

A Healthy Watershed for Everyone

Board of Directors Meeting

Addendum 1

Thursday, September 5, 2024 at 6:00 p.m.

Hamilton Conservation Authority is now conducting meetings in a hybrid format via an in-person and Webex platform.

All hybrid meetings can be viewed live on HCA's You Tube Channel: <u>https://www.youtube.com/user/HamiltonConservation</u>

5. Consent Items for Applications, Minutes and Correspondence

5.6 1 item of correspondence respecting the closure of the Ancaster Well, labeled 5.6v Page 1

10. Other Staff Reports/Memorandums

Reports to be Approved

10.4 Federation of Canadian Municipalities – Green Municipal Fund Application

- Scott Peck Page 17

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5.6v Ancaster Well our Public Water Source



Do you have a **Thirst for Justice**?

 Today, I hope to deliver to you information that has never been presented to the decision makers regarding this PUBLIC water Source:

Ancaster Well



2017-2024

- Well users have continued to research land titles, obtain over 2 ½ ft stack 1000's of MFIPPA / FOIA documents and yet over 1000 documents still denied us.
- Thousands of hours of research and review
- Ombudsman interception
- Exhaustive communications with IPC commissioner taking over 3 yrs.
- One set of documents taking over 19 mos to receive ???
- Exhaustive 4 phases with IPC office ultimately concluding: 2022 – No Health Order ever issued to this water source, and thus could never be produced.

HCA Board 2017 vs 2024

- Changing of the guards
- Previous 2017 Board were mis-, dis-, and mal- informed prior to the motion to sequester the Public water source which ultimately was unlawful.
- This Current board appears to be better aligned with the concept of conservation and doing what is right legally, ethically, and conscionably.
- Today new information will be presented for the Board to make an informed decision:
- 1 to right this wrong of the unlawful sequester of Ancaster Well Oct. 2017.
- 2 to repeal Dec 7, 2017 Motion presented by Chad Collins : to refuse any future delegations from Ancaster well users AND review the process to delegate.
- 3 to ensure that our water source remain 'free access to the public in perpetuity' including during ANY construction here on in.

Clarification: Public vs Licensees

Ancaster Well: Public-owned water source

- <u>The Public has paid for this water source > 6 times over</u>:
- 1 **1963 1969** the Public Utilities Commission (PUC) drilled test wells PLUS the Artesian Well that spouted a 60 ft geyser which ran for 3 days which became Well #8 at 1109 Sulphur Springs Rd.
- 2 1969 Town of Ancaster purchased the 2 acres + 2 wells (Well #8 & #9) for \$1 from Farmer Wm
 Kennedy who demanded assurances to keep this water source open to the public, especially the farmers.
 There was a spigot on the building next to the road. (Sulphur Springs Rd)
- 3 **1998** HRCA/ HCA purchased with public funds (Ont Heritage Fund) \$55K (at the dawn of amalgamation) with the consultation of the farmer the 2 acres + 2 wells, with a <u>restrictive covenant</u>, from Town of Ancaster. Securing this public water source.
- 4 **1999** HCA received \$40,000 NEC grant to 'improve the water taking facility'.
- The HCA application specified to the funders to ensure this land "retained in public ownership".... HCA was aware and <u>spoke in detail about their commitment based on the legal conditions on title</u>.. as well wrote in their application "... public importance to secure long term public ownership and allow continued public use of the on-site wells"
- 5 2000 2001 the costs inovled in sealing wells not in use
- 6 **2017** \$????? for the **unlawful** sequester of Ancaster Well, copious billable hours for communications with the public, the cost of the fence, and subsequently Vandalism resulting in a <u>huge waste of tax payers</u> <u>monies.</u>
- 7 **2018** Lawyer/ legal costs and more vandalism the costs to **fight the public on their own water**, willing to pay hundreds of thousands of dollars to protect the unlawful sequester.
- 8 **2024** Vandalism on the sign Monday since replaced today.
- **Conclusion:** We the people are NOT licensees as per a recent city communication. We the public are owners of this water source and HCA are the stewards again as explained in HCA's grant applications

History of this water source HCA's MFIPPA documents

- Documentations dating back to 1905 for Artesian Spring which became Well #8 1960's which sits now on the lands at 1109 Sulphur Springs Rd along with well #9.
- HCA Communications MFIPPA documents March 1997 Dec 2017 uncovered:
- March 1997 HCA : Scott Peck communications with Farmer Wm Kennedy Well #8 is the better water source. Well #9 has higher sodium content. (Water records 1995-1999) Well #8 = 3M Litres/day vs Wel I#9 1.5M Litres/day
- March 1997 March 2002 communications within HCA employees and contractors speak to commercialization of this water source : Ancaster Well, with renderings for a <u>bottled water building</u> on the land this information is well documented in HCA files.
- **Oct. 1998** HCA purchases with public funds- Part of Lot 41 conc 1(a 2 acres parcel of land that has not only The protected Well #8, but also Well #9). See <u>restrictive covenants on title</u>.
- Oct. 1998 Public Funds granted to HCA from Ontario Heritage Fund to purchase the water and land for \$55K.
- Jan. 1999 Scott Peck on behalf of HCA receives more public monies \$40K, NEC Grant application: to "improve the water taking facilities" stating to keep in public hands, but at the same time does a **Bait and switch** contradicting his notes, Wm Kennedy's expertise on what is the better water source, and contradicts the restrictive covenants on title. BUT even though restrictive covenants withheld from the application NEC did catch the missing page 3 (LT525035) and granted the monies on the condition HCA keep the well free access to the public in perpetuity as per the conditions and not to charge money for the water.
- **1999 2002** much communications to move forward with commericialization- 16 business plans received when HCA publishes request for tenders in local paper to do business with HCA.
- March 2017 Oct 5 2017 based on disingenuous intentions, mis-, dis-, mal-information and withholding of information to the decisions makers starting with Advisory Board, then Board of Directors, the public resulting in the unlawful sequester of Ancaster Wells.
- **Dec 2017 thru to Aug 2019** PAWS T.E.A.M together with S.O.S. Receive 1000's of MFIPPA documents (HCA & City) but only partial requested received with over 1000 documents denied, resulting in the aid of the IPC commissioner which ultimately concluded in **2022** : There is NO health order on this water source which was the reason for the sequester.

Why Unlawful Sequester?

• Non-Existent Health Order/Directive as per legislation either from Medical Officer of Health or the Ministry of Environment Conservation Parks. re: Arsenic and changes for Jan 1 2018.

(exhausted and confirmed with IPC commissioner Aug. 2022)

- Intentional deception- see MOH email to Lloyd Ferguson and Robert Pasuta Aug.
 23, 2017 'No health order on this water source'. (this MFIPPA received Aug 2019)
- Restrictive Covenants on title withheld from the decision makers (Advisory Board, Board of Directors) along with the PUBLIC, and denied in HCA MFIPPA requests finally received as a result of ombudsman interception for a private meeting with Board Chair: Cllr Robert Pasuta Dec. 20 2017).
- Advisory Board informed by HCA staff March 2017 cost to remove arsenic : \$50,000 vs the actual cost: \$800 one time fee as per HCA communications received in 2018 and the Public Health MFIPPA docs received in June 2018. For the outlying 5 wells that shared the same aquifer according to Ken Hall. Confirmed in HCA Communications amongst staff March 2017.
- Requirement given by PHS for the other 5 water sources: **Post a sign OR remove Arsenic for \$800 one time fee.**

2017

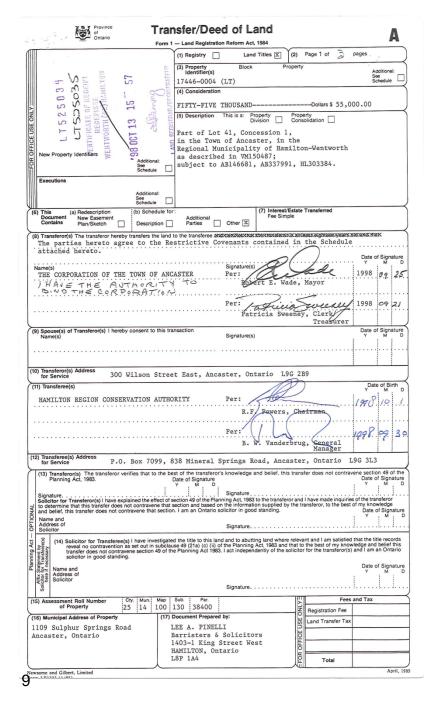
- Quagmire of mis-, dis-, and mal-information, withheld documents, and disingenuous intentions that surround our Public Water Source: Ancaster Well.
- resulting in the Board unlawfully sequestering our Publicly owned water source.
- Intentional Deception ? With a Premature Announcement Behind closed doors , 1 month in advance of the public notice for final decision Nov 2, 2017 on Oct. 5 2017 Lloyd Ferguson and BOD pushed through the decision to sequester the Ancaster Well Water source.
- In fact ½ the board had no clue the decision was made Oct. 2017 due to the Health Order/ Directive had never been produced as per legislation.

2024

- Call to Action:
- This 2024 Board of Directors AND Advisory Board right the wrongs of the past and #FREEtheWell
- AND Repeal the Dec 7, 2017 Motion of Chad Collins : No more public delegations on Ancaster Well unless on Agenda.
- Ensure that during construction the Water remains FREE Access to the public in Perpetuity.
- Ensure that the building for Well #8 is secured and remains as is or in BETTER condition, and subsequently not damaged during the rehabilitation (Gabion Cages etc).

1109 Sulphur Springs Rd Title/ Deed p 1

> LT525034 AND LT525035



1109 Sulphur Springs Rd Title/ Deed p 2

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	 (b) A trustee named in the above (c) A transferee named in the all 					
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Restrictive **Covenants** on Title:

LT525035

Schedule Form 5 - Land Registration Reform Act, 1984

2 Page _

Additional Property Identifier(s) and/or Other Information

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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.

USE ONLY ш

Current 2024 closure issue:

- City Notice June 10th
- is to "resident/ property owner" NO other resident received a notice in relation to this bridge construction . This notice only is in reference to: 1109 Sulphur Springs Rd.
- The city states "driveways won't be blocked"

HCA Notice – June 14th

• HCA states "... that temporary closure to Ancaster Well due to a construction project by the city of Hamilton..."

Do you really want to continue and compound the unnecessary costs to the municipalities ? Can you now see that this Public Water Source is to remain unencumbered ? And being unencumbered the costs next to nil, and the aggravation drops to zero.

What assurances will HCA give we the public, to ensure Ancaster Well building will be secured, untouched, and undamaged during the upcoming construction?

Storage options/ solutions: Project Material, Equipment, Vehicles :

- HCA head office TWO huge unused parking lots which is 6 min. down the road.

- HCA owned properties – 25 properties? i.e.@ 739 Sulphur Springs Rd with a secured gate est 3 min. down road .

- private property at 1096 or 1075 or 1175 Sulphur Springs Rd.

- use the grass beyond the parking lot @ 1109 Sulphur Springs Rd – It's 2 acres !

Last but certainly not least

What ever happened to Honouring The Treaties?

- Does not the City of Hamilton refer to the Dish with One Spoon and the Treaties?
- "The City of Hamilton is situated upon the traditional territories of the Erie, Neutral, Huron-Wendat, Haudenosaunee and Mississaugas. Today, many Indigenous people from across Turtle Island continue to call this land home, and we honour and thank these community partners for their ongoing stewardship. All of us who call Hamilton home have a responsibility in understanding and upholding the spirit and intent of Treaties. We welcome you to learn more about The Dish With One Spoon Wampum Belt, Two Row Wampum Gaswéñdah, and the Between the Lakes Treaty, No. 3 (1792)."

Indigenous Consultation?

- Who here on The Board of Directors can respond to the following?
- Who was consulted? Chief? Clan mother?
- When were they consulted?
- What was the result?

NOTE: previous ward 12 councillor/ BOD / HCA staff did NOT consult with the indigenous regarding the unlawful sequester in 2017 - confirmed with DAFO conversations and with MFIPPA documents received.

#FREEtheWELL Our Public Water



Dedicated to ensuring free public access to the fresh mineral water at the Ancaster Well.





A Healthy Watershed for Everyone

Report

TO:	Board of Directors
FROM:	Lisa Burnside, CAO
RECOMMENDED & PREPARED BY:	T. Scott Peck, MCIP, RPP, Deputy CAO/Director, Watershed Management Services
MEETING DATE:	September 5, 2024
RE:	Federation of Canadian Municipalities – Green Municipal Fund Application

STAFF RECOMMENDATION

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.

BACKGROUND & PURPOSE

The Hamilton Conservation Authority has submitted a funding application to the Federation of Canadian Municipalities, (FCM), Green Municipal Fund which provides funding for local climate adaptation implementation projects. The funding sought is to fund part of the cost of the construction of the second wetland (SC-8) located at Green Mountain Road and Fifth Road East, City of Hamilton. A requirement of the funding application is to obtain a Municipal Council Resolution stating that the HCA has a municipal partnership with the City of Hamilton. The purpose of this report is to advise the Board of Directors of this funding application and to obtain a motion from the Board requesting the City of Hamilton to provide a Municipal Council Resolution confirming the municipal partnership between the City of Hamilton and the Hamilton Conservation Authority for the Saltfleet Conservation Area Wetland Restoration Program as this is a requirement for the funding application to the FCM's Green Municipal Fund Local Leadership Climate Adaption Fund.

STAFF COMMENT

The application to the FCM's Green Municipal Fund Local Leadership Climate Adaption Fund was submitted on August 14, 2024. HCA staff are working to provide the funder with required information to facilitate their review of the application. The Municipal Council Resolution confirming the municipal partnership between the City of Hamilton and the Hamilton Conservation Authority for the Saltfleet Conservation Area Wetland Restoration Program will address this requirement. HCA staff are working with City of Hamilton staff to provide this motion for Council's consideration and to ensure the HCA project does not conflict with any City of Hamilton Projects.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2019 – 2024:

- Strategic Priority Area Natural Heritage Conservation
 - Initiatives Implement the Saltfleet Conservation Area Wetland Restoration Program and have the first wetland designed and constructed by 2021

AGENCY COMMENTS

N/A

LEGAL/FINANCIAL IMPLICATIONS

The total funding requested for the grant is \$1,000,000.

CONCLUSIONS

The recommended motion will start the process to address a funding requirement for the City of Hamilton to provide a Municipal Council Resolution confirming the municipal partnership between the City of Hamilton and the Hamilton Conservation Authority for the Saltfleet Conservation Area Wetland Restoration Program.