

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

November 20, 2013; 7:00 pm.
BOARDROOM;
250 Thorold Road West; 3rd Floor; Welland, ON

MEMBERS PRESENT: **B. Timms (Chairman)**
 A. Jeffs (Vice-Chair)
 B. Baty
 S. Beattie
 D. Dick
 D. DiFruscio
 T. Easton
 D. Joyner
 D. Ransom
 B. Sharpe
 B. Steckley

MEMBERS ABSENT: D. Barrick (regrets)
 T. Dalimonte (regrets)
 B. Maves (regrets)

STAFF PRESENT: T. D’Amario, CAO/Secretary-Treasurer
 D. Baker, Director, Land Management
 L. Conte, Recording Secretary

OTHERS PRESENT: Ted Hinks, Glen Robins, Ellen Robins, Bev Lepard, Klara Young-
 Chin, C. D’Angelo

ROLL CALL:

The Chairman called the meeting to order at 7:26 p.m. and welcomed all in attendance.

Motion as follows:

FA-178-13

Moved By: **A. Jeffs**

Seconded By: **B. Baty**

THAT: the Board receive and approve the request from Carmen D’Angelo for a leave of absence from the Board from October 17, 2013 to February 17, 2014 in order to complete the “HR Re-Structuring” project as per the NPCA Strategic Plan and, That the Board receive and approve the request from David Barrick for a leave of absence from the Board for a period of 4-6 weeks for personal reasons.

‘CARRIED’

DECLARATION OF CONFLICT OF INTEREST

Member B. Steckley declared a conflict of interest with regards to Item # 11 Report 108-13 of the Agenda. Member Steckley participated as a Vendor at the Thanksgiving Festival.

BUSINESS:

(1) **MINUTES – Full Authority Meeting – Oct 16, 2013**

S. Beattie indicated that on Pg. 9 of the draft minutes, Motion # FA-176-13 does not reflect the result. Was the motion carried? Chairman responded affirmatively and directed staff to correct the minutes.

FA-179-13

Moved by: D. Ransom
Seconded by: A. Jeffs

THAT: the Minutes of the Full Authority Meeting held 16th October 2013, be received and approved as printed with correction to motion FA-176-13 to indicate “CARRIED”.
“CARRIED”

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

- B. Baty noted that he had previously requested staff to circulate and distribute the per diem & honourarium spreadsheet with comparisons in relations to other Authorities to members of Regional Council commented that to date this has not occurred. This issue is creating backlash and stated that Council members need to be given full disclosure. He repeated his request that this information be forwarded to members of council and to the board.
- Chairman requested that staff prepare a package to distribute to board and council members.

(3) **CHAIRMAN'S REMARKS**

Through the use of a PowerPoint presentation (**attached**), Chairman Timms provided pictures of;

- The Jordan harbor's current walking trail and the connection to the Beacon and the adjacent Pirate Ship which is a landmark in the area.
- Recognition was given to the Ransom family with an onsite memorial stone adjacent to the new Pavilion for their contribution to this Conservation Area.
- Chairman Timms noted that he attended a presentation with members living within the Welland River jurisdiction. He noted that Joan Frayne from OPG and Erin Thomson from Environment Canada were in attendance. Everyone had an opportunity to see the River flow backwards from 9 am to 11 am. He commented “it was an interesting process to observe, we have level meters but nothing to show that the river reverses,

this can only be done by way of observation.” This is something that could be discussed at next Welland River Floodplain Mapping Implementation Steering Committee meeting.

- Chairman Timms provided an update on NPCA’s budget presentation at the Region Nov 7. The “per diem” was not addressed but the \$500,000 request for land acquisitions was addressed. There is concern that the Region wants to take these funds to control waterfront properties, however there is a legal argument whether they have the authority to take money from our budget. The Region argued “projects” but doesn’t mean lands. A motion was put forth to remove the \$500,000 from our budget but it was defeated. He noted that this would be included in the November 21st Council minutes and the matter will be referred to the final budget meeting. D. Ransom commended councilors that support the Authority by reminding them that we operate under Provincial statute and are not governed by the Region. Chairman Timms noted that next year we will ensure that we have our legal explanation included in the budget submission so this is clear from the outset.
- Public consultations for the public to review the DRAFT Strategic Plan were held on Nov. 12 & 13. Chairman Timms noted that at those meetings he neglected to recognize that this process for the development of a Strategic Plan was initiated by former Chair, Doug Ransom and Vice Chair, Brian Baty. He stated that there were positive comments with the strategic plan and comments are being forwarded to Todd MacDonald and updates will be provided on the process.
- Chairman Timms indicated that he attended the Binbrook Master Plan meeting on October 18th.
- Member D. DiFruscio asked if when the NPCA acquires land, is there any way we can protect it so that no-one comes in and develops it. T. D’Amario responded that we cannot preserve a property forever. The Board members make the decisions to acquire and/or dispose of properties owned by the NPCA. Member DiFruscio expressed concern for Cave Springs and commented that he felt it should be part of the World Biosphere and should be protected forever. T. Easton responded that even the world biosphere reserve comes up for renewal. B. Timms asked that staff look into this question and asked if information could be provided at the next meeting regarding this matter.

(4) CAO’S REMARKS

T. D’Amario spoke about the Strategic Plan public consultation meetings that were held November 12 & 13 and noted that approximately 100 people from the public, development, conservation board members and staff were in attendance. Comments were received from those meetings and the public will have until December 6th to provide written comments which will then be forwarded to the consultant. He noted that a report will be forthcoming at the December meeting which will be held at Ball’s Falls.

Staff met with the Welland River Floodplain Mapping Peer Review Consultant and an exchange of questions and answers took place. A draft report will be presented to the Welland River Floodplain Committee who will in turn make a recommendation to the board.

- B. Baty remarked that he was offended by the consultant's presentation at the Strategic Plan Public Consultation. He suggested that the final presentation be presented by the Chairs of the five working group.
- D. Joyner also expressed disappointment for the consultant's performance and stated that the consultant came across aggressive and combative.
- With the number of concerns raised, S. Beattie suggested holding the meeting in January.
- Chairman Timms commented that "we presented what we all previously heard and what we were told as far as the comments we received. We are hearing from both sides. It is expected that there will be unhappy individuals on both sides. Our consultant, Todd is doing what we asked him to do."
- B. Baty expected a better balance of information delivered.
- Chairman Timms thanked board members D. Ransom, B. Baty, D. Joyner, S. Beattie, D. DiFruscio and D. Barrick for attending the public consultation meetings.

(5) 2014 Preliminary Budget Update Report No. 103-13

CAO, T. D'Amario asked that the board reconsider the Hamilton budget prior to the City of Hamilton's preliminary budget submission deadline of November 22. The report before the board is to reaffirm the budget as approved without the reduction in levy to Hamilton.

- B. Baty recommends Hamilton Levy be increased 0%

The following resolution was presented;

FA-180-13

Moved by: S. Beattie
Seconded by: D. Ransom

THAT: the NPCA Board reaffirms the Proposed Preliminary 2014 Operating and Capital Budget as approved at the September 18, 2013 meeting and revised to reflect a 0% increase.
'CARRIED'

(6) Budget Status Report Report No. 104-13

CAO, T. D'Amario presented the budget status report for period ending October 31, 2013 with few noteworthy variances as indicated in the report.

The following resolution was presented;

FA-181-13

Moved by: T. Easton
Seconded by: D. DiFruscio

THAT: the Budget Status Report No. 104-13 for the period ending October 31, 2013 be received.
'CARRIED'

(7) Lake Erie Storm Surge Event - Report No. 105-13

CAO, T. D'Amario explained that on October 31st both Environment Canada and the Ontario Ministry of Natural Resources issued high lake level watch for Lake Erie and that water levels would rise approximately 1.9m overnight. NPCA flood forecasting staff indicated that a 1.5m rise could cause low lying areas to experience localized flooding as a result of this storm surge. NPCA staff issued an advisory to the public and local municipalities of potentially hazardous conditions. The warning urged residents living along Lake Erie to closely monitor the conditions along the shoreline. As a result, there were no significant damages from lake effects, and the storm surge was not severe enough to exceed critical flood levels. He indicated that this shows that having regulations do work.

- Vice-Chair, A. Jeffs expressed satisfaction with NPCA staff having kept the public up-to-date with graphs etc. and appreciated that the information got out to everyone.
- B. Sharpe asked about the current relationship between the NPCA and the City with regards to gates being closed. T. D'Amario explained that NPCA advises the City that the drains are susceptible to flooding and the City/Municipality makes the decision to close the gates.

The following resolution was presented;

FA-182-13

Moved by: A. Jeffs

Seconded by: B. Baty

THAT: Report No. 105-13 regarding the October 31 – November 1, 2013 Lake Erie Storm Surge be received.
'CARRIED'

(8) Strategic Plan Update - tabled no report

Chairman B. Timms stated that this has already been discussed in both the Chairman and CAO's comments.

(9) Ball's Falls Museum Strategic Plan - Report No 106-13

CAO, T. D'Amario explained that in order to qualify to participate in the Community Museum Operating Grant Program (CMOG), all museums are required to develop a strategic plan for their operations by the Ministry of Tourism. As requested a Strategic Plan for Ball's Falls has been developed with the Ball's Falls Heritage Advisory Committee which also reflects feedback from user groups visiting the site. The changes and implementation are complementary to and not in conflict with the Authority's Strategic Plan.

- B. Baty stated that the Value Statements and Objectives are good and commends the group for their work.
- S. Beattie asked what in particular is considered “the museum”; D. Baker responded that the museum component is spread out over the entire property, and includes both the natural and ecological components of the site.
- Staff was directed to include a list of members of the Ball’s Falls Heritage Advisory Committee on the next report.

The following resolution was presented;

FA-183-13

Moved by: B. Baty
Seconded by: D. Ransom

THAT: the Draft Ball’s Falls Strategic Plan 2013 – 2018 be received and approved; and

That staff submit the Strategic Plan to the Ministry of Tourism, Culture and Sport in support of the Ball’s Falls Community Museums Operating Grant Application.

‘CARRIED’

(10) E.C. Brown Trail Link – Report No. 107-13

NPCA Staff has been working with the Niagara Central Airport Commission to negotiate a trail use agreement that allows NPCA to build and operate the trail over the corridor of property owned by the Airport which will link the two E.C. Brown trails to the east and west of the Airport. It was noted that we had hoped to have the agreement available for this meeting however; it is still with the lawyers who are finalizing the wording. That being the case, the project will be carried over into the New Year.

Staff is recommending that once the agreement is received, the board authorize the CAO to sign the agreement.

The following resolution was presented;

FA-184-13

Moved by: S. Beattie
Seconded by: T. Easton

THAT: Report No. 107-13 regarding a trail easement for the E.C. Brown Conservation Area be received; and,

That the CAO be authorized to sign an easement agreement with the Niagara Central Airport Commission for the construction and maintenance of a trail across Airport Property at the E.C. Brown Conservation Area.

‘CARRIED’

(11) Ball's Falls Thanksgiving Festival Post Event - Report No 108-13

D. Baker reported that attendance at the 2013 Ball's Falls Thanksgiving Festival was 19,001 paid visitors with thousands of children under the age of 12 and many more with complimentary passes and membership passes at this 4 day event. Aside from poor weather on Sunday, we had great response and feedback.

He noted that there were some challenges with traffic due to road work and parking on Thanksgiving Monday which caused delays for vehicles entering the site. NPCA staff took action; closed sections of the park and cleared out vehicles. These are valuable lessons learned and will be noted in the logistics for future years.

The following resolution was presented;

FA-185-13

Moved by: M. DiFruscio

Seconded by: B. Sharpe

THAT: Report No. 108-13 regarding the Ball's Falls Thanksgiving Festival be received for information purposes.

'CARRIED'

(12) PFOS Binbrook – Report No. 109-13

With no updates to report, the following resolution was presented;

FA-186-13

Moved by: D. Joyner

Seconded by: B. Baty

THAT: Report No. 109-13 regarding PFOS Compounds at the Binbrook Reservoir be received.

'CARRIED'

S. Beattie inquired about some water testing he believes was to be conducted from the Welland River by the end of the year and it appears that no testing has been done. D. Baker responded that water testing has been done at the reservoir however, we have not conducted sediment tests or conducted test to the site downstream. S. Beattie expressed that it was his understanding that testing was to be done by the MOE down to Welland. D. Baker stated that until someone commits, no one wants to initiate this process. He noted that correspondence was sent to the MOE on this matter.

Members requested that in the next report, staff provide the board information on the historical testing that has been conducted to date and the plans for the strategy moving forward. D. Joyner suggested speaking to MP Allison regarding this issue.

Chairman Timms requested that a meeting be called through the Mayor's office and report back to the board. The meeting should include; MP Dean Allison (Niagara West-Glanbrook), MP David Sweet (Ancaster-Hamilton); Vice-Chair, April Jeffs and Mayor Douglas Joyner.

(13) Douglas E. Elliott Memorial Report No. 110-13

It was noted that we received a donation from Doug Elliott's estate. The family has requested that the funds be directed towards the re-development project at Jordan Harbour. The family has been advised that these funds are being held in trust until a Master Plan is completed and we will acknowledge the contribution appropriately on the site. A suggestion was also brought forward by NPCA to rename the annual Chippawa Creek fishing derby "the Douglas E. Elliott Memorial Fishing Derby"; the Elliott Family has agreed that this would be a wonderful tribute to his memory.

The following resolution was presented;

FA-187-13

Moved by: S. Beattie
Seconded by: B. Steckley

**THAT: Report No. 110-13 regarding a Douglas E. Elliott Memorial be received; and,
That the Chippawa Creek Bass Fishing Derby be re-named "the Douglas E. Elliott Memorial Fishing Derby"
'CARRIED'**

(14) Project Status Report - Report No. 111-13

Members requested staff provide greater/full details on the Niagara River Corridor Ramsar Site Designation.

The following resolution was presented;

FA-188-13

Moved by: A. Jeffs
Seconded by: T. Easton

**THAT: Report No. 111-13 outlining the status of Authority projects/ programs be received for information.
'CARRIED'**

(15) CORRESPONDENCE

Correspondence was received from the Office of the Mayor in the City of Hamilton with regards to OPG's plans to build a nuclear waste repository beside the Great Lakes and the resolution opposing OPG's plan.

The following resolution was presented;

FA-189-13

Moved by: S. Beattie
Seconded by: B. Baty

**THAT: Correspondence be received for information.
'CARRIED'**

(16) **OTHER BUSINESS**

With no further business, the following resolution was presented;

FA-190-13

Moved by: B. Sharpe
Seconded by: D. DiFruscio

THAT: the meeting move in-camera to discuss Tree by-law status, Violations status and personnel issues.
'CARRIED'

(17) **In Camera**

a) **Tree By-law Status Report - Report No. CR-112 -13**

Weather conditions have halted tree cutting and it was noted that there have been a number of inquiries with regards to the removal of Ash trees.

The following resolution was presented:

FA-191-13

Moved by: B. Steckley
Seconded by: B. Baty

THAT: Report No. CR-112-13 regarding the status of the Tree and Forest Conservation By-law be received for information.

"CARRIED"

b) **Regulations Status – Report No. CR-113-13**

The following resolution was presented:

FA-192-13

Moved by: D. Dick
Seconded by: D. Ransom

THAT: Report No. CR-113-13 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) Land Acquisition - Report No. CR-114-13

Board Member B. Steckley declared a conflict of interest on this item and excused himself from the meeting.

The following resolution was presented:

FA-193-13

Moved by: B. Baty
Seconded by: D. Ransom

THAT: Report No. CR-114-13 regarding the proposed X Acquisition be received; and, that staff be authorized to submit an offer to purchase X acres of land from X (amount to be confirmed by survey).

“CARRIED”

d) Personnel

An update on the Strategic Plan was provided by the consultant to the board members.

FA-194-13

Moved by: B. Baty
Seconded by: D. Ransom

THAT: The oral report be received.

“CARRIED”

The following resolution was presented:

FA-195-13

Moved by: S. Beattie
Seconded by: B. Steckley

THAT: meeting rise from in-camera with report.

“CARRIED”

ADJOURNMENT

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

FA-196-13

Moved by:

S. Beattie

Seconded by:

D. Joyner

THAT:

this meeting is now adjourned. Received at 10:23 p.m.

“CARRIED”



Lisa Conte, Recording Secretary



D. Bruce Timms, Chairman