

Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

April 1, 2021

Minutes of the Board of Directors meeting held on Thursday, April 1, 2021, at 7.p.m., by videoconference and livestreamed via YouTube.

PRESENT: Lloyd Ferguson – in the Chair
Dan Bowman Brad Clark
Jim Cimba Chad Collins
Susan Fielding Tom Jackson
Cynthia Janzen Santina Moccio
Esther Pauls Maria Topalovic

Margaret Reid – Foundation Chair

REGRETS: None

STAFF PRESENT: Lisa Burnside, Grace Correia, Gord Costie, Matt Hall, Neil McDougall, Scott Peck, Jaime Tellier, and Nancy Watts

OTHERS: Chris Garofalo - public

1. Call to Order

The Chair called the meeting to order and welcomed everyone present.

2. Declarations of Conflict of Interest

The Chair asked members to declare any conflicts under the Board's Governance Policy. There were none.

3. Approval of Agenda

The Chair requested any additions or deletions to the agenda. Lisa Burnside requested an email from MPP Ted Arnott to Jeff Yurek, Minister of Environment, Conservation and Parks regarding HCA's application for exceptions for the Chair and Vice-Chair Provisions in the Conservation Authorities Act be added to the agenda as

item 5.4 under Consent Items. The email was circulated to the members prior to the meeting.

BD12, 2868

**MOVED BY: Jim Cimba
SECONDED BY: Santina Moccio**

THAT the agenda be approved, as amended.

CARRIED

4. Delegations

4.1. Chris Garofalo, home and landowner next to Tew Falls parking lot

Chris Garofalo advised that he and his family are constructing a new home on the property adjacent to Tew Falls. He noted that HCA has installed fencing and landscaping along the boundary between the two properties, however in the Fall and Winter they have developed concerns with privacy and security. He commented that the number of cars and visitors to the area at this time of year was unanticipated. He requested additional fencing and security measures be put in place.

The members sought clarification from the delegate on the details of the site, and on the additional measures requested. Mr. Garofalo described the site in greater detail, and requested the privacy fencing in the vicinity of the dwelling be extended and after-hours security measures be put in place.

BD12, 2869

**MOVED BY: Esther Pauls
SECONDED BY: Dan Bowman**

THAT the delegation be received.

CARRIED

The Chair thanked Mr. Garofalo for his presentation and advised the remainder of the meeting, including the members' questions of staff and discussion on the matter, could be viewed on HCA's YouTube channel. Mr. Garofalo left the meeting.

Lisa Burnside advised of the long historic use of this parking lot dating back decades. She commented that HCA welcomes over one million visitors to its properties each year, Spencer Gorge being very popular. HCA has had to pivot and adjust a number of times to manage increased visitation. Lisa added that HCA is not insensitive to our neighbours concerns, and measures were undertaken to buffer the newly constructed residential dwelling. The measures included fencing, planting and privacy screens, at a cost of approximately \$15,000.00. Mr. Garofalo was advised in November 2020 that

no further privacy works are planned or staff approved but certainly, he could undertake additional fencing, or planting measures on his own property.

Gord Costie shared photos of the site, illustrating the parking lot configuration before and after the improvements were undertaken and past and current visitation levels. The fencing and plantings installed along the subject property boundary were also shown. The parking lot improvements undertaken in 2020 were done to facilitate a reservation system to help manage high visitation to the area and community, and were effective in this regard in the 2020 pilot season.

Matt Hall provided an overview of the work that was undertaken along the property boundary both in 2019 and 2020, in consultation with Mr. Garofalo. Matt expressed concerns with extending the page wire fencing requiring additional vegetation removal which would worsen the privacy screening.

Obligations to fence HCA property boundaries were discussed. It was noted that the majority of HCA lands are not fenced and would be cost prohibitive based on the 11,000 acres of land owned. The members expressed satisfaction with the measures that have already been put in place by staff.

BD12, 2870

**MOVED BY: Chad Collins
SECONDED BY: Santina Moccio**

THAT no action be taken in regard to the property owners request.

CARRIED

5. Consent Items for Applications, Minutes and Correspondence

The following consent items were adopted:

- 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 5.2. Approval of Board of Directors Minutes – March 4, 2021
- 5.3. Letter from Gwyneth Xagoraris regarding visitor / parking management at waterfall locations, dated February 24, 2021
- 5.4. Email from MPP Ted Arnott to Jeff Yurek, Minister of Environment, Conservation and Parks regarding HCA's application for exceptions for the Chair and Vice-Chair Provisions in the Conservation Authorities Act, dated March 31, 2021

With regard to item 5.4, Susan Fielding thanked MPP Ted Arnott for his responsiveness and support.

The Chair advised that the City of Hamilton Council unanimously passed a resolution for HCA to retain its 5 citizen members on the Board of Directors and to submit a request for the exception to the Minister of Environment, Conservation and Parks.

6. Member Briefing

6.1. 2020 Annual Report – Presentation

Lisa Burnside presented an overview of the annual report, including highlights from each section of the document. The report marks the second year of progress for the 2019-2023 strategic plan. Lisa added it represents a great team effort amongst staff to share our accomplishments and bring the information to light with amazing photos from across our watershed.

The members congratulated staff on the document, particularly Marketing and Communications staff who assembled the report, as well as all staff who undertook the work described within.

Distribution of the report to the public was discussed. Lisa responded that the report will be posted on our website and promoted through social media. It will also be shared with the Foundation Board of Directors and donors and the Conservation Advisory Board. It will also be sent to all other Conservation Authorities and partner agencies. In addition, as part of the recent government relations policy, we will also be looking at sharing it with local politicians to promote all the great work we are doing in our watershed.

The Chair thanked the Hamilton Conservation Foundation for their fund-raising efforts and contributions to the education program as well as our trail systems which were captured well in report.

Tom Jackson asked about including a list of the Board members in future annual reports, as a reference to HCA's commitment to strong governance. This suggestion was endorsed by the CAO for the next annual report.

BD12, 2871

**MOVED BY: Dan Bowman
SECONDED BY: Susan Fielding**

THAT the Hamilton Conservation Authority 2020 Annual Report be received for information.

CARRIED

7. Business Arising from the Minutes

7.1. Natural Heritage Offsetting Policy Discussion Paper

Scott Peck provided a summary of the report and discussion paper.

Cynthia Janzen commended staff on the comprehensive report. She requested clarification on how the changes to the Conservation Authorities Act relate to the policy framework. Scott responded that the discussion paper would have no standing if a Ministerial Zoning Order (MZO) is given. Scott advised that the discussion paper is not intended to address MZO's and is instead to have a Board approved policy in place to follow when a natural heritage offsetting proposal is being considered.

It was suggested that the questions posed to the public should be clear and clarification was requested to confirm that we are asking for comments on the discussion paper and not on whether or not to have a policy as the Board has directed staff to develop a policy. Scott confirmed that staff will develop a policy and bring that policy back to the Board for consideration including municipal, stakeholder and public comments received as part of the consultation process. Scott confirmed that it would be up to the Board of Directors to approve or reject the policy provided by staff. Cynthia questioned if a summary document could be prepared for the public audience.

Promotion of the document with the call for public comments was discussed. Scott advised that staff will circulate the paper directly to our member municipalities and directly contact municipal staff for feedback. The document will also be circulated to stakeholders. The document will also be posted on our website and social media. Staff are developing a new web-based application for public engagement. The document will also be promoted through this forum.

The time needed by staff to create a summary was discussed as well as public consultation. Brad Clark commented that this is a dramatic shift in Conservation Authority policy and did not feel it should be rushed. He asked to remain recorded as opposed to the development of the policy.

Susan Fielding also requested to be recorded as opposed in consideration of best efforts for conservation.

The members discussed that the discussion paper will provide the members with additional information to assist in making a decision on the policy. It was noted that the research and public input will be taken into consideration. The members commended staff on the detailed discussion paper and report.

Scott commented that staff will develop the policy as directed and will provide a policy to the Board for final consideration. Scott outlined that the Board is not

bound to approve an offsetting policy. While the Board has directed staff to develop a policy, the Board is not required to approve such a policy once presented to their consideration. Lisa noted that as a result of consultation, the only policy the Board may wish to endorse are guidelines for offsetting in the event of an MZO, when the decision to offset is already required by the Minister. Without any policy or guidelines, HCA has no direction on offsetting in these required circumstances.

BD12, 2872 **MOVED BY: Chad Collins**
SECONDED BY: Jim Cimba

THAT the Board of Directors approve the Natural Heritage Offsetting Policy Development Discussion Paper, dated April 1, 2021;

THAT staff be directed to circulate the Discussion Paper and to initiate consultation with the City of Hamilton, County of Wellington and the Township of Puslinch, and;

THAT the Discussion Paper be made available on the HCA website and through social media in order to obtain stakeholder and public feedback.

CARRIED

Brad Clark, Susan Fielding and Cynthia Janzen were recorded as opposed.

7.2. Consultation of Growing the Greenbelt (ERO#019-3136) – HCA Submission

Scott Peck presented a summary of the report.

Susan Fielding advised the members that the study area includes 70% of the Township of Puslinch and proposed protections for the Paris Galt Moraine potentially limit the viability of properties in the areas identified for growth in Puslinch. Susan added that protections exist for the Paris Galt Moraine through County of Wellington and Township of Puslinch policies. The Township of Puslinch Council has advised the province they are not supportive of the expansion.

It was suggested the staff comment on the defined boundary of the Paris Galt Moraine on page 72 of agenda package could be amended to include language that there be consideration for settlement areas, hamlets and industrial areas.

BD12, 2873 **MOVED BY: Brad Clark**
SECONDED BY: Maria Topalovic

THAT the Board of Directors approve the HCA responses provided in the table attached to the April 1, 2021 report titled “Consultation on growing the size of the Greenbelt”, as amended;

THAT staff be directed to submit this information to the Province of Ontario prior to April 19, 2021 as the HCA comments to the Environmental Registry of Ontario posting ERO#019-3136, and;

THAT HCA staff confirm with Conservation Ontario that the Board of Directors of the HCA have endorsed the comments as detailed in the attached table and previously provided to Conservation Ontario.

CARRIED

BD12, 2874

**MOVED BY: Susan Fielding
SECONDED BY: Brad Clark**

THAT the HCA staff comments be amended to add, “The direction of the County of Wellington must be considered in finalizing the boundaries of the Greenbelt expansion relating to settlement areas, hamlets, and industrial areas”.

CARRIED

8. Reports from Budget & Administration Committee, Conservation Advisory Board, and the Foundation

8.1. Foundation Chairman’s Remarks

Margaret Reid presented on the following:

Donations

We received a total of **\$14,868** in donations from March 1 to 31, 2021. They break down as follows:

- \$6,370 for Westfield Heritage Village
- \$2,500 for Tribute Benches
- \$2,043 for Environmental Education
- \$1,550 for the Area of Greatest Need Fund

- \$800 for Tree and Shrub planting
- The remaining \$1,605 was donated to the Dundas Valley CA Fund, the Dundas Valley Trails Fund, the Trail Development Fund and Land Securement

This brings our fiscal year-to-date (Dec 2020 to Mar 2021) fundraising total to **\$81,821**. This total is somewhat below the same period last year, but we are expecting to see a positive change to these numbers in the next few months as corporate donors are starting to re-engage.

As part of our strategic planning, using completed HCA master plans, and with the assistance of HCA staff, the Foundation has now identified a number of projects to focus its active fundraising efforts. These include Environmental Education, the Saltfleet Wetland Restoration, Fifty Point Fisheries Enhancement, Trails and Locomotive Tender improvements at Westfield, and the Lookout Tower at Valens Conservation Area. A more comprehensive list of all projects that require funding has also been created to allow us to respond to donor interests as they arise.

Margaret added that she plans to raise the natural heritage offsetting policy at the upcoming meeting for the Foundation Board of Directors as there is the potential to negatively affect donors.

BD12, 2875 **MOVED BY: Santina Moccio**
SECONDED BY: Brad Clark

THAT the Foundation Chairman's Report be received as information.

CARRIED

8:58 Chad left the meeting.

9. Other Staff Reports/Memoranda

9.1. Watershed Conditions Report

Scott Peck presented a summary of the memorandum advising the conditions are similar to last month. We are not in a drought conditions, however we are below the long-term average conditions in our watercourses. The Lake Ontario levels are also 18 cm below the long-term average for this time of year.

BD12, 2876 **MOVED BY: Santina Moccio**
SECONDED BY: Cynthia Janzen

THAT the memorandum entitled Watershed Conditions Report be received as information.

CARRIED**9.2. Conservation Areas Experiences Update**

Gord Costie provided a verbal update, advising that visitation rates remain high across all Conservation Areas. Private security will be on site at select areas to assist with visitor and parking management on the Easter long weekend. He commended the efforts of staff to maintain service levels and operations with the continued high visitation.

Lloyd Ferguson advised that the City of Hamilton Council approved the special enforcement area with increased parking fines for the areas surrounding Tiffany Falls and Sherman Falls.

Esther Pauls inquired about physical distancing within the Conservation Areas and on trails. Gord responded that our signage is still in place asking people to stay the appropriate distance apart. He noted the limited number of parking spaces also assists with managing the number of visitors. In addition, staff are directed to contact the City of Hamilton by-law enforcement staff to report issues with physical distancing.

BD12, 2877**MOVED BY: Santina Moccio
SECONDED BY: Dan Bowman****THAT the verbal update on the Conservation Areas Experiences be received as information.****CARRIED****10. New Business**

There was none.

11. In-Camera Items for Matters of Law, Personnel and Property

There were none.

12. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, May 6, 2021 at 7:00 p.m.

13. Adjournment

On motion, the meeting adjourned.



Neil McDougall
Secretary-Treasurer