is putting a program in place to open those critical care beds on December 2nd, 2005. The Mayor added there is a resolution on the Agenda inviting representatives from the NHS to attend a public forum in Fort Erie respecting service levels at Douglas Memorial Hospital and to provide information to the public.

5) DISCLOSURES OF PECUNIARY INTEREST AND GENERAL NATURE

(a) Councillor Shular

Councillor Shular disclosed a pecuniary interest with respect to New Business item (a) since his wife is an employee of the Niagara Health System. Councillor Shular abstained from discussing or voting on the matter.

(b) Councillor Gorham

Councillor Gorham disclosed a pecuniary interest with respect to Delegation (c) and Motions (a) and (b) since he provides educational services to the Fort Erie Native Cultural Centre. Councillor Gorham abstained from discussing or voting on these matters.

(c) Councillor Lewis

Councillor Lewis disclosed a pecuniary interest with respect to Delegations (a) and (d) since he is employed by Avalon Consulting Professionals of Ontario contracted by the Ambassador Bridge Group. Councillor Lewis abstained from discussing or voting on these matters and vacated the Council Chambers when necessary.

(d) Mayor Redekop

Mayor Redekop disclosed a pecuniary interest with respect to By-law No. 209-05 since his law firm represents a mortgagee abutting adjacent lands. Mayor Redekop abstained from discussing or voting on the matter and vacated the Chair when necessary.

6) ADOPTION OF MINUTES

(a) Regular Meeting of Council –October 24, 2005

Resolution No. 1A
Fell-Shular

THAT: The Municipal Council of the Town of Fort Erie hereby approves the minutes of the Regular Meeting of Council held October 24, 2005, as printed.

Resolution No. 1B
Gorham-Lewis

THAT: This matter be tabled for a further two (2) weeks to the Council Meeting of December 12, 2005 to permit the Mayor to view the video tape of the meeting. (CARRIED)

(b) Regular Meeting of Council – November 14, 2005

Resolution No. 2
Shular-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby approves the minutes of the Regular Meeting of Council held November 14, 2005, as printed. (CARRIED)

7) PUBLIC NOTICE - MUNICIPAL ACT, 2001

(a) Redivision of Ward Boundaries

By-law No. 196-05 was passed at the Special Council Meeting of November 7, 2005 to redivide the ward boundaries. Any person or agency wishing to appeal to the Ontario Municipal Board shall file with the Town Clerk a Notice of Appeal setting out the objections and reasons in support of the objection by no later than December 22, 2005.

See Public Notice www.forterie.on.ca.

(b) Updated Business Licencing By-law

A report and draft by-law will be considered at the Council-in-Committee meeting of December 5, 2005. Any person who wishes to speak to the by-law may register by no later than 1:00 p.m. on Thursday, December 1, 2005.

See Public Notice www.forterrie.on.ca.

8) PRESENTATIONS AND DELEGATIONS

(a) Bernadette Secco, Executive Director, Fresh Air Coalition

Re: Update on tolls and traffic counts at Peace Bridge

A power point presentation was delivered and can be accessed in full text by clicking on the presentations link and a paper copy is also available in the Clerks' Department.

Ms. Secco provided a power point presentation on the Peace Bridge Authority (PBA) bonding prospectus providing 1995 vs. 2005 comparatives on various aspects of the bridge. Indicated below are some of the comparison factors addressed by Ms. Secco:

- The Peace Bridge is the 3rd most expensive toll bridge for a five-axle truck round trip.
- The Peace Bridge is the 2nd least expensive toll bridge for passenger cars.
- Commercial and passenger traffic are relatively inelastic with respect to periodic toll rate increases.
- Rental income from the U.S. duty free store has doubled in the past ten years.
- In Canada, the PBA and its real property are subject to assessment and property tax however, they are exempt from taxation in the U.S. where they must make equalization payments to NYS equal to the municipal property tax the PBA pays in Canada.
- The PBA may not have sufficient financial capability to fund the entire cost of the construction and maintenance of the new bridge.
- No other bridge for a like purpose shall be constructed or located at any point nearer than six miles from the Peace Bridge without the consent of the PBA or the Canadian Government.
- The Bi-National Bridge Committee meetings are held in Buffalo and chaired by Council member Nick Bonafacio. The Federal Highways Authority (FHWA) is the lead U.S. agency and they are not entirely convinced another bridge is needed because of current volumes, the impact of moving toll booths to Canada, relocating the U.S. Duty Free and adding truck lanes. Also, FHWA and the City of Buffalo participants do not think the Bridge Design Jury is a good idea at this time.

- Mayor Redekop informed Mayor Masiello and Councillor Bonafacio the PBA is requesting 5.2 acres of land for expansion and he will vote against this request as a Niagara Parks Commissioner.

In closing, Ms. Secco requested Town Council to consider:

- Asking for a share of revenue from Duty Free;
- As members of the partnership, Fort Erie and Buffalo qualify for U.S. funding for independent consultants to review the expansion project. Buffalo has taken advantage of this opportunity.
- Since all three parties are equal partners, that all correspondence between the PBA, City of Buffalo and Town of Fort Erie be copied to the other partners.
- Sending a representative to the Bi-National meetings.

(b) Jocelyne Gagné, Regional Director, Ontario March of Dimes

Re: Promoting awareness of “International Day for Disabled Persons”
– December 3, 2005

A copy of Ms. Gagné’s written presentation is available in the Clerk’s Department.

Ms. Gagné advised International Day for Disabled Persons was originally proclaimed in 1992 by the United Nations to commemorate the anniversary of the World Programme of Action concerning disabled persons and adopted by the UN General Assembly in 1982.

Ms. Gagné stated this day is to celebrate the achievements and contributions persons with disabilities make to their communities. The goal is to promote an understanding of issues affecting persons with disabilities, to create support for their dignity and rights and to increase awareness of these issues. This year’s theme is “Rights of Persons with Disabilities: Action in Development” stressing the need of persons with disabilities to have the opportunity to contribute and participate in every aspect of society, especially inclusion in all discussions and decisions affecting their lives.

Ms. Gagné advised as part of this celebration, the Ontario March of Dimes-South Region is hosting the “Befriending Christmas Social” on December 5th, 2005 at 6:00 p.m. at the Fairview Mennonite Brethren Church located at 455 Geneva Street, St. Catharines. The Befriending Program, whose mantra is “make a connection, make a friend” matches screened volunteers with disabled persons who feel socially isolated and may have limited personal support networks.

In closing, Ms. Gagné encouraged the residents of Fort Erie to be inclusive and encourage persons with disabilities to be active participants in the community.

- (c) Brian Simpson, Solicitor, Crossingham, Brady o/b Fort Erie Native Friendship Centre

Re: Objections to compliance audit for the Fort Erie Native Friendship Centre

Mr. Simpson as solicitor for the Fort Erie Native Friendship Centre stated he was accompanied by Mr. Rod McDowell of Hagan McDowell, who acts as the Centre's corporate solicitor. Mr. Simpson understood there was a Motion before Council for a forensic audit. He indicated the submission of the Fort Erie Native Friendship Centre (FENFC) is that they will encourage and cooperate with a compliance audit for the bingo funds. It can be done for the three (3) years, 1999 onwards. However, they would not be in favour of a full forensic audit since 1982.

Mr. Simpson stated a number of accusations were made at the Council meeting of November 14, 2005 that were unfortunate and regrettable. He noted the Native Grandmothers have been to every conceivable government agency with no results.

Mr. Simpson advised he was not certain a forensic audit was within the bailiwick of this Council pursuant to the *Municipal Act*. He indicated the Town doesn't have gaming documents going back four (4) years but he believes it can be for seven (7) years.

Mr. Simpson explained the Native Grandmothers can use the corporate structure, the election of Board Members and membership meetings to address their concerns. He estimated the amount required for a full forensic audit would be approximately \$70-90,000. The three year compliance audit that was just conducted cost approximately \$17,000.

In closing, Mr. Simpson advised they would be more than happy to be of assistance. The books are there. They would have to submit to an audit if requested to do so by the Gaming official. He indicated he was handed correspondence this evening written by Dr. Gerald Kearney, Manager of Aboriginal Children's Programs, Public Health Agency of Canada wherein they conducted an investigation on the use of funds contributed from their program and determined there was no discrepancies in the use of these funds.

- (d) Ron Rienas, General Manager, Buffalo and Public Bridge Authority

Re: Update on bridge traffic and capital improvements at Peace Bridge

A power point presentation was delivered and can be accessed in full text by clicking on the presentations link and a paper copy is also available in the Clerks' Department.

Mr. Rienas provided historical statistics from 2000-2005 on the decline of automobiles, trucks and buses crossing the borders. He advised all of the international bridges have been affected. When Canada Customs walk off the job due to a job action, it takes three (3) days for traffic volume to recover.

Mr. Rienas stated there has been a lot of talk about the Central Avenue ramp but only a small portion of traffic use this exit off the QEW. Mr. Rienas explained the Bi-National Border Region is rather bleak because of a number of factors including 911, border actions, etc. On the American side seven lanes are now open and no trucks have been lined up on the QEW at all. Mr. Rienas referred to the petitions from the Fresh Air Coalition opposing the improvements but he was proud to say they have accomplished their goals.

Mr. Rienas advised the U.S. Plaza has been completed. When all of the booths are open on the American side it is a huge success. Fourteen lanes were open over the American Thanksgiving weekend and there were no delays. When coming back into Canada with the job action, there was a 3-4 hour delay.

Mr. Rienas reviewed the layout of the U.S. Plaza. He provided an update on the existing work on the Canadian Plaza. He advised the 20,000 sq. ft. administration building on the Canadian Plaza will house the native artifact display and is scheduled for completion in September 2006. The new refugee processing building will also be completed in September 2006 and the new customs building is scheduled for completion in November 2006. The improvements make the plaza 250% larger.

- (e) Peter BonEnfant o/b Ambassador Niagara Signature Bridge Group

Re: Bridgeburg Neighbourhood Plan

WITHDRAWN

At this point, Council recessed for a ten (10) minute period.

9) **COMMUNICATIONS**

- (a) Ontario March of Dimes

Re: Request proclamation of "International Day for Disabled Persons" in Fort Erie - December 3, 2005

Resolution No. 3
Fell-Noyes

THAT: The Municipal Council of the Town of Fort Erie hereby authorizes the Mayor to proclaim December 3, 2005 as "International Day for Disabled Persons" in Fort Erie, and further

THAT: The Ontario March of Dimes be so notified they may place proclamations in any of the local newspaper at their own expense.

(CARRIED)

(b) OMB Reform

Re: Request support of initiatives to urge the Provincial Government to introduce legislation to reform the Ontario Municipal Board by December 9, 2005

Resolution No. 4
Gorham-Lewis

THAT: The Municipal Council of the Town of Fort Erie hereby supports the position of the OMB Reform to urge the Provincial Government to introduce legislation to reform the Ontario Municipal Board by December 9, 2005, and further

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

(c) Dee Mc Properties Ltd.

Re: Notice of Intent – Application to Cut, Burn or Destroy Trees – Niagara River Golf Club, Niagara Parkway

Reference: Receive and file.

(d) Regional Municipality of Niagara

Re: Response to Application to Cut, Burn or Destroy Trees – Niagara River Golf Club, Niagara Parkway

Reference: Receive and file.

(e) Communication Items

Resolution No. 5
Lewis-Berry

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

10) REPORTS OF COMMITTEES

(a) Regular Meeting of Council-in-Committee – November 21, 2005

Resolution No. 6
Lewis-Gorham

THAT: The Municipal Council of the Town of Fort Erie hereby approves the minutes of the Regular Meeting of Council-in-Committee held November 21, 2005, as printed. (CARRIED)

(b) Boards and Committees

Resolution No. 7
Berry-Gorham

THAT: The following board and committee reports be received and filed:
(a) Accessibility Advisory Committee – October 25, 2005
(b) Ridgeway Business Improvement Area Board of Management – June 7, 2005; September 13, 2005; October 4, 2005
(c) Senior Citizens Advisory Committee – November 5, 2005
(d) Fort Erie Museum Board – October 13, 2005
(e) Fort Erie Public Library – November 15, 2005 (CARRIED)

Resolution No. 8
Shular-Noyes

THAT: The minutes of the Community Gaming and Development Corporation meetings of October 26, 2005 and November 16, 2005 be accepted and approved. (CARRIED)

11) **ENQUIRIES BY MEMBERS**

(a) Regional Councillor Report

RC Martin referred to enquiries raised at the last Council meeting in his absence and in particular the questions by Councillor Berry regarding Regional Councillors attending a conference in Newfoundland. RC Martin explained eleven Regional Councillors attended the FCM Conference in Newfoundland. They each received a maximum amount of \$1,650 to cover costs associated with flight, room, conference registration fee and per diem rate. Any costs incurred over that amount would have to be paid by the Regional Councillor. Expenses incurred by Regional Councillors are published at the end of each year. With respect to the golf tournament, RC Martin indicated he had no knowledge of such an event.

On the matter of the status of the Stevensville/Douglastown lagoon, RC Martin advised Councillor Noyes that a public meeting will not be held in the future. Regional staff intend to complete the Frenchman's Creek Sewer Shed Project first and then look at decommissioning the lagoon.

RC Martin reviewed the recent Regional Capital Budget meeting wherein Fort Erie will receive an allocation of \$2 million for upgrading traffic signals, \$6 million for the Rosehill water trunk lines, \$125,000 in upgrades to the Douglastown Pumping Station and \$6.4 million for the Frenchman's Creek Sewer Shed Project.

RC Martin explained the bond rating agency came back with confirmation that the Region has retained their AA stable rate. However, they expressed concern about the employment exposure in Niagara with respect to General Motors as it now stands. RC Martin indicated it could have an impact on the Region's rating next year. In addition, with respect to the tourism industry that is something that has to be resolved as well in terms of the border, to ensure the flow of goods and passengers.

Councillor Berry questioned why the Region needed to send eleven Regional Councillors to the FCM Conference in Newfoundland. He also requested information on the golf event. The Mayor responded he received similar information when he followed up on the golf event. He was advised there was no golf working session. However, there was two occasions when the Niagara Parks Commission provided free green fees for Regional Council and staff. RC Martin advised this was in late September or early October but he had no further indication there was any golf business working session (*at the conference*).

Councillor Berry raised the matter of his previous question regarding the replacement of the storm sewers on the north side of Dominion Road from Prospect Point Road to Ridge Road. He questioned if they were inspected or flushed. The Mayor responded he followed up with Mr. Cousins and he is awaiting information to pass on to Mr. Tripp. The Mayor further indicated he is awaiting information respecting the widening of the road as previously queried by Councillor Berry.

Councillor Martin further explained that under the Regional budget, each Member of Council is permitted to attend one conference each year. He advised he will express the concerns raised about the number of Regional Councillors attending this conference. Councillor Berry responded just because the money is there doesn't mean it has to be spent. He again questioned why eleven members had to attend when only one could go and then write a report. He indicated in the paper, it stated their spouses went as well. He questioned if they were allowed to spend part of their conference allotment on their spouses. RC Martin responded the \$1,650 was strictly for the Members of Council for the aforesaid expenses. Spouses are at their own expense. RC Martin added he does not have the liberty or authority to question each Member of Council as to why they attended the conference.

Councillor Berry questioned if at one time two Members of the Fort Erie Council went to AMO or the Ontario Good Roads Association Conference. The Mayor responded about three years ago three Members of Council attended the AMO Conference but it has now been reduced to one.

Councillor Shular questioned who was responsible for the maintenance of the sidewalk on Concession Road underneath the QEW overpass. He advised water flows down the two adjacent hills onto the sidewalk where it freezes. Garbage collects under the overpass as well. Residents from the Hagey Street apartments walk this route to the shopping area. He questioned if it is a three prong effort between the Region, the Town and the MTO. The Mayor responded the sidewalk is likely the municipality's responsibility but Mr. Tripp will follow up on the matter.

Councillor Noyes questioned the rationale for delaying the holding of a public meeting for the Stevensville/Douglstown lagoon. She advised it is necessary to capture the concerns of the residents and to capture the history of when it was first put in place. She stated it was supposed to be in place for ten years and then fifteen years. There is no timeline to decommission the lagoon. Councillor Noyes referred to leaching, smell, air quality and other environmental issues which relate to the necessity of holding a public meeting. RC Martin responded that Mr. Brcic indicated to him he would be more than happy to have a public meeting if the Councillor wanted one. He could arrange it for the new year.

Councillor Berry referred to his previous question seeking the costs on the trip to Asia by a number of Economic Development Managers and Peter Partington but he has not received same. The Mayor advised there was a lengthy report prepared by Patrick Gedge of NETCORP for Regional Council which the Mayor provided to Members of Council. However, no costs were mentioned in the report and the Mayor is awaiting that information.

Councillor Berry questioned if Regional Councillors are required to provide a formal report after they attend a conference as the Fort Erie Council is required to do. RC Martin responded he did not believe there was any specific requirement to do so. However, he advised in conjunction with the review of the conference budget, such a policy could be reviewed and he will pass along the concerns expressed at this meeting.

(b) Response to Past Enquiries

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

1. Response to enquiry by Councillor Noyes at the Council Meeting of October 24, 2005 as to whether or not full restitution was requested by the Town respecting the court case involving Erie Downs Bridle and Saddle and the 25k when it was turned over to the OPP and the Crown Attorney. Mr. Wilson advised Crown Attorney Brooks who prosecuted the case was contacted and to the best of his recollection, full restitution was not asked for by the Town's Gaming Services Committee when the case was referred in the spring of 1999.
2. Response to enquiry by Councillor Noyes at the Council Meeting of November 14, 2005 regarding an update on statistics for the nurse practitioner clinic. The Community Health and Wellness Coordinator provided the nurse practitioner clinic progress report providing patient encounter from July 2004 when the clinic first opened to November 15, 2005.

(c) Member Enquiries

(a) Councillor Noyes

Councillor Noyes referred to the Erie Downs Bridle and Saddle Club matter and questioned was it not the direction of Council to the Crown Attorney to seek restitution and also asked if the transcript of the proceedings was available. She clarified the Town is looking for \$25,000 and not \$9,000. Councillor Noyes expressed a desire that Council give direction to the Clerk's Department to proceed with a Notice of Claim and that the Town seek \$25,000 in restitution.

The Mayor questioned which court. Councillor Noyes responded through a civil action. Anyone can ask for Notice of Claim but she did not know through which court. The Mayor advised the small claims court is for claims under \$10,000. Claims under \$50,000 require the issuance of a Statement of Claim. He referred to circumstances where the defendant is in a foreign jurisdiction and questioned if there is a judgment, whether or not it is enforceable. In any event, the procedure must comply with the Civil Rules of Procedure requirements and forms. The Mayor referred to past discussions about retaining legal counsel on a contingency basis.

Councillor Noyes suggested that perhaps the Town can dialogue with the gentleman to retrieve the \$25,000 and an apology. If he is not cooperative than the Town can take the necessary steps. The Town could also seek recovery of its court costs. Councillor Noyes expressed concern that the money was taken from charities and the Town has a responsibility to recover same. In addition, this incident happened in 1999 and the Town was not represented. The Mayor responded that he didn't disagree that people should be held accountable for their conduct. However, the Town Solicitor raised the issue whether or not the Town of Fort Erie had a claim with respect to this issue and whether or not the Town is even the proper plaintiff. He explained that one cannot sue unless one has a cause of action. Mr. Ellis stated it was questionable if the Town had a cause of action.

Councillor Noyes advised she spoke with another lawyer who didn't think it would be too difficult. The Town would be working on behalf of the charities. This other lawyer's opinion was that it could be done and there is a mechanism to do it. The Mayor replied if there is a cause of action with a charity, perhaps they should take it. It would be illegal for the Town to fund litigation where it does not have an interest. The Mayor added Council needs to hear from staff what the action would be, costs and whether or not it is legal for the Town to fund another plaintiff.

Councillor Noyes expressed concern that there must be some action the Town can take in stopping someone from stealing gaming monies. The Mayor advised that is what the Gaming Corporation is set up to do. However, in 1999, the issue of restitution was not fully used as it is today.

Resolution No. 8A
Noyes-Fell

THAT: Staff be directed to investigate a mechanism whereby the Town can recover the \$25,000 from Erie Downs Bridle and Saddle Club.

Councillor Shular questioned if the defendant gave \$15,000 to another charity. The Mayor responded that would probably be part of the defense that is raised. Councillor Noyes requested that staff further investigate how the Town of Fort Erie might go about recovering the \$25,000.

Councillor Berry questioned if there was a conviction. The Mayor believed there was a plea of guilty to something. Mr. Wilson advised there was a conviction but he didn't know what it was for. He would have to review the file. The infraction was under the *Gaming Control Act* by the OPP of the AGCO. There was a penalty fine of \$1,000 and a \$15,000 donation to charity was made as well.

Councillor Berry suggested staff should ask for the transcript of the trial. If any criminal charges were dropped that would then permit the gentleman to continue to cross the border. The Mayor suggested that a transcript may be helpful and if the Motion passes, then perhaps staff could obtain the transcript.

Resolution No. 8B
Noyes-Fell

THAT: Staff be directed to investigate a mechanism whereby the Town can recover the \$25,000 from Erie Downs Bridle and Saddle Club.
(CARRIED)

Councillor Noyes expressed her pleasure in how well the nurse practitioner is being utilized in the community. She questioned if Council can receive the statistical information every six months without having to ask for it. The Mayor requested Mr. Wilson to pass on the request to Ms. Bryant.

(b) Councillor Shular

Councillor Shular requested if the east end of the Friendship Trail near the Old Fort could continue to be snowplowed since people regularly use it. Snowmobiles also use it despite the prohibition and it compacts the snow. He suggested if it could be regularly plowed it will detract snowmobilers from using it and improve the walking conditions of the trail. The Mayor also referred to the snowplowing of sidewalks on Garrison Road which also need to be cleared. Mr. Tripp undertook to look into the matter on Lakeshore Road and to seek more cooperation from the Region for Garrison Road.

(c) Councillor Noyes

Councillor Noyes requested staff to investigate the sidewalks from Ott Road to Stevensville Road. Last week she brought up the matter and suggested there was ten locations that required attention. However, she believes it is many more than that. Mr. Tripp indicated that he would look at the location and review the area in its entirety. Staff will take care of any hazards and look at whether or not replacement is necessary.

(d) Councillor Berry

Councillor Berry questioned if the west end of the Friendship Trail could also be plowed since a number of people use it in this area as well. The Mayor suggested he believed the east end is used more as a sidewalk.

12) MOTIONS

Resolution No. 8C
Lewis-Berry

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

(a) Councillor Noyes

Resolution No. 9
Noyes-Fell

THAT: Based on the concerns raised by the Native Grandmothers regarding misuse of funds from various sources including gaming, and based on results of the compliance audit outlining misuse of lottery funds that the Town of Fort Erie look for funding partners to share the cost of a forensic audit of the Fort Erie Native Friendship Centre for the period 1996-2004 and Town staff provide recommendations regarding possible partners. (CARRIED)

(b) Councillor Berry

Resolution No. 10
Berry-Lewis

THAT: Based on the information received from the Native Grandmothers, the Municipal Council of the Town of Fort Erie hereby calls for the resignations of: Ms. Lucienne Robillard, President of the Privy Council; The Honourable Gerry Phillips, Minister of Government Services; Mr. Rheal Dorval, Ottawa Compliance Division, Federal Government; Mr. Tony Wong, Forensic Division of the Alcohol and Gaming Commission; Detective Sgt. Unit Commander Marshall Ricker, AGCO, Niagara Falls, Ontario. (LOST)

13) NOTICE OF MOTION

(a) Councillor Berry

THAT: The Municipal Council of the Town of Fort Erie send a letter to all of the agencies involved, including the AGCO, indicating that the Council of the Town of Fort Erie would like both the Federal and Provincial Government to embark upon a forensic audit of the Fort Erie Native Friendship Centre at their cost.

14) CONSIDERATION OF BY-LAWS

Resolution No. 10A
Gorham-Shular

THAT: By-law No. 209-05 be removed from the by-law package and dealt with separately. (CARRIED)

Resolution No. 11
Fell-Noyes

THAT: The by-law package containing:

- (a) By-law No. 208-05: To amend By-law No. 118-03 (Investment Policy) and to repeal By-law No. 100-04
- (b) By-law No. 210-05: To appoint an Acting CAO during the vacancy of the Office of Chief Administrative Officer and to repeal By-law No. 102-05
- (c) By-law No. 211-05: To appoint Rino Mostacci as Deputy Clerk for the Town of Fort Erie and to repeal By-law No. 193-05
- (d) By-law No. 212-05: To adopt a World Wide Web Policy for the Town of Fort Erie
- (e) By-law No. 213-05: To deem a certain registered plan of subdivision – Linda Holley and Jean Saulnier, 7 Shannon Road North/321 Ridgeway Road, Lot Nos. 410 and 411, Plan 27/NP 370
- (f) By-law No. 214-05: To exempt a certain lot in the Thompson & Lewis Registered Plan – NP 502 from Part Lot Control pursuant to Section 50 of the Planning Act, 1990 – Habitat for Humanity
- (g) By-law No. 215-05: To redefine the Fort Erie Museum Board for the delivery of Museum and Cultural Services and to repeal By-law No. 291-88 and part of By-law No. 210-2000.

be hereby introduced and given first and second reading.

(CARRIED)

Resolution No. 12
Gorham-Lewis

THAT: The by-law package containing:

- (a) By-law No. 208-05
- (b) By-law No. 210-05
- (c) By-law No. 211-05
- (d) By-law No. 212-05
- (e) By-law No. 213-05
- (f) By-law No. 214-05
- (g) By-law No. 215-05

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

(CARRIED)

Mayor Redekop turned the Chair over to Councillor Shular, due to his pecuniary interest.

Resolution No. 12A
Fell-Noyes

THAT: By-law No. 209-05: To authorize the execution of a Subdivision Agreement – Puppy Hut Limited – Village Creek Estates – Phase 1 (south side of West Main Street, west of Stevensville Road) and to repeal By-law No. 155-05 be hereby introduced and given first and second reading. (CARRIED)

Resolution No. 12B
Gorham-Lewis

THAT: By-law No. 209-05 be hereby given third and final reading, be signed by the Mayor and the Clerk and the corporate seal affixed thereto. (CARRIED)

Mayor Redekop resumed the Chair.

Resolution No. 13
Berry-Gorham

THAT: By-law No. 216-05 (Ratification of Minutes) he hereby introduced and given first and second reading. (CARRIED)

Resolution No. 14
Lewis-Gorham

THAT: By-law No. 216-05 be hereby given third and final reading, be signed by the Mayor and the Clerk and the corporate affixed thereto. (CARRIED)

15) NEW BUSINESS

Mayor Redekop turned the Chair over the Councillor Gorham, in order to move the following motion.

(a) Call for Public Forum with Niagara Health System

Re: Necessity to address closure of critical care beds at Douglas Memorial Hospital and other service delivery changes

Resolution No. 15
Redekop-Fell

WHEREAS a number of changes in services has occurred at the Douglas Memorial Hospital, in recent years, the most disconcerting being the temporary closure of the critical care beds, and

WHEREAS it is deemed expedient to invite representatives of the Niagara Health System to a public forum respecting service levels at Douglas Memorial Hospital;

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Town of Fort Erie that it hereby invites representatives of the Niagara Health System to a public forum to be hosted by the Town of Fort Erie at a mutually agreeable date to permit the Niagara Health System to explain the changes in service at Douglas Memorial Hospital since its inception and in particular, the recent temporary closure of critical care beds and to permit the public and members of Council to make enquiries and to provide comments. (CARRIED)

Mayor Redekop resumed the Chair.

(b) Appointment to the Fort Erie/Niagara Parkway Marina Steering Committee

Resolution No. 16
Berry-Lewis

THAT: In accordance with Section 2.01 of the Fort Erie/Niagara Parkway Marina Steering Committee – Terms of Reference authorized by By-law No. 205-05, Councillor Richard Gorham, be and he is hereby appointed to the Committee with Councillor Shular as the alternate. (CARRIED)

(c) Question on Ballot to Opt Out of Regional Government

Re: Extension of deadline for report

Resolution No. 17
Noyes-Shular

WHEREAS Resolution No. 7 was passed by the Municipal Council of the Town of Fort Erie respecting a question on the ballot to opt out of Regional Government with staff directed to prepare a report for submission to Council within sixty days to provide various information, and

WHEREAS due to the departure of the Chief Administrative Officer, it is not possible to meet the deadline date;

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Town of Fort Erie that it hereby extends the deadline date for a report to Council on opting out of Regional Government not later than January 23, 2006. (CARRIED)

16) SCHEDULING OF MEETINGS

- (a) Tuesday November 29, 2005 – Capital (cont'd); Tuesday December 6, 2005 - Boards & Committees; Tuesday January 10, 2006 – Water & Sewer; Tuesday January 17, 2005 - General - Conference Room #1 - 6:00 - 9:00 p.m.
- (b) Fort Erie Museum Board – Tuesday, November 29, 2005 at 7:30 p.m. – Conference Room #3.
- (c) Accessibility Advisory Committee – Tuesday, November 29, 2005 at 4:30 p.m. – Lunchroom (**CANCELLED**)
- (d) Corporate Services – Friday, December 2, 2005 at 8:30 p.m. – Conference Room #2 to review budget issues.
- (e) Open House Information Session re Drainage and Sewer Issues – Wednesday, December 7, 2005 6:00-8:30 p.m. – Town Hall Atrium.

17) CLOSED SESSION

Resolution No. 18
Berry-Noyes

THAT: The Agenda be amended to include a Closed Session item respecting a personnel matter and that Council move into Closed Session to discuss same. (CARRIED)

Resolution No. 19
Shular-Gorham

THAT: Council does now hereby reconvene and rise with no report. (CARRIED)

18) ADJOURNMENT

Resolution No. 20
Lewis-Gorham

THAT: The Municipal Council of the Town of Fort Erie hereby adjourns at
10:32 p.m. to reconvene into Regular Meeting of Council on Monday,
December 12, 2005 at 6:00 p.m. (CARRIED)

MAYOR

CLERK