



**NIAGARA PENINSULA CONSERVATION AUTHORITY
FULL AUTHORITY MEETING MINUTES**

Wednesday September 16, 2015; 6:30 pm
Ball's Falls Centre for Conservation
3292 Sixth Avenue, Jordan, ON

MEMBERS PRESENT: S. Annunziata (Vice-Chair)
B. Baty
S. Beattie
F. Champion
D. DiFruscio
J. Diodati
B. Hodgson
A. Jeffs
D. Joyner
J. Kaspersetz
J. Maloney
T. Quirk
R. Shirton
B. Timms (Chair)

MEMBERS ABSENT: P. Darté (*Regrets*)

STAFF PRESENT: C. D'Angelo, CAO/Secretary-Treasurer
D. Barrick, Sr. Manager, Operations
P. Graham, Director, Watershed Management
J. Long, Sr. Mgr. Corporate Services
M. Brickell, Manager, Strategic Initiatives
C. Kaufmann, Accounting Administrator
S. McInnes, Manager, Plan Review and Regulations
K. Vallier, Business Development Manager
M. Reles, Communications Specialist
N. Devos, Superintendent – Ball's Falls CA
M. MacIntyre, Superintendent – Long Beach
R. Bisson,
L. Conte, Administrative Assistant; Office of CAO

GUESTS PRESENT: Christie Ulicny (Environmental Defence), Paddy Kennedy (Dillon Consulting), Stephane Vachon (Arbraska-TreetopTrekking), Mike Stiell (Treetop Trekking), Glen Robbins, Bev Leopard; Randy Momot

Chairman Timms welcomed members and called the meeting to order at 6:30 pm

Resolution No. FA – 144 - 15

Moved by: D. DiFruscio
Seconded by: R. Shirton

That the meeting move to closed session to discuss property issues, Hamilton levy legal issues and to receive a verbal status update on violations.

CARRIED

Chair, Timms declared that the Auditor, Randy Momot is in session.

DECLARATION OF CONFLICT OF INTEREST - Closed Session

No conflicts declared for items in closed session.

BUSINESS – Closed Session:

1. [Violations Status – Verbal update](#)
2. [Property Issues](#)
3. [Hamilton Levy-legal issues](#)

Resolution No. FA – 145 - 15

Moved by: A. Jeffs
Seconded by: D. DiFruscio
THAT the meeting rise from closed session.

CARRIED

PUBLIC MEETING

Chair welcomed all attendees to the Public Meeting of the Authority and declared the following resolutions as a result from the discussions held in closed session:

Resolution No. FA – 146 - 15

Moved by: J. Maloney
Seconded by: S. Beattie

That the Board support staff in entering discussions regarding the property issues, and that staff follow board direction regarding Hamilton levy and violations discussed.

CARRIED

DECLARATION OF CONFLICT OF INTEREST – Public Session:

No conflicts declared for items in Public Session.

ADOPTION OF AGENDA:

Agenda was revised with addendum Report 99-15 for consideration. Order of delegations will be Dillon Consulting, followed by Blue Flag Program and then Treetop Trekking. Board Report 96-15 Treetop Trekking (item 13) and Board Report 91-15 Audited Financial Statements (item 8) to be considered following the delegations.

Resolution No. FA – 147 - 15

Moved by: T. Quirk
Seconded by: J. Kaspersetz

THAT the Revised Agenda be adopted with the noted changes.

CARRIED

DELEGATIONS:

A. Dillon Consulting – Consultation Program NPCA Policy Review

Resolution No. FA – 148 - 15

Moved by: R. Shirton
Seconded by: J. Diodati

THAT the presentation by Dillon Consulting regarding the Consulting Program for NPCA Policy Review, be received.

CARRIED

B. Christie Ulicny, Coordinator – Blue Flag Program

- Member DiFruscio suggested a one year study period be conducted on an unprotected beach.
- Member Jeffs asked if board agrees to conduct a feasibility study, can we still be considered a candidate beach. Yes, until certification, but must apply by January in order to get approval by April 2016. Fee is \$1000/beach/yr

Resolution No. FA – 149 - 15

Moved by: A. Jeffs
Seconded by: J. Diodati

THAT the presentation by Christie Ulicny, with the Blue Flag Program, be received; and, THAT staff be directed to collaborate with Environmental Defence in a feasibility study and implications in persuing a blue flag designation for Morgan's Point and Long Beach; and THAT staff report back to board with findings December.

CARRIED

C. Stephane Vachon, GM – Treetop Trekking

Resolution No. FA –150 - 15

Moved by: J. Kaspersetz
Seconded by: B. Baty

THAT the presentation by Stephane Vachon from Treetop Trekking be received.

CARRIED

Reports for Consideration:

1. Treetop Trekking – Report No. 96-15

- Member DiFruscio is concerned about damage to trees and the habitat for birds and other species dwelling in this conservation area.
- Member Diodati suggested all members tour an existing site of Treetop Trekking to better understand what is involved and how it operates.
- Members suggested staff prepare a communications plan that will be vented through CLAC; inquire about NEC requirements/missibility; staff will look at the parking capacity and septic capabilities; consultation with Ecologist and Biologist; connect with Ganaraska Region CA and Toronto CA for input; inquire about impact on insurance & liability and indemnification clauses with other CA's; consult with Twenty Valley Tourism Assoc.; consider food concessions / options available; inquire as to the revenue splitting; and arrange for a tour of existing sites for interested members.
- CAO D'Angelo commented that staff will report back to the board.

Resolution No. FA – 151 - 15

Moved by: S. Beattie

Seconded by: T. Quirk

That the NPCA Board **RECEIVE** Report No. 96-15 for information; and,

That the NPCA Board **AUTHORIZE** staff to enter into lease agreement negotiations with Treetop Trekking so Ball's Falls Conservation Area may offer Zip line and Aerial Game Courses as well as a Treewalk Village for children.

MOTION CARRIED 12-1

RECORDED VOTE

NAME	YES	NO
ANNUNZIATA, Sandy (Vice-Chair)	NOT IN ATTENDANCE	
BATY, Brian	✓	
BEATTIE, Stewart	✓	
CAMPION, Frank	✓	
DARTE, Patrick	NOT IN ATTENDANCE	
DIFRUSCIO, Dominic		✓
DIODATI, Jim	✓	
HODGSON, Bill	✓	
JEFFS, April	✓	
JOYNER, Douglas	✓	
KASPERSETZ, James	✓	
MALONEY, John	✓	
QUIRK, Tony	✓	
SHIRTON, Rob	✓	
TIMMS, Bruce (CHAIR)	✓	

2. **2014 Audited Financial Statements – Report 91-15**

- Member Baty inquired about the Foundation and its inactivity and CAO commented that the Niagara Peninsula Conservation Foundation is a legal entity; a committee was formed for the NPCF and are in the process of developing policy and Terms of Reference to make it fully functional.

Resolution No. FA – 152 - 15

Moved by: F. Campion

Seconded by: T. Quirk

That the board approve the 2014 Audited Financial Statements as prepared by the accounting firm Grant Thornton and the distribution of these statements to the Watershed Municipalities and Provincial Government.

CARRIED

BUSINESS ITEMS:

3. A. **Approval of the Minutes - Full Authority Board Meeting July 15, 2015**
B. **Committee Meeting Minutes:**

➤ ***Budget Steering Committee Meeting, August 6, 2015***

- Member Maloney noted that the \$100,000 revenue from the Gord Harry Trail requires clarification in the minutes as funds allocated to Wainfleet. Minutes will be adjusted for clarification.

➤ ***Cave Springs Steering Committee Meeting May 26, 2015***

➤ ***C.L.A.C. Meeting May 14, 2015***

- In response to member Jeffs' inquiry about the reason for closed sessions that may occur in CLAC meetings, CAO, D'Angelo commented that this is proper protocol for confidentiality purposes when discussing property matters.

Resolution No. FA – 153 - 15

Moved by: A. Jeffs

Seconded by: J. Kaspersetz

THAT the minutes of the **Full Authority Meeting** held July 15, 2015 be approved as presented; and

THAT the **Budget Steering Committee Meeting** minutes of August 6, 2015 be approved with the noted change; and,

THAT **Cave Springs Steering Committee Meeting** minutes of May 26, 2015 be approved as presented; and,

THAT the **Community Liaison Advisory Committee Meeting** minutes of May 14, 2015, be approved as presented.

CARRIED

4. **Business Arising from the Minutes**

- Member Baty requested that committee meeting minutes be circulated to board members in draft format; that approved minutes be updated on the NPCA website.
Note: Committee minutes are included as part of the Agenda package to members and the website has been updated.
- Request was also made that staff report on the financial impact of the operational changes implemented at Binbrook C.A. by the Executive Committee following the accident which occurred in June.
Note: Board members were notified via email on September 18th (see attached) regarding the Binbrook resolution passed on June 17th and the financial impact was recorded in the financial statements that were distributed to members as part of the agenda package.

5. **Correspondence**

- Jeff Yurek, MPP letter dated July 27
- Niagara Parks letter dated August 6
- Niagara Region letter dated September 11

Resolution No. FA – 154 - 15

Moved by: T. Quirk
Seconded by: B. Baty

THAT the correspondence items listed be received for information.

CARRIED

6. **Chairman's Remarks**

- Having recently walked the natural regeneration on Mountainview in Lincoln and Rockway CA in Lincoln and St. Catharines, a new Bruce Trail bridge; Chair Timms expressed the value seen in these sites with limited public use and the need to make other properties self-supporting income generators in the interest of environmental conservation. Financial support is required .
- Timms encouraged the members to support the First John Turner Foundation Dinner, with proceeds going towards the important work of conserving the natural assets of NPCA's jurisdiction.
- NPCA has been very active on the Provincial Reviews of relevant Acts and Policies. Timms attended the AMO conference and along with C. D'Angelo, Mayor Jeffs and Niagara Regional Chair, Caslin, the Wetlands issue was presented to MPP Eleanor McMahon. The Minister was impressed that the Municipalities and the Conservation Authority presented their concerns on the issue along with a solution. D'Angelo also spoke about the Bio-diversity off-setting solution used in Fort Erie. Timms participated in the AMO Committee dealing with Wetlands and CA's Act Review and many share Niagara's issues, concerns and experiences under the Act. NPCA's position will be discussed later in our Agenda.
- Agreement to enter mediation with City of Hamilton over the apportionment issue has been reached. The Corporate Service Committee will be discussing this at their next meeting at the Region.
- Timms will attend the Biennial Conservation Authorities Tour from Sep 20-23, hosted by Grand River CA.

7. **CAO Remarks**

- NPCA staff will participate in “Habitat for Humanity” on October 2nd and encouraged all to donate to this worthy cause;
- CAO reminded the Board of the upcoming John Turner Gala on September 24th
- With the upcoming Ball’s Falls Thanksgiving Festival; call to all Board Members to volunteer with the Beer & Wine tickets or where required.
- Reminder for board members who wish to participate in the discussions with MNR at Ball’s Falls regarding the CA Act Review - Sep. 17 at 2pm and 5 pm at Niagara on the Lake.
- D’Angelo commented that concerns were raised regarding the Ramsar designation and the perception that the Ramsar designation may be viewed as regulatory and thus there is a need for NPCA to refocus and restructure.

Reports for Information:

8. **Project Status Reports:**

8.1 **Watershed Status Report No. 87-15**

8.2 **Operations Status Report No. 88-15**

8.3 **Corporate Services Status Report No. 89-15**

9. **Financials & Reserve - Month Ending August 31, 2015 – Report No. 90-15**

10. **Forestry Bylaw - 92-15**

Resolution No. FA – 155 - 15

Moved by: B. Hodgson

Seconded by: T. Quirk

THAT Reports 87, 88, 89, 90, and 92, be received for information purposes.

CARRIED

Reports for Consideration:

11. **Expression of Interest – St. Johns Centre - Report No. 93-15**

- Member Baty offered to assist in discussions with and offer guidance to appropriate respondents.

Resolution No. FA – 156 - 15

Moved by: B. Baty

Seconded by: D. DiFruscio

That the NPCA Board RECEIVE Report No. 93-15 for information;

That the NPCA Board AUTHORIZE staff to enter into negotiations with all four respondents to the Request for Expressions of Interest (EOI); for the purpose of building a sustainable partnership(s) at the St. Johns Centre; and further;

That staff REPORT back to the NPCA Board with its findings.

CARRIED

12. **Niagara Children's Water Festival – Report No. 94-15**

Resolution No. FA – 157 - 15

Moved by: T. Quirk
Seconded by: D. Joyner

That the NPCA Board RECEIVE Report No. 94-15 for information; and,

That the NPCA Board REALLOCATE the 2015 Niagara Children's Water Festival budget as per the Organizing Committee Draft recommendation (including the tent purchase) as outlined in this report.

CARRIED

13. **Ducks Unlimited – Mud Lake - Report No. 95-15**

Resolution No. FA – 158 - 15

Moved by: F. Campion
Seconded by: S. Beattie

That the NPCA continue to partner with Ducks Unlimited (DU) for the construction of wetlands of mutual interest through the approval of the 2015 Partnership Agreement (see Attachment #1)

CARRIED

14. **Conservation Authorities Act Review - Report No. 97-15**

Member Beattie attended the London ON session held on September 1st and shared the following noteworthy items:

- Strong opinion was expressed that municipalities continue to appoint board members;
- Discussion about the balance of board membership; public vs. political appointees to the board should be balanced
- Discussion about size of board membership (Sec 14) Staff to review
- Member PerDiem should be set by the Board not the OMB
- Discussion was held about the Trillium Foundation and that Conservation Authorities are no longer eligible for this fund. Staff to verify
- For the funding of Conservation Authorities, the Province should be asked to set up an OLG conservation lottery with funds going to Conservation Authorities
- Should a carbon tax be implemented, a portion of this tax should go to Conservation Authorities.
- The Province should fund all provincial mandates.
- Roles and Responsibilities are adequately noted in Section 20 under "objectives" and Section 21 under the heading "Powers"; it was suggested that this part of the Act not be changed.

NPCA board members discussed some revisions to be made on NPCA's DRAFT response to the CA Act discussion paper which were noted and will be revised accordingly, with the following resolution;

Resolution No. FA – 159 - 15

Moved by: F. Champion
Seconded by: J. Kaspersetz

That the NPCA Board of Directors adopt the attached Response to the *Conservation Authorities Act* Review Discussion Paper with the noted changes, and, that the Response be submitted to the province; distributed to participating municipalities within the watershed (Region of Niagara, City of Hamilton, Haldimand County), local municipalities, stakeholders; and posted on the NPCA web site.

CARRIED

15. Wetland Conservation in Ontario – Discussion Paper - Report No. 98-15

Resolution No. FA – 160 - 15

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

That Report No. 98-15 be received for information;

That the NPCA adopt the Response to the *Wetland Conservation in Ontario Discussion Paper*; and

That the Response be submitted to the province, distributed to watershed municipalities, and posted on the NPCA website.

CARRIED

16. City of Hamilton Motion regarding CA Act Review – Report No. 99-15

Resolution No. FA – 161 - 15

Moved by: S. Beattie
Seconded by: J. Kaspersetz

That the NPCA Board of Directors agrees in principle to the attached motion received from the City of Hamilton and direct staff to participate in the proposed technical group to further evaluate the implications of the City's motion.

CARRIED

17. Other Business

None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:00 pm with the following resolution:

Resolution No. FA – 162 - 15

Moved by: T. Quirk
Seconded by: R. Shirton

THAT the Full Authority meeting be adjourned.

CARRIED



Lisa Conte; Recording Secretary



D. Bruce Timms, Chair, NPCA