



# MINUTES



## BOARD OF DIRECTORS

Thursday, July 16, 2009

Ausable Bayfield Conservation Authority Boardroom  
Morrison Dam Conservation Area

### HEARING

Pursuant to Ontario Regulation 147/06

(Development, Interference with Wetlands and Alteration to Shorelines and Watercourses)

#### DIRECTORS PRESENT

David Bolton, Dave Frayne, Jim Ginn, Paul Hodgins, George Irvin, Lawrence McLachlan, Bob Norris, Bill Siemon, Mark Simpson

#### STAFF PRESENT

Andrew Bicknell, Geoff Cade, Kate Monk, Judith Parker, Alec Scott as Acting General Manager

#### OTHERS PRESENT

Steve McAuley - Municipality of Lucan Biddulph  
Charlie Attard - Thames Valley District School Board  
Kevin McMurray - Thames Valley District School Board  
Grant Inglis - Little, Inglis & Price  
Paul Kitley - Harrison Pensa

#### CALL TO ORDER

Chair Lawrence McLachlan called the Hearing pursuant to Ontario Regulation 147/06 to order at 10:00 a.m. for consideration of Application for Permission # 2009-36. The Chair welcomed those attending and introductions were made. He then stated the procedures for conducting the Hearing and asked Geoff Cade, Supervisor of Water & Planning to provide details on the application. Mr. Cade advised that the Thames Valley District School reportedly purchased property on Beech Street in Lucan in 2006 for construction of a proposed new elementary school. The ABCA was not contacted prior to the purchase, despite the property being identified by the Municipality of Lucan Biddulph's Zoning By-law as a 'Flood Regulated Area.' He stated the Thames Valley District School Board consulting engineer approached the ABCA in September 2008 with the proposed plan for construction. After meetings and discussions, the ABCA received final plans in late November 2008 and subsequently approved the school being located completely out of the floodplain with site grading and a stormwater management facility and a second culvert (1200 mm) being installed under Beech Street to alleviate flooding of Beech Street and provide safe

access during a Regional Storm event. In May 2009, the ABCA received a second *Application for Permission* for the site. The application was the exact same proposal except for a request to not build the relief culvert under Beech Street.

Mr. Cade referred to Section 3.18.10 of the *Policies and Procedures Manual for the Administration of Ontario Regulation 147/06* to describe the access requirements for institutional and essential service land uses. He pointed out that during a regional storm event, the depth of flooding across Beech Street is about 0.29 m; the width of flood waters across Beech Street is about 30m and the flow velocity of flood waters across Beech Street is about 1.1 metres per second.

The existing permit issued for the elementary school construction, meets the policy and floodplain management goals as the school would have dry access during periods of severe flooding. However the second application, as submitted without the culvert, does not meet current policies of the Ausable Bayfield Conservation Authority and its objectives to minimize property damage, social disruption and risk to life. In conclusion, therefore staff recommend that Application #2009-36 be denied.

Dave Frayne inquired whether there were any other streets that would provide safe, dry access to the school. Geoff Cade responded that the school board did look at options but the alternative street is susceptible to flooding as well.

Mark Simpson asked if the issue is safety and dry access, then what is the estimated cost for installation of a culvert. Paul Kitley responded that \$70,000 has been suggested as a potential cost for the culvert. Mr. Simpson posed the question whether the request to remove the culvert from the application was to save dollars.

Charlie Attard requested clarification of Policy 3.18.10 of the clause that new development for vehicles will be considered safe if the depth of flooding does not exceed 0.3 metres. Mr. Cade responded that these are minimum requirements and this clause refers to residential development.

Solicitor Paul Kitley, presented on behalf of the Thames Valley District School Board. He made reference to Section 3.15.1 of the *Policies and Procedures Manual for the Administration of Ontario Regulation 147/06* relating to private access roads as compared to Beech Street which should be considered a public access road under the *Municipal Act*. In referring to Section 3.18.10, 2<sup>nd</sup> paragraph *Ingress and egress should remain dry...* Mr. Kitley's opinion is that the word "should" leaves latitude for interpretation. However, the applicant's consulting engineer Archibald Gray McKay Ltd. does concur with the ABCA's floodline analysis for a regional storm event.

In the solicitor's presentation he pointed out that in a worse case scenario, the school administration has a number of choices they could act upon if a flooding event occurred. The school could be closed for the day; send the busses home across Beech Street and around Gibson Crescent; or keep the children in the building.

In closing, Mr. Kitley said the Thames Valley District School Board is asking for an exception to the policy in the amended *Application for Permission* because of their identity and duty as guardians of the children.

Chair McLachlan thanked Mr. Kitley for his presentation and asked if there were questions from the directors. Jim Ginn inquired what the total cost of the new elementary school project was and how many students would be attending. School board officials responded that there would be 300-400 students attending and the total project cost was unknown to those attending the Hearing, but estimated around \$8 million.

Geoff Cade clarified Mr. Kitley's reference to private access road in Section 3.15.1 as being applicable to residential laneways where no reasonable alternative exists. He reiterated that both policy sections speak to ensuring safe, dry access.

Paul Hodgins commented that the school board's decision to purchase the property where the new school is being built, was probably not the best choice because of flooding concerns. He also does not want emergency response personnel put into a perilous situation that could be prevented by installing the culvert.

**MOTION #BD 69/09**

**Moved by Jim Ginn**

**Seconded by Mark Simpson**

**“RESOLVED, THAT the Board of Directors concur with the staff recommendation and deny Application #2009-36 pursuant to Ontario Regulation 147/06.”**

**Carried.**

#### ADJOURNMENT

The Hearing was adjourned at 11:00 a.m. and the applicants left the meeting. Chair McLachlan called for a short break prior to convening the Board of Directors meeting.

**BOARD OF DIRECTORS  
July 16, 2009**

**Ausable Bayfield Conservation Authority Boardroom  
Morrison Dam Conservation Area**

CALL TO ORDER

Chair McLachlan called the Board of Directors meeting to order at 11:10 a.m.

DIRECTORS PRESENT

David Bolton, Dave Frayne, Jim Ginn, George Irvin, Lawrence McLachlan, Bob Norris, Bill Siemon, Mark Simpson

DIRECTORS ABSENT

Paul Hodgins

STAFF PRESENT

Andrew Bicknell, Bev Brown, Geoff Cade, Brian Horner, Julie Hodgins, Ian Jean, Kate Monk, Judith Parker, Alec Scott as Acting General Manager

OTHERS PRESENT

Pat Bolen, Exeter TA

ADOPTION OF AGENDA

**MOTION #BD 70/09**

**Moved by Dave Frayne  
Seconded by David Bolton**

**“RESOLVED, THAT the agenda for the July 16, 2009 Ausable Bayfield Conservation Authority Board of Directors meeting be approved.”**

**Carried.**

DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest at this meeting or from the previous meeting.

ADOPTION OF MINUTES

**MOTION #BD 71/09**

**Moved by Bob Norris  
Seconded by Mark Simpson**

**“RESOLVED, THAT the minutes of the Board of Directors Meeting held on June 18, 2009 and the motions therein be approved as circulated.”**

**Carried.**

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## BUSINESS OUT OF THE MINUTES

### 1. Bendway Weir Project

Alec Scott, Acting General Manager reported he had attended a Committee of Revision meeting on June 20, 2009 in Port Franks where the issue of assessing cost-sharing for the Bendway Weir Project was further discussed. There has been no further correspondence following that meeting so the matter will be brought to a future Board meeting.

### 2. Proposed Five Year Budget

As requested at the previous meeting, Brian Horner, Financial Services Supervisor presented the proposed five year budget excluding the Drinking Water Source Protection figures for the Directors review. The average increase in operating costs over the 5 year period is estimated at 2% per annum. The project levy and general levy schedules highlighted the proposed projects and programs over the next 5 years as well as the amortization breakdown for capital assets.

### Investment Income Policy Analysis

Brian Horner provided a summary of discussions with BMO regarding online banking and investment income opportunities. At present the designated reserve amounts appear in the financial statements, however there are no separate bank accounts for these reserves. It is recommended that 1/3 of the current reserve balance be invested with the interest earned remaining in the reserves and reinvested.

### **MOTION #BD 72/09**

**Moved by Dave Frayne  
Seconded by Bill Siemon**

**“RESOLVED, THAT the Financial Services Supervisor proceed and immediately act on developing the banking procedures and investment income policy for the ABCA with the Bank of Montreal, ensuring that the total investment amounts are insurable with the Canada Deposit Insurance Corporation.”**

**Carried.**

### Natural Gas Storage Lease Agreement

Brian Horner provided an update on the request that the ABCA enter into a lease agreement for underground natural gas storage with Tribute Resources at the Zurich Conservation Area. The Municipality of Bluewater received the same request and are getting a legal opinion before signing the lease agreement. By consensus the Board agreed that the matter remain tabled.

## PROGRAM REPORTS

### 1. Development Review

Andrew Bicknell, Regulations Coordinator prepared the Development Review report pursuant to Ontario Regulation 147/06 *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. Through the application process, proposed developments within

regulated areas are protected from flooding and erosion hazards. Staff granted permission for three *Applications for Permission* and three *Minor Works* applications.

**MOTION #BD 73/09**

**Moved by Mark Simpson**

**Seconded by George Irvin**

**“RESOLVED, THAT the Board of Directors affirm the approval of applications as presented in Program Report # 1 - Development Review.”**

**Carried.**

Geoff Cade provided an update to a violation charge in the Municipality of Lambton Shores. The restoration plan for the site is being revised and staff are developing a legal agreement for the restoration.

**MOTION #BD 74/09**

**Moved by Dave Frayne**

**Seconded by Bob Norris**

**“RESOLVED, THAT the Board of Directors authorize staff to prepare and enter into an appropriate agreement with the landowner for restoration of the site under violation on Shoreline Drive in the Municipality of Lambton Shores.”**

## 2. SWOOP II - 2010 Partnership Letter of Intent

Tracey Boitson, GIS/CAD Information Systems Specialist reported that the Ministry of Natural Resources is heading up the South West Ontario Orthophotography Project II to acquire 20 cm photography and a digital elevation model for the watershed. The ABCA is a member of the SWOOP partnership so the estimated cost for the ABCA area is \$73,680. The cost to acquire this data without the benefit of the partnership would be between \$800,000 and \$900,000. MNR is asking that the partners sign a letter of intent to commit funding for the project to proceed.

**MOTION #BD 75/09**

**Moved by Bill Siemon**

**Seconded by Jim Ginn**

**“RESOLVED, THAT the ABCA complete the *Letter of Intent to Commit Funding* and incorporate the SWOOP II project into 2010 budget preparations.”**

**Carried.**

## 3. Hay Swamp Conifer Plantation Thinning

Ian Jean, Forestry & Stewardship advised that there were selected conifer stands in Hay Swamp inventoried in January and March. Trees are now being marked for harvest following the prescriptions developed earlier this year. The same contractor who completed the thinning operations at the Coleman Tract is interested in purchasing the marked timber.

**MOTION #BD 76/09**

**Moved by Mark Simpson  
Seconded by Bill Siemon**

**“RESOLVED, THAT the Board of Directors authorize staff to enter into a timber harvest contract with Ontario Thinning Specialists for minimum value of \$15/cord for marked pine and spruce sawlogs.”**

**Carried.**

**4. Rock Glen CA Water Line**

Kate Monk, Stewardship & Conservation Lands Supervisor provided an update on the municipal water line hookup at Rock Glen Conservation Area. Birnam Excavating completed the installation on May 29<sup>th</sup> and Bob Magee Plumbing was contracted to make the connections to the distribution system and remove the old plumbing system. The total cost of the completed project was \$630 below the tender price of \$14,316.90.

**5. Conservation Education Program Update**

Julie Hicks, Conservation Education Specialist gave a semi-annual report with statistics on participation in the conservation education programs.

**6. 2<sup>nd</sup> Quarter Financial Statement**

Brian Horner gave the 2<sup>nd</sup> quarter financial report for the directors information and review.

**COMMITTEE REPORTS****Joint Management DWSP Committee****MOTION #BD 77/09**

**Moved by Mark Simpson  
Seconded by Dave Frayne**

**“RESOLVED, THAT the draft minutes from the Joint Management Committee for Ausable Bayfield Maitland Valley Source Protection Region be received as presented.”**

**Carried.**

**Property Management Committee****MOTION #BD 78/09**

**Moved by Bob Norris  
Seconded by George Irvin**

**“RESOLVED, THAT the minutes of the Property Management Committee meeting held on June 18, 2009 and the motions therein be approved as presented.”**

**Carried.**

Source Protection Committee**MOTION #BD 79/09**

**Moved by David Bolton  
Seconded by Mark Simpson**

**“RESOLVED, THAT the minutes from the Source Protection Committee meeting held on May 27, 2009 be received as presented.”**

**Carried.**

CORRESPONDENCE

- a) Reference: Armstrong East Subdivision  
File: L.4.51  
Brief: Thank you from Nancy Steadman regarding the Board of Director’s decision to prohibit vehicle use on ABCA property in the Port Franks “Cut” area.
- b) Reference: Arkona Colour Tour  
File: R.11.1  
Brief: A request from the Arkona Colour Tour steering committee to waive the gate fees at Rock Glen Conservation Area for the annual Arkona Colour Tour.

**MOTION #BD 80/09**

**Moved by Mark Simpson  
Seconded by Dave Frayne**

**“RESOLVED, THAT the gate fee at Rock Glen Conservation Area be waived on October 3, 2009 for visitors participating in the annual Arkona Colour Tour.”**

**Carried.**

- c) Reference: Port Franks “Cut” Vehicle Access  
File: L.4.51  
Brief: Correspondence from Larry & Mary MacDonald, Fred Clemmer and Linda Simpson, Dan Pavlicik and Sally Clarke, Mike & Marian Durst in response to the Board’s decision to prohibit vehicle access on ABCA land at the Port Franks “Cut”. By consensus, the Board decided to refer the correspondence to the Property Management Committee.
- d) Reference: Beach Water Quality Briefing  
File: A.5.1  
Brief: Invitation from Ashfield Colborne Lakefront Association, Bayfield Ratepayers Association, Bluewater Shoreline Residents Association and Friends of the Bayfield River to attend a presentation summarizing beach water quality conditions and expected government actions.

- e) Reference: Heritage Tree Program  
File: S.1  
Brief: Launch of Trees Ontario Heritage Tree program asking communities to nominate a heritage tree usually more than 70 years old with important cultural or historical significance in the community.

### NEW BUSINESS

The Board of Directors will not meet in August so the next meeting will be September 17, 2009 at 10:00 am.

Mark Simpson and George Irvin left the meeting at 12:15 p.m.

### LUNCH & LEARN SESSION

Hope Brock, Healthy Watersheds Technician made a presentation on the successes and challenges in engaging community participation to develop subwatershed studies and strategies. Rural non-point source water pollution comes from many sources. Improvements to water quality are therefore best identified and acted upon by individual landowners in the context of a small watershed. Recent Ausable Bayfield Conservation sub watershed plans have been: Hobbs McKenzie Subwatershed Study (2000-2004); Nairn Creek Project (2002-2003), Adopt-A-Watershed-Zurich Drain (2005-2008); Old Ausable Channel Management Strategy (2006-2008); North Bayfield Watershed Plan (2007-2009); Port Franks Management Strategy (2009). Watershed planning combined with an emphasis on individualized environmental action plans will help achieve the ABCA goal to work with the community to maintain and enhance the watershed resources now and in the future. The Directors provided some input on improving the program, by putting themselves in the same place as the property owner whose land may fall within one of the subwatershed plans.

### ADJOURNMENT

The meeting was adjourned at 1:05 p.m.

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Lawrence McLachlan  
Chairman

Judith Parker  
Corporate Services Coordinator

*Copies of Program Reports are available upon request.  
Contact Judith Parker, Corporate Services Coordinator.*

