



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

January 15, 2014; 7:00 pm.
3292 Sixth Avenue; Jordan, ON Ball's Falls Centre for Conservation - Elgin Room

MEMBERS PRESENT: **B. Timms (Chairman)**
 A. Jeffs (Vice-Chair)
 B. Baty
 S. Beattie
 C. D'Angelo
 D. Dick
 D. DiFruscio
 T. Easton
 D. Joyner
 B. Maves
 B. Steckley

MEMBERS ABSENT: T. Dalimonte (regrets)
 D. Ransom (regrets)
 B. Sharpe (regrets)

STAFF PRESENT: T. D'Amario, CAO/Secretary-Treasurer
 J. Lawson, Manager, Corporate Services
 P. Graham, Director, Watershed Management
 D. Barrick, Manager, Operations
 M. Stack, Supervisor, Marketing and Community Relations
 Brian Wright; Manager, Watershed Development Services
 L. Conte, Recording Secretary

OTHERS PRESENT: Willie Wakulich, George Scott, Michael Passero, Kevin Fitzpatrick,
 Glen Robins, Norm Johnson, Gerry Beneteau, Klara Young-Chin,
 Bob Highcock, Patrick Maloney, Len Aarts, Bev Lepard, John
 Sonneveld, John Bacher, Albert Garofalo, Gerry Prentice, Deb
 Sherk, Dawn Pierrynowski, Lynda Goodridge, Peter Bonenfant,
 Tim Seburn.

ROLL CALL:

The Chairman called the meeting to order at 7:25 p.m. and welcomed all in attendance.

DECLARATION OF CONFLICT OF INTEREST

No conflict of interest declared.

BUSINESS:

(1) **MINUTES – Full Authority Meeting – December 18, 2013**

The following resolution was presented;

FA-08-14

Moved by: D. Joyner
Seconded by: B. Steckley

THAT: the Minutes of the Full Authority Meeting held December 18, 2013, be received and approved as printed.
"CARRIED"

(2) **Business Arising from the Minutes**

No business arising from the minutes.

(3) **Chairman's remarks**

- At the suggestion of April Jeffs, B. Timms attended the Soil and Crop Improvement Association Meeting on January 9th. The Niagara North Federation of Agriculture, Niagara South Federation of Agriculture and Haldimand were all in attendance. B. Timms expressed how impressive it is that farming has become such a science how it is involved in field crops and field crops in heavy clay soil. The Welland River Flood Plain Association presented and they expressed some eagerness for more progress on that subject.

There was also a presentation of a 3 year trial / experiment regarding the effects of neonicotinoids on the pollinators, the honeybees. A handout from Health Canada (attached) entitled "Pollinator Protection and Responsible Use of Insecticide Treated Seed makes specific reference to neonicotinoids. Health Canada and the Agricultural community are concerned about the effects of this pesticide on honey bees and as such are taking measures to solve the problem. The concern over the effects of neonicotinoids is understood and being addressed by the agricultural community as a valid and credible threat to the pollinators. He noted that the board would hear more from Mr. George Scott on this at tonight's meeting.

- B. Timms noted that there has been Media coverage of the NPCA lately and an announcement was made on the new management team. He noted that the recent reorganization is in part our response to the public's comments to the board regarding the Strategic Plan. B. Timms is committed to taking the NPCA message to each municipality we serve and asked the board to support him in raising the Authority's profile, promote our function and contribution to each municipality and local council. B. Timms wants NPCA to prove itself a good partner with the municipalities while meeting our provincial mandate for conservation.

(4) **CAO Remarks**

T. D’Amario stated that some NPCA projects have been put on the back burner due to the implementation of the Strategic Plan. However, the interest we have in the Flood Plain Peer Review will reconvene.

NPCA is scheduled to present the preliminary budget on January 23rd to Hamilton City Council with zero% increase. The Year-end will be presented to the board at the February meeting and the final at the March meeting.

- Member B. Baty requested that a public meeting at an appropriate venue be held if the peer review is to be received. Chairman Timms asked NPCA staff to take that as direction.
- Some members inquired about the 0% to Hamilton and that it has remained at 0% now for 3 years. T. D’Amario explained that we received guidance from the City requesting this and we usually strive to meet the request. Haldimand did not give guidance. Member C. D’Angelo submits that for 6 years we have met Hamilton’s budget target and that we have advised the City of Hamilton that following the completion of the Binbrook Master Plan, we will be going to them to request appropriate funding. Member B. Baty also communicated to the Region and Public Works about the changes with the City of Hamilton once the Master Plan is completed.

(5) **Delegations:**

a. **Mr. Willie Wakulich – 9 Pine Street**

Legal representative; Patrick Maloney from Sullivan Mahoney; spoke on behalf of Mr. Wakulich. He explained that the reports prepared by NPCA November & December show his client Mr. Wakulich is still deficient and Sullivan Mahoney was unable to present in December.

The report by Coffey Geotechnics Inc. dated November 19, 2013 created some confusion, stated Mr. Maloney. When the engineers met with Mr. J. Kukalis earlier in 2013 they felt they had the necessary information required by NPCA. However, it appears that the information NPCA is requesting is not available.

Since the December report, correspondence was forwarded to the NPCA office. Graphs from Appendix B of the Slope Stability have been adjusted to scale. Mr. Wakulich and Sullivan Mahoney are working together with NPCA in order to resolve the issues.

The following resolution was presented;

FA-09-14

Moved by: D. Joyner

Seconded by: T. Easton

THAT: the correspondence from Sullivan Mahoney for 9 Pine Street; St. Catharines be received for information and that this legal matter be dealt with in-camera.

‘CARRIED’

b. **George Scott – Bee Way Project**

Mr. George Scott provided an update on the neonicotinoids' alarming condition and how to possibly mitigate the losses. The latest announcements in the press were circulated to the board, namely; *National Farmers Union dated December 10, 2013 regarding the Notice of Intent: Action to Protect Bees from Exposure to Neonicotinoid Pesticides*". In this report, The National Farmers Union recommends that Health Canada Pest Management Regulatory Agency take the precautionary approach by implementing a five-year moratorium on the use of the neonicotinoid class of pesticides in seed treatments for field crops. It also recommends research be conducted in this area by independent researchers with public funding and; that Health Canada in conjunction with Agricultural Agri-Food Canada, promote and research farm practices which would allow farmers to move away from the use of neonicotinoid seed treatments.

G. Scott commented that the controversy between the beekeepers and the chemical producers has started a cascade of new studies, information and public withdrawal on the use of this chemical. He indicated some points of interest for the Niagara Region regarding neonicotinoids;

- Negative human health issues of this chemical
- Trade issues and potential ban on foods containing neonicotinoids
- Ontario farmers may possibly take a stand on a 5 year moratorium
- Government agencies in place to protect Canadians are being immobilized due to operating protocols and conflicts over rules and regulations, while chemical manufacturers influence the sale and use of this product.
- Neonicotinoids are appearing in our water draining from agricultural areas. The concentrations appear higher in the water draining from the fields and are in excess of the manufacturer's recommendations for pest control.
- There does exist sustainable and environmentally safe alternatives to insect control.
- These safe alternatives could be produced in the Niagara Region thereby creating jobs and money.

G. Scott stated that the Niagara Beeway will continue to provide updates on both sides of the issue in upcoming months.

Questions from Board:

- Member D. Joyner commented that the issue of neonicotinoids will be a federal political issue and that we should look at taking a stand here in Niagara since it appears to have minimal risk and potential for a great return.
- Member D. Dick stated to Mr. Scott that he has many questions to ask him regarding the documents submitted and would like to make arrangements to discuss these at a more convenient time.
- Chair B. Timms stated we would be happy to receive the correspondence and that it be referred to staff, with the following resolution;

FA-10-14

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

THAT: the presentation and correspondence by George Scott on the neonicotinoids be received for information and referred to staff.

‘CARRIED’

(6) Hearing under Ont. Reg. 155/06 Permit application – Report No. 01-14

In consideration of the application by Michael Passero to construct an in-ground swimming pool on the valley slope of Twelve Mile Creek, CAO T. D’Amario through a power point presentation, indicated the location of the property in question and the location of the proposed construction. T. D’Amario stated that valley slopes are considered to be “hazard lands” and Ontario Regulation 155/06 prohibits new structures from being located within natural valleys that are higher than 3 metres. This section also requires that no new structures be located within 7.5 metres of the stable top of bank. The proposed pool location is beyond the top of bank and does not comply with the Policy Directive.

Staff assessed the proposal to determine if there was a possibility of conformance with applicable interim policy directives; as a result are forced to recommend the application for refusal. T. D’Amario informed the Applicant, Mr. Passero that he has the right to a Hearing before the Full Authority Board to determine the ultimate outcome of the application. Formal application was received on October 16, 2013. The Applicant’s submission package, including Slope Assessment has been circulated to the Board. Only the Full Authority Board can deny an application for issuance of a permit.

- Mr. Passero was invited to come forward and along with his Engineer, provided an explanation of his application. Mr. Passero stated that the property tapers off where the pool is being proposed, he also showed through submission #1 a map of the area that shows other pools already in existence. In terms of adverse effects on slope or safety issue, Mr. Passero believes this construction will have less weight on the slope and add stability to the slope. There is no history of problems with existing pools on this slope, to his knowledge. Property owners #38 and #40 were approved and issued permits by NPCA for construction of a pool.
- Chair, B. Timms stated that under the rules of hearing, the Board is able to ask the applicant questions however, advised the board that after the questions have been answered we have the option to adjourn and discuss and make a decision or reconvene at another date and time with a decision. Chair, B. Timms opened the floor for questions.

Questions from Board

- Member D. Joyner asked if this were engineered, what would be the long-term effect. T. D’Amario responded that there are long-term instability issues with a certain degree of danger. We can’t foresee the future dynamics however many times things engineered are done without looking at the future consequences. Slopes are inherently unstable and in many instances houses began splitting.
- Member D. Joyner asked what is at the bottom of the slope. T. D’Amario responded; “creek”.

- D. Joyner asked, if pools have been installed there, has NPCA changed its' rules. D'Amario responded that the policy has not changed; however, we need to further get information on the other pools which have been installed.
- Mr. Passero provided a copy of a permit issued to one of his neighbours. Chair, B. Timms asked that we receive this information. T. D'Amario stated that if an addition is put on the home there are policies that allow flexibility; a 20% rule. The pool is not attached to the existing building.
- Member C. D'Angelo asked if the NPCA has issued permits to neighbouring properties. It appears so from Mr. Passero's submission. C. D'Angelo asked if his application met the City's bylaws. Mr. Passero responded that the City had no issues with zoning or bylaws it only required the NPCA approval. C. D'Angelo requested Mr. Passero submit a copy of the City's email to NPCA. C. D'Angelo further noted that the engineer report is only an assumption and then once it is dug out, the slope can be reassessed again at this point. Mr. Passero's Engineer stated that the slope will be lighter with the removal of soil and by adding water the slope will be much lighter in weight. It is site specific and the expectations are that the slope will support this construction. To be cautious, the Engineer recommends having an assessment conducted once it has been dug out.
- C. D'Angelo inquired about the impact should the slope breach; the maintenance of pool; where would it discharge and would it contaminate the waterways? T. D'Amario responded that the homeowner would be required to follow the existing municipal by-laws.
- B. Steckley asked to see the permits NPCA issued in the last 3 years on this slope and what kind of impact would an above ground pool have. T. D'Amario responded that the impact would be worse on the slope and that in order to minimize risk, recommendations would be made to maintain vegetative covering to impede slope from eroding.
- B. Steckley asked if a permit is approved by the board, what would be the liability. T. D'Amario responded that on the basis of the geo-tech report, and due diligence, the landowner could hold NPCA liable because the provincial policy is to keep things off the slope.
- Member T. Easton noted that there is approximately 40 feet from top of slope to the bottom, how do you determine the strength of the slope. Mr. Passero's Engineer stated that model built, 6-8 feet of clay – clay on that slope compressor strength is quite strong. When they look at other properties in the same slope, they are doing very well.
- Chair, B. Timms commented that the perception of the slope can change and requested Mr. Passero present charts on true scale.
- Member D. Joyner noted that the bench at 12 Mile Creek has rock below it; when you drill do you know what is under there? Mr. Passero's Engineer responded "55 meters to bedrock"
- Member B. Maves asked how do you establish stability for purposes of the NPCA policies. T. D'Amario responded that if the slope is less than 3: 1, then the policies assumes a setback of 7 metres. For steeper slopes, the Geotech engineering would

need to confirm the stability. Chair B. Timms reminded the board of the hearing process and recommended that the board receive clarification and additional information from NPCA staff and reconvene in camera.

The recommendation before the board to deny the application was deferred and the board resolved to the following;

FA-11-14

Moved by: D. Joyner
Seconded by: C. D'Angelo

That: this process be adjourned; staff to provide more information and reconvene at a later date.
"CARRIED"

(7) Woodend Conservation Area – DSBN Development - Report No. 02-14

T. D'Amario explained that Niagara Region is requesting a road allowance widening as part of the site plan approval for the District School Board of Niagara Living Campus Project. Although the application is on behalf of the District School Board of Niagara, conveyance to the Region would have to be given by NPCA as the owner. Staff does not feel this will impact Woodend CA negatively and therefore recommends approval. DSBN is anxious to move forward, they will cover the costs and are scheduled to break ground next month.

The following resolution was presented;

FA-12-14

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

THAT: Whereas the Regional Municipality of Niagara requires a Road Allowance Widening as part of the site plan approval for the Living Campus project at the Woodend Conservation Area; and

Whereas the District School Board of Niagara has agreed to cover costs relating to the reference plan and registration fees for the road allowance; and

Whereas the conveyance will in no way impact or affect the operations of the Woodend Conservation Area;

That the NPCA approves the conveyance of approximately 3.05 metres along the approximate 13.1 metre frontage of the Woodend Conservation Area property to the Regional Municipality of Niagara.

'CARRIED'

(8) Binbrook C.A. Master Plan Update

D. Barrick provided an update of the Binbrook Master plan through a PowerPoint presentation. Since February 2013 staff moved ahead with the overall plan and look at the financial resources and opportunities. He noted that a meeting was held last week on the development stage and there is another upcoming meeting January 23rd to proceed with the concept. The recommendation will come to the board for approval. With the help of our consultant, the committee determined what amenities people would like to see, i.e. splash pad. He noted that we have received great feedback ideas.

- Member D. Joyner asked should the final master plan be approved, what is the timeline to achieve what has been proposed. D. Barrick responded that it is likely a 3 year plan contingent on resources.
- Member B. Maves asked how many acres? S. Beattie responded, just less than 1000 acres. B. Maves inquired on the area to be developed. S. Beattie stated that currently certain areas are substandard and we are looking to bring that to proper standards. C. D'Angelo commented that the west and north ends are intended to preserve wildlife and have a platform for bird watchers, naturalists, etc. The east end will be dedicated to fish and forest management as a plan to preserve the natural state of the park and the south side will be recreational.
- Member D. Joyner is looking for reassurance that excess water doesn't head to West Lincoln. S. Beattie noted thus the primary reason for building the dam. T. D'Amario provided D. Joyner with reassurance that staff monitors the water levels on a daily basis.
- Member S. Beattie noted that the committee will consider D. DiFruscio's request to plant species that will attract wildlife as part of the report.
- D. Joyner suggested staff inquire what incentive programs exist, additional funding from the province if we meet the criteria for a LEED building. T. D'Amario will look into additional funding programs. D. Joyner wondered who takes the lead in filling out the applications for incentive programs, NPCA or the City of Hamilton. B. Timms responded that D. Barrick will provide a response at the next meeting.
- D. Barrick stated that the electrical needs to be updated and there are other areas that require regular maintenance as well as enhancements. He will provide more information on the infrastructure and operating of the park at the next board meeting.

Resolution as follows:

FA-13-14

Moved by: S. Beattie

Seconded by: D. Joyner

THAT: to receive verbal update

'CARRIED'

(9) **2014 – A look ahead – Projects and Initiatives - Report No 03-14**

T. D’Amario provided a few projects and initiatives that will form part of the work plan this coming year.

- The Strategic Plan is nearing its final stage and undertaking the process to review the Land Acquisition Strategy as well as the Planning and Regulation Implementation Policies.
- Binbrook and St. John’s C. A. Master Plans will be completed with recommendations for capital and program needs.
- DSBN construction will commence this year at Woodend.
- The role and function of the NPC Foundation will be reviewed along with programs currently in place.
- The Welland River Floodplain mapping peer review is almost complete and plans include holding a public meeting to review the findings.

The following resolution was presented;

FA-14-14

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

THAT: Report No. 03-14 regarding 2014 Projects and Initiatives be received.

‘CARRIED’

(10) **CAO Recruitment– Report No. 04-14**

Following the announcement that CAO, T. D’Amario will be retiring effective April 30th, it is recommended that a selection committee be established to review and revise the job description for the position of CAO/Secretary-Treasurer to align with the objectives of the strategic plan. It was determined to form a selection committee to begin the recruitment process, who would receive and shortlist applicants and recommend a preferred candidate. The following resolution was presented;

FA-15-14

Moved by: B. Maves
Seconded by: D. Joyner

THAT: the NPCA Selection Committee to recruit a new CAO/Secretary-Treasurer consisting of Chair, Bruce Timms; Vice-Chair, April Jeffs; Stewart Beattie, Dennis Dick and Bob Steckley be approved, and;

That the Committee report back to the Full Authority Board with a recommended candidate for the position following the completion of the interview process.

CARRIED

(11) **Other Business**

With no further business, the following resolution was presented;

FA-16-14

Moved by: D. DiFruscio

Seconded by: T. Easton

**THAT: the meeting move in-camera to discuss personnel matters and legal issues with regards to delegations.
‘CARRIED’**

(12) **In Camera**

Personnel

Update was provided on the Staff restructuring. C. D’Angelo noted that vacancies are to be posted externally and internal employees will be able to apply.

Delegations

Staff directed to come back to board with more information on both delegations.

The following resolution was presented:

FA-17-14

Moved by: S. Beattie

Seconded by: T. Easton

**THAT: meeting rise from in-camera.
“CARRIED”**

ADJOURNMENT

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

FA-18-14

Moved by: B. Maves

Seconded by: S. Beattie

**THAT: this meeting is now adjourned.
Received at 10.08 p.m.
“CARRIED”**



Lisa Conte, Recording Secretary



D. Bruce Timms, Chairman