



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

Wednesday February 15, 2017; 9:30 am
Ball's Falls, Centre for Conservation-Glen Elgin Room
3292 Sixth Avenue, Jordan, ON

MEMBERS PRESENT:

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

MEMBER REGRETS: None.

STAFF PRESENT:

P. Graham, Acting CAO/Secretary-Treasurer
D. Barrick, Director, Corporate Services
S. McInnes, Acting Director Watershed Management
M. Brickell, Director, Operations and Strategic Initiatives
M. Reles, Communications Specialist
L. Conte, Administrative Assistant, Office of CAO & Board

VISITORS/GUESTS:

Linda Babb, Mark Bagu, Donna Balcome, Kathleen Bell, Marilyn Bell, Liz Benneian, Teresa Cibor, Tony Dalimonte, Pete Dehaan, Doug Draper, Ethel Farnsworth, Erika Furney, Lynda Goodridge, Ron Honey, Herb H., Pat Irish, M. Johnson, Gary King, Scott Kinsinger, PS Kovacs, Alfred & Jackie Marinelli, Fiona McMorrان, Harry Merkens, Dawn Pierrynowski, Doug Ransom, Carla Rienzo, Ellen & Glen Robins, Norm Sawatsky, Barry Sharpe, Pierre Sjaarda, Vicki-Lynn Smith, Emily Beth Spanton, HJB

NOTE: The archived recorded meeting is available on the NPCA website. The recorded video of the Full Authority meeting is not considered the official record of that meeting. The official record of the Full Authority meeting shall consist solely of the Minutes approved by the Full Authority Board. NPCA Board of Directors Policy Handbook Regulation #2, Meeting Procedures Sec.17.0

The Full Authority meeting was called to order at 9:32 AM. Chair Annunziata welcomed Board members and Staff and began with the first order of Agenda, to go in closed session with the following resolution;

Resolution No. FA-36-17

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

THAT the Full Authority meeting move to closed session to discuss Job Evaluations.

CLOSED SESSION

1. Job Evaluation[Report No. CR-16-17](#)
Ms. Marianne Love, Consultant with Gallagher, McDowell & Assoc.

Resolution No. FA-37-17

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

THAT the meeting rise from closed session with report.

CARRIED

PUBLIC SESSION

Chair welcomed guests and public gallery to the Full Authority meeting. Public meeting commenced at 10:41 am.

DECLARATION OF CONFLICT OF INTEREST

None.

ADOPTION OF AGENDA

Member Baty would like to add to the In-camera session a potential legal litigation.

Resolution No. FA-38-17

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

THAT the Agenda be adopted as presented with the noted revision to include an additional in-camera item.

CARRIED

PRESENTATIONS

Recognition of (6) six Past Board Members:

The following past board members were recognized and awarded with a life-time pass to NPCA's conservation area properties, a certificate and NPCF comfort maple pen;

Mark Bagu (Port Colborne Rep); Anthony Dalimonte (Haldimand Rep); Doug Ransom (Lincoln Rep); Barry Sharpe (Welland Rep).

Past members Bart Maves (Niagara Falls Rep) and Carmen D'Angelo (Hamilton Rep.) were not in attendance.

BUSINESS:

1. Resolutions from Closed Session:

Chair declared the following board resolution(s) resulting from in-camera discussions;

Resolution No. FA-39-17

Moved by: B. Timms

Seconded by: S. Beattie

THAT staff follow direction provided in closed session.

CARRIED

2. A. Approval of the Minutes – **ANNUAL GENERAL MEETING**, January 18, 2017

Member Timms asked that Item 2 regarding his comment on conceding the Vice-Chair nomination also include the significance and importance of having a Hamilton member sit on the executive committee team as Vice-Chair.

Resolution No. FA-40-17

Moved by: S. Beattie

Seconded by: A. Jeffs

THAT the minutes of the Annual General Meeting held January 18, 2017 be APPROVED as presented with the noted change.

CARRIED

B. Approval of the Minutes - **Full Authority Board Meeting** January 18, 2017

Resolution No. FA-41-17

Moved by: D. Joyner

Seconded by: J. Diodati

THAT the minutes of the Full Authority meeting held January 18, 2017 be APPROVED as presented.

CARRIED

C. Committee Meeting Minutes (Draft):

- *CAO Selection Committee – January 25, 2017*

Resolution No. FA-42-17

Moved by: J. Beattie

Seconded by: J. Kaspersetz

THAT the Draft minutes of the **CAO Selection Committee Meeting** held January 25, 2017, **be RECEIVED.**

CARRIED

- *Watershed Floodplain Committee – January 26, 2017*

Resolution No. FA-43-17

Moved by: A. Jeffs

Seconded by: J. Maloney

THAT the Draft Minutes of the **Watershed Floodplain Committee Meeting** held January 26, 2017 **be RECEIVED.**

CARRIED

3. **Business Arising from the Minutes**

- At the last meeting, the board resolved to move forward with the Operational review, Member Hodgson asked for an update since the last board meeting and what has been achieved to date. Chair explained that an update will be provided both in the CAO and Chair's remarks.

4. **Acting CAO's Remarks**

- The Addendum package board members received today is provided to give members an update regarding the progress made with Operational Review;
 - a) *Auditor General meeting was held and the Chair will provide more detail on that.*
 - b) *Invitation letters were sent to 3 funding municipalities. Both Niagara Region and the City of Hamilton are committed to participate in the scoping of the RFP process. Unfortunately, Haldimand is unable to commit a resource.*
 - c) *The first meeting was held yesterday with Niagara Region and Hamilton representatives. The summary of discussion points is in the addendum package. Through this process, the intent is to make sure that everything is arm's length and above board resulting in an objective review. One of the challenges is to scope the project appropriately. We want it to be a transparent process with a robust evaluation based on a number of factors and criteria.*
- On Feb 1st and 2nd Acting CAO, attended a 2-day workshop in Windsor hosted by the International Joint Commission (IJC), on ***Watershed Management of Nutrients in Lake Erie***. In February of 2016, the governments of Canada and the United States announced the adoption of a binational target to reduce total phosphorus entering Lake

Erie by 40%. To meet this target, Canada and the United States are committed to developing domestic actions plans by February 2018. The objectives of this binational workshop, bringing together approximately 30 people, was to;

- define and develop standard components that should be part of watershed management plans
 - build support for the findings to date, including key factors critical to the successful development and implementation of watershed management plans
 - develop recommendations on how to better coordinate/optimize watershed planning of the various efforts undertaken via the GLWQA
 - Once the findings from this workshop are finalized, a report will come to the Board for your information.
- **Attended GGH CAO Meeting held Feb 8th** (currently 9 CA's represented with a focus on sharing of information and best practices)
 - **On Feb. 10th, Acting CAO attended the 5th Annual "Building a Resilient Niagara Symposium"** – Emergency Preparedness (Weather Trends; Cyber Security; Lake Erie Water Quality Impacts – Ohio; Fort MacMurray Fire)

▪ **Upcoming Events:**

[Conservation Achievement Awards](#) Save the date – **February 22nd**

This ceremony was created with the intent of providing public recognition to those who are contributing in some way to conservation efforts in our watershed. A great event!

Member Comments:

- Member Baty asked whether the Operational Review would be solely a staff driven process or would there be value to have some board members participate in the process for the historical reference.
Acting CAO Graham, responded that from a staff perspective, the understanding is that there are some concerns with the level of trust and that the process is to be at arm's length of the board. As such it is recommended that board members not be involved in the consultant selection process.
- Member Quirk commented that it is his understanding that the process would be out of the hands of the board and staff would be undertaking the scoping with the municipalities. Further, member Quirk requested that this addendum; which outlines the process being taken for the operational review; be posted on our website and that the RFP come back to the board for review.
- Member Hodgson commented that the concerns raised within the community will be included in the scope and would like to ensure that the independent 3rd party drive this important process so as not to omit pertinent areas of concern.

5. Chair's Comments

- Chair Annunziata thanked member Hodgson for bringing forward the motion about the Operational Review and in the spirit of openness and transparency, the board has done it's best to follow the spirit, and respect the language and intent of the motion.
- The Addendum was provided to the board at a late hour, because much of the correspondence was received late last night and with the intent to keep board members apprised of each step regarding this process, staff worked late to ensure this information would be available to members today.
- Members were asked to thank their respective municipalities for responding to the invitation to participate in the Operational Review and the Chair expressed confidence in the Acting CAO, Niagara Region and City of Hamilton in meeting the requirements of the motion.
- Niagara Region and the City of Hamilton participated in the initial meeting yesterday; a summary of the meeting is included in the addendum.
- The Chair highlighted that the motion passed in January regarding the Operational Review, states clearly the involvement of the CAO charged by the board to meet with the Municipalities and coordinate the process; As for the Chair's involvement, that is clearly outlined in item 7 of the motion, *"that NPCA, in parallel to the preceding, continue discussions with the Auditor General of Ontario"*. Chair Annunziata has fulfilled that aspect of the motion, (with minutes of discussions held January 24th included in the addendum package). The Chair also thanked Bonnie Lysyk, Auditor General for taking the time to hold discussions with NPCA, appreciating and recognizing how busy and involved she is in Provincial matters.
- Respecting water quality and the Great Lakes, the Chair emphasized that there are currently public meetings being held to preserving and improving the quality of our Great Lakes. The Public meeting being held in Niagara is **Wednesday, March 29 at the St. Catharines Rowing Club, Alumni Hall, Henley Island (St. Catharines) 1:30 – 4:30**. Key topics will include sustainable agriculture, harmful algal blooms, Great Lakes nutrient reduction, chemicals of mutual concern and human health and Areas of concern.

Board Comments:

- Regarding the Operational Review, members commented on the value of having board members with past knowledge and information participate in the process so as to bring important information forward to those conducting the review. Chair Annunziata responded that the message the board heard was loud and clear; it must be independent, arm's length and third party. It is for this reason that this board engaged the services of our Acting CAO, City of Hamilton, Haldimand County and Niagara Region partners to conduct that procurement process, without the hands of this board being involved. This is important as it speaks to the confidence and trust level that it truly is a third party, independent, arm's length process, and we want to respect the language brought forward by member Hodgson.
- Member Timms applauded the work the Chair is doing regarding the algae blooms and nutrients of the Great Lakes, water quality, as all the municipalities draw their drinking water from the Great Lakes and that the attention of the Board Chair is moving towards the other issues of concern in our watershed in fulfilling our mandate so that the Operational Review is appropriately in the hands of staff.

6. Sumbler Estates – 633 South Pelham Road – Report No. 17-17

- Member Hodgson commented that Mr. LaBute could not be present today, but asked that the following statement in this report be addressed; (pg. 2 last paragraph, first sentence):

“On October 19, 2016, the City of Welland confirmed to the NPCA that the pipe in the wetland was installed in and around 2004.”

Member Hodgson is asking on behalf of Mr. LaBute, “evidence to support that statement”. This was referred to staff.

(Note: Staff forwarded the supporting evidence to Mr. LaBute both on February 14th and on February 24th)

Resolution No. FA-44-17

Moved by: B. Hodgson

Seconded by: T. Quirk

THAT Report No. 17-17 regarding Sumbler Estates be received for information.

CARRIED

7. 257 Colbeck Drive (adjacent to Coyle Creek) – Report No. 18-17

Resolution No. FA-45-17

Moved by: J. Kaspersetz

Seconded by: P. Darte

THAT Reports 18-17 regarding 257 Colbeck Drive be RECEIVED for information.

CARRIED

Reports for Consideration:

8. **Unsolicited Proposal – Integration of Voice and Data Report No. 14-17**

Mr. Scott Kinsinger from Schooley Mitchell spoke on the proposal as outlined in Report No. 14-17.

Resolution No. FA-46-17

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

THAT Unsolicited Proposal for Integration of Voice, Data and Merchant Services Report No. 14-17 be RECEIVED, and:

THAT the NPCA Board of Directors AUTHORIZE staff to enter into negotiations and contract with Schooley Mitchell Consultants for the integration of the NPCA's voice, data and merchant services in an effort to find additional sustainable savings for the organization.

CARRIED

9. **Freedom of Information (FOI) Annual Report 2016 - Report No. 19-17**

Resolution No. FA-47-17

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

THAT Report No. 19-17 regarding the Freedom of Information annual statistics and designation, be RECEIVED for information.

THAT the NPCA Board DESIGNATE Sandy Annunziata, 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

10. **Financial Capital Projects 2016 - Report No. 20-17**

Resolution No. FA-48-17

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

THAT Report No. 20-17 and related appendices be RECEIVED for information;

THAT the NPCA Board of Directors REAUTHORIZE the Beamer Platform capital project as updated in this report.

CARRIED

11. **Annual Policy Resolutions – Report No. 21-17**

Resolution No. FA-49-17

Moved by: B. Timms

Seconded by: J. Kaspersetz

THAT, the Health and Safety Policy Statement and Regulation No 30 on Workplace Violence & Harassment Prevention Policy be REAFFIRMED as required under our legislative obligations, and that that these policy statements will continue to follow this requirement on an annual basis.

CARRIED

12. **CLAC Terms of Reference – Report No. 22-17**

Member Quirk requested the Terms of Reference be amended given that at the AGM in January, multiple members were appointed to the CLAC committee. Furthermore, member Quirk asked for confirmation that the Terms of Reference are in alignment with those additional members appointed to CLAC. The Chair noted that the Terms of Reference only calls for one seat for the NPCA Board Chair; so the appointment of the additional members at the AGM meeting in January was out of order.

Various members expressed interest in sitting on this committee and member Quirk reiterated that Regulation #1 of NPCA Governance and Administration Policy should be amended so that members of the Authority may attend and participate at standing committee meetings.

The next CLAC meeting is scheduled for March 23rd; it was suggested that this report be deferred so that the members of CLAC may comment on the Terms of Reference and how they will be amended.

Chair Annunziata commented that we have the opportunity to reconcile what was approved at the AGM; currently the Province is undergoing a review of the Conservation Authorities Act, and on their priority list is “improving collaboration and engagement”, specifically;

“Ensuring board decisions are informed by an appropriate diversity of views and perspectives reflective of local interests, including providing Indigenous Peoples, local residents and stakeholder groups opportunities to participate in the identification of local needs and priorities and conservation authority decision-making processes” which is the purpose of CLAC, and the Chair concurs with member Timms that this committee is not necessarily an opportunity for board business, but it’s an opportunity to hear from our partners in the community. Also, the minutes of those (CLAC) meetings come back to the board, so that the board may make decisions based on policies and the voices heard. The Chair recommends adopting the current Terms of Reference, however, the board approved an increase in membership and would like to defer this in order to reconcile and reach consensus.

Member Baty suggested that NPCA communicate to MPP Forster the value in this Community Committee, in her attempt to try and get some recognition for citizens she may not be aware of this very unique situation that exists only in this Conservation Authority and the importance CLAC plays in this Organization.

Resolution No. FA-50-17

Moved by: J. Diodati

Seconded by: A. Jeffs

THAT Report No. 22-17 be DEFERRED for one cycle (next meeting) to allow members of CLAC committee the opportunity to provide comment.

CARRIED

13. **Board Member Per Diem and Honourarium Annual Report – Report No. 23-17**

Moved by: **J. Kaspersetz** Seconded by: **J. Diodati**

1. THAT Report No. 23-17 and related Appendices be RECEIVED for information;
2. THAT the 2017 honourarium and per diem rates BE BASED on the Consumer Price Index (CPI) for the watershed region;
3. THAT the NPCA Board of Directors APPROVE the 2017 honourarium and per diems at 1.75% increase over the previous year; and
4. THAT the 2017 honourarium and per diem rates BE FORWARDED to the Ontario Municipal Board (OMB) for approval.

Amendment to item #3:

Moved by : **D. Joyner**

Seconded by: **A. Jeffs**

THAT the NPCA Board of Directors APPROVE the 2017 honourarium and per diems at 1.50% increase over the previous year.

Amendment Carried

Resolution No. FA-51-17 – As Amended

Moved by: **J. Kaspersetz**

Seconded by: **J. Diodati**

THAT Report No. 23-17 and related Appendices be **RECEIVED** for information;

THAT the 2017 honourarium and per diem rates **BE BASED** on the Consumer Price Index (CPI) for the watershed region;

THAT the NPCA Board of Directors **APPROVE** the 2017 honourarium and per diems at 1.50% increase over the previous year; and

THAT the 2017 honourarium and per diem rates **BE FORWARDED** to the Ontario Municipal Board (OMB) for approval.

CARRIED AS AMENDED

5. **Long Beach Potable Water Supply – Report No. 24-17**

Resolution No. FA-52-17

Moved by: **T. Quirk**

Seconded by: **P. Darte**

THAT Report No. 24-17 be RECEIVED for information; and,

THAT the NPCA Board of Directors AUTHORIZE staff to purchase a new 2017 International Workstar Automatic DZ Truck, from Archer Trucking (Welland) for hauling potable water to Long Beach Conservation Area during the Operating Season, with the monies coming from the Vehicle and Equipment Reserve accounts.

CARRIED

6. **Draft Communications and Media Policy - Report No. 25-17**

Resolution No. FA-53-17

Moved by: P. Darte
Seconded by: S. Beattie

THAT Report No. 25-17 be **RECEIVED** for information.

THAT the NPCA Board **APPROVE** the DRAFT Communications and Media Policy (Appendix 1).

CARRIED

7. **2017 CAO Recruitment – Report No. 26-17**

Resolution No. FA-54-17

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

THAT Report No. 26-17 be **RECEIVED** for information;

THAT the NPCA Board **APPROVE** the Job Description and Posting for the role of CAO (Appendix 1 & 2);

THAT the NPCA Board **APPROVE** the Sourcing Plan for the recruitment of the CAO role as outlined in this report.

CARRIED

8. **OTHER BUSINESS**

1. Member DiFruscio would like to be added to two committees. The following will require majority board approval.

By a majority vote, the board RESOLVED the following:

Resolution No. FA-55-17

Moved by: D. DiFruscio
Seconded by: J. Kaspersetz

THAT Member DiFruscio be added as a member to the NPCA Foundation.

CARRIED

And furthermore,

Resolution No. FA-56-17

Moved by: D. DiFruscio
Seconded by: J. Kaspersetz

THAT Member DiFruscio be added as a member to the CAO Selection Committee

CARRIED

- At the request of member Diodati (who was not present during this discussion) expressed interest in sitting on the CAO Selection Committee, both to the Chair and member Quirk. On behalf of member Diodati, member Quirk moved the following;

Resolution No. FA-57-17

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

THAT Member Diodati be added as a member to the CAO Selection Committee
CARRIED

- Member Timms requested to sit on the Watershed Floodplain Committee with the following;

Resolution No. FA-58-17

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

THAT Member B. Timms be added as a member to the Watershed Floodplain Committee
CARRIED

- M. Brickell communicated that the upcoming “Invasive Species Workshop” will take place on March 28th at Ball’s Falls.
- Regarding the invasive species, member Timms commented that the C.A. on the Lake Erie Shoreline in partnership with the Indigenous people have done well in controlling phragmites and noted that this does not appear on the Agenda (for March 28th workshop); Member Timms requested that staff get in touch with this group and make reference to that experience for the upcoming workshop.

Having no further business, the following was resolved;

Resolution No. FA-59-17

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

THAT the meeting move to closed session to discuss a legal matter involving an identifiable individual and discuss a potential litigation.

CARRIED

Closed Session (12:22PM)

Members Present in Closed Session;

S. Annunziata (Chair)	B Baty	S. Beattie
F. Campion	P. Dart	D. DiFruscio
J. Diodati (returned 12:22)	B. Hodgson	A. Jeffs (left 12:48pm)
D. Joyner	J. Kaspersetz (Vice-Chair)	J. Maloney
T. Quirk	R. Shirton	B. Timms

- A. Confidential Legal Matter.....Verbal
 B. Potential litigationVerbal

Resolution No. FA-60-17

Moved by: D. Joyner

Seconded by: T. Quirk

THAT the meeting rise from closed session with report.

CARRIED

Public Session

The following resolution(s) resulted from discussions in closed session:

Resolution No. FA-61-17

Moved by: R. Shirton

Seconded by: D. Joyner

THAT staff follow direction provided by the board in closed session.

CARRIED

Furthermore,

Resolution No. FA-62-17

Moved by: S. Beattie

Seconded by: T. Quirk

THAT the Addendum correspondence distributed to members, be RECEIVED for information;

THAT it form part of the February Agenda; and further,

THAT it be posted on our website.

CARRIED

ADJOURNMENT

There being no further business to consider, the Full Authority meeting was adjourned at 1:20 pm with the following resolution;

Resolution No. FA-63-17


Moved by: P. Darte

Seconded by: D. Joyner

THAT the Full Authority Meeting be adjourned.

CARRIED


Lisa Conte
Administrative Assistant,
Office of CAO and Board


Sandy Annunziata,
Chair,
Niagara Peninsula Conservation Authority