

NIAGARA PENINSULA CONSERVATION AUTHORITY

WELLAND

OCTOBER 19, 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
A. Jeffs
D. Joyner
B. Sharpe
B. Steckley
B. Timms (Vice-Chairman)

MEMBERS ABSENT: T. Easton
D. Eke
D. Ransom

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

OTHERS PRESENT: William Wakulich
Andy Petrowski
Gerry Beneteau, Friends of One Mile Creek
Clara Young-Chin, Friends of One Mile Creek
Ray Kowalik

BUSINESS:

The Chairman called the meeting to order at 7:08 p.m., welcomed all in attendance and requested anyone who had a conflict of interest to declare it. Bruce Timms noted a conflict with the Wakulich matter due to his association as an agent for a solar power company.

(1) MINUTES

(a) FULL AUTHORITY MEETING – SEPTEMBER 21, 2011

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

FA-119-11

MOVED BY: T. Dalimonte

SECONDED BY: C. D'Angelo

THAT: the Minutes of the Full Authority meeting held September 21, 2011, be received and approved as printed.

"CARRIED"

(b) BALL'S FALLS HERITAGE ADVISORY COMMITTEE MEETING – SEPTEMBER 21, 2011

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

FA-120-11

MOVED BY: M. DiFruscio

SECONDED BY: C. D'Angelo

THAT: the Minutes of the Ball's Falls Heritage Advisory Committee meeting held September 21, 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 welcomed everyone and noted the only comment he had was to advise that the CAO would be at the Committee of the Whole at the Region of Niagara on Thursday regarding the consolidation of the Authority budget.

(4) CAO'S REPORT

The CAO noted that at the last meeting regarding the update to the Authority's regulations, staff was requested to obtain get public input. The Authority placed ads in several publications and noted the deadline for comments is October 28th. He noted that so far about 12 comments have been received. He advised that he will report back at the November meeting.

The CAO was pleased to advise that the Thanksgiving Festival was very successful with over 20,000 paid attendance. He noted it was an excellent weekend weather wise and Monday was particularly good. Mickey DiFruscio had a chart which the Chairman noted that 20,457 attended which was up from 2010 and 2009.

The CAO noted that the Foundation raffle went well bringing in \$2,901. He thanked Doug, Carmen, Bruce, Mickey, Trevor and Stew for assisting with ticket sales.

(5) DELEGATION – WILLIAM WAKULICH

The Chairman invited Mr. Wakulich to make his presentation, noting he would be permitted 10 minutes to do so. Mr. Wakulich thanked the board for opportunity to speak again. He indicated that he did not have much to add and most members are very familiar with his situation. He noted that when he received the building permit he thought the project would be seen as beneficial not a threat. He noted he still does not believe the racks will injure anyone, since no one comes close to the shoreline. He did acknowledge that the conservation authority has some concerns and was asking to allow it to stay because it is a clean energy project or make a one-time exemption. He thanked the board for listening and noted he hoped they would give the project a chance.

(6) **TECHNICAL MEMO; 1486 THIRD STREET LOUTH, FLOODPLAN OF RICHARDSON CREEK; CITY OF ST. CATHARINES, REGION OF NIAGARA - REPORT NO. 51-11**

Carmen D'Angelo questioned since we already did hearing, why are we entertaining this matter. The Chairman noted it was not conclusive and asked that staff were asked to come back reviewing the implications.

The Director, Water Management, presented this report. He then noted that there needs to be clarification regarding the regulations in this matter.

He did acknowledge that the property has been impacted by the QEW and that approximately 175 truckloads of fill would be required to comply flood proofing requirements.

He then elaborated on the impacts through a power point presentation and responded to questions.

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

FA-121-11

MOVED BY: M. DiFruscio

SECONDED BY: A. Jeffs

THAT: the technical memo regarding Report No. 51-11 be received.

"CARRIED"

(7) **EXEMPTION FROM NPCA POLICIES PROCEDUES AND GUIDELINES FOR ADMINISTRATION OF ONTARIO REGULATION 155/06 AND LAND USE PLANNING POLICY DOCUMENT, DATED DECEMBER 12, 2007; 1486 THIRD STREET LOUTH SOUTH OF THE QEW (IE; KOWALIK PROPERTY) CITY OF ST. CATHARINES, REGION OF NIAGARA, FLOODPLAIN OF RICHARDSON CREEK – REPORT NO. 52-11**

The CAO provided some background and noted that an actual application has not yet been made. He did confirm that there is definitely an impact although minimal, there is one. He noted that the motion speaks about the unique circumstances of the property. The Director, Water Management expanded on the resolution, noting he was looking to mitigate precedence, liability and public safety.

Bruce Timms thanked staff for the report and the motion, noting he is pleased with how it was handled.

The following resolution was then presented.

FA-122-11

MOVED BY: B. Timms

SECONDED BY: D. Joyner

THAT: whereas the Board supports its current policies as laid out in NPCA Policies, Procedures and Guidelines for Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document, dated December 12, 2007 as amended;

Notwithstanding the above, and in considering the following exception circumstances;

- i) Whereas the Kowalik's lands have been fragmented by expropriation and construction of the QEW Highway 406 corridor, which in turn has precluded their previous ability to earn a livelihood;
- ii) Whereas the Kowalik's has been left with a surplus parcel at 1486 Third Street Louth directly abutting the south side of the Highway corridor; that is inundated un Regulator flood conditions which have been elevated by the highway infrastructure;
- iii) Whereas the Kowalik's are seeking permission to allow for fill to be placed to remove a portion of the surplus parcel from the Regulatory floodplain in order to create a suitable building envelope;
- iv) Whereas the storage loss and hydraulic impact of removing a portion of this lot from the floodplain is minor, relative to the impact on the floodplain of the Highway corridor which immediately abuts the applicant's lands;

Be it resolved that:

The Authority authorize an exemption to its policies and allow fill to be placed to remove a portion of the subject parcel from the regulatory floodplain of Richardson Creek subject to the following conditions:

- 1) That the placement of fill not extend beyond the boundary located on Map No. 1 for Site 07-39-11 dated October 2011;
- 2) That the proposed building envelope be filled to an elevation of no less than 83.67 metres, being 0.3 meters above the regulatory flood level;
- 3) That prior to placing any fill a siltation control fence and/or barrier be erected along the limit of fill that will remain in place until suitable vegetative cover is established on the disturbed lands;
- 4) That only "Clean" fill be used on site and the placement and compaction of the fill be done under the supervision of a qualified Geotechnical Engineer retained by the proponent;
- 5) That such protection measures be taken as determined by the Geotechnical Engineer to ensure the fill embankment does not erode under regulatory storm conditions (e.g. suitable slop and hard erosion protection);
- 6) That no building openings be permitted below the regulatory floodplain elevation of 84.387 metres;
- 7) That foundation drains be directed to an internal sump and pumped to discharge above grade. In no case shall weeping tiles be allowed to outlet by gravity due o the potential for hydrostatic pressure on the foundation walls from the floodplain.

- 8) That prior to undertaking the placement of fill, the proponent submit a completed Permit Application to NPCA staff including a detailed grading and site plan prepared by a Consulting Engineering firm reflecting the items as per conditions 1, 2, 4 & 5, 6 7 to the satisfaction of NPCA, for approval;
- 9) That upon completion of the fill operation the Geotechnical Engineer retained by the proponent certify in writing to the NPCA that the fill has been placed to their satisfaction and conformance with conditions, 1, 2, 4 & 5 as noted above.

Further be it resolved that:

The authority will honour this policy exception for a set period of time as follows: a proponent must provide the information noted in condition 8 to the satisfaction of NPCA and obtain a permit no later than September 1, 2014. Failing this, this exception becomes null and void.

"CARRIED"

(8) AMENDMENTS – ADMINISTRATIVE RULES AND PROCEDURES & HEARING GUIDELINES - REPORT NO. 53-11

The chairman thanked the CAO and Loretta for taking care of this. The CAO noted the Board would be dealing with two documents, the first one is included in the Members Information Handbook. He then outlined the proposed changes.

Regarding the Hearing Guidelines, he clarified the proposed changes. The CAO then responded to questions on both items.

The following resolution was presented.

FA-123-11

MOVED BY: A. Jeffs

SECONDED BY: D. Barrick

THAT: the amendments to the Administrative Rules and Procedures & Hearing Guidelines – as outlined in Report No. 53-11 be approved.

"CARRIED"

(9) BUDGET STATUS REPORT AND YEAR END PROJECTIONS – REPORT NO. 54-11

The CAO outlined the year end for capital and operating budgets noting that not all revenues have been received to date which include the parks and the Thanksgiving Festival Do not have final figures in for the Thanksgiving Festival. He also noted that several capital projects will be carried over to 2012. A question was raised regarding 16% deficit at Long Beach and how can we look at changing it. The CAO responded and the Director, Land Management advised that one of the reasons is that transient camping has declined. Seasonal camping has gone up. After responding to questions, the following resolution was then presented.

FA-124-11

MOVED BY: C. D'Angelo

SECONDED BY: D. Barrick

THAT: the Budget Status report for the period ending September 30, 2011 and Year End Estimates Report - Report 54-11 be received.

'CARRIED'

(10) PRELIMINARY 2012 OPERATING BUDGET - ADJUSTMENT– REPORT NO. 55-11

The CAO advised this is simply an adjustment and provided the background on the reasons it is necessary is in order to stay within the Region's guidance. He advised he will provide particulars later on where this amount will come from.

After responding to questions, the following resolution was presented.

FA-125-11

MOVED BY: B. Timms

SECONDED BY: C. D'Angelo

THAT: the 2012 Preliminary Operating Budget Levy to the Niagara Region as adopted in Report 43-11 be reduced by \$8,100.

"CARRIED"

(11) PFOS COMPOUNDS AT THE BINBROOK RESERVOIR (UPDATE) – REPORT NO. 56-11

Director, Land Management advised there is not much to report other than staff have contacted MOE and the City of Hamilton and no new information is forthcoming. He noted that Tradeport prepared a report in September which was sent to MOE and we are still waiting for that report. A discussion took place on the level of involvement we should have in this and it was suggested that we should be involved and a letter should be sent to the Deputy Minister requesting that we be kept apprised of all developments regarding PFOS at Binbrook.

The Chairman requested the Director, Land Management to craft a letter under his signature to the Deputy Minister with a cc to the new Minister and ADM requesting that we continue to be kept apprised of all developments and proposals regarding the pfos at Binbrook reservoir and would appreciate receiving a copy of the Tradeport report and the sediment report, together with the Ministry's finding. The following resolution was then presented.

FA-126-11

MOVED BY: M. DiFruscio

SECONDED BY: T. Dalimonte

THAT: No. 56-11 regarding PFOS Compounds at the Binbrook Reservoir be received.

"CARRIED"

(12) CONSERVATION ACHIEVEMENT AWARDS – REPORT NO. 57-11

The Director, Communications outlined briefly what the awards are noting they first began in 1991 to recognize stakeholders and volunteers in the watershed who contribute to the well being of the watershed. She noted that this is an opportunity for board members to meet the individuals. She advised that the nominations come through staff and board members so if they have anyone they feel should be recognized please let staff know. she noted that the date this year is November 23rd and requested board members to come out.

Mickey DiFruscio nominated Andy Fevez. The Director, Communications advised that historically for member leaving the board there is a recognition, so those members who have are no longer on the board will be nominated.

The following resolution was then presented.

FA-127-11

MOVED BY: M. DiFruscio

SECONDED BY: C. D'Angelo

THAT: Report No. 57–11 regarding the Conservation Achievement Awards be received for information and discussion purposes.

"CARRIED"

(13) NIAGARA CHILDREN'S WATER FESTIVAL REPORT NO. 58-11

The Director, Communications outlined the report. She indicated that this Festival has been going on since 2003 and was initiated with the Region of Niagara, City of St. Catharines and OPG who wanted to create an outreach program to engage young students to learn about water conservation and source protection. She noted it is a curriculum based program for Grade 3 and 4 students mostly with some grade 2 and some grade 5. It is very well received by teachers and school boards. She noted that next year is the 10th anniversary and are increasing the number of students. She then referred to the detailed summary report which was attached to the report. After a brief discussion, the following resolution was presented.

FA-128-11

MOVED BY: C. D'Angelo

SECONDED BY: A. Jeffs

THAT: Report No. 58–11 be received for information purposes.

"CARRIED"

(14) PROJECT/PROGRAM STATUS REPORT – REPORT NO. 59-11

Bob Steckley questioned whether there was any cost to the Authority to host the recent and upcoming Chinese delegations.

April Jeffs had a question regarding ATV Traffic at the Bog. The Director, Land Management advised MNR has been in contact with us and advised that there have been several complaints in the North section. A brief discussion took place and north and the following resolution was presented.

FA-129-11

MOVED BY: D. Barrick

SECONDED BY: A. Jeffs

THAT: Report No. 59-11 outlining the status of Authority projects and programs be received for information.

"CARRIED"

(15) OTHER BUSINESS

April Jeffs commented that she had attended one of the strategic planning sessions and said she felt it was very informative. She noted that she had some feedback from her drainage superintendant who also attended a session and said it was good as well. A farmer called her and advised that he had attended a session as well and said it was terrible and biased.

Bruce Timms had a question on how we deal with large rain events and what we do. The CAO advised the steps we take when there are large rain events and the agencies that are notified which is by way of an advisory. These advisories are sent to local municipalities, police, school boards, media, ministries and others.

Doug Joyner advised that he attended Ball's Falls for the festival and commented on the staff being absolutely 100% class act professional people.

(16) IN-CAMERA

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

FA-130-11

MOVED BY: B. Timms

SECONDED BY: D. Barrick

THAT: this meeting do now move in-camera.

Received at 8:28 p.m.

"CARRIED"

FA-131-11

MOVED BY: M. DiFruscio

SECONDED BY: C. D'Angelo

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

Received at 8:55 p.m.

"CARRIED"

Authority Meeting - Minutes
October 19, 2011 – continued

The following items were approved in camera.

Report No. CR-18-11	<u>FA-132-11</u> MOVED BY: SECONDED BY:	C. D'Angelo B. Steckley	“CARRIED”
Report No. CR-19-11	<u>FA-133-11</u> MOVED BY: SECONDED BY:	M. DiFruscio B. Steckley	“CARRIED”
Report No. CR-20-11	<u>FA-134-11</u> MOVED BY: SECONDED BY:	D. Barrick T. Dalimonte	“CARRIED”

ADJOURNMENT

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

FA-135-11
MOVED BY: A. Jeffs
SECONDED BY: D. Barrick
THAT: this meeting do now adjourn.

Received at 8:55 p.m. **“CARRIED”**

"L. Sawatzky Recording Secretary

Bart Maves, Chairman”