



Niagara Central Dorothy Rungeling Airport Commission

Meeting Agenda

Date: May 31, 2023

Time: 6:00 p.m.

Location: Airport Administration Building

Zoom Details:

<https://us06web.zoom.us/j/84586950707?pwd=cG5oem1DZ3VyOXpwZjkzZ2pXUnVxdz0>

- 1. Call to Order**
- 2. Adoption of Agenda**
- 3. Disclosures of Interest**
- 4. Report Out – Closed Session May 4, 2023**
- 5. Approval of Minutes (Attached)**
 - 5.1 May 4, 2023**
- 6. Correspondence**
 - 6.1 Airport Advisory Panel Request to be Dissolved**
- 7. Delegations**
 - 7.1 Cornell Feenstra representing the Airport Advisory Panel**
- 8. Chair's Remarks**
 - 8.1 Ombudsman Final Report (Attachment)**
- 9. Operations Report and Updates (B. Cherish)**
 - 9.1 Current Updates**
 - **Entrance Lighting/Pole replacement**
 - **T Hangar Engineering and Costing**
 - **Commercial Drive**

9.2 Proposed Projects

10. Financial/Office Update/Reports

11. New Business

11.1 Regional Road #529 (River Road) – Road Condition (Commissioner Bruno) (Attachment)

12. Upcoming Meeting

12.1 June 22, 2023 or call of the Chair

13. Confidential Items

Confidential reports will be distributed under separate cover. Items may require a closed meeting in accordance with the Municipal Act, 2001.

13.1 Minutes of the closed session portion of the May 4, 2023 Commission meeting.

13.2 Lease Negotiation Update - litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board pursuant to Section 239(2)(e) of the Municipal Act, 2001.

14. Adjournment



Niagara Central Dorothy Rungeling Airport Commission

Meeting Minutes

Date: May 4, 2023

Time: 6:00 p.m.

Location: Airport Administration Building

Members Present: J. Maclellan, Chair
G. Bruno, Member
L. Van Vliet, Member
R. Bodner, Member
J. Lee, Member
G. Speck, Member
K. Ker, Member

Others Present: B. Chernish, Facility Operator
N. Giles, Bookkeeper
N. Rubli, Clerk

1. Call to Order

Chair J. Maclellan called the meeting to order @ 6:07 p.m.

2. Adoption of Agenda

Moved by Member L. Van Vliet
Seconded by Member G. Bruno

That the agenda dated May 4, 2023 be confirmed, as circulated.

Carried

3. Disclosures of Interest

Commissioner Ker declared an indirect pecuniary interest for item 9.6 - Roadway Identification.

4. Report Out – Closed Session March 30, 2023

The Clerk provided the following report from the Closed Session meeting held March 30, 2023.

The Commission met in Closed Session on March 30th for the following matters:

March 2, 2023 Closed Session Minutes; and

Lease Negotiations - A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board pursuant to S. 239 (2)(k) of the Municipal Act.

As a result of this discussion, there is nothing further to report.

Employment Contract Terms-Facility Operator - Labour relations or employee negotiations pursuant to Section 239(2)(d) of the Municipal Act.

As a result of this discussion, direction to Staff was provided in accordance with the Municipal Act.

5. Approval of Minutes

Moved by Member L. Van Vliet
Seconded by Member K. Ker

That the minutes of the Commission meeting held on March 30, 2023 be approved as circulated.

Carried

6. Delegations

No delegations at this time.

7. Correspondence

None at this time.

8. Commission Report

8.1 Chair's Remarks – None at this time.

9. Operations Report and Updates (B. Cherish)

9.1 Current Project Updates

The entrance lighting pole replacement is being evaluated and quotes are being obtained. The replacement lighting pole will be LED lighting and the anticipated cost is approximately \$2500-\$3000. The Facility Operator will return with a report once all quotes are received.

The Town of Pelham Fire Department will provide defibrillator training at the Airport on May 27th at 10am. The training details will be provided to all Airport stakeholders this week.

The new T-Hanger engineering and costing is still in progress and should be completed soon.

Quotes for the furnace/AC system in the Administration building is deferred at this time due this project not being a priority and budget constraints.

The stone for Commercial Drive is being laid and is 85% complete. The topcoat will be completed after the commercial hanger construction is complete.

Discussions on purchasing the technical hardware (ie. OWL, recorder for minutes) for virtual meetings has been deferred at this time, however there may be a need to revisit this in the near future to allow for a smooth hybrid virtual meeting format.

9.2 Proposed Projects – None at this time

9.3 Facility Operator Report – Airport Conference Expense Policy

The Facility Operator compared Port Colborne, Wainfleet, Pelham and Welland's conference policies and took an average of the expenses permitted, to develop an Airport Conference Expense Policy. Conference attendance will be approved by the Commission. As a result of this discussion the following motion was considered:

Moved by Member L. Van Vliet
Seconded by Member R. Bodner

That the conference expense rates contained within the proposed Expense Policy be approved.

Carried

9.4 Facility Operator Report – Hanger Lease Rates

The Facility Operator reviewed comparable airport hanger lease rates. The commercial hanger space will be box hangers and will be 40 feet by 32 feet. As a result of the lease rate review the following lease rates are proposed:

\$675 plus HST for a 4–10-year term lease

\$725 plus HST for a 1–3-year term lease

The Facility Operator will communicate the lease rates to those on the waiting list for hanger space. If hanger space remains after everyone on the list has been contacted, the lease opportunities will be put out to the public. As a result of this discussion the following motion was considered:

Moved by Member G. Bruno

Seconded by Member J. Lee

That the hanger lease rates of \$675 plus HST for a 4–10-year lease and \$725 plus HST for a 1–3-year lease be approved; and

That the Facility Operator be authorized to send out lease rate packages.

Carried

9.5 Facility Operator Report – Advisory Panel Revised Terms of Reference

The Facility Operator presented the revised Terms of Reference for the Advisory Panel, key highlights include allowing more members on the Committee, the Committee mandates were revised and appoints the Facility Operator as Staff Liaison to the Committee. The Facility Operator responded to comments and questions of the Commission. As a result of this discussion the following motion was considered:

Moved by Member L. Van Vliet

Seconded by Member G. Speck

That the amended Advisory Panel Terms of Reference be deferred to the next regular Commission meeting.

Carried

9.6 Facility Operator Report – Roadway Identification

(Commissioner Ker declared a conflict on this item, abstained from discussion and vote)

The Facility Operator explained that with the Airport's expanded infrastructure there are more roadways and there is a need to name the roads, so they are easily identified. At this time the Facility Operator proposes that the roadway that runs east to west be named Bud Ker Drive in recognition of Edgar Ker's contributions to the Airport and his service in World War II. It is proposed that Commercial Drive be named Bruce MacRichie Way in recognition of his contributions to the Airport and support for aviation. The Facility Operator will procure signage and organize a dedication ceremony. As a result of this discussion the following motion was considered:

Moved by Member L. Van Vliet
Seconded by Member J. MacLellan

That the roadway that runs east to west behind the hangers be named Bud Ker Drive; and

That the newly constructed commercial drive be named Bruce MacRichie Way.

Carried

10. Financial/Office Update/Reports

The Bookkeeper relayed that the Commission would receive monthly financial updates and that all four municipal grants have been received.

11. Upcoming Meeting

May 31, 2023 or at call of the Chair.

12. Confidential Items

Confidential reports have been distributed under separate cover.

Moved by Member J. Lee
Seconded by Member L. Van Vliet

That the Commission now enter into closed session to address the following matters:

12.1 Minutes of the closed session portion of the March 30th, 2023 Commission meeting.

- 12.2 Lease Negotiations - A position, plan, procedure, criteria or Instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, pursuant to Section 239(2)(k) of the Municipal Act, 2001.**
- 12.3 Employment Contract Terms-Facility Operator - Labour relations or employee negotiations pursuant to Section 239(2)(d) of the Municipal Act, 2001.**

Carried

13. Adjournment

The Commission entered into Closed Session at approximately 7:45 p.m.

The Commission reconvened into Open Session at approximately 8:58 p.m.

The Commission adjourned the meeting at approximately 8:59 p.m.

John Maclellan
Chair, Niagara Central Dorothy Rungeling Airport Commission

May 20, 2023

Dear members of the Airport Commission:

This letter is in response to the matters raised at the latest commission meeting held May 4, 2023. The discussion regarding the new proposed Terms of Reference for the Advisory Panel prompted a significant reaction as to the procedural function of the Panel under the applicable sections of the Ontario Municipal Act 2001. The uncertainty raised during the discussions regarding the actions of an Advisory Panel within the structure of the Airport Commission caused the decision to adopt the new proposed Terms of Reference to be postponed to a later date.

On May 18, 2023, the members of the Advisory Panel met informally after the scheduled COPA 149 meeting. One of the members of the Panel was absent. After a short discussion it was decided unanimously by those present to request the Airport Commission to dissolve the current Advisory Panel and discharge the members of their duties. The reasons for the request are as follows:

1. The Advisory Panel feels that during their tenure much of the input provided has received limited acknowledgement or response. Although appointed as somewhat of a surrogate or proxy during a time when the position of airport manager was vacant the validity of the Advisory Panel seemed irrelevant to the Airport Commission. E.g., During a review of the activities and accomplishments of the Airport Commission prior to the latest municipal election, no mention was made of the appointment of an Advisory Panel even though many other trivial undertakings were mentioned.
2. It was noted that any stakeholder at the airport or member of the public has an opportunity to interact with the Commission and can make a presentation at a Commission meeting provided it is presented to the Clerk in writing within the prescribed time limits.
3. With the hiring of an Airport Facilitator there is a conduit for communication with the Commission as well as an avenue for resolving potential issues and complaints.
4. As members of COPA 149 we feel we have the potential for establishing an internal committee that will interact with the Commission via the Airport Facilitator without the encumbrance of meeting the requirements of the Ontario Municipal Act 2001.

It is our hope that with the dissolving of the present Advisory Panel the credibility of any future stakeholders or advisory committee will not be negatively impacted or diminished. We realize that the Airport Commission operates within the constraints of a limited annual budget. However, there are many suggestions, problems and concerns that can be solved with limited resources. E.g., COPA 149 has an army of volunteers that is willing to help maintain the airport as a “go to destination”. Additionally, we also respectfully ask that you will, at the very least, give an ear to the innovators, visionaries, and conceptualists. Their input may provide the backdrop for the future development of a financially viable airport complex.

Respectfully submitted on behalf of the Advisory Panel



Commission Report

Subject: Ombudsman Final Report

To: Airport Commission

From: Nicole Rubli, Clerk

Report Number 2023-01

Meeting Date: May 31, 2023

Recommendation:

That the Commission receive the Final Report prepared by the Office of the Ombudsman; and

That the Commission implement and continue to follow the recommendations contained within the Final Report to ensure compliance with the responsibilities under the Municipal Act.

Background:

The Ontario Ombudsman has completed an investigation into a complaint regarding closed meetings held by the Niagara Central Dorothy Rungeling Airport Commission on April 8, April 23, May 13, August 19, and August 30, 2021.

At the Commission meeting held March 2, 2023, the Commission received in Closed Session a verbal report regarding an investigation by the Ontario Ombudsman.

On May 19, 2023 the Ontario Ombudsman sent their final report. In accordance with section 14.1 (8) of the Ombudsman Act, the municipality should make the report available to the public. In accordance with section 239.2(12) of the Municipal Act, 2001, the City should pass a resolution stating how it intends to address this report.

Discussion:

The Final Report of the Ontario Ombudsman provides recommendations to assist the Airport Commission in fulfilling its obligations under the Act and enhance the transparency of its meetings in the future. Upon learning about the complaint to the Ombudsman's Office, the Commission reviewed its meeting procedures and processes and proactively took steps to ensure compliance with meeting rules as prescribed in the Municipal Act. The Commission has ensured a Clerk is present at each Commission meeting, adopted a Procedural By-law in September 2022 and has ensured notice of all meetings is posted on the Airport's website.

The recommendations from the Final Report of the Ombudsman and further corrective actions taken by the Commission are outlined below:

	Ombudsman's Recommendations	Action Taken
1	All members of the Niagara Central Dorothy Rungeling Airport Commission should be vigilant in adhering to their individual and collective obligation to ensure that the Commission complies with its responsibilities under the Municipal Act, 2001.	The Airport Commission has adopted a Procedural By-law and collectively ensures adherence to the By-law and Municipal Act. Commission members receive training on closed meeting provisions.
2	The Niagara Central Dorothy Rungeling Airport Commission should ensure that prior to each in camera meeting, a resolution to proceed in camera is passed in open session.	The Commission passes resolutions in open session to proceed in camera pursuant to the Procedural By-law and Municipal Act.
3	The Niagara Central Dorothy Rungeling Airport Commission should ensure that complete and accurate records are kept of all meetings and that the records reflect all of the substantive and procedural items that were discussed.	The Commission keeps meeting agendas and minutes which are posted on the Airport website pursuant to the Procedural By-law.
4	The Niagara Central Dorothy Rungeling Airport Commission should provide public notice in advance of each meeting.	The Commission provides public notice in advance of each meeting on the Airport website pursuant to the Procedural By-law.
5	As a best practice and to assist in future closed meeting investigations, the Niagara Central Dorothy Rungeling Airport Commission should keep records of when notice has been posted.	The Commission keeps records of all meetings including notice, agendas, and minutes in accordance with the Procedural By-law.

6	The Niagara Central Dorothy Rungeling Airport Commission should ensure that its closed session votes comply with section 239(6) of the Municipal Act, 2001.	The Commission is compliant with section 239.6 of the Municipal Act when voting in closed session.
7	As a best practice, the Niagara Central Dorothy Rungeling Airport Commission should consider audio or video recording its proceedings, including closed meetings.	The Commission audio records meeting pursuant to the Procedural By-law.
8	The Niagara Central Dorothy Rungeling Airport Commission should adopt the best practice of reporting back in a meaningful way, when possible, following closed session discussion.	The Clerk provides a Rise and Report during the next regular open meeting after each closed session discussion.

In accordance with the Ombudsman Act, the Final Report will be made available on the Airport's website.

Conclusion:

The Commission has taken corrective action prior to the completion of the Ombudsman's Final Report that increases transparency and ensures compliance with their responsibilities under the Municipal Act. It is the opinion of Staff that processes have been enacted that fully address the recommendations outlined in the Final Report.

Appendices:

- a. Ombudsman Final Report

Respectfully submitted,

Nicole Rubli
Clerk

**Agenda Item # 11.1 - Regional Road #529 (River Road) – Road Condition
(Commissioner Bruno)**

Proposed Motion:

Whereas, the Niagara Central Dorothy Rungeling Airport is located at Regional Rd. 529 (435 River Road), Fenwick Ontario;

And Whereas, the section of Regional Rd. #529 (River Road) between O'Reilly's Bridge and the end of the airport frontage, just past the airport entrance driveway has been in a serious state of disrepair for many years;

And Whereas, Regional Rd. #529 (River Road) maintenance and repair is the responsibility of the Niagara Region;

THEREFORE BE IT RESOLVED THAT, the Airport Commission request the Niagara Region make the necessary resurfacing to improve road conditions on Regional Rd. 529 (River Road) from O'Reilly's Bridge along the entire airport frontage on River road .

AND THAT a copy of this resolution be forwarded to the Niagara Region, Town of Pelham; City of Port Colborne; Township of Wainfleet and the City of Welland.