



Conservation Advisory Board Meeting

Addendum

Thursday, June 10, 2021 at 4:00 p.m.

This meeting will be held by WebEx videoconference.

**The meeting can be viewed live on HCA's You Tube Channel:
<https://www.youtube.com/user/HamiltonConservation>**

8. Correspondence

8.1. Item of correspondence respecting 140 Garner Road East, Ancaster, dated June 2, 2021

From: [Erin Davis](#)
To: nature; [Jaime Tellier](#); [Ferguson, Lloyd](#); [REDACTED]
Cc: [REDACTED]; Chad.Collins@hamilton.ca; [Susan Fielding](mailto:Susan.Fielding); brad.gautreau; [Bishop, Kathy](mailto:Bishop.Kathy); tom.jackson@hamilton.ca; esther.pauls@hamilton.ca; [Clark, Brad](mailto:Clark.Brad); maria.pearson@hamilton.ca; [REDACTED]; [Terryberry, Wayne](mailto:Terryberry.Wayne); [REDACTED]; Hamilton350@riseup.net; [Nancy Hurst](#); [PAWS PAWS](#); [Lisa Burnside](#)
Subject: Protect Wetlands! Do not pave over 140 Garner Rd. E : the headwaters of Ancaster Creek
Date: June 2, 2021 2:07:56 PM
Attachments: [Restrictive Covenants Ancaster Wells 2019 Title Search HCA in violation of law.pdf](#)
[aug 23 MOH internal document NO Health Order.pdf](#)

Greetings Jaime, Maria (Advisory Chair) , Lloyd (Board Chair) et al,

I understand that on June 3rd the Hamilton Conservation Board of Directors will be hearing a proposal to pave over the Headwaters Wetland of Ancaster Creek, and a pumpkin patch at 140 Garner Rd. E in order, to make way for some warehouses.

I understand Jaime, you have received over 70 letters from the public opposing this development proposal at 140 Garner Rd. E Ancaster including that of Thomas Beckett. (one of the Founding Fathers of HCA)

I ask that you ensure ALL voting members receive this email, along with the others received and yet to be received be emailed to :

- 1 - every voting member of the HCA Board of Directors before June 3rd 2021 and the vote.
- 2 - every member of the Advisory Board
- 3 - and be made available to the public via the meeting notes on your website, including all attachments.

My reason for this ask is shared at the bottom of this message.

Why is the proposal to destroy a Wetland even an issue to be considered? Isn't the HCA part of the legislative branch that oversees ALL watershed issues within its jurisdiction? I ask that each voting board member *lead with your conscience*, and vote 'no' to this absurd application proposal. There are whispers that the HCA Board members, specifically Lloyd Ferguson and other councillors, who are to represent the public, are considering accepting this development. **The role of the HCA is mandated to protect and conserve our environment, not open it up for development.**

Isn't the mandate of conservation to protect such lands? I ask each and everyone of you to help your fellow member rise up, and vote unequivocally 'no' to this development proposal. 140 Garner Rd. E isn't just any wetland, it is the headwaters of Ancaster Creek. It is a most precious and locally significant wetland on Ancaster farmland. How can anyone think a warehouse is comparable?

What is the role of a conservation if not to protect our water at its source? The headwaters to Ancaster creek that meanders through Ancaster, Dundas and Hamilton is clean water that contributes to the healthy ecosystem throughout it's reaches, all the way down to cootes, which ultimately leads to our drinking water. Does it not go through CA lands as it meanders?

Have you really thought this through? I trust the input you have received to date shares several reasons why this is NOT the right decision for these lands.

Again, I ask that all members of the Advisory Board and the Board of Directors hold each

other accountable and vote 'NO' to this developer's proposals to destroying these significant Ancaster Creek Headwaters' Wetlands. This is greed at it's finest as well as a lack of leadership.

The reason that I ask that all parties receive this email and it's attachment, and all other communications BEFORE June 3rd meeting, is simply due to my past experience with the unlawful sequester of Ancaster Wells in 2017:

There was NO health order provided, and remains to be NO health order on that water source, (FOIA requests received in 2019 show this) . Secondly, there is a restrictive covenant on title of Ancaster Wells that should have prohibited the decision of HCA staff, Advisory and Board, and should have resulted in keeping the Ancaster Wells open and FREE access to the public in perpetuity as per the legal conditions on title. (see attached) Both documents were withheld from the HCA Board members (Advisory and BoD).

Please confirm receipt of this email and that you will add my objection to the record and have my objection included in any further meetings regarding this important environmental decision. Thank you

Let's step up and correct the wrongs of the past, and stay on track doing the right thing.

Regards

Erin L Davis

"Inspired Solutions. Principled Results. For the People"

cell: [REDACTED]

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Ontario ServiceOntario

PARCEL REGISER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND REGISTRY OFFICE #62
17446-0004 (17)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN GROUP GRANT *

PAGE 2 OF 2
PREPARED FOR sbrcm01
ON 2019/01/02 AT 14:17:20

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHRD
1998/10/13	RESERVE COPY ANNEX			THE CORPORATION OF THE TOWN OF AMSTER	Hamilton Region Conservation Authority	

Restrictive covenants on file.

This is 2nd page of 2.

NOTE: FOLLOWING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE EXCEED THEM ALL OF.

FOR OFFICE USE ONLY

52503
LTS25035
198 OCT 13 15 57

(1) Registry Land Titles (2) Page 1 of 3 pages

(3) Property Identifier(s) Block Property
17446-0004 (LT) Additional: See Schedule

(4) Consideration
FIFTY-FIVE THOUSAND --- Dollars \$ 55,000.00

(5) Description This is a Property Division Property Consolidation
Part of Lot 41, Concession 1,
in the Town of Ancaster, in the
Regional Municipality of Hamilton-Wentworth
as described in VM150487;
subject to AB146681, AB337991, HL303384.

Executions
C. Wade Additional: See Schedule

(6) This Document Contains (a) Redescription New Easement Plan/Sketch (b) Schedule for: Description Additional Parties Other (7) Interest/Estate Transferred Fee Simple

(8) Transferor(s) The transferor hereby transfers the land to the transferee and the parties hereto agree to the Restrictive Covenants contained in the Schedule attached hereto.

Name(s) THE CORPORATION OF THE TOWN OF ANCASTER
I HAVE THE AUTHORITY TO BIND THE CORPORATION

Signature(s) Per: *Robert E. Wade*
Robert E. Wade, Mayor

Date of Signature Y M D 1998 09 25

Per: *Patricia Sweeney*
Patricia Sweeney, Clerk
Treasurer

Date of Signature Y M D 1998 09 21

(9) Spouse(s) of Transferor(s) I hereby consent to this transaction

Name(s) Signature(s) Date of Signature Y M D

(10) Transferor(s) Address for Service 300 Wilson Street East, Ancaster, Ontario L9G 2B9

(11) Transferee(s)

HAMILTON REGION CONSERVATION AUTHORITY

Per: *R. E. Powers*
R. E. Powers, Chairman

Date of Birth Y M D 1980 10 1

Per: *B. W. Vanderbrug*
B. W. Vanderbrug, General Manager

Date of Signature Y M D 1998 09 30

(12) Transferee(s) Address for Service P.O. Box 7099, 838 Mineral Springs Road, Ancaster, Ontario L9G 3L3

(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 49 of the Planning Act, 1963

Signature Date of Signature Y M D

Solicitor for Transferor(s) I have explained the effect of section 49 of the Planning Act, 1963 to the transferor and I have made inquiries of the transferor to determine that this transfer does not contravene that section and based on the information supplied by the transferor, to the best of my knowledge and belief, this transfer does not contravene that section. I am an Ontario solicitor in good standing.

Name and Address of Solicitor Signature Date of Signature Y M D

(14) Solicitor for Transferee(s) I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in subclause 49 (21a) (c) (iv) of the Planning Act, 1963 and that to the best of my knowledge and belief this transfer does not contravene section 49 of the Planning Act 1963 I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

Name and Address of Solicitor Signature Date of Signature Y M D

(15) Assessment Roll Number of Property City 25 Mun 14 Map 100 Sub 130 Par 38400

(16) Municipal Address of Property 1109 Sulphur Springs Road Ancaster, Ontario

(17) Document Prepared by: LEE A. PINELLI Barristers & Solicitors 1403-1 King Street West HAMILTON, Ontario L8P 1A4

FOR OFFICE USE ONLY

Fees and Tax	
Registration Fee	50.00
Land Transfer Tax	275.00
<i>RTC</i>	50.00
Total	375.00

Additional Property Identifier(s) and/or Other Information

WHEREAS it is recognized that it is appropriate that there be certain restrictions placed on the lands being transferred herein, the Transferor and Transferee covenant and agree as follows:

1. That the Transferee will maintain in perpetuity continued public access to well number 8, located on the lands being transferred herein;
2. That the Transferee will not charge a user fee for public access to the water supply available at well number 8, but may, instead, install a voluntary contribution box at or in the vicinity of well number 8; and
3. The Transferee assumes all responsibility and liability, if any, related to the water supply produced by well number 8.

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From: Richardson, Dr. Elizabeth
Sent: August-23-17 11:04 AM
To: Ferguson, Lloyd;
Cc: Pasuta, Robert; McDonald, Kevin; Mathews, Eric; McKinnon, Dan; Edwards, Debbie
Subject: Re: Arsenic treatment at rural well - Saturday August 19, 2017

Good morning

Thanks for copying me on the email

. Just to clarify, there is no order regarding this well. Health Canada has given notice that their scientific review regarding arsenic supports lowering the acceptable level of arsenic in drinking water based on the risk of Health effects. This will come in effect January 1st 2018.

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610.

Elizabeth Richardson
 Medical Officer of Health
 Hamilton Public Health Services
 905 546 2424 x3501

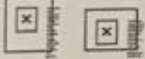
From: Ferguson, Lloyd
Sent: Tuesday, August 22, 2017 11:28 PM
To: Laurie & Brenda?
Cc: Richardson, Dr. Elizabeth; Pasuta, Robert
Subject: RE: Arsenic treatment at rural well - Saturday August 19, 2017

The Medical Officer of Health under instructions from the Province has ordered the well closed.

I have forwarded your information to Dr Richardson our Medical Officer of Health and her staff are reviewing it.

Thanks for your research.

Councillor Lloyd Ferguson
 Ward 12 Ancaster
 905-546-2704
<http://www.hamilton.ca>



The lobbying of members of the City of Hamilton's Mayor, Council and Senior Management Team are subject to the City's Lobbyist By-Law. It's the responsibility of lobbyists to register their lobbying activity. For more information about the Lobbyist Registry, please visit www.hamilton.ca/lobbyistregistry

From:
Sent: August-22-17 7:51 AM
To: Ferguson, Lloyd;
Cc: Pasuta, Robert
Subject: Re: Arsenic treatment at rural well - Saturday August 19, 2017

Dear Lloyd Ferguson
 Thank you for the speedy reply.
 Just who, has ordered the closure of the well?
 According to the provinces' own legislation,
 as long as the water is labeled "table" or "bottled",

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