

Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

September 5, 2024

Minutes of the Board of Directors meeting held on Thursday, Date, 2024 at 6:00 p.m., at the HCA main office, 838 Mineral Springs Road, in Ancaster, and livestreamed on YouTube.

PRESENT: **Brad Clark – in the Chair**
 Craig Cassar
 Susan Fielding **Brian McHattie (virtual)**
 Wayne Terryberry (virtual) **Alex Wilson (virtual)**

Kathy Lacasse – Foundation Chair

REGRETS: **Jeff Beattie, Lisa DiCesare, Matt Francis, Mike Spadafora and Maureen Wilson**

STAFF PRESENT: **Jonathan Bastien, Lisa Burnside, Gord Costie, Marlene Ferreira, Scott Fleming, Liam Fletcher, Matt Hall, Amanda Martin, Scott Peck, Mike Stone, Jaime Tellier, Sandra Winninger and Kasia Zgurzynski**

OTHERS: **Penny Alalouf, Matteo Ciavarella, Erin Davis, Thomas Kleinschmidt, Joel Moran, Arlene Slocombe in addition to members of the public**

1. Call to Order

The Chair called the meeting to order and welcomed everyone present. HCA's Indigenous Land Acknowledgement was read.

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 to two addendums to the agenda: additional item of correspondence regarding the Ancaster Wells to be added as 5.6v; a staff report on Green Municipal Fund Application, to be added as 10.4. Additionally, one legal matter item to be discussed in camera under item 12.3.

Approval was also sought for additional delegation request from Thomas Kleinschmidt, Penny Alalouf, Joel Moran and Matteo Ciavarella. They will be listed as items 4.3, 4.4, 4.5 and 4.6 respectively.

BD12, 3380

**MOVED BY: Craig Cassar
SECONDED BY: Susan Fielding**

THAT the agenda be approved, as amended.

CARRIED

4. Delegations

4.1. Erin Davis

Erin Davis provided a presentation on the Ancaster Wells and outlined her concerns with its temporary closure.

4.2 Arlene Slocombe

Arlene Slocombe, executive director of Wellington Water Watchers expressed concern regarding the limited public access at Ancaster Wells and potential privatization/commercialization of the Wells.

Councillor Alex Wilson sought clarification on the concern raised regarding the privatization of the Ancaster Wells. Ms Slocombe indicated that Water Watchers fielded phone calls from concerned citizens regarding this issue, which led her to present these apprehensions to the Board of Directors. Wayne Terryberry added that privatization of the Wells has not be mentioned in any board meetings that he has attended.

4.3 Thomas Kleinschmidt

Thomas Kleinschmidt provided a handout to members and expressed concern about the confusing information surrounding the Ancaster Wells as well as the provincial regulations that threatened the public's access to the artesian Wells.

4.4 Penny Alalouf

Penny Alalouf expressed concerns regarding how the HCA has handled the

Ancaster Well site with respect to public access, potential privatization and testing of well water as per the Provincial regulations.

4.5 Joel Moran

Joel Moran provided a handout and to members and expressed concern with public access to the Ancaster Wells and requested that the public be permitted unrestricted access to the water.

Wayne Terryberry sought clarification on the access to the Wells, noting that access is provided by using the HCA issued swipe card. Joel Moran disputed this statement.

4.6 Matteo Ciavarella

Matteo Ciavarella expressed concern about the future of the wells, asking that access be granted in perpetuity and thanked the Board for allowing him the opportunity to speak.

CAO Lisa Burnside was asked by the Chair to address concerns noted by the delegates. She responded by providing some background of the Ancaster Wells, noting that in 2002, HCA issued a media release advising that an HCA fact-finding committee decided against pursuing a water bottling operation and no further bottling plans have ever been considered by staff or the Board. Vice Chair Susan Fielding indicated she has been a member of the Board of Directors since 2016, as a representative of Puslinch, and that the topic of commodification of the well has never been discussed. Councillor Craig Cassar echoed this statement and expressed concern that this disinformation is being circulated.

Lisa Burnside also clarified the issue around the Public Health Directive regarding the Wells, stating that HCA has a directive from Hamilton Public Health classifying the Ancaster Wells as a small water drinking system and as such, it needed to follow the associated Provincial regulations. She added that the Board of Directors in 2017 worked with Public Health, and a found a way to change the operation of the Wells so that it would no longer be classified as a small water drinking system and public access would be maintained, albeit with some operational adjustments. This information is contained in a fact sheet released at the time.

The issue of the City of Hamilton led construction project around the Ancaster Wells was also addressed; Lisa Burnside noted that during the repairs of bridge number 113 which includes replacement of the culvert and gabion basket retaining wall, it was understood that a complete closure was required for safety, however, city staff found a way to allow partial safe access to the Wells outside of active construction.

BD12, 3381

**MOVED BY: Susan Fielding
SECONDED BY: Craig Cassar**

THAT the information provided by Delegations be received.

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, July 4, 2024 and September 5, 2024
- 5.2. Approval of Board of Directors Minutes – June 6, 2024 and July 4, 2024
- 5.3. Approved April 11, 2024 Conservation Advisory Board Minutes – for receipt only
- 5.4. Approved June 17, 2024 Budget & Administration Committee Minutes – for receipt only
- 5.5. HCA Communication sent to Ancaster Well Passholders dated August 16, 2024
- 5.6. 22 Items, Email Correspondence, with respect to Closure of the Ancaster Wells, labeled a to v
- 5.7. Email Correspondence with respect to 2024 Restoration Project of Sulphur Springs Fountain
- 5.8. Poster - Save the Date – Watershed Steward Appreciation Day

Scott Peck provided clarification on the management of watercourses, noting that the owner of the property was generally responsible for maintenance but a permit to conduct maintenance on a watercourse may be needed, depending on the type of maintenance activity.

6. Foundation Briefing

Kathy Lacasse, Chair of the Foundation, reported that earlier this summer at the June Board of Directors Foundation meeting, the Election of Officers occurred. At the meeting, Kathy Lacasse was elected as the Foundation's new Chair, with Graham Reid continuing in his role as Vice-Chair. Additionally, Paul Keast was appointed as Secretary-Treasurer.

The Foundation received a total of \$48,137 in new donations from July 1st to August 31st 2024. This includes:

- \$20,000 supporting the installation of EV Vehicle Chargers at Woodend Office
- \$15,095 to the Outdoor Environmental Education Fund
- \$7,422 to the Trail Development Fund
- And \$5,620 that was directed to various projects including Memorial Benches, Eramosa Karst CA Fund, and Area of Greatest Need Fund.

This brings the Foundation's fiscal year-to-date fundraising total to \$769,776 which is 96% of the annual goal.

BD12, 3382

**MOVED BY: Alex Wilson
SECONDED BY: Brian McHattie**

THAT the Foundation Briefing be received.

CARRIED

7. Member Briefing

There was none.

8. Business Arising from the Minutes

There was none.

9. Reports from Budget & Administration Committee and Conservation Advisory Board

9.1. Budget & Administration Committee – August 15, 2024 – Susan Fielding
(Recommendations)

9.1.1. BA 2419 Application to Renew Governance Exceptions

Susan Fielding brought forward the staff report advising that HCA has traditionally conducted its Annual General Meeting through democratic elections for Chair and Vice Chair positions. However, governance changes enacted by the Province in 2020 introduced term limits and rotation requirements among participating municipalities unless exceptions were granted. HCA has previously obtained exceptions, which are set to expire at the end of this year, and will require reapplication to continue these democratic elections. Without reapplying, the Act's

provisions will apply to the AGM in February 2025. Staff recommend reapplying for exceptions to ensure clarity for the upcoming AGM and to update administrative bylaws as needed.

BD12, 3383

**MOVED BY: Susan Fielding
SECONDED BY: Alex Wilson**

WHEREAS the governance exceptions that HCA has been granted from the Minister will be expiring at the end of 2024,

THEREFORE, BE IT RESOLVED

THAT the Budget & Administration Committee recommend to the Board of Directors:

THAT HCA reapply to the Minister of Natural Resources requesting an exception to the rotation of the Chair and Vice Chair position to rotate amongst participating municipalities; and further

THAT an exception also be requested to the maximum two consecutive term limits for the position of Chair and Vice Chair to a maximum of four consecutive terms; and further

THAT the exceptions be based on the rationale as provided in the last exception that was approved by the Minister noting HCA's unique board composition, alignment with four-year municipal appointment terms and process of annual democratic election.

RECORDED VOTE:

For:

Brad Clark

Craig Cassar

Susan Fielding

Brian McHattie

Wayne Terryberry

Alex Wilson

Absent

Jeff Beattie

Lisa DiCesare

Matt Francis

Mike Spadafora

Maureen Wilson

CARRIED

9.1.2. BA 2420 2025 Budget Assumptions and Processes

Susan Fielding brought forward the staff report outlining key revenue and expense drivers, indicating that the assumptions will assist staff in developing a draft budget for 2025. The draft budget will be reviewed by the Budget and Administration Committee and the Board of Directors prior to being shared with our two participating municipalities.

Clarification was provided to Board members in response to question posed with respect to hiring additional staff to help with restoration programs on both private and HCA lands. It was noted that the focus of the budget assumptions will be on first year priorities outlined in the new Strategic Plan; for 2025, the focus will be building staff capacity and reviewing internal structures. Staff further noted tremendous work being completed with the new wetland at Fifty Point, continued work on the Saltfleet wetland restoration project, invasive species, landowner stewardship and restoration work noted in our Master plans. Also, it was highlighted that a new contract staff person will be hired to help identify stewardship opportunities, funded through the Canada Ontario Agreement. It was added that in 2026 the HCA will be in a better position to address further new opportunities.

Clarification was also provided for land acquisition, noting that this is a Category 3 program (non-mandatory); funding for this must be self-generated or, a new agreement sought with our participating municipalities.

BD12, 3384

**MOVED BY: Susan Fielding
SECONDED BY: Craig Cassar**

THAT the Budget & Administration recommends to the Board of Directors:

THAT this report be received for information and further;

THAT the budget assumptions for the 2025 Operating and Capital Budgets as identified be approved for use in the development of the 2025 budgets and further;

THAT the 2025 draft budget be reviewed by the Budget and Administration Committee at their September 2024 meeting and brought to the Board of Directors at the October 2024 meeting for approval; and further.

THAT the City of Hamilton and Township of Puslinch be advised 30 days in advance of the of the final budget vote in accordance with the *Conservation Authorities Act* and Ontario Regulation 402/22.

9.1.3. BA 2421 HCA 2025 Fee Schedule

Susan Fielding brought forward the staff report with the proposed increases and policy updates and member's questions were answered.

BD12, 3385

**MOVED BY: Susan Fielding
SECONDED BY: Craig Cassar**

THAT the Budget & Administration Committee recommends to the Board of Directors:

THAT effective January 1, 2025, HCA staff be directed to implement the revised fee schedule contained in this report and further;

THAT the updated Fee Policy contained in Appendix A be included with the 2025 Fee Schedule

9.1.4 BA 2422 Building the 2026 Fee Schedule

Susan Fielding reported that as part of the discussion regarding the 2025 fee schedule, the Budget and Administration Committee requested the staff provide, prior to the creation of the 2026 fee guide, additional information used to inform the suggested fee increases, including, comparison of fees, and benefits offered by neighbouring conservation authorities, to help ensure the HCA remains competitive

BD12 3386

**MOVED BY: Susan Fielding
SECONDED BY: Brian McHattie**

THAT HCA staff be requested to report in advance of the 2026 budget year on the methodology, principles and objectives used to inform the next fee structure with a comparison to neighbouring conservation authorities.

CARRIED

10. Other Staff Reports/Memoranda

Memorandums to be Received

10.1. Hamilton's Biodiversity Action Plan Update

Mike Stone brought forward the staff memorandum and answered members' questions.

BD12, 3387**MOVED BY: Craig Cassar
SECONDED BY: Susan Fielding****THAT the memorandum entitled Hamilton's Biodiversity Action Plan be received.****CARRIED****10.2. Watershed Conditions Report**

Jonathan Bastien brought forward the staff memorandum and answered members' questions.

BD12, 3388**MOVED BY: Wayne Terryberry
SECONDED BY: Alex Wilson****THAT the memorandum entitled Watershed Conditions Report be received.****CARRIED****10.3. Conservation Areas Experiences**

Brandon Good brought forward the staff memorandum and answered members' questions.

BD12, 3389**MOVED BY: Brian McHattie
SECONDED BY: Wayne Terryberry****THAT the memorandum Conservation Areas Experiences be received.****CARRIED****Reports to be approved****10.4 Federation of Canadian Municipalities – Green Municipal Fund Application**

Scott Peck brought forward the staff report and answered members' questions.

BD12, 3390**MOVED BY: Craig Cassar
SECONDED BY: Susan Fielding**

WHEREAS the Saltfleet Wetland Restoration Project is a major environmental restoration project within the City of Hamilton;

WHEREAS the wetlands will reduce the impacts of flooding and erosion below the Niagara Escarpment in Stoney Creek and further the long-term vision of the entire Saltfleet Conservation Area, which will provide new natural areas and associated habitats and trails connecting these natural areas;

WHEREAS the City of Hamilton has demonstrated its partnership and support through provision a \$2 million grant in the form of a Contribution Agreement, funded through royalties related to the former Newalta Stoney Creek Landfill Site, towards land acquisition for the project and participation in the 2018 Environmental Assessment through technical comment and input;

WHEREAS HCA staff continue to update City on project process;

WHEREAS the HCA has applied to the Federation of Canadian Municipalities Green Municipal Fund Local Leadership Climate Adaptation Fund to partially fund the cost of the second of four wetlands which requires a resolution of support from the City of Hamilton Council;

THEREFORE BE IT RESOLVED THAT

THAT the Board of Directors request a Council Resolution from the City of Hamilton confirming the municipal partnership between the City of Hamilton and the Hamilton Conservation Authority for the Saltfleet Conservation Area Wetland Restoration Program to support the requirements of the funding application.

CARRIED

11. New Business

There was none.

12. In-Camera Items

BD12, 3391 **MOVED BY: Craig Cassar**
SECONDED BY: Susan Fielding

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 a position/negotiation/identifiable individual matter were discussed.

12.1. Confidential Memorandum – BD/Sept-01-2024
(Legal Matter)

BD12, 3392 **MOVED BY: Craig Cassar**
SECONDED BY: Susan Fielding

THAT the confidential memorandum entitled BD/Sept-01-2024 be received and remain in camera.

CARRIED

12.2. Confidential Memorandum – BD/Sept-02-2024
(Position/Negotiation Matter/Identifiable individuals)

BD12, 3393 **MOVED BY: Susan Fielding**
SECONDED BY: Brian McHattie

THAT the confidential memorandum entitled BD/Sept-02-2024 be received and remain in camera.

CARRIED

12.3 Confidential Memorandum – BD/Sept-03-2024
(Legal Matter)

BD12, 3394 **MOVED BY: Craig Cassar**
SECONDED BY: Susan Fielding

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

CARRIED

Brad Clark presented the motion with member Susan Fielding requesting a recorded vote.

BD12, 3395 **MOVED BY: Wayne Terryberry**

SECONDED BY: Susan Fielding

THAT no further delegations to the Board or its advisory boards or subcommittees be accepted regarding the Ancaster Well, except in response to any proposed legislation or Board-directed changes, as a way has been identified to address partial access during the City-led Bridge #113 Rehabilitation project, which includes retaining wall and gabion basket replacement, culvert replacement, road construction, and related works; and further

THAT well pass holders or any interested parties who wish to delegate on the rehabilitation project contact the Hamilton City Clerk to appear before the Public Works Committee; and further

THAT the HCA request Public Works staff provide updates on the project on the City website

Votes in Favour: 6 (unanimous)

Votes Against: 0

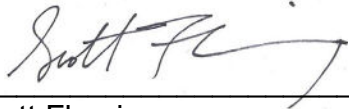
Carried

13. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, October 3, 2024 at 6:00 p.m. at the HCA Main Administration Office – Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

14. Adjournment

On motion, the meeting adjourned.



Scott Fleming
Secretary-Treasurer