



**Niagara Peninsula Conservation Authority  
FULL AUTHORITY MEETING MINUTES**

20 March, 2013; 7:00 p.m.  
250 Thorold Road; 3<sup>rd</sup> Floor; Welland, ON

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

**MEMBERS ABSENT:** T. Dalimonte (regrets)  
B. Maves (regrets)

**STAFF PRESENT:** T. D'Amario, CAO/Secretary-Treasurer  
J. Kukalis, Director, Water Management  
D. Baker, Director, Land Management  
M. Stack, Director Communications  
L. Conte, Recording Secretary

**OTHERS PRESENT:** Brian Bishop, Klara Young-Chin, Frank Memme,  
Aaron Farrell, Sarah Ferguson, Chris Freure,  
Ed Helder, Ted Hinks, Norm Johnson, Lois Johnson,  
Bev Leppard, John Maclellan, Gerry Prentice,  
Glen Robins, George Scott, Sloboban P. Simonovic,  
Tanya Simonovic, John Sonneveld, Joyce Sonneveld,  
Tony Wellintine

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**BUSINESS:**

The Chairman called the meeting to order at 7:11 p.m.,  
No conflict of interest in the agenda  
He then welcomed everyone in attendance. No conflict of interest expressed

(1) **MINUTES – Full Authority Meeting – 20 February 2013**

**FA-35-13**

**Moved by:** Brian Baty  
**Seconded by:** Barry Sharpe

**That:** the Minutes of the Full Authority Meeting held 20 February 2013, be received and approved as printed.

**"CARRIED"**

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

None

(3) **DELEGATION – DR SIMONOVIC**

Tony D’Amario introduced Dr. Simonovic and stated that a copy of his report was sent to all board members and acknowledged that the Peer Reviewer is also present for this delegation.

Dr. Simonovic, introduced himself as a Consultant appointed by Government to advise US and Canadian governments on flooding.

At the request of the Welland River Flood Plain Association, Dr. Simonovic looked at documentation of flood plain mapping. Background of technical issues – presentation non-technical will show concerns and opportunities. Dr. Simonovic looked at several works including Aquafor, John Perdikaris, NPCA mapping, policies and procedures, Dillion Consulting and NPCA strategy.

Dr. Simonovic’s concern is that the focus of documentation is only on a portion of the Welland River basin; mostly central. There is a need to address other parts of the watershed due to higher flood levels than those from 1985, upstream of the New Siphon. Regulatory flood area boundaries are considered hazardous and therefore implementation is needed. This is focused through a single zone approach.

This watershed is significant as hydro power operations (OPG) have an impact on the Welland River downstream conditions. The River is intercepted by the Welland Canal, which is regulated by hydro power.

NPCA policies and procedures – concern; a) watershed approach and b) engagement of the community; both principles are violated in the flood plain update process in his opinion. Conclusions: It is unacceptable that Welland River strategy 1999 does not consider flooding as a significant watershed management issue. Lack of proper and continuous drainage outlet for the river and fluctuating water levels at the downstream end are playing a significant role in determining the extent of flooding caused by natural conditions and extent of flooding caused by watershed modifications.

The review of flood plain extent is necessary from 1985 since numerous changes occurred. From the available technical documentation, it is not possible to clearly understand what are the main changes of the area being addressed by the Review. The

technical documents are insufficiently addressing the questions of the impact of climate change.

The impacts of many assumptions, uncertainty associated with the available data and sensitivity of the final results are not properly taken into consideration in deriving the proposed update of the flood plain extent. The complexity of the system requires an innovative approach to mapping.

The floodplain review process must include OPG, St. Lawrence Seaway Mgmt. Corp, City of Welland, municipalities in the watershed and members of the public. Flooding is closely related to hydropower generation along the River.

Welland River water level fluctuations can be mitigated (cost vs. potential benefits)

The floodplain mapping of the Welland River watershed is not done in accordance to the major water management guiding principles of the Conservation Ontario: watershed approach and engagement of community. Lack of effective communication with the public before the new regulation was implemented in 2011 illustrates negligence in the implementation of the community engagement principle.

Until the complete work is done, the Peer review will not be helpful.

Opportunities: WRFA is ready to collaborate; willing to contribute to the work of floodplain regulation implementation sub-committee

Willing to support the policy and provide input to the policy

Willing to be a member of the team of all stakeholders

Floodplain regulation process can be easily seen as a cost benefit process where some stakeholders are gaining benefits from the water shed management decision

WRFA proposes to review documentation of the watershed when completed, discussion on cost sharing. Look at the floodplain regulation change as a water management issue at the watershed scale.

WRFA suggests innovative approach to floodplain regulations that will take into consideration uncertainties involved in the floodplain delineation

Establishment of the floodplain regulation with a range of significance that will reflect the level of uncertainty associated with the calculation of the water levels

Flood Plain Regulatory, could be somewhere in between the regularity flood levels. Municipalities, Environment Canada are accepting the range – which comes with multiple uncertainties.

Conclusions – Flooding is only on the water management issues that are closely related to other water uses. Further discussion needed. Thanked the Board for their attention and opened the floor to Questions from the Board.

Referencing pg. 20 of the slide presentation, Carmen D'Angelo stated that we need to look at innovative ideas/best practices. D'Angelo considers himself to be an advocate of citizen engagement – Board received flood plain mapping – we had concerns and engaged citizens, invited public to sit on the Committee – we allow independent consultants to come here and the Board has been proactive and aware of public consultation.

Dr. Simonovic was under the impression that it possibly didn't include all since the Association did not feel there was enough interaction.

Trevor Easton feels that since the mapping is based on assumptions and that the mapping is to provide a measure of protection for citizens on the existing flood plain; if the assumption is incorrect, then there are consequences. Dr. Simonovic agrees; the process has a high level of uncertainties, must however establish some boundaries for the critical areas and focus on these. There is potential for new ideas.

Dr. Simonovic reconfirmed his opinion that a Peer Review should not be done until the study is complete. There are many other factors to consider when reviewing the original study; and thus believes the process will not be done properly. The single watershed is under tremendous users.

Barry Sharpe inquired about establishing zones/ranges and clarifying restrictions in those zones; regarding the changes made in Winnipeg; how were restrictions made? Dr. Simonovic stated that there is one model already in place.

Barry Sharpe asked how climate change affects future impact? Dr. Simonovic replied that people are concerned how climate change will impact. One needs to assess precipitation, incorporate procedure with data in Community. By looking at future scenarios it offers opportunity to establish boundaries. This was implemented with the City of London, watershed was revised, both upper and lower boundaries.

Barry Sharpe asked about the cost? How is it determined? He asks if it is different for users such as OPG? Dr. Simonovic replied it is a tradeoff from different users, benefits derived from watershed. If the user is taking benefits and others causing costs there is an effort to try and balance the cost with the benefits.

Brian Baty stated that there is no scientific flaw in the current model. We have never dealt with a two-way flow of water. Dr. Simonovic stated he was only invited to review documentation. Brian Baty asked what is the impact of the lower. Dr. Simonovic replied that the boundaries have different data.

Dave Eke stated that the watershed impacts owners and is not allowing them full benefit. Regarding the two-sided approach of flood plain, there is a concern about all flood plain analysis for those who live in that watershed. We are always dealing with future, therefore, hypothetically should the 100 year storm occur, what are the liabilities of those benefits and cost? How do other provinces deal with this? Dr. Simonovic explained that when you look at the watershed as a single watershed, this is only one issue; there are other users. Winnipeg for example is specific, their City is fully protected, by diverting the waterway, they have clear communication between City and smaller communities who pay for that in taxes etc. with a continuing communication of users.

Dave Eke stated that it's all about the fairness and protection, it becomes difficult to draw a line. Dr. Simonovic replied that in Manitoba they use 100 – 200 year storm, new regulations for homes are being built based on new projections.

Chris Freure commented that he likes the two-zone approach, and asked whether Dr. Simonovic had seen change in elevation from one set of mapping? Dr. Simonovic, replied, "yes increase in population and land use".

Chris Freure asked if the two-zone approach takes into consideration future approaches in building?

Dr. Simonovic explains that zones established are in disagreement since they use different criteria; driven by the level of protection converted in defining lines, dykes, how high etc....

John Kukalis indicated that the remapping was as a result of the new watershed; we saw levels approaching the 100 year level and this was last in the series. April Jeffs commented that the odds of a crazy storm are slim to none; we could be setting

regulations to death, and asked; are we really in one of those areas? What is the probability?

Dr. Simonovic feels this area is subject to storms and climate change. New storms during the summer indicate that Canada is potentially subject to high storms and magnitude. We should look at that with the current observations indication.

April Jeffs inquired whether or not the spring melt has an impact.

Dr. Simonovic replied that it appears there is more moisture during the year namely summer and fall.

Chairman Timms stated that the Peer Review predicted flood line and the Board will have to look at legitimate policy changes. Dr. Simonovic suggested that a study of the watershed should be completed first, then proceed with the technical Peer Review; since what we currently have, is not sufficient.

Bruce Timms thanked members of Flood Plain Committee, as well as Dr. Simonovic.

Resolution as follows:

**FA-36-13**

**Moved by:** Dave Eke  
**Seconded by:** Brian Baty

**That:** **Presentation by P. Simonovic Consulting be received and be forwarded to AMEC for consideration in the Peer Review process.**

**“CARRIED”**

**Following a 5 minute recess;**

**(4) DELEGATION – “Beeway” – Project by George Scott**

Chairman Timms invited George Scott to discuss “Honeybees” & how it affects the Niagara Region (issue).

George Scott thanked the Board & the Conservation Authority. He explained that L3K wildlife project in Wainfleet was 55 acres and now expanding to 120 acres – Niagara Beeway.com went live today. Scott has been a bee-keeper for 25 yrs. The issue facing Niagara Region is that bees are dying in great numbers for reasons unknown. It appears that along one corridor of Niagara the bees are thriving. We need native species experts, since 2/3 of crop in Niagara are dependent on the native species. Currently, we are importing bees from South America and they don't survive due to difference in seasons; not compatible. George Scott is asking for a motion to put funds in Conservation Authority in exchange for NPCA's native species experts project coordinators. We need to plant the plant species that exist in the area where bees are currently thriving.

L3K needs plant material and to tap into our resources. NPCA already has the data on species. L3K is asking for a charitable tax donation.

Questions from Board;

Doug Ransom asked if staff is willing to support this?

Tony D'Amario responded that we are in restoration and native species; we can be a partner, this is unique due to the funding arrangement – although we need to consider what resources are required, as a project, it is viable.

George Scott suggests that GIS experts are needed to grid areas.

Chairman Timms indicated that if the Foundation receives funds to support this initiative, then the costs would be drawn from the Foundation. Dave Eke has concerns about what exactly is involved in partnering and suggested we have staff report back to the Board.

George Scott stated that the funds are ready to go, and indicated that we are moving close to the end of school year. Tony D'Amario suggested we accept the donation with conditions on how we spend that money.

Mary Stack explained that NPCA is a charitable organization. Rather than use the Foundation, NPCA has more access to materials and resources.

Mickey DiFruscio asked if the "beeway project" will be a separate account? Response, Yes.

George Scott explained to the Board that they (L3K and NPCA) have been partners for a long time with the duck pond and plantations at L3K. Timing is critical due to the fact that they have donors, students will be out of schools soon and flowering season will begin shortly.

Dave Barrick suggested the funds be used for purchases only and not for staff time. Too many variables for staff time. We should commit as a partner.

Doug Ransom recommends we don't cast aside the Foundation. Bruce Timms stated that the Foundation exists and is able to accept donations and although we have not met as a Board, we are looking at revitalizing the Foundation.

**Motion as follows:**

**FA-37-13**

**Moved by: April Jeffs**  
**Seconded by: Brian Baty**

**That: Presentation on the Beeway Project by George Scott be received,**  
**And,**  
**That NPCA start up an account to receive the donation,**  
**And,**  
**That NPCA staff report back at next Board meeting regarding the project, and to allow George Scott to set conditions for spending funds.**

**"CARRIED"**

(5) **CHAIRMAN'S REMARKS**

Thanked the presenters at tonight's meeting.

(6) **CAO'S REMARKS**

- Tony D'Amario reminded all that Good Friday is Hawkwatch at Beamer Memorial
- He distributed applications for players & sponsors for the 2013 golf tournament and asked all who could to participate.
- Audit report (April 2013)

(7) **Binbrook Master Plan - Terms of Reference - Report No. 17-13**

Resolution presented as follows:

**FA- 38 -13**

**Moved by:** Carmen D'Angelo  
**Seconded by:** Brian Baty

**That:** the Conservation Authority receive Report No. 17 - 13, regarding the Terms of Reference for the Binbrook Conservation Area Master Plan;

**That staff be authorized to earmark \$35,000 from the Binbrook Conservation Area Operating Reserves to fund the master plan project; and,**

**That staff be authorized to request proposals from consulting firms based on the Terms of Reference.**

**"CARRIED"**

With reference to pg. 4 of Terms of Reference, subheading "Meetings", Carmen D'Angelo requested that the Consultant be updated. Carmen would like City of Hamilton to be part of the process.

Darcy Baker stated that the Committees will be updated as the project progresses and when the masterplan is endorsed by the Authority, presentation will also be made available for review by the public.

Stewart Beattie requested he be the designated Board member to sit on the Committee and that a copy of this be sent to Glanbrook Conservation Area and Councilor of Ward 11 Binbrook. He would also like feedback on who of the public will be part of the Committee.

Chairman Timms asked that staff take this as a direction. Two consultations - one in the middle and one at the end/completion.

(8) **Budget Status Report No. 18 – 13**

Attached is the budget status report for the period ending Feb 28, 2013  
The Chairman presented the following resolution;

**FA- 39 -13**

**Moved by:** Barry Sharpe  
**Seconded by:** Trevor Easton

**That:** the Budget Status Report No. 18 – 13 for the period ending February 28, 2013 be received.

**"CARRIED"**

Tony D'Amario stated that the budget is on track with no major changes.

(9) **Board member's per Diems - Report No. 19-13**

**FA- 40 -13**

**Moved by:** David Barrick  
**Seconded by:** Brian Baty

**That:** the Report No. 19 - 13 regarding the Honourarium and Per Diem Economic Adjustment be received; and

**That subject to the approval of the Ontario Municipal Board in accordance with Section 37 of The Conservation Authorities Act, the Chairman's honourarium be adjusted to \$4,776 per annum and the member per diem be adjusted to \$70.47 per meeting, retroactive to January 1, 2013.**

**"Deferred"**

Tony D'Amario stated that historically the Board approved per diem and honourarium consistent with staff grid. 2013 increase is 2%. Tony D'Amario also provided the Board with a comparison of other Conservation Authorities in Ontario.

Discussion ensued over rates and the Chair's job description. Carmen D'Angelo asked that the movers and seconder amend motion on table; the Board debated at length about the amendment,

Chairman Timms returned to the original Motion.

Barry Sharpe explained that we're here for the right reasons and we should go with what the staff was approved for. We're not here for the money.

Brian Baty believes the Board does not have enough information and asked that this motion be deferred until we can get information about other Chairs in Ontario.

Carmen stated he has no conflict of interest in putting this forth and would like to expand the list to encompass all Conservation Authorities in Ontario. Motion was deferred.



(10) **Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document-Update Process-Report No. 20-13**

Resolution presented as follows:

**FA - 41 – 13**

**Moved by:** April Jeffs  
**Seconded by:** Brian Baty

**That:** Report No. 20 - 13 be received for information.

**That the NPCA Board endorse the Technical Working Group of the Development Process Sub Committee to finalize draft revisions to and prepare a Term's of Reference for developing a new "Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document".**

**That the NPCA Board direct staff to report back upon completion of the Technical Working Group's draft Terms of Reference with the terms, timelines and budget recommendations to complete the update document including a public consultation process.**

**"CARRIED"**

John Kukalis commented on the need to revise policies and proposed that the consultation group bring back recommendations.

Regarding Chairs & sub-committee of Strategic Planning, Carmen D'Angelo feels that we have good representation from public sector and municipal sector – as we develop process of permits, policies need updating as some are unclear. D'Angelo concluded that there were significant revisions and that a consultant was required since it impacts all developments. The Technical group will put together the terms of reference and report back to this Board.

Dave Eke inquired whether there were any benchmark for best practices for any other area. We need to adopt best practice of something already in play. John Kukalis responded that the CA's Liaison Committee sought out different areas, and suggested that the best practice is to consult local needs and implement based on the feedback.

Barry Sharpe stated that public consultation is important, but it's also important to get Municipal and City Managers. Chairman Timms asked, "who is on the technical sub-committee?" John Kukalis responded, "Ken Gonyou, Jon Whyte, Rick Brady, Barry Mylar and M. D'Uva."

(11) **Tractor Purchase - Report No. 21-13**

Resolution presented as follows:

**FA- 42 -13**

**Moved by:** Doug Ransom  
**Seconded by:** Robert Steckley

**That:** the quote dated March 8, 2013, from Ben Berg Farm and Industrial Ltd., to supply one Kubota MX5100 with LA844 loader for a price of \$28,532.00 + taxes be accepted. Report 21-13

**"CARRIED"**

(12) **Vehicle Purchase - Report No. 22-13**

The following resolution was presented;

**FA- 43 -13**

**Moved by:** Dave Eke  
**Seconded by:** Doug Ransom

**That:** the Conservation Authority approve the quotation, dated March 12, 2013, received from Brock Ford two 2013 F150 V6 pick-up trucks for the price of \$37,518.26 (trade and tax inclusive). This is not the lowest quote, but takes into consideration NPCA operating requirements, anticipated non-routine repairs, and anticipated resale values based on make/model and engine size. Report No. 22 – 13.

**"CARRIED"**

Darcy Baker explained that the first two quotations were discounted due to our previous experience with other vehicles of the same make. In the past 5 years we have had very costly repairs at the 2 to 3 year mark. The vehicle we have approved for purchase is also fuel efficient. Doug Joyner recommends the 8 cylinder vehicle and does not support the motion.

13) **PFOS update - Report No. 23 - 13**

Resolution presented as follows:

**FA- 44 -13**

**Moved by:** Doug Ransom  
**Seconded by:** Stewart Beattie

**That:** Report No. 23 - 13 regarding PFOS Compounds at the Binbrook Reservoir be received.

**"CARRIED"**

(14) **Niagara Peninsula Conservation Foundation - Report No 24-13**

Following resolution was presented:

**FA- 45 -13**

**Moved by:** April Jeffs  
**Seconded by:** Brian Baty

**That:** **an Ad-hoc Committee be established to look at the operations and future role of the Niagara Peninsula Conservation Foundation. Report No. 24 – 13**

**"CARRIED"**

Tony D'Amario explained that the Foundation has been inactive, staff has tried to maintain its' existence with ticket lottery however, there is no staff for the Foundation. This raises the following questions, should it continue to exist, what is the role, what kind of support does it require and what is the future of the Foundation? Tony D'Amario proposes that a Committee be set up to review the future of the Foundation.

Carmen D'Angelo believes many in the Community will donate to a Foundation rather than NPCA. Stewart Beattie asked what is ad hoc committee made up of.

Mary Stack responded; 5 board members. Ad hoc is needed in order to determine what role it plays within the Organization and to establish what funds it will raise; i.e. memorial benches. We don't have clear procedures on how we need to operate. There are many models to look at. We need to establish a model before they sit on a Foundation.

Chairman Timms recommended Board Members volunteer.

The following Board members volunteered;  
Bruce Timms, April Jeffs, Brian Baty, Trevor Easton and Stewart Beattie.  
Ad-hoc committee set up – motion was carried.

(15) **Project Status Report No. 25-15**

**FA- 46 -13**

**Moved by:** Stewart Beattie  
**Seconded by:** Robert Steckley

**That:** **Report No. 25 – 13 outlining the status of Authority projects / programs be received for information.**

**"CARRIED"**

Some Board members inquired about the seasonal staff job postings and interview process. Carmen D'Angelo stated he would like to see that for all positions, and suggested that NPCA follow a fair and equitable employer interview process.

Darcy Baker acknowledged that we post all positions on our website. Tony D'Amario further stated that although previous employees may reapply, we do take into consideration past employees who have been trained and perform their job in an excellent manner.

(16) **Other Business**  
No other business.

(17) **In-Camera**

**FA- 47 - 13**

**Moved by:** Dave Eke  
**Seconded by:** Carmen D'Angelo

**That:** the meeting move in-camera  
"CARRIED"

(a) **Tree By-law Status - Report No. CR-26-13**

**FA- CR – 48 - 13**

**Moved by:** Brian Baty  
**Seconded by:** Doug Ransom

**That:** Report No. CR-26 - 13 regarding the status of the Tree and Forest Conservation By-law be received for information.

"CARRIED"

(b) **Regulations Report - Report No. CR- 27-13**

**FA- CR – 49 - 13**

**Moved by:** Robert Steckley  
**Seconded by:** Doug Ransom

**That:** Report No. CR-27-13 regarding the status of active legal matters related to NPCA Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses Regulations, O.Reg 155/06, as amended, be received for information.

"CARRIED"

(c) **Personnel Matter – Whistleblowing Legislation – Report No. CR-28-13**

**FA- CR – 50 - 13**

**Moved by:** Doug Joyner  
**Seconded by:** Barry Sharpe

**That:** Report No. CR-28-13 be received.  
"CARRIED"

**FA- 51 - 13**

**Moved by:** Doug Ransom  
**Seconded by:** Robert Steckley

**That:** meeting rise from in-camera

**“CARRIED”**

**Action Item: John Kukalis to provide deadline – 60 days prior to court date.**

**ADJOURNMENT**

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

**FA- 52 - 13**

**Moved by:** Brian Baty  
**Seconded by:** Carmen D'Angelo

**That:** this meeting do now adjourn.

Received at 11:30 p.m.

**“CARRIED”**



**"L. Conte, Recording Secretary**



**Bruce Timms, Chairman"**