

**NIAGARA PENINSULA CONSERVATION AUTHORITY**

**WELLAND**

**JUNE 16, 2010**

**7:00 p.m.**

**FULL AUTHORITY MEETING MINUTES**

**MEMBERS PRESENT:**

D. Ransom, (Chairman)  
B. Baty (Vice-Chairman)  
B. Bentley  
B. Butters  
T. Dalimonte  
D. DiFruscio  
A. Fevez  
B. Greenwood  
B. Heit  
B. Henderson  
B. Steckley

**MEMBERS ABSENT:**

G. Burroughs (with regrets)  
C. D'Angelo (with regrets)  
D. Goulbourne (with regrets)  
N. Johnson (with regrets)

**STAFF PRESENT:**

T. D'Amario, CAO/Secretary-Treasurer  
D. Bois, Acting Recording Secretary  
M. Stack, Director Communications  
J. Kukalis, Director, Water Management  
D. Baker, Director, Land Management  
C. Kaufmann, Accounting Administrator  
B. Wright, Coordinator, Source Water Protection

**OTHERS PRESENT:**

Randy Momot, MacGillivray Partners LLP  
Mark Neufeld, Chair, Source Protection Committee  
Terry Carruthers, Chair, Niagara Peninsula Conservation Foundation

**BUSINESS:**

The Chairman called the meeting to order at 7:09 p.m. and welcomed all in attendance. He then requested that if anyone had a conflict of interest to so declare it. Brian Heit declared a conflict with Telus or any wireless communication items.

**(1) MINUTES**

**(a) FULL AUTHORITY MEETING – MAY 19, 2010**

There were no errors or omissions with respect to the minutes therefore, the following resolution was presented.

**FA-72-10**

**MOVED BY:** T. Dalimonte

**SECONDED BY:** B. Henderson

**THAT:** the Minutes of the Full Authority meeting held May 19, 2010, be received and approved as printed.

**"CARRIED"**

**(2) BUSINESS ARISING FROM THE MINUTES**

There was no business arising from the minutes.

**(3) CHAIRMAN'S REMARKS**

The Chair reminded the members of the Opening of the Jordan Harbour Conservation Area on Sunday, June 20<sup>th</sup>. He encouraged everyone to come out and enjoy the celebrations of adding yet another property to the Authority. It will begin around 9:00 a.m. with comments at 11:30 to be followed by lunch. The flyers were handed out with an apology for not sending them out with the meeting package. The Chair complimented Mary on the appealing look of the flyer.

The Chair gave early notice that the public day for the Niagara Children's Water Festival will be September 12, 2010. He noted that it is a very worthwhile program which is well attended. He encouraged everyone to make a note on their calendars to attend.

The Chair stated that there would be a change in the order of the Agenda. Item #10, regarding the Conservation Foundation, will be dealt with after Item #6, so as not to detain Terry Carruthers, Chair of the NPCF.

**(4) CAO'S REPORT**

The CAO advised that on June 22<sup>nd</sup>, Gord Miller, the Environment Minister, will be at Ball's Falls. Staff are putting together a presentation to showcase Ball's Falls and many other Authority activities. He will be arriving at 2:00 p.m. The members were invited to attend as well.

The CAO had hoped that recent budget meetings with the Region would have enabled him to bring the budget guidance information back to the board. Unfortunately the final decision on increases has not been agreed upon. Brian Heit advised that, at this time, the spending being considered ranges from 1.4% down to 0% or less. He further advised that guidance may not come until late fall or even until the new council is in place and the board should expect the lower rate of allowed increase.

The CAO advised staff are in discussions with the Ministry of Environment on what will come next after the Source Water Plan is completed in 2012. He said we are looking for MOE to commit to a smooth transition from the planning stage to plan implementation, with there still being a role for NPCA.

**(5) 2009 FINANCIAL STATEMENTS – REPORT NO. 34-10**

The CAO introduced Randy Momot of MacGillivray Partners LLP, who was in attendance to speak to this report. Revised copies of the draft statement were handed out to the members. Mr. Momot went through the process to reach this point noting that the late completion of the statement was due to the new requirement of accounting for all tangible capital assets, which required an enormous amount of time and energy to compile and evaluate. He overviewed the financial position noting that revenues rose, acquisitions and site improvements raised capital assets, and revenues were greater than expenses. User fees were somewhat below budget, partly due to bad weather at Thanksgiving Festival time. Reserves were increased.

Barbara Greenwood questioned why the Authority could not have invested the \$350,000 required to purchase the Wainfleet Beach. The CAO explained that reserves were already allocated to other projects, and last year, at the time the property was for sale, the Board had felt it was not appropriate to reallocate funds.

Brian Heit questioned the sick leave benefit plan and was advised that only a few staff are still entitled to this. It is being phase out as these long term employees leave.

Bob Bentley noted that Woolverton was spelt incorrectly on page 17. It was further noted that St. Johns was also incorrect as there is no apostrophe.

The following resolution was then presented.

**FA-73-10**

**MOVED BY:** B. Greenwood

**SECONDED BY:** T. Dalimonte

**THAT:** the Financial Statements for the year ended December 31, 2009 as audited by MacGillivray Partners be received and adopted as printed.

**"CARRIED"**

**(6) PST REBATE OPPORTUNITY – REPORT NO.35-10**

The CAO presented this report. He noted that we have, in the past, used companies to find PST rebates and credits. It appears that at this time there would be a healthy amount to rebate due to charitable status. The most important thing to ensure is that our municipal status is maintained. He advises that we can make application with full disclosure and if a rebate is not applicable, so be it. It is better to keep municipal status over charitable status. It was agreed that we must not lose municipal status, which benefits us more in the long term. Randy Momot advised on the pros and cons and suggested it was worth a try.

After a brief discussion, the following resolution was presented.

**FA-74-10**

**MOVED BY:** B. Henderson

**SECONDED BY:** T. Dalimonte

**THAT:** The PST Rebate Report No. 35-10 be received; and

That the HMT Revenue Group be allowed to make application to the Ministry of Revenue for the PST rebate as per the attached application including full disclosure documentation relating to the NPCA relationship with its municipalities, source of funding for the projects identified and desire to maintain its “municipal” status under Revenue Canada.

**"CARRIED"**

At this time the Chair reaffirmed that we would address item #10, at this time, in order to accommodate Terry Caruthers of the NPCF.

**(10) NIAGARA PENINSULA CONSERVATION FOUNDATION - REPORT NO. 39-10**

Terry Carruthers, Chair of the NPCF was invited to address the board and he asked if there were any questions from the members. Being none at that time, he overviewed the report.

Brian Heit asked if he was confident that the Foundation was running well or would bringing in someone to fundraise to make more money be advised. Mr. Carruthers advised that professionals need big projects, prior to their opening, to raise big money. He agreed that the decline in incoming funds, is a concern of the Foundation but the down turn directly relates to the economic times. He also noted that the Foundation has no reserves. When asked why, he advised that they would consider this in the future when interest rates increase.

Barbara Greenwood asked about any long range projects and could the board get of list of what costs are incurred by the Foundation. On the first question, the CAO advised that Jordan Harbour CA is a multi-year project which makes it a good one for the Foundation to work on. On the second question, Mr. Carruthers advised that there is the cost of running the Foundation office (phone/computer etc.) and other than that the only expenses incurred are those required to put on fundraisers like the golf tournament and the elimination draw.

The Chair also advised that the search for new Foundation members is on and they are hopeful of infusing new ideas and direction.

The following resolution was then presented.

**FA-75-10**

**MOVED BY:** B. Butters

**SECONDED BY:** A. Fevez

**THAT:** Report No. 39–10 regarding the Niagara Peninsula Conservation Foundation be received for information purposes.

**"CARRIED"**

(7) **HST IMPLICATIONS – REPORT NO. 36-10**

The CAO presented this report. He advised that no readjustment to the budget was required at this time.

There followed a brief discussion and it was noted that under Expenditures, in the second bullet, the word quality should be qualify.

The following resolution was then presented.

**FA-76-10**

**MOVED BY:** B. Bentley

**SECONDED BY:** T. Dalimonte

**THAT:** the HST Report No.36-10 be received and recommendations contained therein be approved.

**"CARRIED"**

(8) **BUDGET STATUS REPORT TO MAY 31, 2010 – REPORT NO. 37-10**

The CAO made note of the budget with no major variances.

There were no questions with respect to this report, therefore, the following resolution was presented.

**FA-77-10**

**MOVED BY:** T. Dalimonte

**SECONDED BY:** B. Heit

**THAT:** the Budget Status Report for the period ending May 31, 2010 be received.

**"CARRIED"**

(9) **AMO CASE FOR JOINT AND SEVERAL LIABILITY REFORM IN ONTARO - REPORT NO. 38-10**

The CAO presented this report pointing out the benefits to our agency and noting that we may fall victim to being named in law suits because we have liability coverage and deep pockets. He hoped the board would support this resolution which was then presented.

**FA-78-10**

**MOVED BY:** B. Butters

**SECONDED BY:** B. Greenwood

**THAT:** Whereas the Association of Municipalities of Ontario has presented the Case for Joint and Several Liability Reform in Ontario to the Attorney General's Office, and

Whereas the issues raised are of direct relevance to Ontario Conservation Authorities;

Therefore be it Resolved that the Niagara Peninsula Conservation Authority endorse and communicate its endorsement of the Case for Joint and Several Liability Reform in Ontario, to the Association of Municipalities of Ontario and to the Office of the Attorney General.

**"CARRIED"**

(11) **MEMORANDUM OF UNDERSTANDING (MOU) FOR IMPROVING THE PLANNING FUNCTION IN NIAGARA - REPORT NO. 40-10**

The Director, Water Management presented this report. He highlighted the recommended changes, noting items 5 and 9 are significant. Also, Schedule B clearly shows who is responsible for what in the one-window approach. The following resolution was then presented.

**FA-79-10**

**MOVED BY:** B. Butters

**SECONDED BY:** B. Greenwood

**THAT:** The Authority Board approve the Addendum to the Memorandum of Understanding (MOU) for Improving the Planning Function in Niagara, attached as Appendix 1;

That the revisions, outlined in the Action items of the Addendum, be incorporated into the existing MOU, attached as Appendix 2;

That staff implement the MOU, as amended, in collaboration with Niagara Region, area municipalities, and Niagara Peninsula Conservation Authority.

**"CARRIED"**

(12) **BILL 168 COMPLIANCE– REPORT NO. 41-10**

The Director, Land Management presented this report on Bill 168 which is an Act to amend the Occupational Health and Safety Act, with respect to violence and harassment in the workplace and other matters. He overviewed how this will affect the Authority and noted that with board approval we will be compliant with the Bill which is now law. It was noted that training would be documented and personnel records will contain a signed compliance form for each employee. Following a brief discussion, the following resolution was presented.

**FA-80-10**

**MOVED BY:** B. Butters  
**SECONDED BY:** B. Henderson  
**THAT:** Report No. 41-10, be received;

That the proposed Workplace Violence Prevention Policy be approved and included as Regulation 30 in the NPCA Terms of Employment and Personnel Regulations; and,

That the proposed Workplace Violence Prevention Program be approved and included as Regulation 31 in the NPCA Terms of Employment and Personnel Regulations.

**"CARRIED"**

**(13) 2010 MOWER PURCHASE – REPORT NO.42-10**

The Director, Land Management handed out the list of bidding results and spoke to this report. The following resolution was then presented, as amended.

**FA- 81 -10**

**MOVED BY:** D. DiFruscio  
**SECONDED BY:** B. Steckley  
**THAT:** Report No. 42-10 be received; and

That Ben Berg Farm & Industrial Equipment Ltd. Be awarded the purchase of two (2) Kubota F3680 mowers at a cost of \$28,530.24, including taxes, to be delivered after July 1, 2010.

**"CARRIED"**

**(14) PROJECT STATUS REPORT – REPORT NO. 43-10**

There were no questions regarding this report and the following resolution was presented.

**FA- 82 -10**

**MOVED BY:** D. DiFruscio  
**SECONDED BY:** B. Steckley  
**THAT:** Report No. 43-10 outlining the status of Authority projects be received for information.

**"CARRIED"**

**(15) IN-CAMERA**

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

**FA- 83 -10**

**MOVED BY:** B. Steckley  
**SECONDED BY:** D. DiFruscio  
**THAT:** this meeting do now move in-camera.

Received at 8:31 p.m. **“CARRIED”**

**FA- 84 -10**

**MOVED BY:** D. DiFruscio  
**SECONDED BY:** T. Dalimonte  
**THAT:** this meeting do now move back into open session.

Received at 8:35 p.m. **“CARRIED”**

**(16) OTHER BUSINESS**

Mickey DiFruscio announced that on June 22<sup>nd</sup>, Laura Secord Day will be celebrated at the Battle of Beaverdams Park, in Thorold, starting at 12:30 p.m. He invited all members to come out and enjoy the day.

**ADJOURNMENT**

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

**FA- 85 -10**

**MOVED BY:** D. DiFruscio  
**SECONDED BY:** B. Steckley  
**THAT:** this meeting do now adjourn.

Received at 8:36 p.m. **“CARRIED”**

**"D. Bois, Acting Recording Secretary**

**D. Ransom, Chairman"**