



NIAGARA PENINSULA CONSERVATION AUTHORITY

FULL AUTHORITY

WELLAND

AGENDA

APRIL 13, 2011 – 6:30 P.M.

ROLL CALL

DECLARATION OF CONFLICT OF INTEREST

BUSINESS:

(1) MINUTES

(a) FULL AUTHORITY MEETING – February 16, 2011

Attached are the Minutes of the Full Authority Meeting held February 16, 2011.

(b) NIAGARA REGION TREE AND FOREST CONSERVATION BY-LAW ADVISORY COMMITTEE MEETING – January 20, 2011

Attached are the Minutes of the Niagara Region Tree and Forest Conservation By-law Advisory Committee Meeting held January 20, 2011.

(2) BUSINESS ARISING FROM MINUTES

(3) CHAIRMAN'S REMARKS

(4) CAO'S REPORT

(5) DELEGATION

A presentation will be made by the representatives of the District School Board of Niagara regarding the Woodend Legacy Project.

(6) 2010 FINANCIAL STATEMENTS – REPORT NO. 20-11

Attached is Report No. 20-11 regarding the Authority's 2010 Financial Statements as well as a copy of the Statements included in the agenda package.

(7) BALL'S FALLS HERITAGE ADVISORY COMMITTEE APPOINTMENT – REPORT NO. 12-11

Attached is Report No. 12-11 regarding this matter together with a copy of the Terms of Reference for the Advisory Committee.

(8) REQUEST FOR PARTICIPATION; BROCK UNIVERSITY CLIMATE CHANGE PROJECT – REPORT NO. 13-11

Attached is Report No. 13-11 regarding this matter.

(9) **DRAFT BROCHURE – BUILDING NEAR NATURAL FEATURES - REPORT NO. 14-11**

Attached is Report No. 14-11 together with a draft copy of the proposed brochure.

(10) **NPCA STRATEGIC PLAN - CONSULTANT SELECTION – REPORT NO. 15-11**

Attached is Report No. 15-11 together with summaries of each Consultants report.

(11) **PROPOSED 2011 OPERATING BUDGET – REPORT NO. 16-11**

Attached is Report No. 16-11 together with a copy of the proposed 2011 operating budget.

(12) **PROPOSED 2011 CAPITAL BUDGET – REPORT NO. 17-11**

Attached is Report No. 17-11 together with a copy of the proposed 2011 capital budget.

(13) **PFOS COMPOUNDS AT THE BINBROOK RESERVOIR – REPORT NO. 18-11**

Attached is Report No. 18-11 together with a memorandum from Joshua Diamond, Water Quality Specialist for the NPCA on this matter.

(14) **PROJECT/PROGRAM STATUS REPORT – REPORT NO. 19-11**

Attached is Report No. 19-11 outlining the status of Authority Projects/Programs to date.

(15) **LEASE EXTENSION – STEVENSVILLE CONSERVATION AREA – REPORT NO. 21-11**

Attached is Report No. 21-11 regarding this matter.

(16) **2011 MOWER PURCHASE – REPORT NO. 22-11**

Attached is Report No. 22-11 regarding the proposed 2011 mower purchase.

(17) **2011 TRACTOR PURCHASE – REPORT NO. 23-11**

Attached is Report No. 23-11 regarding the proposed 2011 tractor purchase.

(18) **OTHER BUSINESS**

(19) **IN-CAMERA**

- (a) Complaint and Violation Status Report - Report No. CR-05-11
- (b) Tree By-Law Status Report – Report No. CR-06-11

ADJOURNMENT



TO: The Chairman and Members of the Authority

DATE: April 7, 2011

SUBJECT: 2010 FINANCIAL STATEMENTS - Report No. 20 -11

Attached for review and consideration are the Draft 2010 Financial Statements as audited by MacGillivray Partners LLP. The format of the statements is in accordance with the accepted accounting principles for organizations operating in the local government sector as recommended by the Public Sector and Accounting Board of the Canadian Institute of Chartered Accountants.

The Financial Statements will be reviewed with Authority staff, the Authority Chairman, Vice-Chairman and the Auditors prior to the Board meeting. The statements reflect with reserve allocations as recommended the February 16, 2011 Authority meeting year-end report 07-11.

A representative from the auditors will be in attendance at the meeting to present the financial statements and respond to any questions.

RECOMMENDATION:

That the Financial Statements for the year ended December 31, 2010 as audited by MacGillivray Partners be received and adopted as printed.

Respectfully Submitted By: _____
Tony D'Amario, P. Eng. CAO/ Secretary-Treasurer



TO: The Chairman and Members of the Authority

DATE: April 6, 2011

SUBJECT: LEASE EXTENSION – STEVENSVILLE CONSERVATION AREA – Report No. 21-11

Background

The Stevensville Conservation Area is a 49-hectare property, owned and managed by the NPCA. The lands protect forested areas, plantations, wetlands and sections of the Black Creek. The Conservation Authority developed hiking trails and a fishing pond, popular with local residents.

In the early 1980s, the NPCA was approached by the Town of Fort Erie with a proposal to develop a clubhouse for the newly formed Fort Erie Conservation Club. The Town of Fort Erie supported the local conservation club and offered to act as the primary lease holder. This allowed the Conservation Authority to deal directly with the Town, who in turn sub-leased the lands to the Conservation Club.

In 1985, the NPCA received approval from the Minister of Natural Resources to enter into a 25-year lease agreement with the Town of Fort Erie for a 4.8 acre parcel of land on the Stevensville Conservation Area. The lease wording allowed for an additional 25-year term, if all parties agreed to the terms and if the Minister of Natural Resources granted approval. The current lease agreement will expire on April 17th, 2011.

Discussion

Over the past 25-years the Fort Erie Conservation Club and the NPCA have developed a good working relationship. The Club built a clubhouse facility, walleye rearing pond, equipment shed and workshop on the property. They have also taken on some of the lawn maintenance for sections of the Conservation Area and assisted with several capital projects on the site.

The sub-lease between the Town of Fort Erie and the Conservation Club expired in 2010. The lease was extended for one additional year to allow the two parties time to update the agreement. In January the two parties approached Conservation Authority staff with a request to modify the terms of the agreement, possibly eliminating the Town of Fort Erie from the arrangement.

Over the past three months, Authority staff have been consulting staff from the Ministry of Natural Resources to determine how the proposed changes would impact an extension of the lease agreement. The Provincial Policy for disposal of Conservation Authority Lands was revised in 1997. Under the current policy, a Conservation Authority can enter into a lease agreement for a period of up to 5-years. If the lease is intended to go beyond the 5-year term, it is considered a "land disposal" and requires approval from the Minister of Natural Resources. The disposal would also be subject to the posting requirements of the Environmental Bill of Rights Registry.

Recommendation

Since all three parties currently involved in the lease agreement (NPCA, Town and Conservation Club) are reviewing their roles, it will not be possible to get approvals in place before the April 17th, expiry date. As such, staff recommend that the current lease be extended under the same terms and conditions, for one additional year. This will allow Conservation Authority staff to complete discussions with the Town and the Conservation Club before bringing a revised lease agreement to the Conservation Authority Board for Consideration.

RECOMMENATION:

That Report Number 21-11 be received for information; and,

That the current lease with the Town of Fort Erie for a parcel of land in the Stevensville Conservation Area be extended for one (1) year, under the existing terms and conditions.

Prepared by: Darcy B. Baker - Director, Land Management

Respectfully Submitted By: _____
Tony D'Amario, CAO/ Secretary-Treasurer



TO: The Chairman and Members of the Authority
DATE: April 6, 2011
SUBJECT: 2011 MOWER PURCHASE – Report No. 22-11

Funds have been allocated in the 2011 budget for the purchase of 2 front mount riding mowers to replace two 2007 Kubota F3680 mowers in the Authority's equipment fleet. The Conservation Authority maintains a safe and efficient fleet by trading-in mowers after 4-years of operation. This practice helps to reduce down time and maintenance costs resulting from equipment wear and past-warranty repairs.

Seven area equipment suppliers were asked to provide quotations. Only two of those suppliers provided quotes. The submissions are summarized below. The price shown includes trade-in allowance and all applicable taxes.

Two 2011 4-wheel drive front mount riding mowers:

<u>Vendor</u>	<u>Model</u>	<u>Price</u>
W. J. Heaslip Ltd.	JD1565	\$23,504.00
Ben Berg Farm & Ind. Equipment	F3680	\$26,979.88

After analyzing the specifications, staff found that the JD 1565 was lacking three items from the specifications:

- A 4-post roll over protection system (ROPs)
- High temp shutoff
- Low oil pressure alarm

The supplier was notified of this discrepancy and allowed to modify the quote by adding ROPs and high temperature shutoff (low oil pressure alarm is not available for John Deere). The revised quote was \$26,668.00.

Although the quote from W.J. Heaslip Ltd is \$311.88 less than the quote from Ben Berg Farm & Ind., the purchase savings does not accurately reflect the long-term cost of maintaining and operating the equipment. The John Deere unit is 500 pounds heavier than the Kubota. This is a particular concern in the early and late seasons when ground conditions are soft and equipment gets stuck in the soft ground. The additional weight also means higher fuel consumption. Over the 4-year lifespan of the unit, this would easily exceed \$311.88.

Finally, the lack of a low oil pressure alarm puts the equipment at risk. Although our staff are trained to monitor gauges, a rapid oil pressure drop could create significant damage to equipment. The audible alarm is one more fail safe designed to protect the unit and the operator.

Based on the above, staff recommend that the Authority approve the quote from Ben Berg Farm & Ind. Equipment to supply two 2011 Kubota F3680 mowers.

RECOMMENDATION:

That the quotation, received from Ben Berg Farm & Ind. Equipment, to supply two (2) 2011 Kubota F3680 front mount mowers for the total price of \$26,979.88 including trade-in allowance and all applicable taxes, be accepted.

Prepared by: Darcy B. Baker - Director, Land Management

Respectfully Submitted By: _____
Tony D'Amario, CAO/ Secretary-Treasurer



TO: The Chairman and Members of the Authority

DATE: April 6, 2011

SUBJECT: 2011 TRACTOR PURCHASE – Report No. 23-11

Funds have been allocated in the 2011 budget for the purchase of 1 tractor for the Chippawa Creek Conservation Area to replace a 1974 Massey-Ferguson tractor that is no longer operational. In 2010, several seals and electrical components on this tractor failed. Staff consulted qualified mechanics who advised against any further investment in the maintenance of this unit.

Seven area equipment suppliers were asked to provide quotations. Four suppliers provided quotes, summarized below. The price shown includes front-end loader attachment and all applicable taxes.

<u>Vendor</u>	<u>Make</u>	<u>Model</u>	<u>Price</u>
Redtrac	Massey-Ferguson	MF2615	\$35,482.00
W. J. Heaslip Ltd.	John Deere	JD5045	\$32,657.00
Ben Berg Farm & Ind.	Kubota	L4400DT	\$26,495.11
Ben Berg Farm & Ind.	Kubota	L4400HST	\$28,689.00
Egger Truck & Machine	Kioti	DK50SE	\$23,559.37
Egger Truck & Machine	Kioti	DK50HST	\$27,114.35

Staff reviewed submissions from the two lowest suppliers for the standard and the hydrostatic transmission models. Although Kioti is new to the NPCA, the product has been manufacturing tractors internationally for more than 50 years. The tractors have been available in Canada since 1985, and at Egger Truck & Machine since 1999.

In a side-by-side comparison, the specifications on the Kioti offer more power, hydraulic capacity and lifting capability than the Kubota. Kioti offers a 5-year limited warranty, where Kubota offers a 2-year limited warranty.

The Kioti price for both traditional geared and hydrostat transmission models is lower than on comparable Kubota models. Hydrostatic transmissions are specified for all NPCA lawn tractors for safety and efficiency. Hydrostat offers a huge benefit to operators in terms of preventing fatigue and repetitive use impacts. Another advantage of hydrostat is that operator skill does not have the same impact on tractor wear (and potential repair cost) compared to a geared model which requires good clutching ability.

Based on the above, staff recommend purchasing the Kioti DK50HST (hydrostatic drive) from Egger Truck and Machine for a total price of \$27,114.35

RECOMMENDATION:

That the quotation, received from Egger Truck and Machine, to supply one (1) 2011 Kioti DK50HST Tractor with front-end loader for the total price of \$27,114.35 including all applicable taxes, be accepted.

Prepared by: Darcy B. Baker - Director, Land Management

Respectfully Submitted By: _____
Tony D'Amario, CAO/ Secretary-Treasurer