



Essex Region Conservation Authority

Board of Directors

Meeting Minutes

Meeting Date: Thursday, April 11, 2024

Time: 6:00 pm

Location and Details: Council Chambers, County of Essex Civic Centre
360 Fairview Avenue West, Essex, ON

Attendance

Members Present:

Jim Morrison (Chair)	Michael Akpata
Sue Desjarlais (Vice-Chair)	Anthony Abraham
Molly Allaire	Larry Verbeke
Peter Courtney	Joe Bachetti
Tracey Bailey	Tania Jobin
Ryan McNamara	Angelo Marignani
	Kieran McKenzie

Absent:

Regrets:

Jason Matyi	Thomas Neufeld Dayne Malloch
Katie McGuire-Blais	Mark McKenzie
Kim DeYong	

Staff Present

Tim Byrne, CAO/Secretary-Treasurer
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA
Shelley McMullen, CFO/Director Finance and Corporate Services
Kevin Money, Director Conservation Services
Danielle Breault-Stuebing, Director Community and Outreach Services
James Bryant, Director Watershed Management Services
Dan Jenner, Regulations Coordinator
Summer Locknick, Regulations Analyst
Katie Stammmler, Project Manager SWP/Water Quality Scientist

Others

Tom Fuerth, Chair SPC
Dan and Lizanne Lebedyk
Claire Wales, Chair Essex Region Conservation Foundation
Terry Fink, Director Essex Region Conservation Foundation
Louella Paquette
Tony Azar
Andrew and Laura Strahl
Spyros Mason

1. Call to Order

Good evening and welcome to the April 11, 2024, meeting of the ERCA Board of Directors. I will call the meeting to order. Thank you all.

We have regrets this evening from:

- Councillor Katie McGuire-Blaise, Essex
- Councillor Jason Matyi, Essex
- Deputy Mayor Kim DeYong, Kingsville
- Councillor Thomas Neufeld, Kingsville
- Deputy Mayor Dayne Malloch, Pelee Island
- Councillor Mark McKenzie, Windsor

2. Land Acknowledgement

I'd like to begin by acknowledging that this land is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, the Odawa, and the Potawatomi Peoples.

We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island - North America who have been living and working on the land from time immemorial.

3. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

4. Approval of Agenda

A. ERCA Board of Directors

Resolution 39/24 Moved by Larry Verbeke

Seconded by Sue Desjarlais

THAT the Agenda of the April 11, 2024, meeting of the ERCA Board of Directors be approved.

Carried

5. Hearings

A. Convene as the Hearing Board

Resolution 40/24 Moved by Ryan McNamara

Seconded by Peter Courtney

THAT the Board of Directors sit as the Hearing Board in respect of an application(s) under Section 28.1 of the Conservation Authorities Act.

We are now going to conduct hearings under Section 28.1 of the *Conservation Authorities Act* in respect of four application(s).

We, as the Hearing Board, are unaware of the matters being brought forward and we are only now receiving and reviewing the information provided by staff this on this day.

The Authority administers regulations under Part 6 of the *Conservation Authorities*, which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse affect on (the control of flooding, erosion, dynamic

beaches or unstable soils or bedrock) or to permit alteration to a shoreline or watercourse or interference with a wetland. The Staff has reviewed the proposed works and a copy of the staff report has been given to the applicant.

The *Conservation Authorities Act* Section 28.1 subsection 3 provides that:

"An authority shall not refuse an application for a permit or attach conditions to a permit unless the applicant for the permit has been given an opportunity to be heard by the authority."

In holding these hearings, the Authority Board is to determine whether or not a permit is to be issued. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given, and the submissions to be made on behalf of each applicant.

The proceedings will be conducted according to the *Statutory Powers Procedure Act*. Under Section 5 of the *Canada Evidence Act*, a witness may refuse to answer any question on the ground that the answer may tend to criminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal. However, this is a quasi-judicial process, and provides for evidence to be given in response to members' question. Therefore, staff and applicants will be asked to swear an oath or provide an affirmation to speak the truth.

In accordance with the Act, an applicant who has been refused permission or who objects to conditions imposed on a permission, may appeal the decision to the Ontario Land Tribunal who may refuse the permission, or grant permission with or without conditions.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the board.

As a reminder, the Hearings will be conducted in accordance with the approved Hearing Guidelines. We, as the Hearing Board, will question, if necessary, both the staff and the applicant/agent.

Before I ask Dan Jenner, Regulations Coordinator to introduce the applications, I would ask that they swear an oath or provide an affirmation to speak the truth for the duration of the Hearing Board.

Dan Jenner, Regulations Coordinator, Watershed Management Services took an affirmation.

Dan Jenner introduced the applications and context for the application. The Chair asked applicant (or agents for applicant) to swear oath or provide affirmation to speak the truth (as above).

i. [Louella Paquette](#)

Resolution 41/24 Moved by Michael Akpata
Seconded by Sue Desjarlais

THAT the application from Louella Paquette to request relief from access (ingress and egress) policy requirements to construct a dwelling at 1057 Cedar Drive, Town of Kingsville be approved. **Carried**

ii. Azar Homes Ltd.

Resolution 42/24 Moved by Joe Bachetti
Seconded by Tracey Bailey

THAT the application from Azar Homes Ltd, to request relief from access (ingress and egress) policy requirements to construct a dwelling at 517 Elinor, City of Windsor be approved. **Carried**

iii. Andrew and Laura Strahl

Resolution 43/24 Moved by Angelo Marignani
Seconded by Ryan McNamara

THAT the application from Andrew and Laura Strahl, to request relief from access (ingress and egress) policy requirements to construct a dwelling at 551 Adelaide Ave, City of Windsor be approved. **Carried**

iv. Spyros Mason and Tracy McCormick

Resolution 44/24 Moved by Angelo Marignani
Seconded by Anthony Abraham

THAT the application from Spyros Mason and Tracy McCormick, to request relief from access (ingress and egress) policy requirements to construct a dwelling at 10755 Clairview Ave, City of Windsor be approved. **Carried**

B. Hearing Board to Reconvene as the Board of Directors

Resolution 45/24 Moved by Angelo Marignani
Seconded by Sue Desjarlais

THAT the Hearing Board reconvene as the Board of Directors. **Carried**

6. Adoption of Minutes

A. ERCA Board of Directors

Resolution 46/24 Moved by Molly Alliare
Seconded by Peter Courtney

THAT the Minutes of the March 28, 2024, meeting of the Board of Directors and the recommendations therein be approved as distributed. **Carried**

B. John R. Park Homestead Advisory Board

Resolution 47/24 Moved by Sue Desjarlais
Seconded by Tania Jobin

THAT the Minutes of the April 3, 2024, meeting of the John R. Park Homestead Advisory Board and the recommendations therein be approved as distributed. **Carried**

7. Business Arising from the Previous Minutes

None

8. Announcements

While we last met just two weeks ago, much has taken place.

We are pleased to report that all the requirements associated with Ontario Regulation 687/21 - the Transition Plan and agreements for programs and services, have been fulfilled. I'd like to thank the leadership team for ensuring that these deliverables were achieved.

On Monday, we were delighted to welcome over nine-hundred guests to Holiday Beach and the John R. Park Homestead to experience the Great North American Eclipse from our beautiful conservation areas. Several guests travelled a great distance, and we were thrilled for the chance to showcase our properties for this once-in-a-lifetime event.

Staff are gearing up to plant and distribute 65,000 trees between the end of April and end of May. There are a number of community-based tree planting projects planned in the coming weeks, and if members wish to participate, these opportunities are all listed on our website.

Speaking of trees, members are also invited to attend the 25th Annual Earth Day Tree Planting in East Riverside in Windsor. Nearly 1,000 volunteers are expected to plant 2,000 trees at this event, and I would encourage you all to join me at this celebration of the Earth.

9. Delegations

None

10. Presentations

A. BD09/24 Essex Region Conservation Grants

Claire Wales, Chair of the Essex Region Conservation Foundation made a special presentation to the Board of Directors. The Chair, on behalf of the ERCA Board of Directors, extended thanks to members of the Foundation for their hard work in our community and sharing the important message of conservation. The efforts of the Foundation are to be commended as funds raised assist with implementing so many important projects for the betterment of our region. Board Members Molly Allaire and Angelo Marignani, who represent the ERCA Board with the Foundation creating those important connections between ERCA and the Foundation were also recognized.

Resolution 48/24 Moved by Kieran McKenzie
Seconded by Anthony Abraham

THAT the Board of Directors accept the 2023 grants from the Essex Region Conservation Foundation, inclusive of the donor designations and gift restrictions, and that it will comply with all specifics contained within the restricted charitable gift agreements, as summarized in attached Schedule A. **Carried.**

11. Reports for Approval

A. BD10/24 Transition Plan Requirements under O. Reg 687/21 and Municipal Cost Apportioning Agreements

Resolution 49/24 Moved by Larry Verbeke
Seconded by Anthony Abraham

THAT the information contained herein, be accepted for Board Members' information.

Resolution 50/24 Moved by Peter Courtney
Seconded by Ryan McNamara

THAT the Board of Directors accept the 2024 discretionary and recommended municipal contributions, from the Town of Amherstburg, in the amount of \$30,712, and from the Municipality of Lakeshore in the amount of \$49,396, and from the Municipality of Leamington in the amount of \$31,698, to the new and separate land acquisition and protection fund, in accordance with the respective Cost Apportioning Agreements and Resolutions of Council.

Carried

B. BD11/24 Modernization of Conservation Area Entrance Systems

Resolution 51/24 Moved by Angelo Marignani
Seconded by Michael Akpata

THAT Members receive BD11/24 Modernization of Conservation Area Entrance Systems for information and approval; and further,

THAT the proposed \$5.00 daily entrance fee for Hillman Marsh Conservation Area be approved beginning June 1, 2024, reflected in an updated 2024 Fee Schedule and posted on the Authority's website, as required. **Carried**

12. Reports for Information

A. BD12/24 Watershed Management Services Activities Report for February and March 2024

Resolution 52/24 Moved by Molly Alliare
Seconded by Peter Courtney

THAT the review of Regulations and Planning Applications, as presented in Report BD12/24 be received for Members' information. **Carried**

B. Environmental Registry Reports

- i. Conservation Ontario's comments on the "New regulation to focus municipal environmental assessment requirements" (ERO#019-7891)

Resolution 53/24 Moved by Ryan McNamara
Seconded by Tania Jobin

THAT Conservation Ontario comments on ERO#19-7891 be received for Members' information.

Carried

C. Correspondence

- i. Letter from Windsor-Essex Catholic District School Board regarding Contributions to Education with special thanks to Kris Ives dated March 5, 2024

Resolution 54/24 Moved by Angelo Marignani
Seconded by Larry Verbeke

THAT correspondence be received for Members' information. **Carried**

13. Committee of the Whole

14. New Business

A. Water Conservation Discussion with Anglers and Hunters

Mike Akpata requested that a reminder to have boaters take additional care to wash down their boats and mind where they may be expelling bilge to stem flow of invasive species in our local waterways.

15. Other Business.

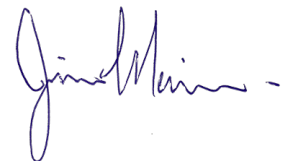
A. Next Meeting

The next meeting of the Board of Directors will be held on June 20, 2024, starting at 6:00 p.m. in Council Chambers at the Civic Centre in Essex, ON.

16. Adjournment

Resolution 55/24 Moved by Molly Alliare
Seconded by Peter Courtney

THAT the April 11, 2024 meeting of the Essex Region Conservation Authority Board of Directors be adjourned. **Carried**



Jim Morrison, Chair



Tim Byrne, CAO/Secretary-Treasurer