



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

Wednesday October 21, 2015; 9:30 am
Ball's Falls Centre for Conservation
3292 Sixth Avenue, Jordan, ON

MEMBERS PRESENT: S. Annunziata (Vice-Chair)

B. Baty
S. Beattie
F. Champion
P. Dart
D. DiFruscio
J. Diodati
B. Hodgson
A. Jeffs
D. Joyner
J. Kaspersetz
J. Maloney
T. Quirk
R. Shirton
B. Timms (Chair)

MEMBERS ABSENT: No Regrets

STAFF PRESENT: C. D'Angelo, CAO/Secretary-Treasurer
D. Barrick, Director, Operations
P. Graham, Director, Watershed Management
J. Long, Sr. Mgr. Corporate Services
M. Brickell, Manager, Strategic Initiatives
G. Furtney, Operations Supervisor
C. Kaufmann, Accounting Administrator
B. Wright, Manager, Watershed Projects
T. McGowan, Accounts Clerk
K. Vallier, Business Development Manager
M. Reles, Communications Specialist
M. Boyko, Superintendent – Binbrook C.A.
A. Powell, Park Assistant – Binbrook C.A.
L. Conte, Administrative Assistant; Office of CAO

GUESTS PRESENT: Glen Robins, Bev Leopard, Ian (Engineer), Scott Sweitzer, Carmen Ches (SPC),

PUBLIC MEETING

Chairman Timms welcomed members and called the meeting to order at 9:30 AM

DECLARATION OF CONFLICT OF INTEREST

No conflicts declared.

ADOPTION OF AGENDA:

Report 113-15 to follow delegation and add new item of business to discuss Foundation as a possible in-camera item.

Resolution No. FA – 163 - 15

Moved by: A. Jeffs

Seconded by: M. DiFruscio

THAT the revised agenda be adopted with the noted changes.

CARRIED

STAFF RECOGNITION:

J. Long, recognized Misty Ferrusi; HR Generalist as NPCA's most recent addition.

C. D'Angelo recognized Cathy Kaufmann; Accounting Administrator for her 35 years of dedicated service in the public sector and was commended for her exceptional and detailed work. On behalf of the Board, Chair Timms presented her with a token of appreciation.

DELEGATION:

Scott Sweitzer – 215 Pelham Road; City of St. Catharines

Mr. Sweitzer requested a stormwater exemption from current policy; slide presentation containing Engineering slope stability report was provided to the board.

Resolution No. FA – 164 - 15

Moved by: T. Quirk

Seconded by: R. Shirton

THAT the board receive Scott Sweitzer's presentation for 215 Pelham Road St. Catharines.

CARRIED

BUSINESS:

1. 215 Pelham Road St. Catharines - Report No. 113-15

It was noted that Mr. Sweitzer is willing to work with Option 2, however, he requested that a reasonable time-frame be established to review the need to continue the proposed monitoring requirements.

Resolution No. FA – 165 - 15

Moved by: T. Quirk

Seconded by: S. Annunziata

THAT Report No. 113-15 be received for information; and,

THAT staff be directed to implement Option 2 outlined in this report with the amended conditions noted below;

Option 2: That the Board grant the applicant's request subject to conditions that would be imposed through both the Site Plan Control process and the NPCA Permit process. Such conditions include, but are not necessarily limited to, the following:

- a. The Owner agrees to maintain the stormwater management system in accordance with the approved drawings;
- b. The Owner agrees to grant the City of St. Catharines and the Niagara Peninsula Conservation Authority permission to enter the subject property (with written notice) at any time between 8:00 am and 5:00 pm, Monday to Friday for the purpose of inspecting the stormwater management system;
- c. The Owner agrees to retain a qualified engineer to prepare biennial monitoring reports that will confirm whether or not the stormwater management system is functioning as designed and submit these reports to both the City of St. Catharines and the Niagara Peninsula Conservation Authority. **Requirements for continuance of this reporting are subject for review by all parties after 10 years;**
- d. Should the monitoring reports reveal that the stormwater management system is not functioning in accordance with the approved plans, then the Owner will rectify the problem within 60 days;
- e. The foregoing conditions will be included in the Site Plan Agreement between the Owner and the City of St. Catharines and shall be registered on title.

CARRIED

Note: Three (3) members recorded as opposed to the resolution (Beattie, DiFruscio & Kaspersetz)

2. **A. Approval of the Minutes - Full Authority Board Meeting September 15, 2015**

B. Committee Meeting Minutes:

- **Audit Committee Meeting – September 16, 2015**
- **Budget Steering Committee Meeting - September 2, 2015**
- **Cave Springs Steering Committee Meeting - July 28, 2015**
- **C.L.A.C. Meeting – August 13, 2015**

Resolution No. FA – 166 - 15

Moved by: S. Beattie

Seconded by: J. Maloney

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

THAT the **Audit Committee Meeting** minutes of September 2, 2015, be approved as presented; and,

THAT the **Budget Steering Committee Meeting** minutes of September 17, 2015 be approved with the noted change; and,

THAT **Cave Springs Steering Committee Meeting** minutes of July 28, 2015 be approved as presented; and,

THAT the **Community Liaison Advisory Committee Meeting (CLAC)** minutes of August 13, 2015, be approved as presented.

- It was noted that C.A.O. D'Angelo responded to member Baty's questions on the Binbrook acquisitions, to which, member Baty expressed satisfaction for the answers provided;
- Member A. Jeffs inquired about whether a replacement for committee member Mary Lou Tanner on CLAC was under way; D'Angelo reported a replacement has not yet occurred.

3. Business Arising from the Minutes

None.

4. Correspondence – City of Hamilton letter – re: 2016 budget submissions

Resolution No. FA – 167 - 15

Moved by: S. Beattie

Seconded by: F. Campion

THAT the correspondence from the City of Hamilton be received for information.

CARRIED

Member T. Quirk requested staff obtain the letter from the City of Hamilton sent to the Hamilton School Boards requesting conformance with budget guidance.

5. Chair's Remarks

- Chair Timms introduced Carmen Ches (City of Hamilton appointee) and welcomed her as member to the Source Protection Committee. Ms. Ches was invited to introduce herself and say a few words to the board. Mark Neufeld, Chair of the SPC held the new member orientation session which Chair Timms attended along with Paul Grenier, Tony Dalimonte, David Renshaw, Robert Bator and James Kaspersetz. NPCA's in-house Engineers, Brian Wright and Jayme Campbell delivered presentations at this event and Timms stated, "I learned more about the Walkerton scenario at this briefing than anywhere else, but more important, I learned much more about how we are protecting our source water in NPCA's watershed"; and urged board members to have a look at the power point presentation.

Staff direction to send an electronic copy of this presentation to all board members.

- Members DiFruscio, Kaspersetz, Beattie, Maloney, Quirk and Timms volunteered at the Ball's Falls Thanksgiving Festival selling beer and wine tickets and thanked all staff and volunteers for a great outcome to this fabulous event.
- Timms attended the Conservation Ontario's biennial tour hosted by Grand River and Long Point Conservation Authorities and showed some power point slides of areas visited and the trademark tulip tree. Members were encouraged to attend the next tour in 2017 calling it a "worthwhile event" and hopes NPCA may host one thereafter.
- As a member of the AMO Task force, Chair Timms attended various meetings regarding the CA Act review and the Wetlands Conservation in Ontario. Nine (9) municipalities are represented on the Task Force where there is much common ground.

6. CAO Comments

- On December 11, the mediation process will be held with the City of Hamilton regarding the levy apportionment. Members inquired whether board members are allowed to attend as observers; C. D'Angelo will inquire and advise board members accordingly.
- CAO, D'Angelo noted that most Conservation Authorities across the province are using the Provincial formula, but it's not consistent. Three (3) Conservation Authorities within the City of Ottawa do not present their budget to the municipalities.

Reports for Information:

7. Project Status Reports:

7.1 Watershed Status Report No. 100-15

7.2 Operations Status Report No. 101-15

7.3 Corporate Services Status Report No. 102-15

8. 2015 Capital Projects – Quarterly update Report No. 103-15

9. Financials & Reserve - Month Ending September 30, 2015 – Report No. 104-15

10. City View Implementation Update Report No. 105-15

11. Forestry Bylaw - 106-15

Resolution No. FA – 168 - 15

Moved by: T. Quirk

Seconded by: B. Hodgson

THAT Reports 100, 101, 102, 103, 104, 105 and 106 be received for information.

CARRIED

Reports for Consideration:

12. Weighted Vote Policy Report No. 107-15

- Member S. Beattie would like to bring this report before the City of Hamilton and asked that NPCA staff get a legal opinion on the interpretation of the weighted vote policy. Member Quirk moved to amend with the following resolution;

Resolution No. FA – 169 - 15

Moved by: T. Quirk

Seconded by: S. Beattie

THAT, the NPCA Board of Directors RECEIVE Report No. 107-15 for information; and,

THAT, staff seek a legal opinion and thereafter forward the complete document; (Report No. 107-15 with legal opinion) to the funding municipalities.

CARRIED

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13. 2016 Operating and Capital Budget Report No. 108-15

- Members discussed as an option that NPCA reduce the levy to a zero (0%) percent increase. Staff reported on a potential avenue to reduce the levy to zero percent (0%) which would involve \$68,500 in capital projects being deferred until the spring of 2016. Members were reminded that the “levy differential” remains in the “special levy” pending legal resolution on the levy apportionment formula upcoming in December.
- It was proposed that the “apportionment costs to participating municipalities” identified as “Chart #1” in Report 108-15, be amended to reflect a zero % increase, with the following resolution;

Resolution No. FA – 170 - 15

Moved by: P. Darte
 Seconded by: F. Campion

THAT the 2016 Operating and Capital budget for the Niagara Peninsula Conservation Authority be set at zero percent (0%) municipal levy increase; and,

THAT once the recommended changes are made in the Capital expenditures; the apportionment costs (as below-Chart #1) be forwarded to the participating municipalities in accordance with Section 2.(1)(b) of Ontario Regulation 670/00.

MOTION CARRIED 13-2

Chart #1: Apportionment of Costs to Participating Municipalities (figures updated Oct 29)

	Niagara	Hamilton	Haldimand	TOTALS
Levy Formula	4,697,550	1,197,320	115,740	6,010,610
Special Levy	2,672,633	119,700	0	2,792,333
TOTALS:	7,370,183	1,317,020	115,740	8,802,943

RECORDED VOTE – Resolution No. FA-170-15

NAME	YES	NO
ANNUNZIATA, Sandy (Vice-Chair)	x	
BATY, Brian	x	
BEATTIE, Stewart		x
CAMPION, Frank	x	
DARTE, Pat	x	
DIFRUSCIO, Dominic	x	
DIODATI, Jim	x	
HODGSON, Bill	x	
JEFFS, April	x	
JOYNER, Douglas	x	
KASPERSETZ, James		x
MALONEY, John	x	
QUIRK, Tony	x	
SHIRTON, Rob	x	
TIMMS, Bruce (CHAIR)	x	

Total: 13 2

14. Conservation Area Rates & Fee Schedule 2016 - Report 109-15

Resolution No. FA-171-15

Moved by: S. Annunziata

Seconded by: P. Darte

THAT the NPCA Board **APPROVE** the 2016 Conservation Area Fee Schedule as outlined in Appendix 1 of this report.

CARRIED

15. Morningstar Mill - Report No. 110-15

Resolution No. FA-172-15

Moved by: J. Diodati

Seconded by: B. Baty

THAT, Report No. 110-15 be RECEIVED; and,

THAT, the NPCA Board **AUTHORIZE** staff to enter into negotiations with the City of St. Catharines for the purpose of formulating a Land Management Agreement; for the NPCA to manage the Morningstar Mill property for a period of 2 years (2016/2017).

THAT, staff report a draft agreement for Board consideration at a future meeting.

CARRIED

16. Glanbrook & Tyneside Trail Mtnc. Agreement - Report No 111-15

Resolution No. FA-173-15

Moved by: S. Beattie

Seconded by: B. Baty

THAT, the NPCA Board **AUTHORIZE** staff to execute the attached 3-year Trail Maintenance Agreement (Appendix 1) with the Glanbrook Conservation Committee (GCC) regarding the Tyneside Trail at Binbrook Conservation Area.

CARRIED

17. RAP Impairment re-designation Process - Report No. 112-15

Resolution No. FA-174-15

Moved by: J. Diodati

Seconded by: S. Annunziata

THAT, the NPCA Board authorize staff to hire a consultant, in accordance with the NPCA Consultant Selection policies, to produce guidance documents (public documents) for the Benthos & Eutrophication Beneficial Use Impairment Technical Assessments.

CARRIED

18. Other Business

1. Member B. Baty expressed concern with the Foundation's process, suggesting other members be recruited to the Foundation. C.A.O. D'Angelo sought direction from the Board on this issue, since the CAO does not administer the Foundation; it is a separate entity and NPCA only supports the Foundation. D'Angelo proposed two options; 1. Dissolve the Foundation, role it in as a Division of the Authority and apply NPCA's policies to direct it; or, 2. Continue with Foundation separately from NPCA with it's own policies and procedures. Chair Timms suggested a meeting be scheduled with the Foundation members to discuss options.
2. Member DiFruscio suggested NPCA hold a wild game dinner in the new year with proceeds going to the Foundation. Members concurred and directed staff to begin planning this event with the following resolution;

Resolution No. FA-175-15

Moved by: S. Beattie

Seconded by: P. Dart

THAT, this proposed event (Wild Game Dinner) be deferred to staff for input.

CARRIED

3. On behalf of Member Jeffs, it was requested that staff consider the feasibility of "live streaming" for board meetings, and/or consider evening-time scheduling of meetings with the following resolution;

Resolution No. FA-176-15

Moved by: S. Annunziata

Seconded by: P. Dart

THAT, staff provide feedback on feasibility of "live streaming" NPCA board meetings and report back to board.

CARRIED

4. Member B. Baty requested a procurement report be brought forward. C. D'Angelo stated that J. Long will be bringing a revised procurement policy to the board for approval.

With no other business in the public session, the following resolution was made:

Resolution No. FA-177-15

Moved by: D. Joyner

Seconded by: J. Kaspersetz

THAT the meeting move to **closed session** to receive a status update on violations and discuss the Foundation.

CARRIED

Conflict of Interest:

Member J. Maloney declared a conflict of interest in the case of Wakulich and was excused from the meeting during discussions on that matter.

Business in Closed Session:

1. Violations Status – Verbal update
2. Foundation – discussion only

Resolution No. FA-178-15

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

THAT the meeting rise from closed session with report.

CARRIED

Public Session:

The following resolution resulted from discussions held in closed session;

Resolution No. FA-179-15

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

THAT staff proceed with the directions given by the Board in closed session.

CARRIED

ADJOURNMENT

There being no further business, the Full Authority meeting was adjourned at 12:50 pm with the following resolution:

Resolution No. FA-180-15

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

THAT the Full Authority meeting be adjourned.

CARRIED


Lisa Conte; Recording Secretary


D. Bruce Timms, Chair, NPCA