

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

15 May, 2013; 7:00 p.m.
250 Thorold Road; 3rd Floor; Welland, ON

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

MEMBERS ABSENT: B. Baty (regrets)
T. Dalimonte (regrets)
D. Eke (regrets)
B. Steckley (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: Glen Robins, Willie Wakulich, Klara Young-Chin,
Laura Collings, Jane Hanlon

ROLL CALL

The Chairman called the meeting to order at 7:10 p.m. and welcomed all in attendance.

DECLARATION OF CONFLICT OF INTEREST

No conflict of interest declared.

BUSINESS:

(1) MINUTES – Full Authority Meeting – 17 April 2013

Resolution as follows:

FA-74-13

Moved by: David Barrick
Seconded by: Stewart Beattie

THAT: **the Minutes of the Full Authority Meeting held 17 April 2013, be received and approved as printed.
"CARRIED"**

(2) BUSINESS ARISING FROM THE MINUTES

None

(3) CHAIRMAN'S REMARKS

- Bruce Timms reminded all that the Bob Welch Golf tournament is coming up on June 13th at the Whirlpool golf course is a great cause with funds going to the Jordan Harbour project. Mary advised that to date, we have 44 golfers signed up.
- Canopies for Kids – tree planting – 10 schools took part in this event with commendation to NPCA staff.
 - Mickey DiFruscio thanked NPCA staff for a job well done. Mickey participated in the tree planting and was very happy with the results, and expressed how children engaged and participated in the process, overall, successful.
 - Doug Ransom commented that – staff handled it beautifully
 - Trevor Easton commended NPCA staff and was impressed with the set up.
- The Strategic Planning Committee planning to meet the 1st week of June and reports from the 5 committees to be submitted for review by the Committee. Consultants to present to the board by the 19th of June.
- Welland River Association held a meeting on May 1st and did a fine job with their meeting. April Jeffs was present at this meeting as were Tony D'Amario and Mary Stack. We produced maps of properties affected. April stated that comments were very well received.
- Chairman Timms sent letters to City of Welland, Ontario Power Generation, Welland River Recreational Canal and the St. Lawrence Seaway Marine Corp. inviting them to discuss concerns affecting the Welland River.
- St. John's Pond – Trout season opened on April 27th with Mickey DiFruscio and Mayor Luciani present. Great turn-out.
- May 5th – crappie fishing derby at Binbrook Conservation Area worked well
- Niagara Day in Queen's Park with a common issue around the Province being discussed – the wetlands mapping issue presented as a key message to Minister David Oraziotti by Mayors; Bentley, Augustyn and Martin and Councillor Zimmerman.

(4) **CAO'S REMARKS**

- Tony D'Amario thanked the staff for a great job on Canopies for Kids.
- Besides the Public and Separate (Catholic) Schools, Doug Joyner thanked NPCA staff for including private schools in the Canopies for Kids program as well.
- 2014 budget meeting with staff, target sometime in June

(5) **Delegation – Laura Collings – Climate Action Niagara**

Climate Action Niagara (CAN) is a community based not for profit volunteer organization providing environmental education and action to build awareness of current environmental issues and enable Niagara residents to affect progressive and lasting change in their community.

Two projects brought before the Board, one being; **Niagara's Heritage Tree Hunt**

"A heritage tree is a notable specimen because of its ...distinctive features... It is a prominent community landmark and can be associated with a historic person, place, event or period... Trees deserving heritage recognition are often identified by members of the community."

Heritage trees provide unique ecological services. Once a tree has been designated, seeds can be collected to ensure successional planting of legacy trees. In order to merit protection under the Ontario Heritage Act, trees must exhibit cultural value. An online poll showed 84% of people believed that trees should be protected and designated under the Regional Tree and Forest Conservation By-law

Second Project brought before the Board is **Niagara's Fruit Tree Trail**

This project is to bring the retired fruit trees of St. Catharines back into production

Trees deemed fit to salvage will be pruned back over a few years by volunteers

Offer workshops to homeowners

Tree yield will be organic and publically accessible

Excess fruit will be harvested by the Garden of Eating and donated to local soup kitchens and shelters, canning workshops will be provided and a cookbook created

This pilot project will begin between Glenridge Ave. and Ontario Street in St. Catharines

In order to locate these fruit trees, we will partner with the Region who will provide GIS software, GPS workshops with high school students. An overlay of tree locations with city trails will provide trail maps to the region and make them publically available, with advertisements through Tourism In addition to preserving and giving new life to these ancient fruit orchards of St. Catharines, these will also provide tangible benefits to the community in food security.

CAN is looking at launching this pilot project this summer.

Questions from the Board:

- David Barrick asked for some background information about Climate Action Niagara, Laura Collings distributed a two page executive summary of the Organization's Vision and Mandate.
- David asked what NPCA's role would be in this program. Laura explained that with the trail, they would require permission, expertise with fruit trees etc.
- David Barrick asked to have staff follow-up and report back on what we can offer, outreach material, support expertise etc.
- Laura Collings stated their Organization is looking to secure funding. Doug Ransom suggested they also check with the Federation of Agriculture Jane Hanlon (Exec. Director of Climate Action Niagara) stated their Organization is in contact with the municipalities. Jane also explained that they are working with a small budget, they have trillium funding but this is used for educational workshops; grants are hinged on specific

- projects, need a fundraiser, currently their largest is Ecofest.
- Doug Joyner asked if they have any borders. Jane replied that this project / vision is specific to the Niagara Region. Doug Joyner also inquired when the project is scheduled to launch. Laura responded; May 30th in Wainfleet with an Indian marker tree.
 - April Jeffs asked; where do you look for trees are they on private property? Laura responded that they could be however, they require permission from the land owner if nominated.
 - Trevor Easton asked what protection exists regarding the fruit tree trail and harvesting food for food banks. Jane responded; there is none.
 - Bart Maves asked whether the fruit tree trail is already on the map for St. Catharines. Response; Yes.
 - Bruce Timms suggested Climate Action Niagara get in touch with Brian Baty with regards to Oak in Pelham.

Resolution as follows:

FA-75-13

Moved by: David Barrick
Seconded by: Carmen D'Angelo

**THAT: Presentation for Climate Action Niagara be received for information and that staff report back with comments.
 "CARRIED"**

(6) Delegation - Wakulich

Mr. Wakulich is here this evening and declined to present. Bruce Timms thanked him for joining us and moved forward with next Agenda Item.

(7) Follow-up report on Wakulich submission – Report No. 41-13

John Kukalis submitted the report with staff commentary as requested by the Board. To date, there are no disagreements to stabilize Wakulich's intent, we are working towards the same goal.

Resolution as follows:

FA- 76-13

Moved by: Stewart Beattie
Seconded by: Bart Maves

**THAT: Report No. 41-13 be received for information.
 "CARRIED"**

(8) Budget Status Report for period ending April 30, 2013 – Report No. 42-13

Tony D'Amario submitted the budget status report and stated that there are no significant variances at this time. Programs are consistent with budget.

Resolution presented as follows:

FA- 77-13

Moved by: Doug Ransom

Seconded by: Trevor Easton

**THAT: the Budget Status Report No. 42-13 for the period ending April 30, 2013 be received.
"CARRIED"**

(9) Member per Diems and Chair Honourarium - Policies – Report No. 43-13

Tony D’Amario began by saying that at the last meeting there was some confusion regarding the honourarium and per diem paid to the Chairman. Tony has confirmed with Accounting that it has been the practice to pay the Chairman the honourarium and the per diem rate however, we do not have a specific policy in place for this. It is important to have a guideline. Doug Ransom recommends we outline when payments are expected. Tony explained that we issue payments on a quarterly basis. We will check with the Accounting department as some board members did not get a pay stub. Barry Sharpe suggests that we record as a policy and review from time to time. Carmen D’Angelo recommends we also include in the document that the board member’s expenses be approved by the Chairman.

Resolution presented as follows:

FA-78– 13

Moved by: Stew Beattie

Seconded by: Trevor Easton

**THAT: Report No. 43-13 regarding the Per Diem policies be approved and amended to include that the Chairman sign all member’s expense reports and that the payments to board members be made on a quarterly basis, and
That such policy be included in the NPCA Member Handbook for future reference
"CARRIED"**

(10) Staff Code of Conduct - Report No. 44 – 13

Tony D’Amario explained that the Proposed NPCA Staff Code of Conduct is intended to further guide staff and reinforce existing laws, current policies and personnel regulations. The draft code of conduct was distributed to all NPCA staff for their review and comments on two occasions, once in a preliminary draft and second in a final draft following revisions. Tony recommends this code of conduct be approved for inclusion in the existing staff personnel regulations.

Carmen D’Angelo stated that the policy is well written, sets expectations, however, pointed out that on page 9 &10 of document “reporting a violation ...must be done in writing” some may be reluctant to do so in writing. D’Angelo believes this may be too strict/ harsh or may deter valid complaints. Tony D’Amario strongly recommends that all complaints be formally documented. D’Angelo stated that under the Ontario Human Rights Commission, a complaint doesn’t have to be in written format, rather the recipient of the complaint has to formalize and begin an investigation.

Discussion ensued about this and comments were made by various members that if someone has an issue they should put their name on it, the onus should not be on the CAO or director to put the complaint or violation in writing. If an allegation is unsubstantiated, you don't want to create a bigger problem by putting forth something that was stated verbally and we don't want there to be ambiguity or misinterpretation of events. Tony D'Amario assured the Board that this doesn't take away the importance of anyone coming forth and expressing verbally a legitimate concern or violation. However, in order to proceed with an investigation, the person putting forth the complaint must do so formally.

Resolution as follows:

FA-79-13

Moved by: Stewart Beattie

Seconded by: Doug Ransom

**THAT: Report No. 44-13 be received and that the NPCA approve the Proposed NPCA Staff Code of Conduct dated May 2013 for inclusion in the NPCA Staff Personnel Regulations.
"CARRIED"**

(11) Bee-way project; Agreement – Report No. 45-13

Two draft agreements have been brought before the Board for their consideration. Tony D'Amario explained that one is an agreement between the Authority and L3K for provision of services and the other between the Foundation and L3K for the funding and its allocation. NPCA staff has determined what resources are available to assist with this program.

The agreements outline that proceeds from any donations will be used for the purpose of purchasing and delivering plant materials to BeeWay project sites and that no funds will be distributed for administration, labour or other non-project specific needs.

Bart Maves pointed out that on page 2 of the NPCA agreement a correction to be made, under Item 4 Scope of Project, paragraph 2, first bullet, second sentence to read; "this does not include any labour for planting."

Tony stated that a copy of each of the agreements has been provided to George Scott of L3K, to-date have not heard back. April Jeffs supports this initiative however is concerned with the issue of providing technical advice; how much staff time will this involve and is there any way to monitor? Bruce Timms suggested that NPCA staff log hours and report to the board in 4 months.

Resolution presented as follows:

FA-80-13

Moved by: Dave Barrick

Seconded by: Stewart Beattie

**THAT: Report No. 45-13 regarding the BeeWay Project Draft Agreements be received and;
That the CAO/Secretary Treasurer and NPCA Chairman be authorized to execute the agreements with L3K Wildlife Habitat Restoration Inc. on behalf of the**

**Niagara Peninsula Conservation Authority and the
Niagara Peninsula Conservation Foundation.
"CARRIED"**

(12) Canopies for Kids Program – update - Report No. 46 – 13

Tony D’Amario thanked the Board members for the positive remarks made earlier with regards to the canopies for kids program.

With 180 schools in our jurisdiction, we look at all applications received for this program however, we focus on schools that have no trees and those that are able to make a commitment. We want the planting to be successful.

- Carmen D’Angelo asked why we have a waiting list. Tony replied that we only have a certain time frame to plant trees before the schools close and we have to consider the funding available for this program and staff time to take part.
- Doug Ransom asked if there are contractors hired for the maintenance of the trees.
- Doug Joyner asked if the schools are responsible for maintaining the trees. Tony explained that during the summer when schools are closed and staff is away, we have a truck that waters the trees especially needed since they are newly planted and need that extra care. In response to members question about vandalism of saplings, Tony stated that prevention of vandalism is up to the school.
- Barry Sharpe wondered whether saplings are successful and can staff report back to the board on the success rate. Carmen D’Angelo suggested that staff get a sense of cost for one school in order to budget in September.

The following resolution was presented:

FA-81-13

Moved by: Carmen D’Angelo

Seconded by: Barry Sharpe

THAT: **Report No. 46-13 regarding the 2013 Canopies for Kids Program be received for information purposes.**

“CARRIED”

(13) City of Port Colborne – Operations Centre - Report No. 47 – 13

John Kukalis explained that the issue surrounding the proposed Operations Centre resulted because NPCA was not contacted when the initial environmental assessment was being conducted by the consultant and the property was later identified as floodplain. Since 2010, NPCA has continued to work with the City of Port Colborne in an effort to find an alternative. At this point the City of Port Colborne would like assurances that NPCA will issue a permit. John Kukalis also highlighted section 3.17 “Permitted Uses in the Floodplain” of Ontario Reg. 155/06 and Land Use Planning Policy Document; which states in part the uses permitted with the Regulatory Floodplain as follows; 3.17 (g) “...provided that the approved engineering designs recognize and, where necessary, address the flooding potential at the site.” and 3.17 (i) “uses not likely to incur or create damage from floodwaters”.

The following resolution was presented:

FA- 82 -13

Moved by: David Barrick
Seconded by: Doug Joyner

THAT: **Report No. 47-13 be received for information; and
That NPCA support in concept, the City of Port Colborne's
request to develop a Public Operations Centre as outlined
above; further,
That the Chief Administrative Officer be authorized to issue a
permit for the works pursuant to O.Reg 155/06, subject to the
City providing staff the required detailed design and
construction information
"CARRIED"**

(14) St. John's Centre Master Plan Consultant selection - Report No. 48 – 13

Further to January's Full Authority meeting where staff was directed to request proposals for the development of a master plan for St. John's Centre, Darcy Baker reported the following; RFP's were sent to seven firms, five proposals were received and reviewed in accordance with NPCA's Consultant Selection Policy and shortlisted three firms for interviews with the St. John's Centre Master Plan Steering Committee.

Senior people were assigned to the project however the main concern was the budget. The Steering Committee tried to keep in the \$25K range. Although one proposal was at \$25K, that figure did not include disbursements.

MHBC was able to maintain key elements, include disbursements in their proposal and thus keep in our budget range without impacting the project.

- Bart Maves expressed concern whether the other firms were given the opportunity to alter their proposal. Darcy responded that we negotiated only with the one firm of choice. Mickey DiFruscio explained that each firm made their presentation to the Steering Committee and were specific about our needs.
- Trevor Easton asked what guarantee we have that they will complete the project. Darcy responded that issues are covered in the terms. Furthermore, we will avail ourselves of a holdback until the project is complete. Doug Joyner recommends this consulting firm.
- April Jeffs expressed that NPCA has expert staff, is there potential for staff to do this? Darcy stated that we do not have enough staffing resources, furthermore, there are cultural elements that we don't have experts for and we do benefit from having a consultant as they have worked on various projects. We require fresh perspectives and expertise in business to make it income-generating. Bruce Timms reminded the members that the board recommended using consultants – and are past that decision.
- Bart Maves found it disconcerting that the firms bidding did not physically go to the property prior to providing a quote.

The following resolution was presented:

FA- 83 -13

Moved by: Doug Joyner
Seconded by: Bart Maves

THAT: **Report No. 48-13 regarding the St. John's Centre
Conservation Area Master Plan be approved; and**

**That the contract for the preparation of the St. Johns
Centre Conservation Area Master Plan be awarded to
MHBC at a cost of \$29,000.
“CARRIED”**

(15) Provincial Offences Officer – Report No. 49 - 13

Darcy Baker reported to the board that annually CA's and specifically campgrounds have designated security officers to administer rules and regulations (Ontario Regulation 123) The Minister of Natural Resources has provided NPCA a delegation of authority to appoint Provincial Offences Officers to carry out the enforcement of Sections 28 & 29 of the CA Act (and the regulations made under them)

Changes to the Private Security and Investigative Services Act require staff to be identified as Provincial Offences Officers rather than Security Guards. This change allows staff to stand in the court process. This also allows NPCA assurance that these officers have received the proper training and education that will enable them to carry out their duties appropriately. Darcy stated that this only takes effect on our property.

- Bart Maves asked if Darcy could follow up with the Municipality.

The following resolution was presented:

FA- 84 -13

Moved by: Stewart Beattie

Seconded by: Trevor Easton

**THAT: Report No. 49-13 regarding Provincial Offences Officer Designations be received; and
That the following individuals be identified as Provincial Offences Officers:
Moriah Harry, Chris Ruszycki, Scott Harrison and Dylan Clark**

‘CARRIED’

(16) PFOS update Report for Binbrook CA. – Report No. 50-13

Darcy Baker informed the members that staff was present during the fishing derby on May 5th to answer questions or concerns about the PFOS compounds at the reservoir, however, there did not appear to be any interest in PFOS on the part of participants.

Darcy contacted the City of Hamilton and MOE requesting a meeting to discuss plans for areas downstream of the airport and provide an update on the progress of remediation. The meeting is scheduled for May 22nd.

The following resolution was presented:

FA- 85 -13

Moved by: Carmen D'Angelo

Seconded by: Doug Joyner

THAT: Report No. 50-13 regarding PFOS Compounds at the Binbrook Reservoir be received.

‘CARRIED’

(17) **Project Status Report – Report No. 51-13**

The following resolution was presented:

FA- 86 -13

Moved by: Doug Ransom
Seconded by: Dominic DiFruscio

THAT: Report No. 51-13 outlining the status of Authority projects / programs be received for information.
‘CARRIED’

(18) **Other Business**

- Mickey DiFruscio invited all to join in celebrating the battle of Beaverdams – June 23 10:00 am

(19) **In-Camera**

The following resolution was presented:

FA- 87 - 13

Moved by: Barry Sharpe
Seconded by: April Jeffs

THAT: the meeting move in-camera
“CARRIED”

a) **Regulations Status Report - Report No. CR-52 -13**

Resolution presented as follows:

FA- 88 - 13

Moved by: Trevor Easton
Seconded by: Bart Maves

THAT: Report No. CR 52-13 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”

b) **Tree By-law Status - Report No. CR-53 – 13**

Resolution presented as follows:

FA- 89 - 13

Moved by: Bart Maves
Seconded by: Stewart Beattie

THAT: Report No. CR-53-13 regarding the status of the Tree and Forest Conservation By-law be received for information.

“CARRIED”

c) Land Donation - Report No. CR-54 – 13

Resolution presented as follows:

FA- 90 - 13

Moved by: Stewart Beattie

Seconded by: David Barrick

THAT: Report No. CR-54-13 regarding the proposed land donation
be referred back to staff.
“CARRIED – 5 in favour and 4 opposed”

Resolution as follows:

FA- 91- 13

Moved by: Bart Maves

Seconded by: Doug Joyner

THAT: meeting rise from in-camera
“CARRIED”

ADJOURNMENT

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

FA-92-13

Moved by: Stewart Beattie

Seconded by: Trevor Easton

THAT: this meeting is now adjourned. Received at 9:40 p.m.
“CARRIED”

"L. Conte, Recording Secretary

D. Bruce Timms, Chairman”