



WELLAND

NIAGARA PENINSULA CONSERVATION AUTHORITY
AUGUST 17, 2011

7:00 p.m.

FULL AUTHORITY MEETING

MEMBERS PRESENT: B. Maves (Chairman)
B. Baty
D. Barrick
S. Beattie
T. Dalimonte
C. D'Angelo
D. DiFruscio
T. Easton
A. Jeffs
D. Joyner
D. Ransom
B. Sharpe
B. Steckley
B. Timms (Vice-Chairman)

MEMBERS ABSENT: D. Eke (with regrets)

STAFF PRESENT: T. D'Amario, CAO/Secretary-Treasurer
L. Sawatzky, Recording Secretary
D. Baker, Director, Land Management
J. Kukalis, Director, Water Management
M. Stack, Director Communications
T. McDougall, Executive Director Conservation Foundation

OTHERS PRESENT: Raymond & Elizabeth Kowalik
Andy Petrowski
Gerry Beneteau, Friends of One Mile Creek
Clara Young-Chin, Friends of One Mile Creek

BUSINESS:

The Chairman called the meeting to order at 7:05 p.m., welcomed all in attendance and requested anyone who had a conflict of interest to declare it. The Chairman requested that items 6, 7 & 9 be moved to before item 5.

(1) **MINUTES FULL AUTHORITY MEETING – JUNE 22, 2011**

There being no errors or omissions, the following resolution was presented.

FA-88-11

MOVED BY: T. Dalimonte

SECONDED BY: D. Ransom

THAT: the Minutes of the Full Authority meeting held June 22, 2011, 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 Chairman advised that a budget committee meeting was held, the details of which will be provided later in the meeting. He thanked the committee members for their participation as well as the CAO and senior staff. He also noted that regarding the strategic plan, Todd McDonald has completed the in-house consultation and preparing for the outside consultation. He requested that if any board member has someone they think should speak to Todd while this is ongoing, he encouraged them to let the CAO or himself know and they would forward it on to Todd. He advised that the Strategic Planning Committee should meet once again, after which the CAO will provide an update.

(4) CAO'S REPORT

The CAO advised that earlier this week, he spoke to Todd McDonald regarding the Strategic Plan and he indicated that the internal process is complete. He noted there will be two public forums to be held just after Labour Day which will target specific groups, from board members, land owners, developers and anyone interested in our operation, including town planners and farmers. Subsequently, the steering committee will meet and provide a preliminary report by October and a detailed report in November. Todd has advised he would like to talk further to steering committee members.

The CAO advised there had been an article recently in the Hamilton Spectator about PFOS. He also noted he had sent the board members via email an article regarding comments made by Tim Hudak regarding CA's and the response to those comments by Conservation Ontario.

He noted that it has been mentioned that a tour of some of our properties/projects would be of some interest sometime during the summer, but it was not feasible, however, maybe one could be done sometime in September. He advised he will speak with Loretta and she will contact the members with a date.

Carmen D'Angelo at this point wished to comment on how disheartened he was to hear the internal process is complete. He noted that he had appointments to see Todd on three different occasions which had all been cancelled and has yet to meet with him. The CAO advised he will speak to him again and will ensure the interview is done. Tony Dalimonte advised that he had not been interviewed either. The CAO will look into this as well.

(5) CORRESPONDENCE – NIAGARA REGION HIRING FREEZE

Dave Barrick, commented that he doesn't know what the impact would be, but indicated it should be looked at prior to implementing it. It was noted that although it is not binding on us, we have been asked by the Authority's principle funding body to respect the spirit and intent of the request. Doug Ransom noted that the Region does not have jurisdiction to enforce this and the Region should be reminded that we appreciate the spirit of this request. Bruce Timms noted it should be received and will be addressed in

the budget discussions noting we should respect regional council's request.

FA-89-11

MOVED BY: B. Timms

SECONDED BY: D. Joyner

THAT: the correspondence received from the Region of Niagara regarding implementing a Hiring Freeze be moved and received in budget discussions.

"CARRIED"

(6) PFOS COMPOUNDS AT THE BINBROOK RESERVOIR (UPDATE) – REPORT NO. 42-11

The Director, Land Management presented this report and overviewed the current status of the situation. He advised that as previously noted by the CAO there was an article in the Hamilton Spectator that Environment Hamilton was suggesting an all out ban of eating fish caught at Binbrook. The Director, Land Management advised that all persons entering the park are provided with a copy of the fish eating guide and a copy of the PFOS information.

Carmen D'Angelo noted that as a rule, Environment Hamilton does group work, however, in this instance it was not a good way to do it. He also noted that the article is not clear that it is safe to swim. He advised that he was prepared to do a rebuttal article regarding the good work we do and what we are doing with respect to the PFOS matter. The Director, Land Management advised he will provide all info necessary to Carmen.

A discussion took place on the pros and cons of a rebuttal. It was suggested that if we are to proceed with it, we should wait until the results of the last testing is available, which should be in about two weeks.

FA-90-11

MOVED BY: T. Easton

SECONDED BY: B. Baty

THAT: That Report No. 42-11 regarding PFOS Compounds at the Binbrook Reservoir be received.

"CARRIED"

(7) 2010 ANNUAL REPORT - REPORT NO. 40-11

The Director, Communications outlined the report and responded to questions.

After a brief discussion, the following resolution was then presented.

FA-91-11

MOVED BY: M. DiFruscio

SECONDED BY: T. Dalimonte

THAT: the 2010 Annual Report be received.

"CARRIED"

(8) **HEARING – APPLICATION BY RAYMOND AND ELIZABETH KOWALIK REPORT NO. 39-11**

The Chairman began by reading the Chairman's remarks when dealing with hearings with respect to Ontario Regulation 158. He then requested the Director, Water Management come forward to present the staff report.

The Director, Water Management outlined his report noting the reasons why this application should not be approved. He also noted that staff has been working closely with the Kowaliks in an attempt to resolve this matter, but have been unable to.

Following his report, he responded to questions.

The Chairman then requested Mr. & Mrs. Kowalik to come forward to make their presentation.

The Kowaliks began by thanking the Board for the opportunity to make their presentation and to John Kukalis and his staff for all their help with this. Mrs. Kowalik advised that Mr. Andy Petrowski was in attendance to assist them in their presentation.

They then provided the Board members with pictures regarding their property and the concerns of Authority staff with respect to the potential of flooding on the property. They advised they approached their two neighbours upstream to see if they recalled the property ever flooding, which they all indicated, they did not recall ever having a flood in that area. They continued with their presentation, following which they responded to questions.

The Board then discussed this matter questioning both the Kowaliks and the Director, Water Management on possible solutions for this. The Director, Water Management advised that as far as our regulations are concerned the only solution for this would be a balanced cut and fill.

A question was raised on whether the Kowaliks had made a formal application including the payment. The Director, Water Management advised that they had not.

A comment was made noting that if the Board decided to permit this, a precedent would be set and the potential for many more applications of this type would occur.

Andy Petrowski then came forward to speak on behalf of the Kowaliks. He spoke about the fact that neighbouring properties have no recollection of the property flooding as well as the hardships afforded the Kowaliks as a result of the expropriation of their property by the MTO.

A lengthy discussion took place on possible solutions, after which, the following motions were presented.

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FA-92-11

MOVED BY: B. Timms

SECONDED BY: B. Sharpe

THAT: this matter be deferred until a model is prepared by the Authority to calculate the impact of the fill proposal based on a 3,000 square foot house.

"DEFEATED"

Mr. DiFruscio moved that the application be denied, seconded by Mr. Ransom. At this point Mr. Easton requested a friendly amendment to add be denied "At this time". The Chairman asked the mover and seconder if they would allow it, which they both advised they would not. The amendment was then voted on and defeated. The following resolution was then presented. By a show of hands it was carried 7 to 6.

FA-93-11

MOVED BY: M. DiFruscio

SECONDED BY: D. Ransom

THAT: Application No. R.07.11.55 for permission "place fill as required to accommodate a single detached home up to 3000 sq. ft." within the 100 year Regulatory floodplain of Richardson Creek be denied for the following reasons:

- the placement of fill to construct a new dwelling in the 100 year regulatory floodplain has negative impacts on the floodplain including, but not limited to loss of flood water storage
- the placement of fill to construct a new dwelling in the 100 year regulatory floodplain results in an unnecessary risk to life safety and property
- that placement of fill to construct a new dwelling in the 100 year regulatory floodplain is contrary to section 3 of NPCA Policies, Procedures and Guidelines for Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document, dated December 12, 2007

"CARRIED"

At this point a recorded vote was requested which resulted as follows:

	<u>Yes</u>	<u>No</u>
Brian Baty	x	
Dave Barrick		x
Stewart Beattie	x	
Tony Dalimonte	x	
Carmen D'Angelo	x	
Mickey DiFruscio	x	
Trevor Easton		x
April Jeffs		x
Douglas Joyner		x
Doug Ransom	x	
Barry Sharpe		x
Bob Steckely	x	
Bruce Timms		x

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At this point there was a brief recess to research how the Chairman was able to vote.

After returning it was concluded that the Chairman would vote and in the event of a tie, could have an additional vote to break the tie.

	<u>Yes</u>	<u>No</u>
Bart Maves		x
	7	7

Due to the tie, the Chairman was permitted to vote again. He again voted no, which defeated the motion.

An additional discussion took place on how to proceed with this matter, with the following resolution being presented.

FA-94- 11

MOVED BY: B. Timms

SECONDED BY: S. Beattie

THAT: a decision on this matter be deferred until the Kowaliks complete the application and staff have further discussion and review, to be brought back to the October meeting.

'CARRIED'

(9) BUDGET STATUS REPORT – REPORT NO. 41-11

The CAO summarized the budget to date, noting he was not able to put all revenues in at this point, however expenditures are okay and revenues are on line. He noted he will provide a year-end projection at the next meeting. After responding to questions, the following resolution was presented.

FA-95-11

MOVED BY: D. Ransom

SECONDED BY: T. Dalimonte

THAT: the Budget Status Report for the period ending July 31, 2011 be received.

"CARRIED"

(10) PRELIMINARY 2012 BUDGET – REPORT NO. 43-11

The CAO outlined the detailed budgets for 2012, noting the key components were presented to the budget review committee on August 9th. He noted he is unable to confirm external support due to the early timing of the budget. He is recommending consolidating the budget into a single grant. He responded to questions after which, there being some items the members wished to discuss in camera, the following resolutions were presented.

The following resolutions were then presented

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FA-96-11

MOVED BY: D. Barrick

SECONDED BY: A. Jeffs

THAT: this meeting do now move in-camera.

Received at 9:55 p.m.

“CARRIED”

FA-97-11

MOVED BY: B. Baty

SECONDED BY: A. Jeffs

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

Received at 10:30 p.m.

“CARRIED”

As a result of the in-camera session, the following resolution was presented.

FA-98-11

MOVED BY: D. Barrick

SECONDED BY: A. Jeffs

THAT: the Board approve the direction given to the CAO during the in-camera session relating specifically to the in-camera item.

‘CARRIED’

FA-99-11

MOVED BY: M. DiFruscio

SECONDED BY: B. Steckley

THAT: the Proposed Preliminary 2012 Operating and Project Budget and corresponding municipal general and special levy allocations as detailed in the report be approved for distribution to member municipalities.

"CARRIED"

(11) PROJECT/PROGRAM STATUS REPORT – REPORT NO. 44-11

There were no questions with respect to this report. The following resolution was presented.

FA-100-11

MOVED BY:

SECONDED BY:

THAT: Report No. 44-11 outlining the status of Authority projects and programs be received for information.

"CARRIED"

(12) IN-CAMERA

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

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FA-101-11

MOVED BY: T. Easton
SECONDED BY: Brian Baty
THAT: this meeting do now move in-camera.

Received at 10:33 p.m. **“CARRIED”**

FA-102-11

MOVED BY: B. Baty
SECONDED BY: T. Easton
THAT: this meeting do now move back into open session.

Received at 10:37 p.m. **“CARRIED”**

The following items were approved in camera.

Report No. CR-14-11 **FA-103-11**
MOVED BY: B. Steckley
SECONDED BY: D. Ransom **“CARRIED”**

Report No. CR-15-11 **FA-104-11**
MOVED BY: M. DiFruscio
SECONDED BY: B. Steckley **“CARRIED”**

(13) OTHER BUSINESS

April Jeffs expressed her thanks to Darcy Baker for providing the Mayor, Council and CAO of Wainfleet Township with a tour of our areas.

Mickey DiFruscio noted that a few meetings back he had asked about the Authority participating in the 2012 bi-centennial. The Director, Land Management responded noting we are participating will prepare a staff report for next meeting.

ADJOURNMENT

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

FA-105-11

MOVED BY: M. DiFruscio
SECONDED BY: B. Timms
THAT: this meeting do now adjourn.

Received at 10:38 p.m. **“CARRIED”**