



WELLAND

NIAGARA PENINSULA CONSERVATION AUTHORITY
SEPTEMBER 21, 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
D. Eke
A. Jeffs
D. Joyner
D. Ransom
B. Sharpe
B. Steckley
B. Timms (Vice-Chairman)

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: William Wakulich
Andy Petrowski
Melinda Cheevers, Niagara This Week
Gerry Beneteau, Friends of One Mile Creek
JoAnn Beneteau, 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.

(1) MINUTES FULL AUTHORITY MEETING – AUGUST 17, 2011

Carmen D'Angelo would like to resolve the matter of voting procedures and noted this needs to be addressed. It was suggested that this be dealt with under business arising from the minutes. There being no errors or omissions, the following resolution was presented.

FA-106-11

MOVED BY: T. Easton

SECONDED BY: S. Beattie

THAT: the Minutes of the Full Authority meeting held August 17, 2011, be received and approved as printed.

"CARRIED"

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

It was agreed that a report regarding the voting procedures and the proper process for same be prepared by the CAO and brought to the next meeting.

The following resolution was presented.

FA-107-11

MOVED BY: T. Dalimonte

SECONDED BY: M. DiFruscio

THAT: the CAO prepare a report outlining the voting procedures and the proper process.

"CARRIED"

(3) **CHAIRMAN'S REMARKS**

The Chairman advised that he had been in discussion with Todd McDonald regarding the Strategic Review issues regarding communication and noted that Todd will be meeting with the Strategic Review Committee next week. The Chairman will advise the date and time of the meeting to the Committee. He also requested that if any member has someone from the outside that they think should be included in the process, to advise either himself or the CAO by Friday.

(4) **CAO'S REPORT**

The CAO advised that he provided the board members with a copy of the ad placed in local papers regarding the public meeting. We will also be placing the information on our website.

A question was raised with respect to whether or not an individual could contact Todd directly and not have to go through the public process in order to maintain confidentiality. The CAO advised that no staff will be in attendance at either of these meetings and, therefore, will have no knowledge of the content or attendance at the meetings. The Director, Communications advised that a confidential website can be set up for persons who wished to send an email to Todd directly. Carmen D'Angelo requested that an ad be placed in the Hamilton Spectator. Mary Stack advised that it is going in the Saturday edition of the Spectator. It was also requested that it be sent to all municipalities. Mary Stack advised that this is being done as well.

The CAO noted that the Niagara Children's Water Festival was underway with Family Day being held the previous Sunday. It is expected that approximately 5,000 children will be attending the event.

The CAO reminded the members of the upcoming Thanksgiving Festival, October 7 – 10 and noted we are looking for another successful event.

The CAO advised that budget submissions have been made to the Region of Niagara, Hamilton and Haldimand.

Brian Baty questioned whether the construction on 7th Avenue will be completed by the time of the Thanksgiving Festival. Darcy Baker advised that it should be sorted out by the end of the month.

Doug Joyner noted that there are many Festivals in the area on the same weekend and questioned whether we have ever thought to piggyback our advertising resources with them. The CAO advised that while they benefit from our event, we benefit from theirs too. The Director, Land Management indicated that the Authority did meet with members of the other shows, but they had no interest in co-operating with the Authority. He did note, however, that some of the old shows have been replaced and perhaps it may be something to look at now.

The Chairman requested that items, 6, 7 and 8 be brought forward to be dealt with prior to the hearing.

(5) CORRESPONDENCE

- (a) Correspondence from Conservation Ontario
- (b) Letter from Klara Young-Chin & Gerry Beneteau

Regarding the letter from Klara Young-Chin and Gerry Beneteau, Doug Ransom thanked them for the letter and the message they are presenting. He advised that the board needs to review the mandate of the Authority. Tony Dalimonte expressed concern with the length of the meetings noting perhaps they should be somewhat more structured with regard to delegations. He noted most boards have a 10 minute limit and adhere to it. It was requested that a report on Rules of Procedure be developed and presented at the next meeting.

Brian Baty noted that there were valid points made in the letter and is troubled by the length of some of our meetings, particularly for the members from Hamilton and Haldimand who have a long distance to travel. He is also trouble by the use of blackberries as it is disrespectful and hopefully a recommendation can be made banning the use of cell phones.

The CAO noted the letter sent from Conservation Ontario regarding comments made by Mr. Hudak and the response from Mr. Hudak. There was no discussion on these letters. The CAO also noted that he had received a letter today from the City of Hamilton requesting a 0% increase in our budget. He noted that for 2012 we submitted a 1.1% increase which is a difference of \$5,700 and we can deal with that.

(6) BUDGET STATUS REPORT - REPORT NO. 46-11

The CAO outlined the report noting that revenues are looking good with numbers still coming in from the areas and the Thanksgiving Festival. He noted that for the next meeting he will provide a year end projection and changes will be identified at that time on how we stand.

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

FA-108-11

MOVED BY: T. Dalimonte

SECONDED BY: M. DiFruscio

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

"CARRIED"

(7) WORKPLACE HEALTH AND SAFETY POLICIES AND PROCEDURES – REPORT NO. 47-11

The Director, Land advised that in order to comply with regulations from the Ministry of Labour, this document needs to be passed on an annual basis.

FA-109-11

MOVED BY: S. Beattie

SECONDED BY: T. Easton

THAT: Report No. 47-11 regarding the Health and Safety Program be received; and

That the Health and Safety Policy Statement for the Conservation Authority dated September 22, 2011 be adopted.

"CARRIED"

(8) HEARING – APPLICATION BY WILLIAM WAKULICH – REPORT NO. 45-11

Due to his association with a solar panel dealer, Bruce Timms declared a conflict of interest with respect to this hearing.

The Chairman requested that John Kukalis, Director, Water Management present the staff report. Mr. Kukalis advised that all information the Authority wished to cover was contained in the staff report and noted that the Authority's concern was with respect to construction on slopes.

The Chairman then asked Mr. Wakulich to come forward to make his presentation.

Mr. Wakulich thanked the board for the opportunity to appear. He then outlined his project noting it was as a result of an application to the Province for a micro green energy program which was approved. He then advised that after attending at the City of St. Catharines for a building permit, he was advised he did not require one for the work he was doing. He also stated that the gentleman at the building department advised him that no other permits or approvals were required. He also indicated that his neighbours had no objection to his project. He noted that while he was installing the bases of the panels he was visited by Authority staff who advised him that the project was not permitted under the Authority's policies. He then asked the board to amend the policy for the purpose of installing a green energy project. He added that he was hopeful the Authority board sees the benefit of encouraging persons to provide green energy and emphasized it will not affect shoreline stability.

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A lengthy discussion and question period took place on the Green Energy Act and whether or not it supersedes the Authority's regulations. A question was raised with respect to the appeal process. The CAO advised that it would go to the Mining and Lands Commissioner. A question was raised regarding what the Authority's decision would be if the structure was a building as opposed to solar panels. John Kukalis responded that the Authority would be opposed to such a building.

The following resolution was presented.

FA-110-11

MOVED BY: D. Barrick

SECONDED BY: T. Easton

THAT: Application No. Reg. 07.11.69 for permission to construct a structure to support solar panels on the valley slope of Twelve Mile Creek/Martindale Pond be approved without prejudice.

Mr. D'Angelo requested a friendly amendment which would read "with a condition that the project proceed as described in the presentation." The mover and seconder agreed.

Prior to voting on the resolutions a further lengthy discussion took place again on the Authority's jurisdiction and whether a permit was required at all. Mr. Sharpe also discussed a compromise situation which was suggested as a proposed amendment to the above motion which was seconded by Mr. Baty as follows

- 1) This permit be conditional upon a geotechnical study confirming the stability of the installation.
- 2) That it be limited to the existing lower 5 kilowatt structure already installed on the slope.

At this point Mr. Wakulich was asked to comment on the resolutions, which he stated he felt were not necessary. Both amendments were defeated. Mr. Barrick then requested a recorded vote on the original motion, the results of which are 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		
Dave Eke	x		
April Jeffs	x		
Douglas Joyner		x	
Doug Ransom		x	
Barry Sharpe	x		
Bob Steckely		x	
Bruce Timms (declared conflict)			
Bart Maves		x	
	6	8	"DEFEATED"

The Chairman then requested a motion to move out of the hearing. The following resolution was presented.

FA-111-11

MOVED BY: D. Ransom
SECONDED BY: B. Baty
THAT: this board do now move out of hearing.

"CARRIED"

(9) **HOUSEKEEPING AMENDMENTS - REGULATION OF DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINES AND WATERCOURSES REGULATION (Ontario Regulation 155/06, as amended) – REPORT NO. 48-11**

The Director, Water Management outlined the report which he noted will allow us to move forward and also to extend approvals to 5 years. A lengthy discussion then took place on several items which the board felt they could not approve until such time as the parties who were part of the amendment process could see what was being suggested. The following resolution was then presented.

FA-112-11

MOVED BY: B. Baty
SECONDED BY: C. D'Angelo
THAT: the proposed amendments to O.Reg. 155/06 be approved in draft form and defer final approval to the next meeting in order to have this report sent to interested parties for their comments prior to final approval with comments to be provided to the board.

'CARRIED"

(10) **OSWEGO CREEK FLOODPLAIN MAPPING – AWARD OF WORK – REPORT NO. 49-11**

The Director, Land Management provided an overview of the report noting that the proposed bid was within the budget estimates. After responding to questions, the following resolution was presented.

FA-113-11

MOVED BY: C. D'Angelo
SECONDED BY: B. Steckley
THAT: i) Report No. 49-11 regarding the Oswego Creek Floodplain Mapping Project be, received for information.
ii) That the Board support execution of the Consulting Services Agreement with Aquafor Beech Limited with an upset limit of \$49,675.

"CARRIED"

(11) **PROJECT/PROGRAM STATUS REPORT – REPORT NO. 50-11**

Carmen D'Angelo requested that the matter of the PFOS at Binbrook which is contained in the status report be a separate monthly report.

Barry Shape requested clarification on the item stated as Municipal Drain Maintenance Review.

April Jeffs questioned what the DARTE committee was. John Kukalis explained that it was set up to develop a consistent approach and technical direction regarding municipal drain project review under Conservation Authority Regulations.

Doug Ransom commented on the Twenty Valley staircase and questioned if we could work with the 20 Valley Tourism, the business community and the Museum regarding the repair of the staircase. Darcy responded by noting it is currently taking place.

The following resolution was presented.

FA-114-11

MOVED BY: B. Baty

SECONDED BY: D. Ransom

THAT: Report No. 50-11 outlining the status of Authority projects and programs be received for information.

"CARRIED"

(12) OTHER BUSINESS

It was requested that a letter be sent to MNR and MOE on what the roles and responsibilities of the Authority are with respect to dealing with the Green Energy Act. The following resolution was then presented.

FA-115-11

MOVED BY: D. Eke

SECONDED BY: B. Timms

THAT: the CAO send a letter to MNR and MOE requesting clarification on what the roles and responsibilities of the Conservation Authority are regarding the Green Energy Act.

"CARRIED"

A question was raised by Barry Sharpe regarding the de-icing of solar panels and whether that is a common practice in the industry. The CAO advised we can look into this.

(13) IN-CAMERA

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

FA-116-11

MOVED BY: A. Jeffs

SECONDED BY: B. Baty

THAT: this meeting do now move in-camera.

Received at 10:14 p.m.

"CARRIED"

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FA-117-11

MOVED BY: D. Ransom

SECONDED BY: B. Baty

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

Received at 11:43 p.m.

“CARRIED”

ADJOURNMENT

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

FA-118-11

MOVED BY: B. Steckley

SECONDED BY: D. Ransom

THAT: this meeting do now adjourn.

Received at 11:44 p.m.

“CARRIED”

"L. Sawatzky Recording Secretary

Bart Maves, Chairman”