

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

February 19, 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
D. Joyner
B. Steckley
B. Sharpe

MEMBERS ABSENT: T. Dalimonte (regrets)

T. Easton (regrets)
B. Maves (regrets)
D. Ransom (regrets)

STAFF PRESENT:

T. D'Amario, CAO/Secretary-Treasurer
P. Graham, Director, Watershed Management
D. Barrick, Manager, Operations
M. Stack, Supervisor, Marketing and Community Relations
Suzanne McInnes
Cathy Kaufmann, Accounting Supervisor
Dave Drobitch,
Lee-Ann Hamilton,
Mike Boyko
Michael Reles
L. Conte, Recording Secretary

OTHERS PRESENT:

Michael Passero, Anthony Kaluzny, John Bacher, Stefanos Karatopis, Albert Garofalo, John Richmond, Andy Fevez, Jerry Lemick, Mark Barnfield, Sharon Vanderloos, Don Smith, Len Aarts, Mike MacIntyre, Bev Lepard, Allen G. Bunyan, Tom & Lisa Staton, Tom Coutsin, Bob Highcock, Klara & Katleya Young-Chin, Glenn Robins, Alderman Ted Hessels, Gerry Prentice, Greg & Erika Furney, Fiona McMurrin, C.A. & Herb Haeberle, Rob Houle (Sun Media), Rob Diermair, Jim Honey (Treasurer Niagara Landowners Assoc.) Don Wiley, Dave Drobitch, Mark Neufeld, Frank Belcher, Trudy Janie, Doug Draper.

ROLL CALL:

The Chairman called the meeting to order at 7:09 p.m. and welcomed all in attendance.

DECLARATION OF CONFLICT OF INTEREST

No conflict of interest declared.

BUSINESS:

(1) **MINUTES – 55th Annual General Meeting – January 15, 2014**

The following resolution was presented;

FA-19-14

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

THAT: the minutes of the 55th Annual General Meeting held January 15, 2014 be received and approved as printed
“CARRIED”

MINUTES – Full Authority Meeting – January 15, 2014

The following resolution was presented;

FA-20-14

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

THAT: the minutes of the Full Authority Meeting held January 15, 2014 be received and approved as printed
“CARRIED”

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

April informed the board of her resignation to the CAO selection committee. B. Timms stated this will be addressed under Other Business on tonight’s agenda.

(3) **Chairman’s remarks**

Chair thanked staff at Binbrook for the hard water crappie fishing derby on February 9th that had a great turnout. Thanks to Brianne for arranging press coverage; the spectator, radio and CHCH showed up. Thanks to Andy Fevez for providing hotdogs and hamburgers and the waiting station. Numerous sponsors provided prizes. A short youtube video can be found at http://www.youtube.com/watch?v=DGPZiGi_KiU.

February 17th was Family Day at Ball’s Falls. Thanks to staff for arranging the events.

(4) **CAO Remarks**

As part of the NPCA's continued commitment to staff, the practice of holding staff meetings will continue at regular intervals. T. D'Amario's communication included a commitment to the staff re-alignment being completed and that the Authority is moving forward to fill vacant positions.

(5) **Continuance of Hearing for swimming pool permit – Report No.05-14**

With respect to an application by Michael Passero to construct an in-ground pool at 26 Hillcrest Ave. St. Catharines; this hearing is a continuance of the hearing initiated at the NPCA board meeting of January 15th. Such continuance resulted from a motion to adjourn the hearing process to allow staff to provide more information. Chair, B. Timms reminded the hearing parties of the following;

In order to ensure fairness, only board members who were present for the hearing initiated on January 15 may participate in this continuance hearing and vote on matters pertaining to the application. In addition, Chair Timms read the Conservation Authorities Act Section 28 (12).

P. Graham presented Report No. 05-14 which provided a comparative analysis, namely 38 Hillcrest Ave. whereby a permit was issued by NPCA with setback requirements prior to the implementation of O.Reg 155/06, where NPCA did not have jurisdiction to regulate valleylands.

A site inspection was conducted by NPCA staff; determining site should lie along the valley side edge or plateau. Staff reassessed the application referencing NPCA Policy Section 3.25.4 which states that development (including swimming pools) will “*be considered in cases of unusual circumstances where an Existing Lot of Record contains insufficient depth to accommodate required setbacks and a Geotechnical Investigation reveals that some infringement within the setback area, together with mitigative measures can be accommodated on-site while maintaining bank stability and will result in no adverse long term environmental impacts*”.

NPCA staff has approved Mr. Passero's application with the conditions outlined in the report.

Questions from Board

- B. Baty inquired about the second condition set – what size conduit and pipe will be used for drainage. P. Graham responded there are various ways to address the drainage condition; however, this has not been established at this time.
- With regards to condition no.1, member D. Dick inquired whether Genivar would be conducting the inspection and confirming the geotechnical report. P. Graham responded that this too has not yet been determined. D. Dick believes it would be prudent to utilize an Engineering firm with like expertise other than Genivar as this could pose a conflict of interest. P. Graham agrees this would add validity to the geotechnical report.
- Mr. Passero was invited to respond to staff recommendations outlined in report no. 05-14, and stated that he agrees with the recommendations and is happy to work with NPCA to ensure compliance.

The following resolution was presented;

FA-21-14

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

THAT: Report No. 05-14 be received for information purposes, further to Report No. 01-14, and that Application No. Reg. 07.13.131 for permission to construct an in-ground swimming pool on the valley slope of Twelve Mile Creek be approved with the following conditions, as indicated in Genivar's Slope Stability Assessment Results Report dated September 6, 2013:

- 1) The pool excavation shall be inspected by a Geotechnical Engineer to confirm the assumptions of the geotechnical report (Attachment 7) and to confirm that suitable native soils are present at depth.**
- 2) It is imperative that all drainage, including potential pool leakages, associated with the development shall be directed to the base of the slope to limit the potential for excessive slope erosion or slope failure.**
- 3) Vegetation shall be replaced and maintained following construction.**

'CARRIED'

(6) Strategic Plan – Report No. 06-14

T. D'Amario stated that the final draft of the Strategic Plan was produced as a result of public meetings held and the comments received. The final draft was posted on our website to allow the public to review it and invited to attend tonight's meeting for discussion.

Staff recommends a communication plan be adopted should this final draft be accepted.

Delegations:

Anthony Kaluzny - Mr. Kaluzny spoke about federal land patents and stated that a land patent holds the final say as intended by the Crown. Documents submitted to NPCA are attached.

Stefanos Karatopis - Mr. Karatopis noted that the public was not given proper notice of this meeting—and submitted a document from the MNR – Crown Land Management explaining land tenure; a Fact Sheet from the Ontario Ministry of Agriculture and Food and Ontario Supreme Court of Justice decisions regarding crown patent. Documents have been appended. Fact Sheet; MNR; Crown; Hokin2001.

Dr. John Bacher - Dr. Bacher noted NPCA made a policy change and stated that during the strategic plan process a decision was made by the NPCA board to stop all watershed planning, in clear violations of the Regional Council approved NWQPS. No watershed plans had been developed for Big Forks Creek, Grimsby, Lincoln and the urban parts of St. Catharines outside the Twelve Mile Creek watershed. Two watershed plans were suspended mid-way and not completed. These were the watershed plans for the Ten Mile, Beaverdams Creek and Shriners Creek and the Lower Welland River.

J. Bacher further stated that the Strategic Plan should not handcuff the NPCA from acquiring lands within urban boundaries and in designated provincially significant wetlands. Some of our most vulnerable natural areas, as shown by the NPCA's own Nature Forever inventory, are exactly these areas. (submission attached)

Albert Garofalo - Mr. Garofalo highlighted his concern on page 16 of the Strategic Plan regarding the wording around disposal of public recreational lands and suggested it be removed from the plan. (submission attached)

Chair, Timms asked if anyone else in the hall wished to come forward and speak on the draft strategic plan. No one else came forward and Chair Timms thanked all the speakers and asked that each leave their notes with staff and that their concerns would be recorded.

Comments by Members:

- Member C. D'Angelo concurred with a comment made by J. Bacher regarding the watershed and stated it's a valid point to include the Ten Mile in the assessment management.
- Member B. Sharpe is supportive of the communications plan presented and the draft Terms of Reference for the Community Liaison Committee, however noted a concern in the language on page 16 of the draft plan. Sharpe is not in agreement with how the criteria may be interpreted and recommends that the word "disposal" be removed from the new acquisition and disposal criteria. Sharpe reasoned that it doesn't need to be there since disposal is actually a transfer of, or in partnership with. We need to make this clear by removing the word "disposal" and thus proposed an amendment. The following motion was presented;

FA-22-14

Moved by: B. Sharpe
Seconded by: C. D'Angelo

THAT: the word "disposal" be removed on page 16 of the Draft Strategic Plan under the new acquisition and disposal criteria.

Member B. Baty stated that should there be an intent to dispose of property, that intent should be made public prior to disposing any property. Chair, Timms stated this is a direction to staff and further stated that any proceeds should go to the land acquisition reserve fund. Timms noted that there may be a surplus property that will not serve the Authority's mandate and thus *may* require a transfer / disposal.

Member DiFruscio is not in favour of disposing any CA property but believes these should be enhanced and we should look to acquire more.

Member D'Angelo was interested in amending the plan to continue developing the watershed plans specifically for the Ten Mile Creek however is unclear where that fits into the plan. Member Sharpe clarified that with a Community Liaison Advisory Committee (CLAC) in place, we have the framework and it would be appropriate to refer the watershed plan recommendation to the committee and that can be determined at a later date. D'Angelo concurs that CLAC will be the appropriate venue to channel this through.

MOTION WAS CARRIED.

The board resolved to the following;

FA-23-14

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

That: the FINAL DRAFT (4) STRATEGIC PLAN be approved as amended, and

that staff begin the preparations for rollout as outlined in the communication plan; and

that the DRAFT Terms of Reference for the formation of the Community Liaison Advisory Committee be approved with the resolved amendment.

“CARRIED”

Member DiFruscio would like his concern for enhancing wildlife to be noted by the CLAC.

(7) 2013 Budget Year-End Report - Report No. 07-14

T. D’Amario reviewed the 2013 unaudited year-end budgets as follows:

Corporate Management had increased expenses in 2013 due to additional consulting services to the strategic plan and organizational changes. HR costs were significantly higher in order to implement the organizational structure and the corporate communications was adjusted in line with the plan to include additional staff.

Watershed Management – increased costs with the Niagara Children’s Water Festival were offset by revenues in partnership with Niagara Region. Revenues for the Floodplain Regulations, Municipal and Development Plan Input & Review allow for surpluses to be reallocated. The Watershed Report Card costs require a general levy allocation as there were no external revenues to offset this cost.

Conservation Land Programing – Levy savings in some programs and the overall expenditure budget savings can be used to offset the user fee shortfall budgeted.

Land Acquisition – There was no land purchased in Hamilton during 2013 with \$100,000 being allocated to the reserve fund. The St. Johns Centre purchase and survey in Niagara Region was completed with a year-end total acquisition fund balance of \$1,857,330.

There is an overall increase in the General Operating Contingency to allow for the anticipated completion of the organizational structure.

- Member C. D’Angelo asked where the OPG reserves are located. C. Kaufmann responded that it does not show up in this report but will be reflected in the audited financial statements.

The following resolution was presented;

FA-24-14

Moved by: S. Beattie

Seconded by: A. Jeffs

THAT: Report No. 07-14 regarding the 2013 Current and Capital/Project Budgets – Unaudited Year End be received; and

That the recommended appropriations be approved and submitted to the NPCA Auditors in preparation of the 2013 Audited Financial Statements.

‘CARRIED’

(8) 2014 – Fees Schedule– Report No. 08-14

D. Barrick highlighted some changes to CA fees. Day use, pavilion rentals, seasons passes and Binbrook CA remain unchanged, however a slight increase in camping fees at Long Beach and Chippawa Creek is recommended at this time due to the demand for 30 amp electrical service upgrades and to keep costs in line with private park operators. Comparisons have been provided to the board.

The following resolution was presented;

FA-25-14

Moved by: B. Baty

Seconded by: B. Steckley

THAT: Report No. 08-14 regarding the 2014 Conservation Authority Fee Schedule be approved.

CARRIED

(9) Borrowing Resolution - Report No. 09-14

T. D’Amario stated that our financial institution requires an annual resolution from the Authority to allow borrowing funds as may be required. While it is not anticipated that we will be required to borrow funds for the 2014 budget year, the necessary approvals need to be in place should the need arise. The maximum borrowing amount is in the amount of \$800,000 and requires the signatures of both Chair & CAO.

The following resolution was presented;

FA-26-14

Moved by: B. Sharpe

Seconded by: C. D’Angelo

THAT: WHEREAS Section 3(5) of The Conservation Authorities Act authorizes Conservation Authorities to borrow such monies as may be required until the payment of any grants and

levies; and

WHEREAS the Niagara Peninsula Conservation Authority deems it appropriate to borrow such sums, with the total borrowed amount not to exceed \$800,000 at any one time in the year of 2014 to meet approved administration, maintenance and capital expenditures;

NOW THEREFORE BE IT RESOLVED that the Niagara Peninsula Conservation Authority be authorized to borrow from time to time from the Bank of Montreal by way of overdraft as per a Bank of Montreal overdraft agreement executed and signed by the Chairman and the Secretary-Treasurer of the Niagara Peninsula Conservation Authority, with the total amount not exceeding \$800,000 at any one time in 2014 to meet approved administration, maintenance and capital expenditures.

“CARRIED”

(10) Policy Resolutions - Report No. 10-14

T. D’Amario noted that we have two policy statements currently in place that require reaffirmation on an annual basis for the Corporate Health and Safety Policy Statement and Regulation No 30 – Workplace Violence & Harassment Prevention Policy. No change is recommended at this time.

FA-27-14

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

THAT: the Health and Safety Policy Statement and Regulation No 30 on Workplace Violence & Harassment Prevention Policy be reaffirmed and moving forward, that these policy statements be implemented on an annual fiscal calendar year basis.

“CARRIED”

(11) Project Status Report – Report No. 11-14

- Member A. Jeffs asked for an update to the extensive work required to the lagoon at Long Beach camp ground. T. D’Amario responded that we received MOE approval and D. Drobitch further responded that an Engineering assessment was conducted at the request of the MOE. AMEC Consulting made three recommendations, two of which have been completed and one left to address.
- A. Jeffs raised a question regarding the FCM tours to be conducted on NPCA properties. B. Baty noted that he has brought this to staff and will work to prepare a presentation to the board. He noted that there may be a challenge conducting the tour in both official languages.
- A. Jeffs inquired about whether NPCA can deny access to the Gord Harry Trail for the purpose of installing wind turbines. T. D’Amario responded that as a private land

owner, staff must request board approval.

- With regards to the continuance hearing for Mr. Passero, C. D'Angelo noted that Genivar has also conducted work for NPCA and questioned if there is a conflict of interest. T. D'Amario stated that we can make recommendations with the wording in our policy and report back to the board.

FA-28-14

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

THAT: Report No. 11-14 outlining the status of Authority projects / programs is received for information
CARRIED

(12) Correspondence

Correspondence submitted by Minister of Transport with regards to the 20 year agreement between SLSMC and the federal government. Also, circulated to the board was correspondence from Gordon McNulty and Donna Cridland with comments to the Draft Strategic Plan. (Copy attached)

The following resolution was presented;

FA-29-14

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

THAT: the correspondence be received for information.

CARRIED

(13) Other Business

- Member DiFruscio is concerned about the endangered species of the Monarch Butterfly. Can our Conservation areas allow for the planting of milkweed which is necessary for the survival of this species? DiFruscio suggested staff prepare a report and send a letter to Conservation Ontario to conduct a study in Ontario and have all Authorities in Ontario participate in this initiative to save the Monarch Butterfly.

FA-30-14

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

THAT: staff research and report to board on the monarch butterfly and the milkweed plant, and

That a letter be sent to Conservation Ontario requesting their involvement in support of the Monarch butterfly.

CARRIED

- Member C. D'Angelo noted that the "Butterfly Conservatory" in Niagara Falls, owned and operated by Niagara Parks has an expert in this area and suggested staff consult with Niagara Parks. Member B. Steckley is involved with a group in the Fort Erie area and this group is looking into the habitat and location affecting the Monarch Butterfly. Member B. Sharpe suggested this is a good partnership opportunity. Member B. Baty suggested we look at public outreach programs to raise awareness.
- Member A. Jeffs resigned from the CAO Selection Committee and as such the committee requires a replacement. Member D. DiFruscio has volunteered to sit on the CAO selection committee.

The following resolution was presented;

FA-31-14

Moved by: B. Sharpe
Seconded by: B. Steckley

THAT: the Board accept A. Jeffs' resignation from the CAO selection committee and add member D. DiFruscio to the committee.
'CARRIED'

With no further business, the following resolution was presented;

FA-32-14

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

THAT: the meeting move in-camera to discuss violations, status on forestry by-law and land acquisition(s).
'CARRIED'

(14) In Camera

(a) Violations / Regulations Status (no report)

(b) Forestry By-law Status (no report)

Communications summary provided and no update at this time.

FA-33-14

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

THAT: oral reports on violations, forestry by-law be received and look for recommendations at the next board meeting.
"CARRIED"

(c) Land Acquisition

Chair, B. Timms declared a conflict of interest on Item 1 of the in-camera land acquisition discussion and requested that the record show he did not participate due to having received a campaign contribution. Vice-chair A. Jeffs presided over the following session.

1. Report No. CR-12-14 Resolution No. FA-34-14
"CARRIED"

2. Report No. CR-13-14 - Resolution No. FA-35-14
"CARRIED"

The following resolution was presented:

FA-36-14

Moved by: B. Baty
Seconded by: B. Sharpe

THAT: meeting rise from in-camera with report.
"CARRIED"

The following resolution was presented:

FA-37-14

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

THAT: members vote to direct staff as discussed in closed session on property matter 1.
"CARRIED"

Recorded Vote: in favour 9; opposed 0 Note: B. Timms abstained from this vote.
(attached recorded vote)

ADJOURNMENT

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

FA-38-14

Moved by: B. Steckley
Seconded by: B. Timms

THAT: this meeting is now adjourned.
Received at 11:45 p.m.
"CARRIED"



Lisa Conte, Recording Secretary



D. Bruce Timms, Chairman