



SPECIAL COUNCIL MEETING MINUTES

Thursday July 16, 2020

02:00 PM

PRESENT:

This meeting was held via Video Conference due to COVID-19 and public health concerns and was able to be viewed via Livestream on the Town's website.

Lord Mayor Betty Disero, Councillors: Norm Arsenault, Al Bisback, Gary Burroughs, Clare Cameron, Wendy Cheropita (2:35 p.m.), Erwin Wiens, John Wiens

REGRETS:

Councillor: Stuart McCormack

STAFF:

Sheldon Randall	Chief Administrative Officer (I)
Kyle Freeborn	Director, Corporate Services
Craig Larmour	Director, Community & Development Services
Nick Ruller	Fire Chief
Kevin Turcotte	Director, Operations (A)
Jeff Vyse	Manager of Public Works
Peter Todd	Town Clerk

OTHERS:

MEDIA:

This meeting is being held via Video Conference due to COVID-19 and public health concerns and is able to be viewed via Livestream on the Town's website.

CALL TO ORDER

Lord Mayor Betty Disero called the meeting to order at 2:02 p.m.

ADOPTION OF THE AGENDA

Moved by Councillor Al Bisback, seconded by Councillor Norm Arsenault that the agenda be adopted, as presented.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA		
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

resolution #1, **APPROVED.**

CONFLICT OF INTEREST

No conflicts of interest were declared at this time.

BY-LAWS

Discussion took place regarding:

- facial shields
- minimum age requirement
- enforcement inside stores and set fines
- medical conditions
- visible signage
- number of business affected
- guide/policy for businesses
- special exemptions
- enforcement
- when will by-law come into effect
- termination date

Moved by Councillor Gary Burroughs, seconded by Councillor Al Bisback,

That the definition of face mask or covering be removed and replaced with the following:

“Mask” or “Face Covering” means a mask, *face shield*, or other face covering, including a bandana or scarf constructed of cloth, linen or other similar fabric that fits securely to the head and is large enough to completely and comfortably cover the mouth, nose and chin. ~~without gapping.~~

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	

WENDY CHEROPITA	X	
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

resolution #2, **APPROVED.**

Moved by Councillor Norm Arsenault, seconded by Councillor John Wiens,

That proposed By-law 5248-20, A BY-LAW TO PROVIDE FOR TEMPORARY REGULATIONS TO REQUIRE THE WEARING OF MASKS OR FACE COVERINGS IN ENCLOSED PUBLIC SPACES IN THE TOWN OF NIAGARA-ON-THE-LAKE DURING THE COVID-19 PANDEMIC be amended as follows:

Section 6.1, 6.2, and 6.3 be removed and replaced with the following:

6.1 This By-law shall come into force seven days following approval of this by-law to allow for every Operator of an Enclosed Public Space that is open to the public, sufficient time to post approved signage and prepare as required under this By-law that prohibits persons to enter or otherwise remain within, the public areas of the Enclosed Public Space unless that person is wearing a Mask, subject to the exemptions provided in this By-law,

6.2 This By-law shall cease to be effective upon the withdrawal of the local municipal emergency declaration described in the recitals of this by-law or by repeal of the by-law by Council whichever comes first.

~~6.3. That this By-law shall come into force and take effect upon the final passing hereof.~~

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

resolution #3, **APPROVED.**

Moved by Councillor Clare Cameron, seconded by Councillor Al Bisback,

That whereas the existence of an enforceable temporary by-law requirement will help to

educate the public on the importance of a properly worn masks or face covering and encourage voluntary compliance.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

resolution #4, **APPROVED.**

Moved by Councillor Clare Cameron, seconded by Councillor Norm Arsenault,
That sections 3.1 and 3.2 be removed.

That section 3.4 be amended to read as follows:

3.4 The ~~policy~~ *Operator* shall:

- a. exempt the persons set out in Section 4.1 from the obligation of wearing a Mask, without requiring proof of such exemption;
- b. ensure that all persons working at the business or organization are trained in the requirements of ~~the policy~~ *this by-law* ;
- c. require that employees and agents wear a Mask, except when they are:
 - I. Within an area of the premises where the public is not permitted access, or
 - II. within or behind a physical barrier;
- d. permit the temporary removal of a Mask where necessary for the purpose of:
 - I. receiving services;
 - II. while actively engaging in an athletic or fitness activity including water-based activities;
 - III. while actively engaged in delivering a vocal artistic performance, paid for or otherwise arranged by the Operator;
 - IV. while participating in a religious rite or ceremony that is incompatible with the face being covered;
 - V. consuming food or drink; or
 - VI. for any emergency or medical purpose

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	

GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

resolution #5, **APPROVED.**

Moved by Councillor Clare Cameron, seconded by Councillor Wendy Cheropita,

That the by-law be amended to include the following section:

5.5 Enforcement of this by-law shall first take the form of education and every effort to encourage voluntary compliance.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

resolution #6, **APPROVED.**

The balance of proposed By-law No. 5248-20 was discussed and voted on.

Moved by Councillor Gary Burroughs, seconded by Councillor Al Bisback that leave be given to introduce By-law No. 5248-20 and that the same be considered read a first, second and third time and passed, any ruling of this Council to the contrary notwithstanding.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA		
STUART MCCORMACK	ABSENT	

ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

resolution #7, **APPROVED, AS AMENDED.**

PROCEEDINGS BY-LAW

5249-20 - A by-law to confirm the proceedings at the Special Council Meeting of the Corporation of the Town of Niagara-on-the-Lake on July 16, 2020

Moved by Councillor Norm Arsenault, seconded by Councillor Gary Burroughs that leave be given to introduce By-law No. 5249-20 and that the same be considered read a first, second and third time and passed, any ruling of this Council to the contrary notwithstanding.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

resolution #8, **APPROVED.**

ADJOURNMENT

Moved by Councillor Al Bisback, seconded by Councillor Clare Cameron that is Council adjourn to the next regular meeting of July 20, 2020 and if a special meeting is required, it will be held at the call of the Lord Mayor.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	

LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

resolution #9, **APPROVED.**

RESOLUTIONS

1. Moved by Councillor Al Bisback, seconded by Councillor Norm Arsenault that the agenda be adopted, as presented.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA		
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

APPROVED.

2. Moved by Councillor Gary Burroughs, seconded by Councillor Al Bisback that

That the definition of face mask or covering be removed and replaced with the following:

“Mask” or “Face Covering” means a mask, *face shield*, or other face covering, including a bandana or scarf constructed of cloth, linen or other similar fabric that fits securely to the head and is large enough to completely and comfortably cover the mouth, nose and chin. ~~without gapping.~~

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

APPROVED.

3. Moved by Councillor Norm Arsenault, seconded by Councillor John Wiens,

That proposed By-law 5248-20, A BY-LAW TO PROVIDE FOR TEMPORARY REGULATIONS TO REQUIRE THE WEARING OF MASKS OR FACE COVERINGS IN ENCLOSED PUBLIC SPACES IN THE TOWN OF NIAGARA-ON-THE-LAKE DURING THE COVID-19 PANDEMIC be amended as follows:

Section 6.1, 6.2, and 6.3 be removed and replaced with the following:

6.1 This By-law shall come into force seven days following approval of this by-law to allow for every Operator of an Enclosed Public Space that is open to the public, sufficient time to post approved signage and prepare as required under this By-law that prohibits persons to enter or otherwise remain within, the public areas of the Enclosed Public Space unless that person is wearing a Mask, subject to the exemptions provided in this By-law,

6.2 This By-law shall cease to be effective upon the withdrawal of the local municipal emergency declaration described in the recitals of this by-law or by repeal of the by-law by Council whichever comes first.

~~6.3. That this By-law shall come into force and take effect upon the final passing hereof.~~

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

APPROVED.

4. Moved by Councillor Clare Cameron, seconded by Councillor Al Bisback,

That whereas the existence of an enforceable temporary by-law requirement will help to educate the public on the importance of a properly worn masks or face covering and encourage voluntary compliance.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	

GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

APPROVED.

5. Moved by Councillor Clare Cameron, seconded by Councillor Norm Arsenault,

That sections 3.1 and 3.2 be removed.

That section 3.4 be amended to read as follows:

3.4 The ~~policy~~ *Operator* shall:

- a. exempt the persons set out in Section 4.1 from the obligation of wearing a Mask, without requiring proof of such exemption;
- b. ensure that all persons working at the business or organization are trained in the requirements of ~~the policy~~ *this by-law* ;
- c. require that employees and agents wear a Mask, except when they are:
 - I. Within an area of the premises where the public is not permitted access, or
 - II. within or behind a physical barrier;
- d. permit the temporary removal of a Mask where necessary for the purpose of:
 - I. receiving services;
 - II. while actively engaging in an athletic or fitness activity including water-based activities;
 - III. while actively engaged in delivering a vocal artistic performance, paid for or otherwise arranged by the Operator;
 - IV. while participating in a religious rite or ceremony that is incompatible with the face being covered;
 - V. consuming food or drink; or
 - VI. for any emergency or medical purpose

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
STUART MCCORMACK	ABSENT	

ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

APPROVED.

6. Moved by Councillor Clare Cameron, seconded by Councillor Wendy Cheropita,

That the by-law be amended to include the following section:

5.5 Enforcement of this by-law shall first take the form of education and every effort to encourage voluntary compliance.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

APPROVED.

7. Moved by Councillor Gary Burroughs, seconded by Councillor Al Bisback that leave be given to introduce By-law No. 5248-20 and that the same be considered read a first, second and third time and passed, any ruling of this Council to the contrary notwithstanding.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA		
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

APPROVED, AS AMENDED.

8. Moved by Councillor Norm Arsenault, seconded by Councillor Gary Burroughs that leave be given to introduce By-law No. 5249-20 and that the same be considered read a first, second and third time and passed, any ruling of this Council to the contrary notwithstanding.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

APPROVED.

9. Moved by Councillor Al Bisback, seconded by Councillor Clare Cameron that is Council adjourn to the next regular meeting of July 20, 2020 and if a special meeting is required, it will be held at the call of the Lord Mayor.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
ALLAN BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
STUART MCCORMACK	ABSENT	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	8	0

APPROVED.

VERBAL MOTIONS:

ADJOURNMENT: 03:40 PM

LORD MAYOR BETTY DISERO

TOWN CLERK PETER TODD

