

Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

November 5, 2020

Minutes of the Board of Directors meeting held on Thursday, November 5, 2020, at 7:00 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:

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

OTHERS: None

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. The Chair advised of an additional item of correspondence for the consent agenda from Stefan Savelli, relating to the delegation at the October 1st meeting and item 9.1 on the agenda. The letter was added as item 5.6.

BD12, 2816**MOVED BY: Santina Moccio
SECONDED BY: Dan Bowman****THAT the agenda be approved.****CARRIED****4. Delegations****4.1. Proposed Enbridge Gas Pipeline – Brody Robinmeyer, Hamilton 350 Committee**

Brody Robinmeyer, representing Hamilton 350, spoke regarding the proposed Enbridge Gas Kirkwall-Hamilton pipeline expansion. He thanked HCA for requiring a peer reviewed Environmental Impact Statement before granting an expansion of the pipeline easement and for sharing information with the public. He expressed environmental concerns with pipelines and offered thoughts on future public engagement for pipeline approval processes. The Chair thanked Brody for his presentation.

BD12, 2817**MOVED BY: Susan Fielding
SECONDED BY: Brad Clark****THAT the presentation by Brody Robinmeyer, of the
Hamilton 350 Committee, be received as information.****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 – October 1, 2020
- 5.3. Approved March 12, 2020 Conservation Advisory Board Minutes – for receipt only
- 5.4. Correspondence dated October 9, 2020 from Dundas Rides regarding Hamilton to Brantford Rail Trail
- 5.5. Correspondence dated October 22, 2020 from Enbridge Gas Inc regarding 2021 Dawn Parkway Expansion Projects – Project Status Report (Withdrawal)

8.2. Foundation Chairman's Remarks

Margaret Reid presented on the following:

Donations

We received a total of **\$8,938** in donations from October 1st to 31st. They break down as follows:

- \$5,527 to the Area of Greatest Need Fund
- \$2,911 to the Fifty Point CA Fund from boat auction proceeds
- The remaining \$500 was donated to support land acquisition, Westfield Heritage Village, our Tribute Tree Fund and Outdoor Environmental Education.

This brings our **Fiscal Year-to-Date (Dec 1, 2019 to October 31, 2020) total to \$253,905.**

The Foundation's Fall Appeal has gone out to past donors, friends and all Board Members. Please consider responding to the appeal with a gift.

We successfully completed two outdoor events that were postponed from the Spring – a volunteer planting at Fifty Point Conservation Area, funded by the Hamilton-Oshawa Port Authority and a clean up on the Rail Trail, funded by The Great Trail and The Great Outdoor Fund. The planting added 345 shrubs and trees and 300 grasses to HCA's shoreline restoration and habitat enhancement efforts; while the clean-up resulted in over 600 lbs of garbage collected.

BD12, 2819

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

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

CARRIED

9. Other Staff Reports/Memoranda

9.1. Natural Heritage Offsetting/Compensation Policies at Conservation Authorities Review

Scott Peck presented a summary of the report and answered the members' questions.

B. Clark shared his experience with wetland offsets as a member of the Board of Directors for Niagara Peninsula Conservation Authority. He expressed concerns with such policies to relocate wetlands. He advised that there has been public

opposition to the practice. He strongly recommended engagement with the community prior to developing the policy. He also indicated he would be opposed to a future policy.

Scott advised that HCA will consult with the province, municipal partners, and the public, on any proposed policy.

C. Janzen sought clarification from B. Clark as to if his opposition was to the specific development proposal at 140 Garner Road or the policy in general. B. Clark confirmed his opposition to the policy in general.

BD12, 2820

**MOVED BY: Santina Moccio
SECONDED BY: Tom Jackson**

THAT the Board of Directors direct staff to review and develop natural heritage offsetting policy to be included in the Hamilton Conservation Authority's Planning & Regulation Policies and Guidelines document.

CARRIED

B. Clark, S. Fielding and C. Janzen recorded as opposed.

9.2. Fifty Point Shoreline Repair Tender Results

Matt Hall presented a summary of the report advising the recommended contractor is the lowest bid and is a company that HCA has significant experience with.

D. Bowman inquired about the adequacy of the contingency fund, given the complexity of the project. Matt responded that we typically plan for a 10% contingency fund. The design consultant conservatively estimated the costs and staff have opted for a 5% contingency. The design will use a significant amount of armour stone that is existing on-site. The proposed costs are primarily for equipment, rather than materials. Staff are comfortable with the 5% contingency.

T. Jackson asked about the decision for HCA staff to complete Area 3 of the project, whereas Areas 1 and 2 will be completed by the contractor. Matt explained Area 3 is smaller and less difficult work. Areas 1 and 2 require specialized skills and larger equipment.

T. Jackson also asked if staff have concerns with the significant variation in the returned bids. Matt answered that the contractors have significant experience with this type of project and staff have confidence they will be able to complete the project for the proposed cost.

BD12, 2821**MOVED BY: Cynthia Janzen
SECONDED BY: Chad Collins**

THAT the construction tender for the Fifty Point Shoreline Rehabilitation Project, be awarded to R&M Construction Inc. for a total cost of \$631,846.85 which includes a contingency sum and HST.

CARRIED

Brad Clark left the meeting due to another engagement.

9.3. Designation of Provincial Offences Officers

Gord Costie presented a summary of the report, highlighting the roles of Provincial Offences Officers at HCA and both staff member's qualifications for the designation.

BD12, 2822**MOVED BY: Santina Moccio
SECONDED BY: Dan Bowman**

THAT the HCA Board of Directors endorse the designation of Evan McKnight, Assistant Superintendent of Valens Lake Conservation Area and Jonathan Roberts, Assistant Superintendent of Confederation Beach Park as Provincial Offences Officers to enforce Section 29 of the Conservation Authorities Act.

CARRIED

9.4. Current Watershed Conditions as of October 21, 2020

Scott Peck presented a summary of the memorandum, highlighting that the watershed continues to be in a Level 1 low water condition. Lake Ontario is slightly high. We are not experiencing any riverine or Lake Ontario flooding.

Levels in both the Christie Lake and Valens Lake reservoirs are low due to the dry summer. Levels in both reservoirs are currently being gradually further drawn down to winter operating levels. The draw down is also providing supplemental flow to Lower Spencer Creek during the salmon spawning season.

BD12, 2823**MOVED BY: Santina Moccio
SECONDED BY: Chad Collins**

THAT the memorandum entitled Current Watershed Conditions as of October 21, 2020 be received as information.

CARRIED

9.5. Conservation Areas Experiences Update

Gord Costie provided a verbal update, advising that visitation is beginning to normalize. Camping at Valens is still above typical numbers. Christie Lake is still seeing solid day-use attendance. The Spencer Gorge reservation system continues to provide sustainable visitor management improvements for the residents, city and visitors. The reservation system closes November 15th. The Dundas Valley and sundry parking areas are still seeing strong visitation. The Breezeway Trail at Confederation Beach Park is very busy, as is typical throughout the year. The boats at Fifty Point have been lifted out of the water for the season. Seasonal camping is closed for the season and nightly camping is open until the end of November. Staff expect high visitation at all areas this weekend with the favourable weather.

L. Ferguson inquired about the status of capital improvements at Wild Waterworks. Matt Hall responded that all improvements are on schedule to be completed by the end of the week. The work has been completed within the allotted budget.

E. Pauls shared that the City of Hamilton will be opening the sports fields at Confederation Beach Park this weekend. C Collins inquired about coordination between HCA and City staff for the operation and maintenance of the area. Gord advised that HCA staff are in regular communication and collaborating with their municipal counterparts. HCA and City staff will be sharing the equipment compound. The City recreation department will manage the sports fields.

C. Collins also raised the future plans for Wild Waterworks. He advised that City staff are discussing recommendations from a consultant report outlining possible scenarios for the facility. Challenges with regard to planning for 2021 operations, due to pandemic-related uncertainties, were discussed. Lisa Burnside advised that HCA will be bringing an operating scenario to the HCA/City Park Management Review Team. At this time, and assuming the facility is permitted to open under provincial regulations, staff are preparing an operating budget based on full reopening, with increased costs for safety protocols. This will be revisited in the coming months to determine if other operating scenarios need to be considered and presented to the city as anything other than full operations will run a deficit that the city will have to cover and they will need to determine what level of deficit they can absorb versus the cost of closure. It was noted that weather is also a factor in annual visitation that can impact revenues. Staff are hopeful the provincial or federal government will provide grants to assist tourism-based organizations

affected by the pandemic. C Collins asked that staff bring an operating update to the December board meeting.

L. Ferguson shared that he recently visited Spencer Gorge Conservation Area and congratulated staff on the implementation of the reservation system pilot project.

BD12, 2824

**MOVED BY: Maria Topalovic
SECONDED BY: Esther Pauls**

THAT the verbal update on the Conservation Areas Experiences be received as information.

CARRIED

10. New Business

L. Ferguson shared with the members that he has submitted an op-ed piece to the Hamilton Spectator outlining the successes of HCA over the past several months. He thanked Cynthia and staff for their assistance in drafting the letter. The article is on the Spectator's website now and will be published in the Saturday paper.

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

BD12, 2825

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

THAT the Board of Directors moves *in camera* for matters of law, personnel and property.

CARRIED

During the *in camera* session, one property matter and one personnel matter were discussed.

11.1. Confidential Report – BD/Nov 01-2020

Scott Peck provided a summary of the report regarding a property matter and answered the members' questions.

BD12, 2826

**MOVED BY: Jim Cimba
SECONDED BY: Susan Fielding**

THAT the confidential report entitled BD/Nov 01-2020, as amended, be approved and remain in camera

CARRIED

11.2. Confidential Report – BD/Nov 02-2020

L. Ferguson provided a summary of the memorandum regarding a personnel matter and answered the members' questions.

BD12, 2827

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

THAT the confidential memorandum entitled BD/Nov 02-2020 be received and remain in camera.

CARRIED

BD12, 2828

**MOVED BY: Cynthia Janzen
SECONDED BY: Santina Moccio**

THAT the Board of Directors moves out of *in camera*.

CARRIED

12. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, December 3, 2020 at 7:00 p.m.

13. Adjournment

On motion, the meeting adjourned.



Neil McDougall
Secretary-Treasurer