

NIAGARA PENINSULA CONSERVATION AUTHORITY

WELLAND

APRIL 15, 2009

700 p.m.

MINUTES

- MEMBERS PRESENT :**
- D. Ransom, (Chairman)
 - B. Baty
 - T. Dalimonte
 - C. D'Angelo
 - D. DiFruscio
 - A. Fevez
 - D. Goulbourne
 - B. Greenwood
 - B. Heit
 - B. Henderson
 - N. Johnson
 - B. Steckley
- MEMBERS ABSENT:**
- B. Bentley(with regrets)
 - G. Burroughs (with regrets)
 - B. Butters (with regrets)
- STAFF PRESENT:**
- T. D'Amario, CAO/Secretary-Treasurer
 - L. Sawatzky, Recording Secretary
 - M. Stack, Director Communications
 - J. Kukalis, Director, Water Management
 - D. Baker, Director, Land Management
 - T. McDougall, Executive Director Conservation Foundation
 - C. Kaufman, Accounting Administrator
- OTHERS PRESENT:**
- Randy Momot, MacGillivray Partners
 - Nadia Kobylka, MacGillivray Partners
 - Wayne Redekop, Niagara Land Trust
 - Jim Smith, Niagara Land Trust
 - Robert Ritchie, Niagara Land Trust
 - Rodney Wright, Niagara Land Trust
 - John Black, Niagara Land Trust
 - Lisa Campbell, Niagara Land Trust
 - Paul Robertson, Niagara Land Trust
 - Jordan Fois, Niagara Land Trust
 - Amy Brant, Niagara Land Trust
 - John Ariens, IBI Group
 - Randy Smith, Solicitor
 - Emile Saine
 - Danielle Barot

BUSINESS:

The Chairman called the meeting to order at 7:06 p.m., welcomed everyone in attendance and then requested that if anyone had a conflict of interest to declare it. Brian Heit declared a conflict with any items regarding Telus or Talk Wireless.

(1) MINUTES

(a) FULL AUTHORITY MEETING – MARCH 18, 2009

There were no errors or omissions regarding the minutes. The following resolution was presented.

FA-45-09

MOVED BY: A. Fevez

SECONDED BY: D. DiFruscio

THAT: the Minutes of the Full Authority meeting held March 18, 2009, be received and approved as printed.

"CARRIED"

FA-46-09

MOVED BY: T. Dalimonte

SECONDED BY: D. DiFruscio

THAT: the Minutes of the Niagara Region Tree and Forest Conservation By-law Committee meeting held March 26, 2009, be received and approved as printed.

"CARRIED"

(2) BUSINESS ARISING FROM MINUTES

There was no business arising from the Minutes.

(3) INFORMATION – NEWSPAPER ARTICLES CONCERNING THE NIAGARA LAND TRUST

The Chairman indicated the insertion of the articles for the Board's information.

(4) DELEGATION – NIAGARA LAND TRUST

The Chairman asked Wayne Redekop to come forward to make the presentation on behalf of the Niagara Land Trust.

Mr. Redekop thanked the Board for the opportunity to make the presentation. He then introduced the members and directors present at the meeting. Mr. Redekop provided a power point presentation which outlined the background of Land Trusts as well as the structure, goals and objectives of the Niagara Land Trust.

A question period ensued, after which the Chairman thanked Mr. Redekop for his presentation.

(5) **HEARING UNDER SECTION 28(3) – APPLICATION BY EMILE SAINE - REPORT NO. 24-09**

In accordance with Section 28(3) the following resolution was presented.

FA-47-09

MOVED BY: N. Johnson

SECONDED BY: T. Dalimonte

THAT: this board now sit as a hearing Board for the purposes of hearing the application of Mr. Saine.

"CARRIED"

The Chairman called upon John Kukalis, Director, Water Management to come forward to present the Authority report. The Chairman then introduced those in attendance regarding the application.

The Director, Water Management advised that the information he was about to present was provided to the members in their agenda packages. He then provided the background on the original application.

The Chairman then called upon Mr. Ariens who would be presenting on behalf of the applicant. He reiterated the items noted by the Director, Water Management regarding the sequence of events and then provided a power point presentation showing the property location of the proposed application.

The Chairman then called upon Mr. Smith, Solicitor for Mr. Seine to make his presentation. Mr. Smith provided further information on the application and responded to questions.

Prior to any discussions it was suggested that the meeting move in-camera to allow the Board to openly discuss this matter.

At this point as a point of order it was questioned whether the Board could go in-camera to discuss this issue.

The CAO advised that it was well within the rights of the Board to discuss this matter in-camera.

Several of the Board members did not feel it appropriate to do so. The Chairman again confirmed it was within the Board's rights to do so. The following resolution was presented.

FA-48-09

MOVED BY: N. Johnson

SECONDED BY: C. D'Angelo

THAT: this meeting do now move in-camera.

"DEFEATED"

April 15, 2009 – continued

After discussing the matter and the question of whether legal council for the authority should be sought, the following resolution was presented.

FA-49-09

MOVED BY: C. D'Angelo

SECONDED BY: T. Dalimonte

THAT: this issue be deferred to the next meeting of the Authority pending legal council advice regarding the question of the property being "land locked" and a technical review of the drainage inlet.

"CARRIED"

The Chairman then advised that the next meeting of the Authority will be May 20th to be held at the Centre for Conservation at Ball's Falls. He indicated that only those who where in attendance at this meeting could be involved in the hearing at the next meeting.

A lengthy discussion took place on how to deal with the process at the next meeting.

(6) 2008 FINANCIAL STATEMENTS – REPORT NO. 25-09

The Chairman introduced Randy Momot and Nadia Kobylka from MacGillivray Partners who were in attendance to present the 2008 Financial Statements.

Randy provided an outline of the Statements for 2008 and the Auditor's letter and responded to questions. The following resolution was presented.

FA-50-09

MOVED BY: B. Henderson

SECONDED BY: T. Dalimonte

THAT: the Financial Statements for the year ended December 31, 2008 as audited by MacGillivray Partners be received and adopted as printed.

"CARRIED"

(7) CHAIRMAN'S REMARKS

The Chairman complemented staff who were present at the annual Hawkwatch event at Beamer Memorial Conservation Area in Grimsby on Friday, April 10th. He noted there was an excellent turnout with staff serving over 600 hotdogs at the event. He commented that Mary had attended at COGECO to promote the event which was very successful.

The Chairman thanked Andy Fevez for the eastern bluebird presentation slides at Binbrook Conservation Area. Those in attendance got to make a bird house to take home with them. There were many families there with children.

The Chairman advised that he and the CAO met with Regional Chairman Partington at the Centre for Conservation at Ball's Falls to tour the facility and discuss the Authority. He noted it was a good meeting and indicated that there will be ones in the future as well.

(8) CAO'S REPORT

The CAO advised that the Conservation Authority will be receiving an award from the Niagara Escarpment Commission for the Centre for Conservation at Ball's Falls to be presented at the May 20th Authority meeting. He noted there will be a reception with dignitaries and press at 5:30 p.m. to be followed by the official presentation at 7:00 p.m.

The CAO then outlined the upcoming events occurring to celebrate the Authority's 50th Anniversary. The events include an earth day tree planting celebration at E.C. Brown Conservation Area on April 22nd, where local students will be planting 1500 trees. On April 25th the trout season opens at St. Johns Pond where hotdogs will again be served to those attending. April 30th is the kickoff of the simply Tree-Mendous challenge where all Niagara Mayors, the Regional Chairman, the Mayor of Haldimand and a Councillor from Hamilton will be in attendance to plant trees at Ball's Falls.

(9) BUDGET STATUS REPORT TO MARCH 31, 2009 - REPORT NO. 26-09

The CAO noted that there are no major variances in the budget at this point other than the increase in the charitable contribution by Ontario Power Corporation for the 100 year celebrations for the Boundary Waters Treaty which will be going directly back to the committee. After responding to questions, the following resolution was presented.

FA-51-09

MOVED BY: B. Steckley

SECONDED BY: T. Dalimonte

THAT: the Budget Status Report for the period ending March 31, 2009 be received.

"CARRIED"

(10) PROJECT STATUS REPORT – REPORT NO. 27-09

Damian Goulbourne questioned whether the increased activity with respect to the watershed planning matters was something that would be ongoing. The CAO responded by saying that while it was busy at this point, they were only applications and whether those applications would move forward or not was unknown.

Brian Baty questioned item no. 3 on page 25 and could staff investigate the water running down Hwy. 20.

Barb Henderson requested an update on the Bruce Trail talks. Darcy Baker advised that staff have met with park agencies and the Bruce Trail Association. The Bruce Trail conservancy is working with their staff to come up with an acceptable solution to all, but authority staff have not heard anything yet. He indicated that it has been referred back to the affected authorities to advise they should continue with what they are currently doing. The following resolution was presented.

FA-52-09

MOVED BY: A. Fevez

SECONDED BY: C. D'Angelo

THAT: Report No. 27-09 outlining the status of Authority projects be received for information.

“CARRIED”

(11) IN-CAMERA

In accordance with Authority policy, the following resolutions were presented.

FA-53-09

MOVED BY: B. Baty

SECONDED BY: N. Johnson

THAT: this meeting do now move in-camera.

Received at 9:25 p.m. **“CARRIED”**

FA-54-09

MOVED BY: T. Dalimonte

SECONDED BY: B. Steckley

THAT: this meeting do now move back into open session.

Received at 9:32 p.m. **“CARRIED”**

(12) OTHER BUSINESS

Brian Baty requested that an item be placed on the next agenda regarding the proposal for funding from the Waterfront Regeneration Trust. He suggested that Drew Semple be invited to the next meeting to provide information on the project which will traverse mainly through Thorold and Pelham.

Brian then advised he has been working on the tree planting program for the Authority's 50th Anniversary. He noted that the public is very impressed with our plant guide and suggested that the guide be used as a fund raising initiative to identify the specific species of plants at various nurseries.

It was noted that the May meeting at the Centre for Conservation, the reception would begin at 5:30 p.m. and the meeting at 7:00 p.m. with the hearing to begin at 8:00 p.m.

ADJOURNMENT

There being no further business, the following resolution was presented.

FA-55-09

MOVED BY: B. Steckley

SECONDED BY: T. Dalimonte

THAT: this meeting do now adjourn.

Received at 9:37 p.m.

“CARRIED”

"L. Sawatzky, Recording Secretary

D. Ransom, Chairman"