

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

Wednesday April 20, 2016; 6:30 pm
Ball's Falls Centre for Conservation
3292 Sixth Avenue, Jordan, ON

MEMBERS PRESENT	B. Timms (Chair)	S. Beattie
	F. Campion	D. DiFruscio
	J. Diodati	B. Hodgson
	A. Jeffs	D. Joyner
	J. Kaspersetz	B. Kenny
	R. Shirton	

MEMBER REGRETS	S. Annunziata (Vice-Chair)	B. Baty
	P. Darté	T. Quirk

STAFF PRESENT	P. Graham, Director Watershed Management (Acting CAO)
	D. Barrick, Director, Corporate Services
	S. McInnes, Manager Plan Review & Regulations
	M. Ferrusi, HR Generalist
	G. Furtney, Acting Manager, Strategic Initiatives
	M. Reles, Communications Specialist
	G. Verkade, Manager, Information Management & Technology Systems
	K. Vallier, Communications & Foundations Manager
	C. Kaufmann,
	L. Conte, Administrative Assistant, Office of CAO & Board

Visitors/Guests Present		
	Candace Hawkins	Bob Milenkoff
Lennie Aarts	Jack Hellinga	Lise Milenkoff
Linda Babb	David Horton	Tim Milenkoff
George Bell	Marcie Jacklin	Muzin Mohammed
Klara Young Chin	J. Jaros	Daniel Nardone
Donna Cridland	Maggie Johnson	Dawn Pierrynowski
Arijit Dasgupta	Linda Kobryn	Sharon Porter
John DeLisio	Tracy Kobryn-Tallman	Gail Ross
Karl Dockstuder	Basia Krzyzanowski	L. Salk
Doug Draper	Stacey K	Joyce Sankey
Ken Durham	Don & Donna Labute	N Sawatsky
Emma Lee Fleury	Bev Lepard	Ed Smith
Erika & Greg Furney	Maria Lelie	Steve Smith
Albert Garofalo	Jon L	Ian
Jan Hanlon	Fabio Maddalena	Pierre
Stella Hawke	Fiona McMurran	

Full Authority meeting called to order at 6:40 pm and Chairman Timms welcomed board members, and guests and reminded all that this meeting is being live streamed. As part of our goals to be open and transparent, the recorded meeting will be posted on the NPCA website.

Video link - https://www.youtube.com/embed/J_OKzfYjKs

Chair Timms welcomed new board member Bea Kenny, representing Port Colborne; during Mayor Maloney's absence.

DECLARATION OF CONFLICT OF INTEREST

None declared.

ADOPTION OF AGENDA:

Resolution No. FA-62-16

Moved by: D. DiFruscio

Seconded by: B. Kenny

THAT the agenda for the Full Authority Meeting be adopted as presented.

CARRIED

DELEGATIONS:

NOTE: Presenters were advised by Chair Timms that there is an ongoing investigation to matters being presented.

1. Coyle Creek – Mr. Milenkoff
Mr. Milenkoff presented information regarding concerns over development occurring at Coyle Creek.
2. Coyle Creek - Mr. Smith
Mr. Smith's presentation attached.

Resolution No. FA-63-16

Moved by: R. Shirton

Seconded by: J. Kaspersetz

THAT the presentation by Mr. Robert Milenkoff and the presentation by Ed Smith be received for information.

CARRIED

3. Staff Presentation by Suzanne McInnes, Manager Plan Review & Regulations provided the attached presentation regarding NPCA process in handling complaints involving Ontario Regulation 155/06. The presentation will be made available online for public information.

Resolution No. FA-64-16

Moved by: D. Joyner

Seconded by: J. Kaspersetz

THAT the staff presentation regarding NPCA process, be received for information.

CARRIED

BUSINESS:

1. **A. Approval of the Minutes - Full Authority Board Meeting March 23, 2016**

- Member Beattie noted an adjustment on pg. 8 item 7 regarding the Capital Projects; that the approval for \$20,000 should read “water and waste-water”.

B. Committee Meeting Minutes (Draft):

- *Watershed Floodplain Committee Meeting – March 30, 2016*
- *Audit Committee Meeting – April 12, 2016*

Resolution No. FA-65-16

Moved by: S. Beattie

Seconded by: F. Campion

THAT the minutes of the Full Authority Meeting held March 23, 2016 be APPROVED with the following correction:

Seconded by: _____ A. Jeffs

THAT the FA Minutes (pg. 8 item 7 of Resolution No. FA-54-16 dated March 23rd 2016) be corrected to read “water and waste water improvements”

THAT the DRAFT minutes for Watershed Floodplain Committee held March 30, 2016 be RECEIVED for information; and

THAT the DRAFT Audit Committee Meeting minutes of April 12, 2016 be RECEIVED for information.

MOTION CARRIED WITH NOTED CHANGE

2. **Business Arising from the Minutes**

- Member Jeffs inquired about concerns expressed at last month’s meeting regarding NPCA ‘s mandate on floodlines. P. Graham reported that the Watershed Floodplain Committee will meet next Wednesday and information pertaining to member Jeffs’ concerns will be forwarded to committee members prior to the meeting on the 27th
- Member Hodgson asked that Report No. 40-16 “Draft 2015 Audited Financial Statements” be deferred until the Audit Committee can meet again which will allow two members of the Committee that were not present at the last committee meeting; the opportunity to receive the presentation by Grant Thornton and review the Draft Financial Statements, with the following resolution;

Resolution No. FA-66-16

Moved by: B. Hodgson

Seconded by: D. Joyner

THAT Report No. 40-16 be deferred to the next monthly meeting of the Full Authority Board.

CARRIED

3. Correspondence

1. *Email from Ed Smith request for delegation dated March 14, 2016*
2. *Email from Robert Milenkoff request for delegation dated April 3, 2016*
3. *Letter Niagara Region Agricultural Policy and Action Committee dated March 29, 2016 regarding NPCA representation on APAC.*

NOTE; Peter Graham will represent on behalf of NPCA

4. *Conservation Ontario Council Report dated March 28, 2016.*
5. *April 1, 2016 from Office of the Lord Mayor, Town of Niagara on the Lake regarding Ramsar Designation of the Niagara River.*

Additional Correspondence:

*Port Colborne board representative in the absence of Mayor Maloney – Bea Kenny
Welcome Bea Kenny to NPCA.*

Resolution No. FA-67-16

Moved by: D. Joyner

Seconded by: D. DiFruscio

THAT all items of correspondence be received for information.

CARRIED

4. Chair's Remarks

The following resolution resulted from the notice of motion:

Resolution No. FA-68-16

Moved by: B. Timms

Seconded by: B. Kenny

Whereas the City of Hamilton has appealed the 2015 and 2016 levy apportionment to the Commissioner of Lands and Mining, and

Whereas the decision of the Commissioner of Lands and Mining may impact the levy apportionment of both the Region of Niagara and Haldimand County,

The NPCA Board of Directors have no objection should the Region of Niagara and Haldimand County request party status of the City of Hamilton's levy apportionment appeal to the Commissioner of Lands and Mining.

CARRIED

The following resolution resulted from the notice of motion:

Resolution No. FA-69-16

Moved by: J. Kaspersetz

Seconded by: S. Beattie

That Staff be directed to procure an outdoor and mobile theatre system for the purposes of community movie nights at suitable NPCA conservation areas for an upset limit not to exceed \$20,000 and,

That staff be authorized to fund this acquisition via General or Equipment Reserves.

CARRIED

- Chair Timms attended the Conservation Ontario AGM on April 11th and will have a copy of the Annual report and the Risk to Resiliency forwarded to members. At this annual meeting, 6 board members were elected to Conservation Ontario. MPP Eleanor McMahon, Parliamentary Assistant to MNRF, spoke regarding the public consultation to-date on the CA Act Review, commenting that the Ministry will be drafting proposed revisions over the summer and should be ready with a proposal to the public this coming Fall.
- The Chair reminded Board Members of the upcoming Wild Game Dinner for Fri. Apr 23 in Welland, and noted it is a sold-out event.
- The Niagara Children's Water Festival is back and on track for this Spring; May 10-13th; an Educational Festival involving approximately 4700 students in the Niagara Region.
- Summer camps will be held at Ball's Falls; one in July and one in August
- On April 4 & 5 we hosted a Subaru commercial filmed at Binbrook CA
- May 4 - 10 schools will compete in Niagara Envirothon. We are doing good work in educating children on the environmental work that this Conservation Authority does.
- The Thanksgiving Festival has to-date, received 201 applications and we foresee a sold out event this year.

5. Acting CAO Comments

P. Graham reminded all members and the public that the St. Johns Pond Trout Season opens Saturday April 23rd. Member DiFruscio will be on site for the first cast at noon. All were invited to attend this event.

Reports for Information:

6. Project Status Reports:

6.1 Watershed Status Report No. 33-16

6.2 Operations Status Report No. 34-16

6.3 Corporate Services Status Report No. 35-16

7. Finance – Quarterly Update – Report No. 36-16

8. Communications – Quarterly Update – Report No. 37-16

Resolution No. FA-70-16

Moved by: B. Kenny

Seconded by: F. Campion

THAT the NPCA 2016 Q1 Quarterly Communications Report be RECEIVED and distributed to participating municipalities, community stakeholders, CLAC, and the public.

CARRIED

9. **Capital Projects – Quarterly Update – Report No. 38-16**

10. **Forestry Update – Report No. 39 -16**

Resolution No. FA-71-16

Moved by: J. Kaspersetz

Seconded by: S. Beattie

THAT Reports 33, 34, 35, 36, 38 & 39 be received for information purposes.

CARRIED

Reports for Consideration:

11. **DRAFT 2015 Audited Financial Statements - Report No. 40-16**

This item was deferred to the Audit Committee to review.

12. **Freedom of Information (FOI) designation - Report No. 41-16**

Resolution No. FA-72-16

Moved by: R. Shirton

Seconded by: S. Beattie

THAT Report No. 41-16 be RECEIVED for information;

THAT the NPCA Board DESIGNATE Bruce Timms, Chair, as ‘head’ of the NPCA for the purposes of the Municipal Freedom of Information and Protection of Privacy Act; further,

THAT the NPCA Chair may designate relevant staff ‘head’ status as it relates to the Corporate handling of Freedom of Information (FOI) requests.

CARRIED

13. **IT Management Services Renewal – Report No. 42-16**

Resolution No. FA-73-16

Moved by: R. Shirton

Seconded by: J. Kaspersetz

THAT Report No. 42 -16 be RECEIVED for information;

THAT the NPCA Board APPROVE Skycomp Solutions as its IT Managed Services provider by authorizing staff to annually renew the existing Consulting and Professional Services Agreement for up to three years (Appendix 1); and,

THAT the Board APPROVE that staff be able to facilitate computer hardware acquisitions solely through Skycomp Solutions.

CARRIED

14. Approval of Contractor for the Binbrook Splash Pad – Report 43-16

Resolution No. FA-74-16

Moved by: S. Beattie

Seconded by: J. Kaspersetz

THAT Report No. 43-16 be received; and,

THAT the NPCA Board of Directors approve the recommendation of the evaluation committee; and,

THAT Demikon Construction Ltd. be selected as the contractor for the design and build of the new splash pad at Binbrook Conservation Area.

CARRIED

15. Approval of MOU with Niagara Sustainability Initiatives – Report 44-16

Member Beattie asked that the MOU come back to the Board for final approval with CAO recommendations. Resolution as follows:

Resolution No. FA-75-16

Moved by: S. Beattie

Seconded by: J. Diodati

THAT the NPCA Board of Directors give direction to NPCA Staff to enter into a Memorandum of Understanding between the NPCA and the Niagara Sustainability Initiative, subject to Board approval.

CARRIED

16. Unsolicited Proposal, Exclusive catering of weddings at Ball's Falls – Report 45-16

This matter was deferred until Members discuss the confidential proposal in closed session.

17. OTHER BUSINESS

- B. Kenny inquired about the watershed status report page 5 and the feedback comments from floodplain mapping meetings – the flow is blocked with debris, is there anyone who can deal with this issue. Peter commented that this is an ongoing challenge and we do get involved in specific matters relating to fish habitat and or redirect public's concerns to appropriate parties/agencies. Depending where and what issues arise, we try to work with different parties on who can take the lead. Debris being dumped in the River is definitely an issue.
- A. Jeffs commented on the previous delegations and the perceived concerns surrounding NPCA's communication. Staff provided an update on current communications strategy.
- Regarding the delegation of Coyle Creek, member S. Beattie inquired whether the complaint was filed in October and was it registered in the system. Staff responded affirmatively.
- Member Campion stated that the City of Welland has been dealing with this issue (Coyle Creek) since 2012. NPCA staff is currently collecting facts.

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

Resolution No. FA-76-16

Moved by: R. Shirton

Seconded by: B. Kenny

THAT the meeting move to closed session to receive a verbal update on violations, an unsolicited proposal for exclusive catering of weddings at Ball's Falls and a report on Management Compensation.

CARRIED

CLOSED SESSION

Declaration of Conflict of Interest:

Member D. Joyner declared a conflict of interest in the violations discussion of a proponent and was excused from the meeting during that discussion.

Business in Closed Session:

1. **Violations – Verbal update**
2. **Unsolicited Proposal (confidential proposal)**
3. **Management Compensation Report No CR-46-16**

With no further business in closed session, the following was resolved;

Resolution No. FA-77-16

Moved by: R. Shirton

Seconded by: J. Diodati

THAT the meeting rise from closed session with report.

CARRIED

Public Session:

The following resolutions resulted from discussions held in closed session;

Unsolicited Proposal, Exclusive catering of weddings at Ball's Falls – Report 45-16

Resolution No. FA-78-16

Moved by: B. Hodgson

Seconded by: J. Diodati

THAT this report be received for information and take no further action.

CARRIED

- Member Hodgson commented that Ball's Falls is a public facility and it currently affords public/taxpayers the flexibility to tailor their family events to personal choice and taste.

Resolution No. FA-79-16

Moved by: J. Kaspersetz

Seconded by: S. Beattie

THAT staff follow board direction related to Management Compensation.

CARRIED

ADJOURNMENT

There being no further business, the Full Authority meeting was adjourned at 9:29 pm with the following resolution:

Resolution No. FA-80-16

Moved by: D. DiFruscio

Seconded by: F. Campion

THAT the Full Authority meeting be adjourned.

CARRIED



Lisa Conte,
Administrative Assistant, Office of CAO
and Board of Directors



D. Bruce Timms
NPCA, Chair

DELEGATION:

❖ Ed Smith – Coyle Creek

April 20, 2016 Full Authority Meeting



NPCA, Coyle Creek and the indiscriminant application of policy

PURPOSE

- Perceived inequity within the NPCA in the application and enforcement of your policies
- Have this perception explained to the public and seek remedies

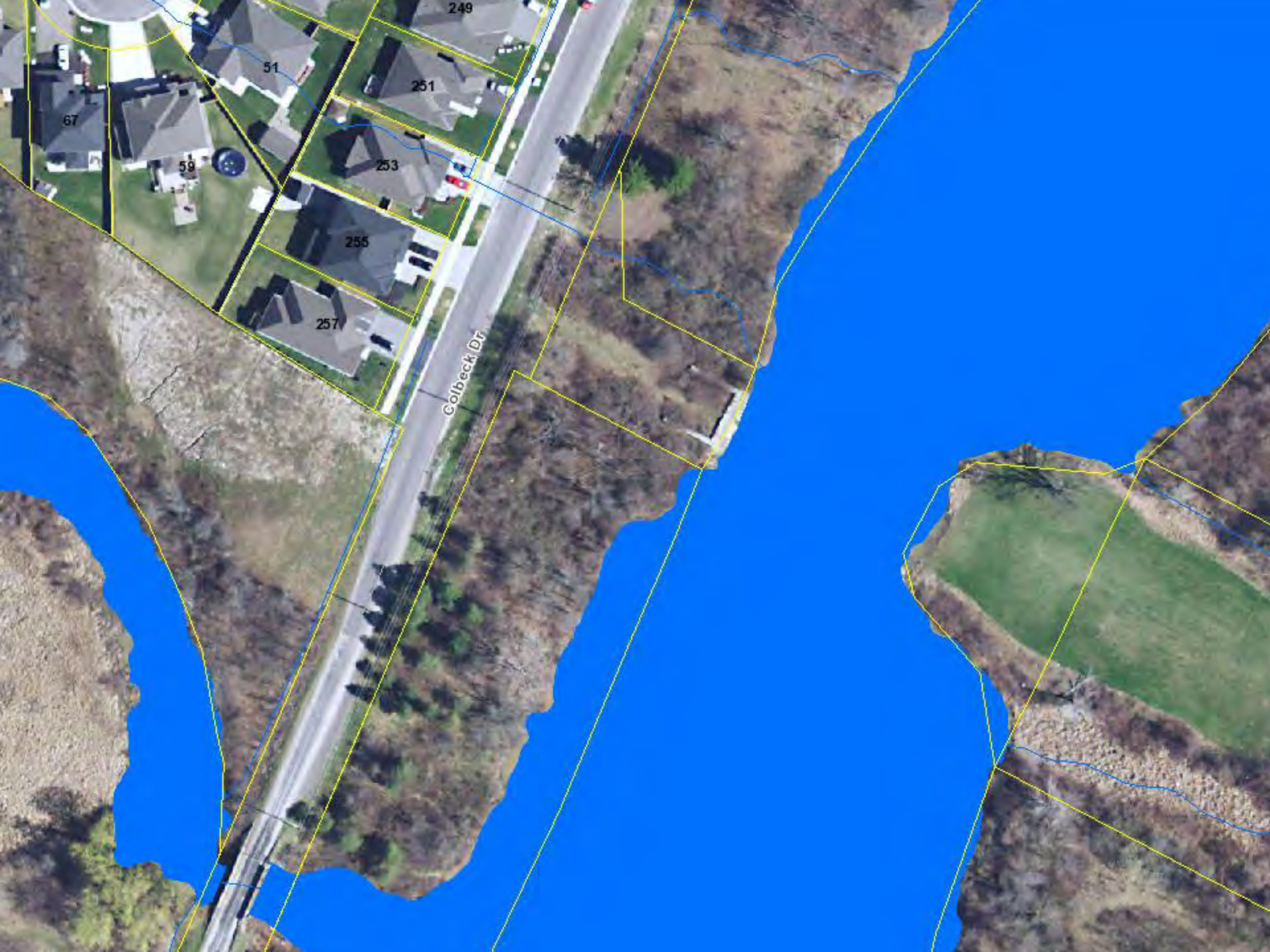
DO YOU NEED A PERMIT FROM NPCA?

Construction/development, and site alteration is regulated by NPCA to conserve the natural environment and limit changes to watercourses, floodplains, wetlands, and steep slopes.

DEFINITION OF TERMS

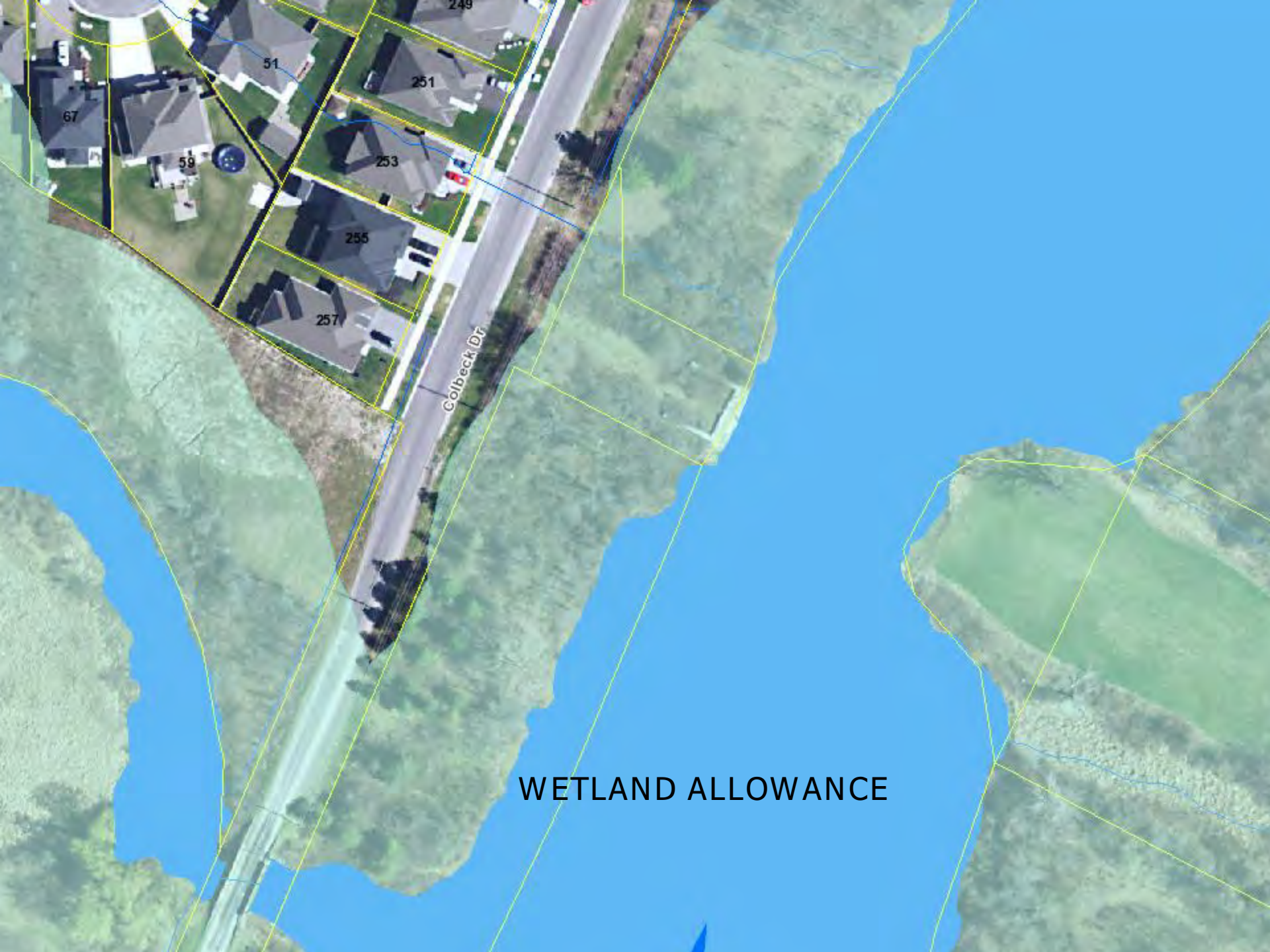
- Development prohibited
- 2. (1) Subject to section 3, no person shall undertake development, or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,

- (b) river or stream valleys ...
- (i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,





REGULATED FLOODPLAIN



Colbeck Dr

WETLAND ALLOWANCE

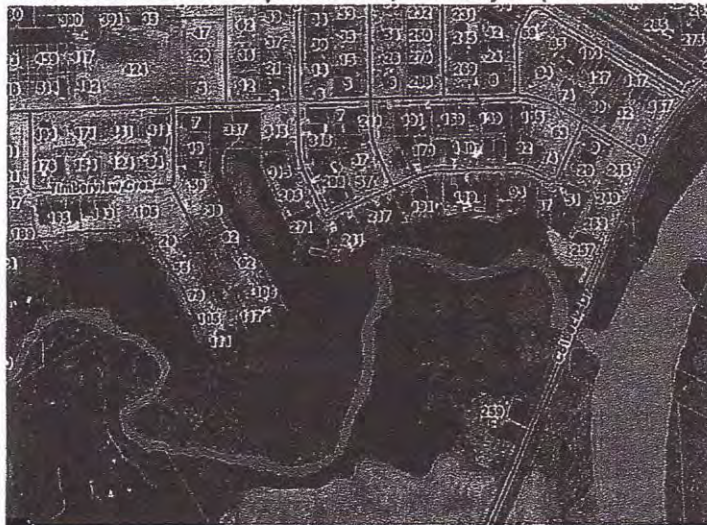


NPCA PERMIT REVIEW

Cc:
Subject:

Rose DiFelice, Erik Nickel
RE: Complaint from 257 Colbeck Drive RE: Services installed to property to the south

With reference to the plan below, the subject parcel is outlined in purple.



Planning
Records.

The parcel as a whole contains Provincially Significant Wetland, Floodplain, Fish Habitat. As you can see in the above map, the front portion of the property abutting Colbeck Drive has been cleared of vegetation and likely filled. In 2010 this cleared area was completely covered in vegetation. This area would fall within the buffer area of a PSW and Fish Habitat. The property is entirely designated Core Natural Heritage System in our Official Plan. The lands are outside the City's Urban Area and Served Area in our Official Plan and Zone EP-X5. At this time no building permit could be issued on this property despite the presence of municipal services at the lot line. This has been conveyed to the owner of 257 Colbeck Drive and their lawyer.

Official Plan and Zoning By-law Amendments and a number of studies would be required to consider changing the designation and zoning on this property or the portion that has been cleared.

Grant Munday
Planning Supervisor
Integrated Services
Planning and Building Division
Corporation of the City of Welland
60 East Main Street, Welland, ON L3B 3X4
Tel: 905-735-1700, Ext. 2240
Fax: 905-735-8772
www.welland.ca

EP-X5 ZONE (By-law 2006-137, 2007-105)

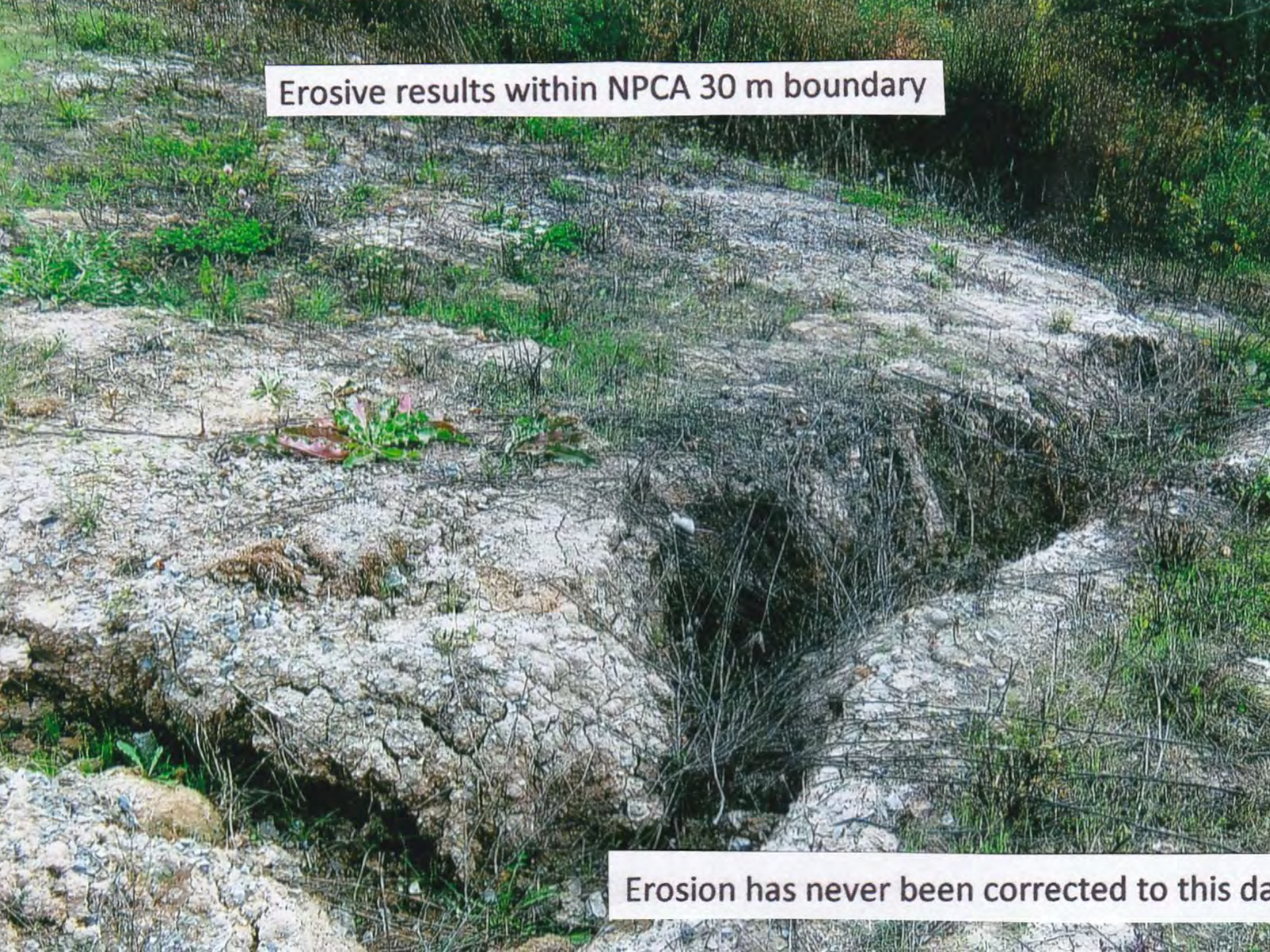
1. That part of Lot 29 and 30, Concession 6, Part of Lots 259 and 260 and part of the Road Allowance between Lots 259 and 260, former Township of Thorold, in the City of Welland, municipally known as 290 Riverside Drive and Coyle Creek Subdivision and shown on schedule "A" attached to By-law 2006-137 and By-law 2007-105 as "Change to EP-X5 ZONE" is hereby rezoned EP-X5 ZONE;
2. The *USES* permitted in the EP-X5 ZONE shall be restricted to flood control works and passive recreational uses such as walking paths, natural areas, benches.

(290 RIVERSIDE DRIVE AND COYLE CREEK SUBDIVISION)





Coyle Creek - nesting and feeding areas altered



Erosive results within NPCA 30 m boundary

Erosion has never been corrected to this date



Nesting areas for waterfowl completely destroyed

Indiscriminant application of policy

- A large regional developer has violated NPCA rules, and more importantly has egregiously violated our wetlands with hundreds of tons of illegal fill, no real action taken by NPCA
- Small landowners taken to court or fined for much lesser transgressions

PERCEPTIONS

- The credibility of the NPCA has been completely undermined by practices of senior staff and Board members who use this organization as they personally see fit
- Those with the proper connections are left alone

Remedies sought

- Coyle Creek must be remediated immediately at the developers expense

QUESTIONS

DELEGATION:

- ❖ **Staff Presentation: Process for Investigating complaints related to Ontario Reg. 155/06 – Suzanne McInnes**

April 20, 2016 Full Authority Meeting

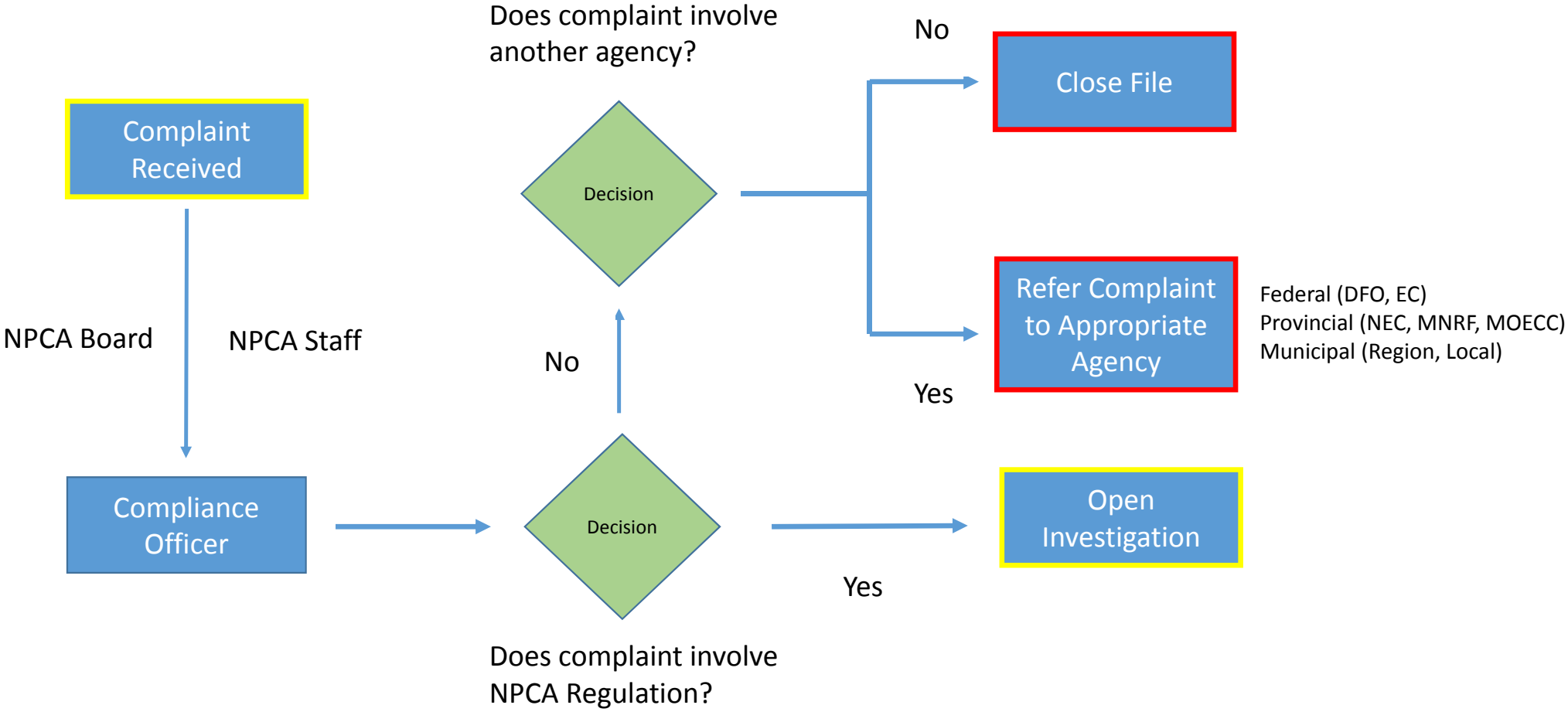
NPCA Process for Investigating Complaints Ontario Regulation 155/06

NPCA Board of Directors Meeting

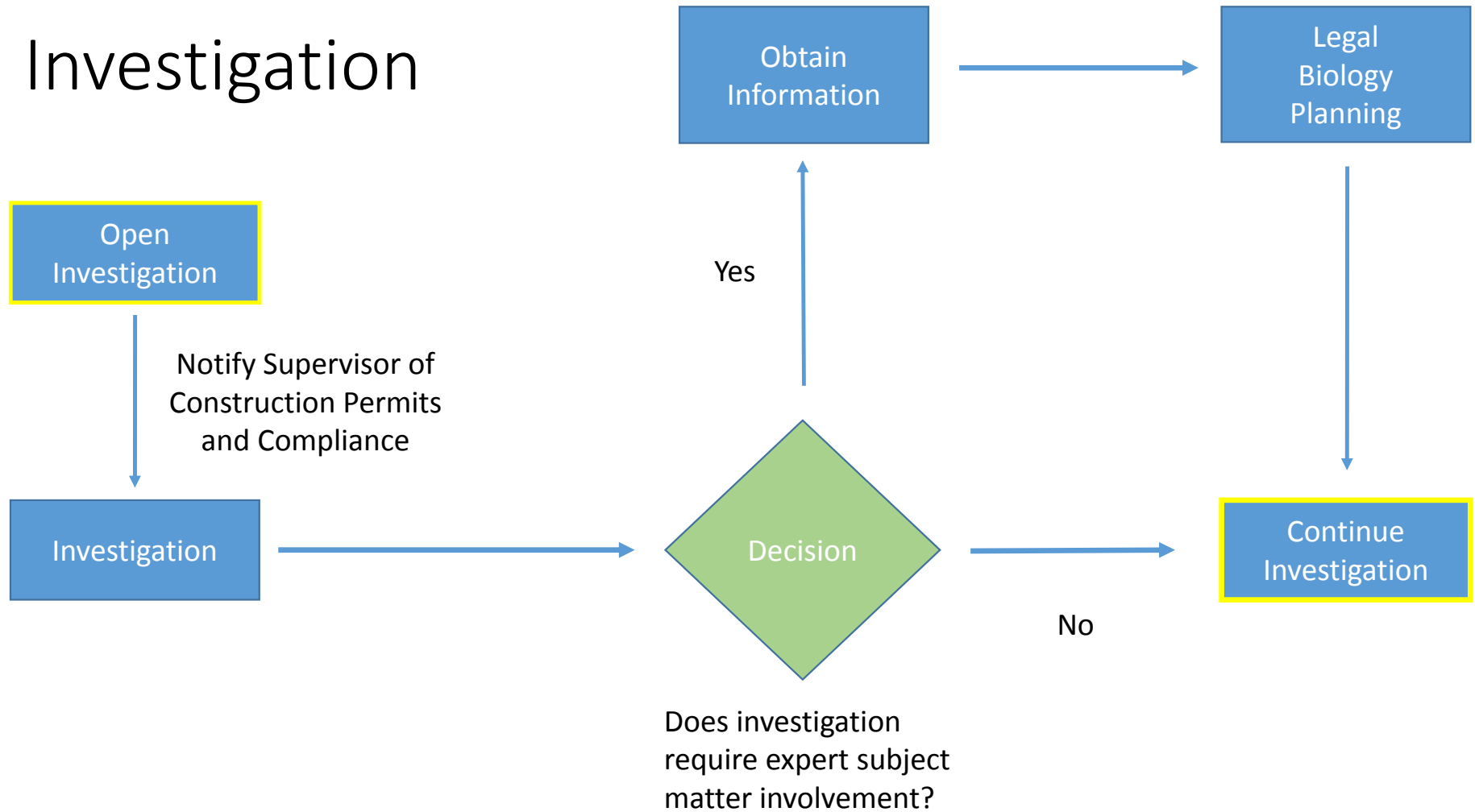
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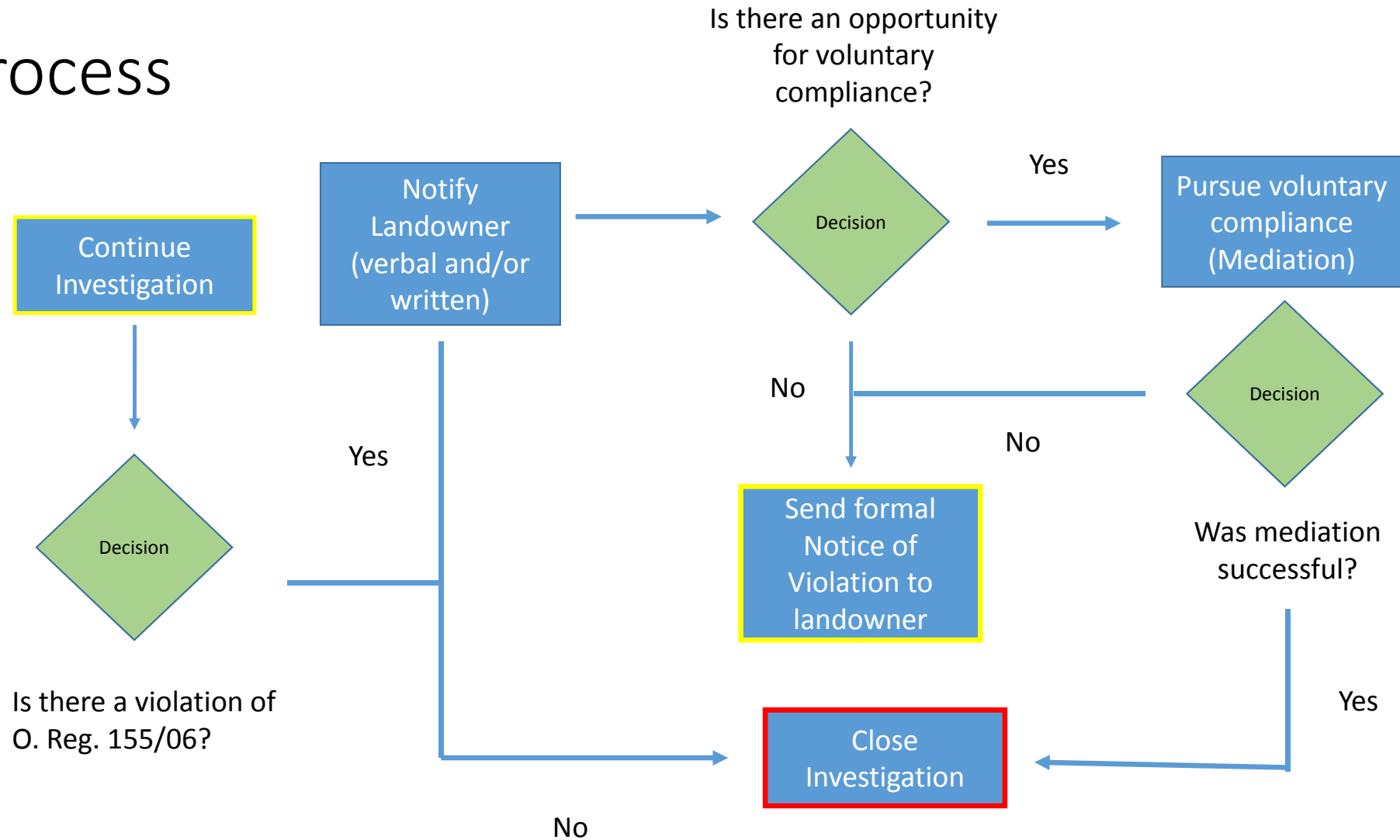
Notification



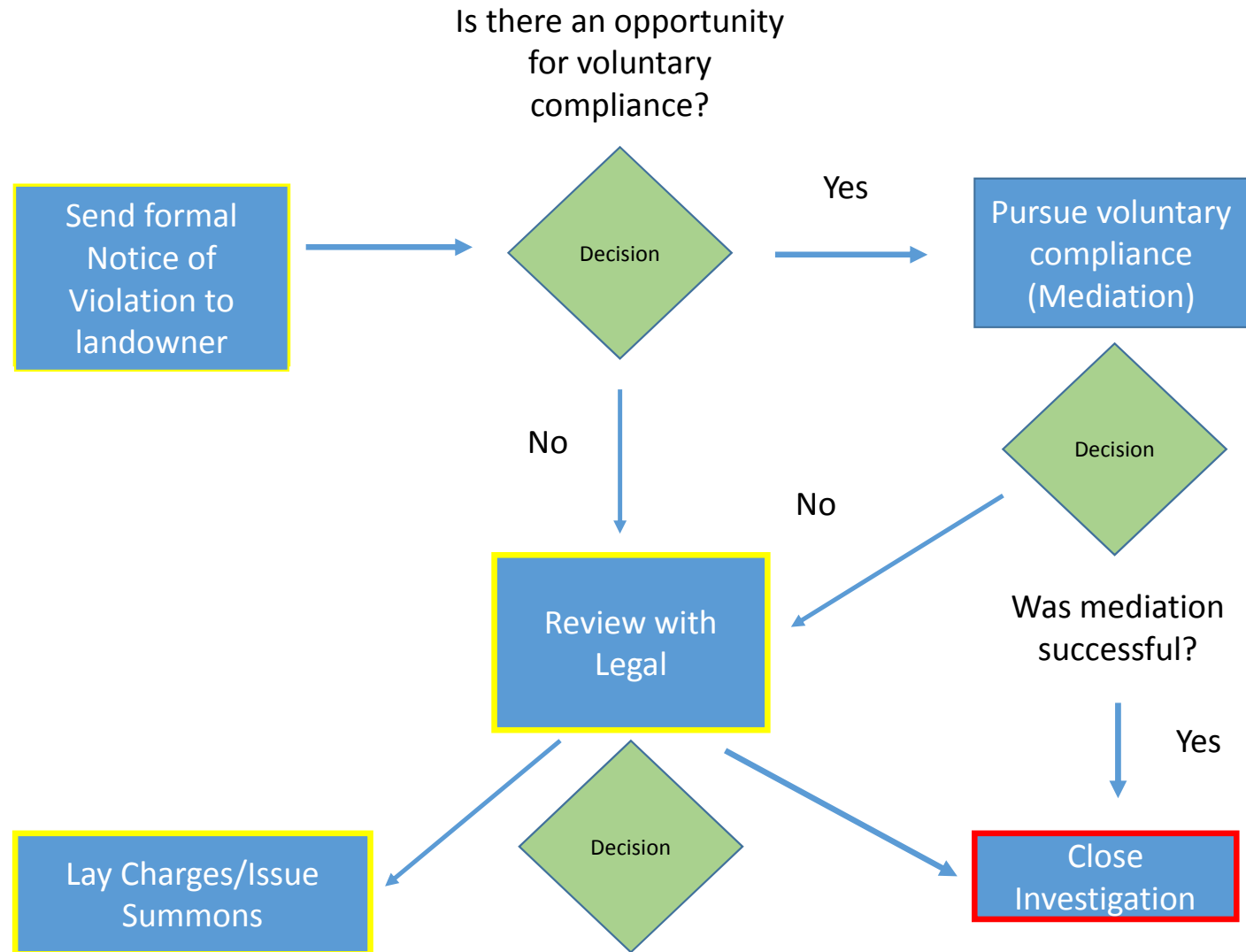
Investigation



Process



Process



Process

