

MISSISSIPPI VALLEY CONSERVATION AUTHORITY
BOARD OF DIRECTORS

Mississippi Valley Conservation Centre
Carleton Place

MINUTES

September 19, 2018

MEMBERS PRESENT:

D. Abbott, Chair;
J. Mason, Vice-Chair;
D. Black;
M. Burnham;
F. Campbell;
G. Code;
J. Flynn;
A. Gillis;
J. Hall;
J. Karau;
B. MacDonald;
G. McEvoy;
P. Sweetnam;
K. Thompson;
M. Wilkinson.

MEMBERS ABSENT:

E. El-Chantiry;
G. Martin.

INVITED MEMBER ABSENT:

L. Antonakos.

STAFF PRESENT:

P. Lehman, General Manager;
J. Sargeant, Secretary-Treasurer;
M. Craig, Manager of Planning & Regulations;
R. Fergusson, Operations Supervisor;
S. Gutoskie, Community Relations Coordinator;
J. Price, Director, Water Resources Engineering;
E. Levi, Recording Secretary.

Mr. Abbott called the meeting to order at 1:00 p.m.

1. Minutes - Board of Directors Meeting – July 18, 2018

B09/19/18-1

MOVED BY: G. Code

SECONDED BY: M. Burnham

Resolved, That the Minutes of the MVCA Board of Directors meeting held July 18, 2018 be received and approved as printed.

“CARRIED”

2. General Manager Recruitment Update

B09/19/18-2

MOVED BY: A. Gillis

SECONDED BY: F. Campbell

Resolved, That the Board of Directors move to a closed session for discussion regarding an identifiable individual including employees of the Authority.

“CARRIED”

B09/19/18-3

MOVED BY: M. Burnham

SECONDED BY: G. Code

Resolved, That the Board of Directors move out of closed session.

“CARRIED”

3. MVCA Administrative By-Law

B09/19/18-4

MOVED BY: K. Thompson

SECONDED BY: B. MacDonald

Resolved, That the Mississippi Valley Conservation Authority Administrative By-Law dated September 19, 2018 be adopted to take effect on September 19, 2018; and further

Resolved, That Conservation Ontario be notified of the adoption.

“CARRIED”

4. Palmerston-Canonto Conservation Area

Mr. Lehman discussed Staff Report #2970/18. In August 2017, the Township of North Frontenac requested the MVCA consider a transfer of the part of the Palmerston-Canonto Conservation Area beach property which they have leased from the Authority since 2002. Staff have had preliminary discussions with the Township regarding transfer of the beach property, however, this would require approval of the Minister of Natural Resources and Forestry, as well as an updated property survey. Subsequently, staff discovered issues with the Title associated with the beach property and engaged legal counsel to investigate. In December 2017, the Board of Directors authorized staff to grant a quit claim for the disputed lands as they were of limited interest to MVCA and doing so would clarify the property title. Engaging the adjacent property owner in this process has taken a considerable amount of time which has delayed the potential transfer.

In view of this delay, Council for the Township of North Frontenac has passed a Resolution requesting MVCA to consider granting an “Option to Purchase” (an agreement that subject to certain terms and conditions being fulfilled, a property would be sold to a specific buyer for a specified price) for the beach area property. Given the long term lease arrangement which MVCA and the Township have had with this property and the intent to improve the property for public use as it was originally intended, staff recommend that the property be transferred to the Township for a nominal sum and that the Township pay for all survey and legal expenses. Such a transfer would also be subject to any conditions imposed by the Minister.

Ms. Wilkinson suggested that a provision should be registered on title noting that if the Township ceases to use the property as a public beach, then ownership can revert back to the Authority.

B09/19/18-5

MOVED BY: A. Gillis

SECONDED BY: M. Burnham

Resolved, That staff be authorized to grant an “Option to Purchase” to the Township of North Frontenac for the Palmerston-Canonto Beach property for a nominal sum and subject to any conditions imposed by the Minister of Natural Resources and Forestry and subject to a clause being included regarding the right to repurchase on the same terms.

“CARRIED”

5. Property Donation Request

Mr. Lehman reviewed Staff Report #2971/18. He noted that staff have been contacted by a property owner regarding the donation of approximately 15 ha of land in the Playfairville-Mud Lake Wetland Complex. The property is part of the provincially significant wetland and not easily accessible. As such, development in the wetland is restricted. The property would qualify for 100% tax relief under the Conservation Land Tax Incentive Program regardless of ownership.

He noted that historically, the Authority has always discussed with Mississippi Madawaska Land Trust Conservancy (MMLT) and the Ontario Heritage Trust (OHT) if they have interest in acquiring property donations. In this case, a survey and transfer costs would be approximately \$15,000-20,000. The MMLT has declined the possible acquisition and the OHT has been contacted regarding potential interest in this property.

Mr. Lehman advised that the property is considered to be at minimal risk from development and staff are of the opinion that the costs associated with a property survey and land transfer are not warranted and recommend that the donation offer be respectfully declined.

In response to a question, Mr. Lehman explained that the Authority would consider acquiring a property donation when that specific property is a significant feature of the watershed and not protected in any other manner. The cost would have to be determined and weighed against the benefits of protection.

B09/19/18-6

MOVED BY: K. Thompson

SECONDED BY: G. Code

Resolved, That Staff Report #2971/18 be received; and further

Resolved, That the recommendations contained therein be approved.

“CARRIED”

6. Budget Report

Mrs. Sargeant reviewed the budget expenditure report up to September 10, 2018. She noted the Provincial Transfer payment was received after the report was generated. Mrs. Sargeant noted that program managers are currently working on 2019 budget projections.

7. Ontario Regulation 153/06 Permits

Staff Report #2972/18 regarding Ontario Regulation 153/06 permits up to September 7, 2018 was reviewed.

Mr. Craig updated the members on legal expenses for Section 28 Regulation enforcement. He advised that in 2018 the authority budgeted \$10,000 for legal expenses and have currently spent \$17,000. He noted one particular case had just exhausted its last appeal and was dismissed, however the cost to the Authority was \$46,000 over five years. The applicant was fined \$19,500 and legal costs were awarded to the Authority in the amount of \$15,000.

8. Program Updates

Ms. Gutoskie advised that a volunteer appreciation event was being held September 20 at the Mill of Kintail from 7-9pm.

She also noted that the Children's Water Festival was scheduled from 9am-2pm on Wednesday, September 26 at the Mill of Kintail and that volunteers were still being sought to help with the event.

Ms. Gutoskie advised that the City of Ottawa is contributing \$200,000 towards grants for removal of trees with Emerald Ash Borer on private properties. The program will be offered through the South Nation Conservation Authority at \$500 per tree or up to \$5000 per owner. It is a cost sharing program in which the property owners pay half and City pays half and all work must be completed by June 2019. Ms. Wilkinson noted this is a pilot project and many applications have been submitted already.

9. 2018 A.D. Latornell Conservation Symposium

Mr. Lehman advised that Mr. Karau will be speaking at the conference. Mr. Karau noted that his presentation will be addressing collaboration between conservation authorities. Mr. Lehman noted that the 3-day registration package is \$715.00 until October 5th and \$910.00 afterwards.

Mrs. Sargeant advised members who would like to attend to let Allison Playfair know immediately after the meeting in order to take advantage of the early registration rate.

10. Other Business

Mr. Craig presented Staff Report #2974/18 regarding an appeal to the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board). He advised that the Committee of Adjustment for the Township of Drummond/ North Elmsley circulated minor variance application MV-18-07 for review and comment. The notice of public hearing was received by the MVCA on Friday August 3, 2018. A decision was made on Thursday August 9, 2018. The Authority did not have sufficient time to submit comments, particularly given the complexity and concerns related to the proposal.

Mr. Craig noted that this is a precedent setting decision made for property owners along Mississippi Lake given that the proposed increase in lot coverage within the 30 metre waterbody setback is not considered minor and is not in keeping with good planning principles for waterfront development. MVCA staff are of the opinion that the subject proposal is not consistent with the Township's Official Plan Policy for Natural Heritage; the Township's Zoning By-law; or the Provincial Policy Statement for Natural Heritage. He advised that in order to address these concerns, it is necessary to proceed with an appeal of the Township's decision to the LPAT.

Mr. Craig advised that staff is in contact with the agent and the land owner to try to resolve these matters in an expeditious manner without the need for a full hearing before the LPAT. Staff is not opposed to the new development on this lot and acknowledge that there is a balance to be achieved between development and environmental gain.

B09/19/18-7

MOVED BY: M. Wilkinson

SECONDED BY: A. Gillis

Resolved, That the Staff Report #2974/18 be received, and furthermore

Resolved, That the Board of Directors authorize staff to proceed with an appeal to the Ontario Municipal Board of a decision by the Township of Drummond/North Elmsley Committee of Adjustment on Minor Variance application MV-18-07.

“CARRIED”

ADJOURNMENT

The meeting was adjourned at 2:20 p.m.

B09/19/18-8

MOVED BY: G. Code

SECONDED BY: M. Burnham

Resolved, That the Board of Directors meeting be adjourned.

“CARRIED”

“D. Abbott, Chair

E. Levi, Recording Secretary”