

NIAGARA PENINSULA CONSERVATION AUTHORITY

WELLAND

NOVEMBER 21, 2012

7:00 p.m.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

D. Eke (with regrets)
D. Joyner (with regrets)
B. Maves (Chairman) (with regrets)

STAFF PRESENT:

T. D'Amario, CAO/Secretary-Treasurer
L. Sawatzky, Recording Secretary
D. Baker, Director, Land Management
M. Stack, Director, Communications
G. Furtney, Superintendent, Binbrook Conservation Area

OTHERS PRESENT:

W. Wakulich
T.A. Richardson
G. Robins
L. Aarts
K. Young-Chin
B. Lepard
N. Johnson
P. Maloney

BUSINESS:

The Chairman was not available for the meeting and the Vice Chair would be assuming the Chair, however, he was detained and therefore it was necessary to appoint a temporary Chair until his arrival. The following resolution was presented.

FA-117-12

MOVED BY: M. DiFruscio

SECONDED BY: A. Jeffs

THAT: Doug Ransom be appointed Acting Chair until the Vice Chair arrives.

"CARRIED"

Mr. Ransom assumed the chair and called the meeting to order at 7:12 p.m., welcomed all in attendance and requested anyone who had a conflict of interest to declare it.

(1) **MINUTES – OCTOBER 17, 2012 FULL AUTHORITY MEETING**

It was noted in the minutes that both David Barrick and Doug Ransom were absent, however it should have shown with regrets and will be changed accordingly. Also Brian Baty was absent and shown as being both present and absent, this will be changed to show absent only. The following resolution was amended

FA-118-12

MOVED BY: B. Steckley

SECONDED BY: T. Easton

THAT: the Minutes of the Full Authority meeting held October 17, 2012, be received and approved as amended.

"CARRIED"

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

There was no business arising from the minutes.

(3) **CAO'S REMARKS**

The CAO provided his remarks pending arrival of the Vice-Chair.

The CAO noted that he had presented the 2012 budget to the Region of Niagara Committee of the Whole on November 18th and it was well received. He noted that he will appear on January 11th at noon to present the budget to Hamilton council.

The Chairman reminded the members that the Achievement Award reception is on November 28th at Balls Falls 7:00 p.m. noting this is an annual event with very good turnout of volunteers for recognition. He asked that if anyone who is planning to attend, to please advise Loretta.

As a final note the CAO announced that Loretta is leaving the office to go to Ball's Falls to assume the Administrative Assistant position there. He noted that he looked forward to having her there and she would be a good addition to the site.

(4) **CHAIRMAN'S REMARKS**

The Vice Chair arrived at this point and assumed the chair apologizing for being late to the members and delegation.

He noted that the Chairman was in Toronto on business and was unable to attend.

(5) **DELEGATION – PERMIT RECONSIDERATION**

The Acting Chairman advised that in previous meetings when this matter was brought forward he had declared a possible conflict. Upon checking into it further he noted that he was not in conflict. He requested that Mr. Tom Richardson from the law firm of Sullivan Mahoney address the Board regarding the refusal of the permit to Mr. Wakulich.

Mr. Richardson thanked the board and provided some background on the matter as well as providing the board members with printed matter. He noted that the purpose of his attendance is to find a resolution to save costs of both parties. He noted he has been

directed by Mr. Wakulich to work with the NPCA to satisfy the concerns of the Authority. He also indicated that Mr. Wakulich has an outstanding appeal with the Mining and Lands Commission.

He spoke of a decision from divisional court on another permit which he felt impacts on this matter and outlined what those impacts are. He then outlined the reasons for the appeal. He then referred to the information contained in the information booklet which he provided to the Board members.

He noted that he had two requests, the first of which is to reconsider Mr. Wakulich's application, and make approval of the permit conditional upon providing a geotechnical study indicating there would be no negativity to the slope. Alternatively, to adjourn the matter and request Mr. Wakulich provide a geotechnical study. He noted that they would rather not go to Mining and Lands.

The Vice-Chairman thanked Mr. Richardson for his presentation and then requested comments/questions. There being none, the following resolution was presented.

FA-119-12

MOVED BY: B. Baty

SECONDED BY: T. Easton

THAT: the presentation provided by Mr. Richardson be received.

"CARRIED"

(6) JORDAN VILLAGE STAIRCASE – TWENTY VALLEY - REPORT NO. 56-12

The Director, Land Management provided an outline of the report which was requested at the last meeting regarding funding possibilities for this project. He noted that the 20 Valley Tourism was most promising and the Jordan Valley Merchants.

He noted that this matter should be dealt with as soon as possible as staff is keeping an eye on the property and have found that although it is signed to the contrary, it is still being used and staff are concerned about unsafe situations for the public.

Questions were raised on what kind of other money may be available and whether staff have looked into it. He did note that one of the key members, Len Pennachetti was willing to promote activities to raise funds. He also noted that staff found with local partners that because the original staircase was invested by them they were disappointed that it did not last as long as was originally thought.

The following resolution was then presented.

FA-120-12

MOVED BY: T. Easton

SECONDED BY: S. Beattie

THAT: Report No. 56-12 regarding the Jordan Village Staircase be received and that staff be authorized to begin work preparing the corridor for the trail project.

"CARRIED"

(7) **CABLE WAKEBOARD PROPOSAL – BINBROOK CONSERVATION AREA – REPORT NO. 57-12**

The Director, Land Management introduced Gregg Furtney, Superintendent at Binbrook, who was in attendance to provide any further information that may be required regarding the proposal details. He also noted that staff feels it would be a good feature to add to Binbrook. He advised that the organizers were invited to come and see Binbrook and they were very impressed. Boarder Pass likes the area and there is lots of potential which will benefit the NPCA.

Included in the report was info on website references for more information. Questions were raised on the liability aspect, what the impact might be on the shoreline, the benefits to the Authority and the PFOS issue. The Director, Land Management responded to all questions noting most would be included in the agreement. The PFOS issue has been discussed and noted that MOE will be monitoring the situation. The shoreline, he noted would likely not be too adversely affected, however, it would not be known for sure until the end of the trial period.

Dave Barrick noted that he was on City Council at Port Colborne when they installed their project and advised that we should try to get them to come out and make a presentation. He advised it is very popular in Port Colborne and there were no complaints. It also brought more visitors into the area. This is a new demographic for this type of project and we need to look at the agreement, however, they are reputable.

Thanks to park staff who are always looking for new things to do. The following resolution was then presented.

FA-121-12

MOVED BY: C. D'Angelo

SECONDED BY: B. Steckley

THAT: Report No.-57-12 regarding the Proposed Cable Wakeboard System at Binbrook Conservation Area be received;

That the proposal be approved, in principle; and,

That staff be directed to work with Boarder Pass to draft a one-year agreement for consideration at the December Board Meeting.

"CARRIED"

(8) **BALL'S FALLS THANKSGIVING FESTIVAL – REPORT NO. 58-12**

The Director, Land Management noted it is the first Festival report In 8 years, and provided background material regarding attendance and noted the changes made in 2012. Another element was the entertainment and the venue. Each year staff request Vendor feedback. He did note that the numbers were down this year, possibly due to the weather. As well, staff is looking to see if some of the setup fees can be reduced. He did note as well that it continues to be one of the top 100 festivals in Ontario.

April Jeffs advised that she was not aware of the Centre for Conservation and also heard a lot of people comment they just go to Vineland. She also noted that she likes the atmosphere at Ball's Falls as opposed to Vineland which is just crafts.

Darcy concurred that ours is a paid show and we provide a different atmosphere.

A question was raised with respect to whether or not exit surveys were done. The Director, Land Management advised that not recently, however, may do one next year. It was suggested that we should contact Niagara College to do an exit survey for next year. He did note that Vendors do provide exit surveys.

A question was raised regarding the attendance figures and it was noted that there is a downward trend and wonder if the NPCA is eligible to apply for festival grants like Festival Ontario. The Director, Land Management advised that staff is looking into it.

Darcy agreed that yes staff did a good job noting it is a fine oiled machine. He noted that staff wants to grow the event and the Site Administrator is happy to receive any comments.

Doug Ransom questioned whether other groups are invited to the wrap up meeting and if not, they should be. He also commended staff on a job well done.

Carmen D'Angelo commented that it is a tremendous event and that Vineland was packed by taking full advantage of our event. He questioned whether we can diversify by inviting wineries and local dining establishments to the event to and make it unique.

The Acting Chair thanked staff for the report and would like it to be provided on an annual basis. He also noted that he would like to see a report with a review of the plans for 2013. The Director, Land Management advised that he will come back with a report in early summer.

The following resolution was then presented.

FA-122-12

MOVED BY: S. Beattie

SECONDED BY: C. D'Angelo

THAT: Report No. 58-12 regarding Ball's Falls Thanksgiving Festival be received for information purposes.

"CARRIED"

(9) PFOS COMPOUNDS AT THE BINBROOK RESERVOIR (update) – REPORT NO. 59-12

The Director, Land Management provided an update outlining the report on this ongoing matter noting he is hoping to have more information in December.

A comment was made that airport management has the site contained and there is a plan to mitigate the site. A buffer has been established and it was noted that we do need to know what the impacts are. He thanks the Director, Land Management for the monthly reports. The following resolution was presented.

FA-123-12

MOVED BY: M. DiFruscio

SECONDED BY: C. D'Angelo

THAT: Report No. 59-12 regarding PFOS Compounds at the Binbrook Reservoir be received.

“CARRIED”

(10) SUPERSTORM SANDY REPORT – REPORT NO. 60-12

The CAO provided information on this storm and noted we were lucky that we did not get the full impact of it. Although the amount of rainfall was equivalent to a 100 year storm it occurred over a longer period of time, therefore decreasing the impact of the event.

April Jeffs advised that she had several calls from residents along the river and had marked out both sets of lines, noting that the difference was interesting and the water did not reach even the old flood line. She commented that since the residents already have structures in the existing lines, maybe something to consider is to have them sign a waiver.

Brian Baty questioned whether we can use this data and put it up against the model to see if it is accurate? The CAO advised that yes, we can.

Trevor Easton commented that the global warming lobby would say it is a precursor to worse events and needs to be considered during the peer review. Our historical data may need to be adjusted.

The following resolution was then presented.

FA-124-12

MOVED BY: D. Ransom

SECONDED BY: B. Steckley

THAT: Report no. 60-12 be received.

“CARRIED”

(11) 2012 BUDGET YEAR END ESTIMATES REPORT NO. 61-12

The CAO advised that documents were provided in the agenda. He then outlined the changes from original budget and after a brief discussion, the following resolution was presented.

FA-125-12

MOVED BY: B. Beattie

SECONDED BY: T. Easton

THAT: the Budget Status Report for the period ending September 30, 2012 be received.

"CARRIED"

(12) PROJECT STATUS REPORT – REPORT NO. 62-12

Brian Baty commented that there is a change in the public school participation with respect to the Canopies for Kids program noting that it has decreased and requested that the

Director, Communications look into what the reasons for this change might be.

Doug Ransom made comments on the sewage disposal bed at the Centre for Conservation and whether the disturbed area would be dealt with at this time. The Director, Land Management advised that staff is planning to seed it in the spring and mulch it in the meantime.

The following resolution was then presented.

FA-126-12

MOVED BY: D. Ransom

SECONDED BY: B. Steckley

THAT: Report No. 62-12 outlining the status of Authority projects / programs be received for information.

"CARRIED"

(13) OTHER BUSINESS

Carmen D'Angelo advised that Enbridge has a proposal which received approval to reverse line 9 which runs through Binbrook to flow bitumen through the lines. He noted it is in reverse flow at this time and there are concerns about line reversal and the bitumen that is being piped through it. He questioned whether the NPCA has any jurisdiction on this proposal as either landowner or through our regulations. The CAO advised that with respect to utilities, if it is a crown corporation they are exempt, otherwise anything running through a watercourse would require a permit. If they follow procedures they could go ahead without approval. The Director, Land Management noted that pipeline integrity digs are part of testing and they are excavating down to touch the pipeline to confirm info they have. We have been in contact with people who are testing and a follow up will take place to confirm that sections in our areas are in good shape.

Carmen D'Angelo requested a report on both responsibilities for us as a commenting agency and a landowner in this matter. Also, can we include in the report what is being presented in the City of Hamilton that the national energy board provide integrity studies on pipeline life expectancies and studies on bitumen.

April Jeffs questioned who to call about the cell towers being permitted in Port Robinson and noted that the Authority provided comments. The CAO noted that it was a cell tower and that staff issued a permit for it not because of the tower, because of the road leading to the tower. He noted that although residents are concerned about health issues, we have no mandate in regard to the tower itself.

(14) IN-CAMERA

The following resolutions were presented.

FA-127-12

MOVED BY: C. D'Angelo

SECONDED BY: S. Beattie

THAT: this meeting do now move in-camera.

Received at 9:05 p.m.

"CARRIED"

FA-128-12

MOVED BY: T. Easton

SECONDED BY: B. Sharpe

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

Received at 9:24 p.m.

"CARRIED"

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

FA-129-12

MOVED BY: C. D'Angelo

SECONDED BY: M. DiFruscio

THAT: the reports received in the In-Camera session be received.

"CARRIED"

FA-130-2

MOVED BY: D. Barrick

SECONDED BY: A. Jeffs

THAT: Confidential Report No. CR-16-12 be deferred pending a further legal opinion from the Authority's solicitors

"CARRIED"

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

ADJOURNMENT

FA-131-12

MOVED BY: S. Beattie

SECONDED BY: B. Sharpe

THAT: this meeting do now adjourn.

Received at 9:26 p.m.

"CARRIED"

"L. Sawatzky, Recording Secretary

D. Bruce Timms, Vice-Chairman"