

NIAGARA PENINSULA CONSERVATION AUTHORITY

BALL'S FALLS

MAY 20, 2009

7:00 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
B. Bentley

MEMBERS ABSENT:

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

OTHERS PRESENT:

Don Scott, Chair, Niagara Escarpment Commission
Mark Frawley, Director, NEC
Karen Carruthers, Communications Officer, NEC
Don Alexander, Commissioner, NEC
Rachelle Larocque, Planner, Twp. West Lincoln
Rose Marie Cipryk
Ken Forgeron, Region of Niagara Integrated Community Planning
Drew Semple, Region of Niagara Integrated Community Planning
John Ariens, IBI Group
Randy Smith, Solicitor

BUSINESS:

The Chairman called the meeting to order at 7:00 p.m. and welcomed everyone in attendance, noting he was pleased to have the meeting at the new Centre for Conservation. Brian Heit declared a conflict with any items regarding Telus or Talk Wireless.

(1) NEC PRESENTATION

A presentation was made to Doug Ransom, Chairman and Tony D’Amario, CAO of the Conservation Authority by Don Scott, the Chairman of the Niagara Escarpment Commission for the Centre for Conservation. Mr. Scott provided some background on this award noting it is in partnership with the Ontario Heritage Trust. He indicated that this award honours individuals and groups for outstanding efforts made to enhance the Niagara Escarpment Biosphere Reserve. He thanked the board and staff for their vision and creativity in the development and design of the Centre for Conservation.

Doug Ransom, thanked Mr. Scott noting the importance of partnerships and how proud the Authority is of this truly unique building. Tony D’Amario then also thanked NEC for this award, also stressing the importance of partnerships.

(2) DELEGATION

Regional Staff were in attendance regarding the Thorold-Fonthill Spur Trail. Ken Forgeron of Integrated Community Planning for the Region, presented the Region’s proposal for the abandoned Thorold-Fonthill Spur Rail Line. He indicated it is a top priority project that will add to the Greater Niagara Circle Route. The Spur Trail will follow the former railway corridor from the City of Thorold, through Fonthill and into Welland, where it re-joins the Welland Canal Trail.

Mr. Forgeron noted that the Region can secure 40% of the funding for the project through the Waterfront Regeneration Trust Waterfront Trail Program. This program was announced last week by the Federal and Provincial Governments. All projects need to be completed in the next 2 years.

Drew Semple advised that he is involved in the Active Transportation Committee, of the Greater Niagara Circle Route. He indicated that the project is virtually complete and the current committee sees their future role as expanding. This project represented 10 -12 km of abandoned trail line linking the Greater Niagara Circle Route and Steve Bauer Trail which will link to the city of Welland. This has been identified as primary focus for 2009 and is strongly supported at a cost of \$1.3 million. The group is hoping to obtain \$500,000 from the infrastructure program, and is within the budget of the Greater Niagara Circle Route budget of \$300,000 which could be allocated, subject to regional council approval. A meeting held with the Thorold and Pelham Mayors and senior staff, was supported by both municipalities and the hope is to get local financial support. A follow-up meeting will be taking place shortly and the city of Welland representatives will be invited to get on board. He indicated they want to be ready if the Waterfront Regeneration Trust grants this project. If it happens, part of the project will be done this year.

Brian Baty indicated he is in favour of this although it is not a mandate of Regional Government. In one year, he indicated a substantial increase in use of the trail and no one has any negative comments. He noted that this initiative has been good for local residents and tourists. He questioned whether NPCA could explore the possible funding for trail development in order to link municipalities and the region. A lengthy discussion took place and the Director, Land Management indicated he would look into this matter.

(3) MINUTES - FULL AUTHORITY MEETING – APRIL 15, 2009

There was an error on the first page under Members Present which noted Barbara Henderson present with regrets. The “with regrets” notation should be removed. The following resolution was presented.

FA-56-09

MOVED BY: B. Henderson

SECONDED BY: A. Fevez

THAT: the Minutes of the Full Authority meeting held April 15, 2009, be received and approved amended.

"CARRIED"

(4) BUSINESS ARISING FROM MINUTES

There was no business arising from the Minutes.

(5) CORRESPONDENCE

The CAO noted that the correspondence will be dealt with later as part of the in-camera proceedings.

(6) CHAIRMAN'S REMARKS

The Chairman thanked those who came for the Tremendous Tree kickoff noting almost all mayors were in attendance. He indicated that he inspected the plantings and most have leafed out. He also thanked Mary and John as well. He noted that the challenge is being received with enthusiasm.

The Chairman commented that the Annual Report was very attractively done and thanks to Mary for this most impressive publication.

The Chairman encouraged board members to read status reports to keep on top of what is going on and to take the information back to respective municipalities.

The Chairman advised that the Real Decoy display is at the Centre for Conservation and members should see it if they can. He noted that the decoys have been made by community members. He noted he was very impressed with a taxidermist set up a passenger pigeon and is proud of events taking place at Ball's Falls with lots of programming available, thanks to staff. He indicated when he recently visited the centre a group of people from Holland were there and were very impressed.

(7) CAO'S REPORT

The CAO advised that the Binbrook Conservation Area was hosting the Great Outdoor Community Festival. Some events included free tent camping for children ages 7-12 under the stars when with parent with breakfast provided through Scouts Canada on May 23rd and 24th. For the event on May 30th there will be free admission with the outdoor

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festival from 10:00 a.m. to 5:00 p.m. with lots of activities to encourage families to attend. On May 31st, the 6th annual crappie derby will take place sponsored by the Glanbrook Conservation Club and Fishing World who have done a substantial amount of promotion hoping for a large turnout. The CAO encouraged board members to attend.

The CAO reminded members of the Foundation's Golf Tournament on June 2nd noting that there was still room for more golfers.

The CAO noted that the parks opened May 15th and we are hoping for a good season.

The CAO advised that Trout Season opened at St. Johns pond on April 25th and thanked Mickey DiFruscio for attending and making the first cast. He noted that he and the Chairman cooked hotdogs for about 150 and received approximately \$300 in donations. He noted that \$1200 in donations was received at the annual Hawkwatch at Beamer.

The CAO indicated that April 22nd was Earth Day and a tree planting took place at EC Brown Conservation Area. He thanked Mickey DiFruscio, Brian Baty and Doug Ransom for their assistance with over 400 children from various schools who planted over 1500 trees and shrubs. He also noted that thanks go out to the Welland airport for lending us their parking facilities.

(8) NPCA HEARING PROCEDURES – O.REG. 155/06 - REPORT NO. 28-09

The Chairman noted that it now being past 8:00 p.m. the hearing could now begin as noted in the minutes.

The CAO outlined the procedures as a result of the questions raised at the last meeting on how this meeting should be conducted. Legal council provided an outline of the procedures for this hearing. Guidelines were published in 2005 and adopted as part of NPCA policies and procedures approved in 2007. He noted the concerns with deliberation in private and advised it is possible to deliberate in private but in the absence of staff. If a board member is present for only part of the hearing they cannot participate. The Board can decide on whether to swear witnesses. Staff and the applicant will be given an adequate opportunity to present. Board has an obligation to treat parties fairly.

A comment was made with respect to a clerk to be appointed, which would be a board member.

Bob Bentley indicated he was not at the last meeting and recognized he could not participate. The Chairman advised that he could not make gestures, etc.

Following presentation of the report and a brief discussion the following resolution was presented.

FA-57-09

MOVED BY:

A. Fevez

SECONDED BY:

B. Henderson

THAT:

the NPCA Hearing Procedures Report No. 28-09 be received.

"CARRIED"

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

The Chairman requested the following resolution.

FA-58-09

MOVED BY: M. DiFruscio

SECONDED BY: B. Greenwood

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

"CARRIED"

Chairman provided the background for this hearing noting if there are any questions that did not get asked last time the Board would have an opportunity to do so now. The questions would first be directed to applicant then to staff.

Mr. Ariens spoke first making a comment that because of greenbelt legislation some lands were frozen and some that were initiated prior to legislation were allowed to continue. He also noted that NPCA was then a commenting agency, and now is an approval agency.

John Kukalis outlined the new responsibilities of the NPCA noting we have greater responsibilities since the policies have changed.

A question was raised with respect to the depth of the valley land and the Director, Water Management responded by indicating that the proposal violated NPCA policies. A discussion took place and questions were raised on whether the property is land locked.

Brian Baty questioned if we agree to this request can it be overturned or if we reject what is the appeal process. The CAO responded by noting that the applicant can appeal to the Mining and Lands Commissioner, at which time a hearing would convene and the Commissioner would make a final decision and the process ends.

A lengthy discussion took place with questions and answers following which the chairman asked whether there are any more questions. Brian Heit indicated they must deal with the issue at hand and with current regulations not with what was when Mr. Ariens was originally developing the property.

The following resolution was presented.

FA-59-09

MOVED BY: B. Heit

SECONDED BY: A. Fevez

THAT: Application No.R.07.09.09, for permission to develop within the valley and interfere with the unnamed tributary of Lake Ontario Watershed No.29 be denied for the following reasons:
- the development of the laneway entails removal of trees, interfering/piping of a natural channel and grading/placement of fill, all within a natural valley and as such, has negative impacts on the conservation of the valley lands
- that development of the laneway is contrary to section 3.25 of NPCA Policies, Procedures and Guidelines for Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document, dated December 12, 2007.

IN FAVOUR - 10

OPPOSED - 1

"CARRIED"

The Chairman noted that the applicants will receive written notice of the Board's decision.

With the hearing now completed, the following resolution was presented.

FA-60-09

MOVED BY: M. DiFruscio

SECONDED: B. Steckley

THAT: this Board now resume as the Niagara Peninsula Conservation Authority Board.

"CARRIED"

(10) BUDGET STATUS REPORT TO APRIL 30, 2009 - REPORT NO. 29-09

The CAO outlined the report noting no major variances at this time with the exception of the significant seasonal expenditures which are a result of the parks just recently being open. A brief discussion took place and the CAO responded to questions. It was requested by the Bob Bentley that in future the budget spell Woolverton properly. The following resolution was presented.

FA-61-09

MOVED BY: T. Dalimonte

SECONDED: B. Steckley

THAT: Budget Status Report for the period ending April 30, 2009 be received.

"CARRIED"

(11) **2008 ANNUAL REPORT – REPORT NO. 30-09**

The Chairman noted his earlier comments with respect to this publication. The following resolution was presented.

FA-62-09

MOVED BY: M. DiFruscio
SECONDED: A. Fevez
THAT: the 2008 Annual Report be received.

"CARRIED"

(12) **NATIVE PLANTING WORKSHOP – REPORT NO. 31-09**

The Director, Water Management briefly outlined the report noting that this would be a good program with a good demand and there was a plan to do a one day workshop with future workshops if warranted. He asked the board is there was any portion that was unacceptable and Brian Baty is noted he is ecstatic about it. A brief discussion took place and a request to have a copy of plant distributors for next meeting. The following resolution was presented.

FA-63-09

MOVED BY: B. Heit
SECONDED: B. Baty
THAT: Report No. 31-09 regarding the proposed Native Planting Workshop be received for information.

"CARRIED"

(13) **WATER QUALITY MONITORING PROGRAM – 2008 ANNUAL REPORT – REPORT NO. 32-09**

John outlined the report and responded to questions. A request was made that a letter be sent to the Region and Province regarding concerns of septic systems in Niagara. Carmen offered a friendly amendment that the report also be sent to Hamilton International Airport and Bedrock Quarries, which the mover and seconder agreed to. The following resolution was presented.

FA-64-09

MOVED BY: B. Baty
SECONDED: B. Bentley
THAT: the 2008 Water Quality Monitoring Program Report appended be received, and;

That the 2008 Water Quality Monitoring Program Report be forwarded to the watershed Municipalities, Medical Officers of Health and Ministry of Environment as well as the Hamilton International Airport and Bedrock Quarries.

"CARRIED"

(14) GYPSY MOTH MANAGEMENT ON NPCA PROPERTIES – REPORT NO. 33-09

The Director Land Management briefly outlined the necessity of spraying and noting that Authority staff will continue to monitor the situation. After responding to questions, the following resolution was presented.

FA-65-09

MOVED BY: B. Bentley

SECONDED: B. Baty

THAT: Report No. 33-09 be received for information purposes.

"CARRIED"

(15) PAVILION AND PARK STORE – BINBROOK CONSERVATION AREA – REPORT NO. 34-09

The Director, Land Management advised that of the number of requests sent out, no prices were received. He noted he would still like to provide quotes, however, he decided to section out the first component of the quote, which is ground prep, the prices for which were within the Authority's purchasing policies in order to start the process. He noted he will look at components 2 and 3 if prices come in and are within purchasing policies will proceed. After responding to questions, the following resolution was presented.

FA-66-09

MOVED BY: A. Fevez

SECONDED: B. Greenwood

THAT: Report No. 34-09 be received for information purposes.

"CARRIED"

(16) ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT 2005 – REPORT NO. 35-09

The Director, Land Management outlined the outlined report with the following resolution being presented.

FA-67-09

MOVED BY: B. Henderson

SECONDED: B. Greenwood

THAT: Report No. 35-09 be received for information purposes.

That staff organize a training session for the Accessibility Standards for Customer Service in advance of the June 17th Board Meeting.

"CARRIED"

(17) PROJECT STATUS REPORT – REPORT NO. 36-09

The Chairman reiterated his comments on the importance of reading this report. The following resolution was presented.

FA-66-09

MOVED BY: M. DiFruscio

SECONDED: B. Greenwood

THAT: Report No. 36-09 outlining the status of Authority projects be received for information.

"CARRIED"

(18) IN-CAMERA

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

FA-68-09

MOVED BY: B. Greenwood

SECONDED BY: D. Goulbourne

THAT: this meeting do now move in-camera.

Received at 9:28 p.m. **"CARRIED"**

FA-69-09

MOVED BY: M. DiFruscio

SECONDED BY: N. Johnson

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

Received at 9:43 p.m. **"CARRIED"**

(19) OTHER BUSINESS

The Chairman thanked Mary for the presentation reception earlier in the evening and noted to Darcy that it was nice to have other staff in attendance being Kathy Smith and Rob Kuret. Darcy advised that 3 other staff members had planned to attend, however other matters came up making it impossible. The Chairman then asked Mary to apprise the Board on the upcoming event at Ball's Falls in celebration of the Authority's 50th anniversary. Mary advised the event will be called "Forks and Corks" which will be a fundraising event held at Ball's Falls at a cost of \$75 per person. It will include strolling the grounds to different food and wine stations based on the history of the NPCA. The event will be casual from 3:00 p.m. - 8:00 p.m. on August 12 with entertainment. Mary noted more details will be forthcoming. Proceeds from this fundraiser will be directed to the Jordan Harbour project.

Barb Henderson advised that the residents of Wainfleet have been requesting more access to the beach. Currently the only access points are Long Beach CA or road allowances. In the past the Conservation Authority allowed free access to long beach on weekdays. She requested staff to prepare a report on this matter to take back to council.

Carmen D'Angelo questioned the condensed items in the project status report regarding Source Water Protection. He indicated he was very interested in what are they currently doing. The Director, Water Management advised that the finalized technical studies are

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in the process of being sent out. They will be peer reviewed and then go through committee in late July. When that has been completed they will then go to the public, when there will be more activity. The Ministry will then audit the report.

Mickey DiFruscio thanked Mary, Darcy & John for their assistance regarding a project in Battle of Beaverdam's park in obtaining a plaque and a tree.

Brian Baty asked the Director, Water Management where the runoff water is going on Hwy 20 as a result of the widening of that road. He asked whether this can be investigated by staff. The Director, Water Management indicated it would be looked into.

Bob Bentley thanked Mary for the presentation she made before Grimsby Council on Tuesday night.

ADJOURNMENT

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

FA-70-09

MOVED BY: B. Steckley

SECONDED BY: T. Dalimonte

THAT: this meeting do now adjourn.

Received at 10:00 p.m.

“CARRIED”

"L. Sawatzky, Recording Secretary

D. Ransom, Chairman"