

# Hamilton Region Conservation Authority

## Minutes

### Board of Directors Meeting

**October 6, 2022**

Minutes of the Board of Directors meeting held on Thursday, October 6, 2022 at 6:00 p.m., at the HCA main office, 838 Mineral Springs Road, in Ancaster, by an in-person and videoconference hybrid format and livestreamed via YouTube.

**PRESENT:**            **Lloyd Ferguson – in the Chair**  
                         **Dan Bowman                            Jim Cimba**  
                         **Susan Fielding (Webex)   Cynthia Janzen**  
                         **Maria Topalovic**

**Jennifer Stebbing – Foundation Chair (Webex)**

**REGRETS:**            **Brad Clark, Tom Jackson, Santina Moccio, Esther Pauls,**  
                         **Russ Powers**

**STAFF PRESENT:** **Lisa Burnside, Grace Correia, Gord Costie, Scott Fleming, Matt Hall, Bruce Harschnitz, Jaime Tellier, and Nancy Watts**  
**Jonathan Bastien, Scott Peck, Elizabeth Reimer, Mike Stone**  
**(Webex)**

**OTHERS:**            **Bhaskar Joshi (Webex)**

*NOTE: For clarity, the minutes are reported in the original agenda order.*

#### **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 advised that item 8.1 will need to be postponed to the following meeting. In addition, it was noted two in-camera items were to be added regarding one legal matter and one property matter.

**BD12, 3098**

**MOVED BY: Jim Cimba**

**SECONDED BY: Maria Topalovic**

**THAT the agenda be approved, as amended.**

**CARRIED**

### 4. Delegations

There were none.

### 5. Section 28 Hearing

5.1. 62 Lake Avenue North, Stoney Creek - Permit Application No. SC/C/22/51

**BD12, 3099**

**MOVED BY: Cynthia Janzen**

**SECONDED BY: Dan Bowman**

**THAT the Board of Directors sit as the Hearing Board.**

**CARRIED**

The hearing procedures were reviewed.

Elizabeth Reimer presented the staff report. Bhaskar Joshi presented on his own behalf. The applicant proposed development of a secondary dwelling unit in an existing single residence in a regulated area of Battlefield Creek. Staff were unable to support the application as the proposed development does not comply with HCA policy. HCA policies do not permit interior renovations to buildings in the floodplain that would increase the number of dwelling units in the building, as it would increase the number of households that are at risk of flooding. The applicant commented that he was unaware that the property is regulated for development by HCA at the time of purchase and has been working to create the apartment legally. He noted the house is on a hill and may not be subject to as significant flooding as other nearby properties.

**BD12, 3100****MOVED BY: Cynthia Janzen  
SECONDED BY: Maria Topalovic****THAT Hearing Board moves *in camera*.****CARRIED**

**During the *in-camera* session, the hearing board deliberated on the application. A motion, BD12, 3101, was carried culminating in a decision.**

**BD12, 3102****MOVED BY: Maria Topalovic  
SECONDED BY: Jim Cimba****THAT the Board of Directors moves out of *in camera*.****CARRIED**

The Chair announced the decision to issue the permit.

**BD12, 3101****MOVED BY: Dan Bowman  
SECONDED BY: Jim Cimba****THAT the application be approved as the risk to public safety is minor as set out in provincial policy. Subject to standard conditions and that the applicant enter into a save harmless agreement with HCA, its officers and directors, and that it be registered on title.****CARRIED**

## **6. Consent Items for Applications, Minutes and Correspondence**

The following consent items were adopted:

- 6.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 6.2. Approval of Board of Directors Minutes – September 1, 2022

- 6.3. Approved August 18, 2022 Budget & Administration Committee Minutes – for receipt only
- 6.4. Email from Ministry of Natural Resources and Forestry confirming receipt of HCA Application to Renew Exceptions for Chair and Vice-Chair Provisions of the Conservation Authorities Act, dated September 20, 2022

## 7. Foundation Briefing

Jennifer Stebbing reported on the following:

### Donations

The Foundation received a total of **\$28,006** in donations from September 1<sup>st</sup> to September 30<sup>th</sup>, 2022. They break down as follows:

- \$20,417 to the Environmental Education Fund
- \$3,000 to our Benches Fund for a memorial bench to be dedicated in Dundas Valley
- \$2,040 to the Foundation's Area of Greatest Need Fund

The remaining \$2,549 was directed to various projects, including the Tribute Tree Fund, Dundas Valley Fund, and Westfield in support of the locomotive restoration. This brings the fiscal year-to-date fundraising total to **\$697,991**, which is 84% of the goal.

### Fall Appeal

The Fall appeal will be mailed later this month. This appeal invites past donors and members of CAB as well as both HCA and Foundation Boards to make a gift to the Foundation's Area of Greatest Need Fund.

**BD12, 3103**

**MOVED BY: Cynthia Janzen  
SECONDED BY: Maria Topalovic**

**THAT the Foundation Briefing be received.**

**CARRIED**

## 8. Member Briefing

### 8.1. Eramosa Karst Conservation Area Trail Guide Application

This item was postponed to a later date.

## 9. Business Arising from the Minutes

### 9.1. HCA Quarterly Report #2 to MNRF – O. Reg. 687/21

Lisa Burnside presented a summary of the memorandum regarding the second quarterly report to the Ministry of the Natural Resources and Forestry (MNRF) on HCA's programs and services inventory required as a result of recent changes to the Conservation Authorities Act. The report outlines the consultation steps that have been undertaken to-date with the City of Hamilton and Township of Puslinch. To-date, the draft inventory has been well received and there have been no formal comments or concerns on the service areas and program areas included. The municipalities continue their internal reviews of the inventory. HCA staff have had informal discussions with City of Hamilton staff regarding Category 2 and 3 programs and services which will require (Memorandums of Understanding (MOUs) and agreements. Staff will continue to work toward finalizing the inventory and bringing forward agreements in an effort to execute MOUs in 2023.

**BD12, 3104**

**MOVED BY: Cynthia Janzen  
SECONDED BY: Maria Topalovic**

**THAT the memorandum entitled HCA Quarterly Report #2 to MNRF – O. Reg. 687/21 be received.**

**CARRIED**

## 10. Reports from Budget & Administration Committee and Conservation Advisory Board

### 10.1. Budget and Administration Committee – September 15, 2022 (Recommendations)

#### 10.1.1. BA 2236 2023 Capital Budget

Scott Fleming presented the 2023 Capital Budget. Funding for capital projects and major maintenance is requested from the City of Hamilton Public Works Department under their block funding program. HCA is requesting block funding of \$2 million dollars and additionally, will utilize \$300,000 from the HCA unplanned capital reserve for one project. HCA has held this block funding request at \$2M since 2009, despite inflation continuing to impact the purchasing power of these funds. The block funding request is divided between Special Projects and Major Maintenance. Special Projects are further broken down into four groups: Safety and Legislation, Revenue Increase / Cost Reduction, Maintenance of Viability, and Strategic Priorities. Details of specific projects were noted.

Board members suggested and discussed that the \$300,000.00 from reserve capital funds for the replacement of a retaining wall on the Ancaster Well site be added to the capital budget block funding request to the City of Hamilton for a total budget of \$2.3M.

**BD12, 3105**                    **MOVED BY: Lloyd Ferguson**  
**SECONDED BY: Jim Cimba**

**THAT the 2023 Capital Budget request as presented herein, be amended to add \$300,000.00 for the replacement of a retaining wall on the Ancaster Well site, and be approved and submitted to the City of Hamilton for consideration and be included in their block funding budget of 2023.**

**CARRIED**

10.1.2. BA 2238 Administrative Bylaw review – Ability to Chair Hybrid Meetings

Lisa Burnside summarized a staff report to address a clause in HCA's Administrative By-law noting no person participating in a meeting electronically shall chair a meeting of the Board of Directors unless the meeting is held in its entirety by telephonic or electronic means. This section of the by-law had not been updated to reflect the evolution in technology in the main office auditorium that now provides for hybrid participation by all members. It was noted hybrid meetings provide greater accessibility.

**BD12, 3106**                    **MOVED BY: Susan Fielding**  
**SECONDED BY: Jim Cimba**

**THAT the B&A recommends to the Board of Directors that the HCA administrative bylaw be amended to permit any member of the Board of Directors or advisory committee participating electronically to Chair a hybrid meeting.**

**CARRIED**

## **11. Other Staff Reports/Memoranda**

### 11.1. Valens Lake Campground Expansion Request for Proposal

Matt Hall presented a summary of the staff report advising of a number of reports, studies and plans required for a Site Plan Amendment application to the City of Hamilton to facilitate the campground expansion at Valens Lake CA. A Request for Proposal (RFP) was advertised to hire a multi-disciplinary planning firm to provide the necessary professional services to complete this work. A.J. Clarke & Associates Ltd. was the only company to express interest in the project; other companies contacted were unable to take on the project at this time. It was noted that A.J. Clarke is a well-known local planning, engineering and surveying firm. Wide-spread challenges obtaining multiple quotations and retaining consultants due to time and workload constraints were discussed.

**BD12, 3107**

**MOVED BY: Cynthia Janzen  
SECONDED BY: Jim Cimba**

**THAT the Request for Proposal submitted by A.J. Clarke & Associates Ltd. For Site Plan Amendment Professional Services for Campground Expansion at Valens Lake Conservation Area; be approved for a total estimated cost of \$138,360.00 (before taxes).**

**CARRIED**

*Bhaskar Joshi entered the meeting.*

### 11.2. Watershed Conditions Report

Jonathan Bastien presented a summary of the memorandum, noting there has been no recent significant watercourse or Lake Ontario shoreline flooding events. Current flows are at to slightly above recent base flow conditions, however average monthly flows have been significantly below the long-term average. The Lake Ontario mean daily water level is currently approximately 22cm below average for this time of year.

The Christie Lake water levels are well below the preferred summer operating levels. Water is being slowly released to maintain minimum flows for ecological health in Lower Spencer Creek. Staff continue to monitor and manage the levels and dam outflows. The Valens Lake water levels are slightly below preferred summer operating levels.

There are currently no significant rainfall events forecasted for the watershed for the next two weeks. No significant Lake Ontario flooding is expected.

The Hamilton Low Water Response Team declared a Level 1 Low Water Condition for the entire HCA watershed on July 28<sup>th</sup>. An updated drought assessment indicated that Level 1 or Level 2 Low Water Conditions could both be considered an appropriate overall characterization of the watershed. Therefore, HCA suggested deferring a decision on declaring Level 2 Low Water Conditions until the next scheduled assessment.

**BD12, 3108**

**MOVED BY: Dan Bowman  
SECONDED BY: Maria Topalovic**

**THAT the memorandum entitled Watershed Conditions Report be received.**

**CARRIED**

### 11.3. Conservation Areas Experiences Update

Gord Costie provided a verbal update, highlighting the Conservation Authorities are anticipating and preparing for, heavy visitation this Thanksgiving weekend and Fall season. Both Dundas Valley and Christie Lake CA's are busy with visitors for the Fall colours. Tiffany Falls Conservation Area will also be reopening soon, following the construction along Wilson Street and improvements to the parking lot. The Devil's Punchbowl has also reopened. Fifty Point CA has begun to lift boats out of the water for the season. Valens Lake reported 161 campsite reservations for the Thanksgiving long weekend. Dundas Peak is sold out for the long weekend, and Webster Falls is also near sold out. The reservation system has been successful in managing visitation to the Greensville area. The Chair thanked staff for the preparations for the Ancaster Stroll event in the Dundas Valley.

**BD12, 3109**

**MOVED BY: Maria Topalovic  
SECONDED BY: Cynthia Janzen**

**THAT the verbal update on the Conservation Areas Experiences be received.**

**CARRIED**

## **12. New Business**

There was none.

## **13. In-Camera Items**



**BD12, 3110****MOVED BY: Jim Cimba  
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, two legal matters and one property matter were discussed.**

13.1. Confidential Verbal Update – BD/Oct 01-2022  
Legal Matter – follow up

Lisa Burnside provided a verbal update regarding a legal matter and answered the members' questions.

13.2. Confidential Verbal Update – BD/Oct 02-2022  
Legal Matter Follow Up

Lisa Burnside provided a verbal update regarding a legal matter and answered the members' questions.

13.3. Confidential Verbal Update – BD/Oct 03-2022  
Property Matter –

Lisa Burnside provided a verbal update regarding a property matter and answered the members' questions.

**BD12, 3111****MOVED BY: Maria Topalovic  
SECONDED BY: Jim Cimba****THAT the Board of Directors moves out of *in camera*.****CARRIED**

Lloyd Ferguson announced this would be his last in person meeting before his retirement. He thanked the Board and staff for the privilege to Chair the Board of Directors for the past four years.

**14. Next Meeting**

The next meeting of the Board of Directors will be held on Thursday, November 3, 2022 at 7:00 p.m.

**15. Adjournment**

On motion, the meeting adjourned.



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Scott Fleming  
Secretary-Treasurer