



MINUTES

Minutes for the Board of Directors Meeting held Thursday, April 11, 2019, at 6:00 p.m. in Council Chambers, Essex County Civic Centre, 360 Fairview Avenue West, Essex, ON.

Members Present:	Marolyn Morrison	Larry Patterson	Kieran McKenzie
	Morley Bowman	Tracey Bailey	Ed Sleiman
	Chris Vander Doelen	Len Janisse	Dayne Malloch
	Laura Lucier	Mark Carrick	John Jacobs
		Sue Desjarlais	Larry Verbeke

Absent: None

Regrets:	Irek Ksumierczyk (Chair)	Tania Jobin (Vice-Chair)	Joe Bachetti
	Chris Holt	Peter Courtney	

Staff: Richard Wyma, General Manager/Secretary-Treasurer
Nicole Kupnicki, Corporate Services: Executive Assistant
Tim Byrne, Director, Watershed Management Services
Shelley McMullen, Director, Finance & Corporate Services
Kevin Money, Director, Conservation Services
Danielle Stuebing, Director, Community Outreach Services
Claire Sanders, Climate Change Specialist

Guests: Assorted Media
Patricia Morand
Jennifer Poisson
Joe Poisson
Kendra Summerfield
Chad Summerfield
Chris Gosselin, KWP Design
Shane Wilson
Jeff Wirch

1. Acting Chair for April 11, 2019 Board of Directors Meeting

Due to unexpected circumstances, both the Chair and Vice-Chair will be unavailable to attend the April 11 Board Meeting. In keeping with the 2018 Administrative By-Laws:

4.16.1 Absence of Chair and Vice-Chair(s)

In the event of the absence of the Chair and Vice-Chair from any meeting, the Members shall appoint an Acting Chair who, for the purposes of that meeting has all the powers and shall perform all the duties of the Chair. If the Chair does not preside at meetings of the Advisory Board or a committee then the members of those committees shall appoint a Presiding Officer from its member if the chair and vice-chair of the committee are absent from a meeting.

To that end, the Chair and Vice-Chair are recommending the following:

Resolution BD 38/19	Moved By	Laura Lucier	
	Seconded By	Tracey Bailey	- CARRIED

THAT the Board appoint Len Janisse to act as Chair for the April 11, 2019 meeting of the ERCA Board of Directors

2. Call to Order Comments from Acting Chair, Len Janisse

Good evening everyone, and welcome. We have regrets tonight from:

- Chair, Irek Kusmierczyk
- Vice Chair, Tania Jobin
- Deputy Mayor Joe Bachetti
- Councillor Chris Holt
- Councillor Peter Courtney

We also have regrets from Chris Holt, who will be stepping down from our Board due to changes in professional obligations. The City of Windsor will be re-appointing a Councillor to take his place.

I would also like to welcome ERCA staff who have joined us this evening.

3. Land Acknowledgement

I'd like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, the Odawa, and the Potawatomie <pa-te-wa-temi:> Peoples.

To recognize the land is an expression of gratitude and appreciation to those whose territory you reside on, and a way of honouring the Indigenous people who have been living and working on the land from time immemorial.

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.

4. Declarations of Pecuniary Interest

None

5. Approval of Agenda

Resolution BD 39/19	Moved By	Sue Desjarlais	
	Seconded By	Larry Patterson	- CARRIED

THAT the Agenda for the Thursday, April 11, 2019, Meeting of the Board of Directors be approved.

6. Hearings

(a) Hearing Board

Resolution BD 40/19	Moved By	Larry Verbeke	
	Seconded By	Tracey Bailey	- CARRIED

THAT the Board of Directors sit as the Hearing Board in respect of an application(s) under Section 28 of the Conservation Authorities Act.

We are now going to conduct hearings under Section 28 of the *Conservation Authorities Act* in respect of five applications.

- Chad Summerfield is requesting relief from access requirements to construct a new dwelling;
- Joe and Jennifer Poisson are requesting relief from access requirements to construct a new dwelling;
- Jeff Wirch is requesting relief from access requirements to construct a new dwelling;
- Shane Wilson is requesting relief from access requirements to construct a detached structure; and,
- Patricia Morand is requesting relief from the freeboard policy component of the regulatory floodproofing elevation to construct a detached structure.

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 evening.

The Authority has adopted regulations under section 28 of the *Conservation Authorities Act* 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 pollution or conservation of land) or to permit alteration to a shoreline or watercourse or interference with a wetland.

The Staff has reviewed this proposed work and a copy of the staff report has been given to the applicant.

The *Conservation Authorities Act* (Section 28 [12]) provides that:

"Permission required under a regulation made under clause (1) (b) or 8) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee."

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 section 28 of the *Act*, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons, appeal in writing, to the Minister who may refuse the permission, or grant permission with or without conditions. Through Order in Council, the responsibility for hearing the appeal has been transferred to the Mining and Lands Tribunal.

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.

Staff will first introduce the applicant, his/her owner, and others wishing to speak, and then present the staff position. The applicant and/or their agent may then speak and make any comments on the staff position if they so desire. I would also remind everyone that the Hearing Board is open to the public, and therefore we will allow others to speak and, if necessary, the applicant in rebuttal. We, as the Hearing Board, will question, if necessary, both the staff and the applicant/agent.

Before I ask Tim Byrne, Director of Watershed Management Services to introduce the applications, I would ask that he swear an oath or provide an affirmation to speak the truth.

If by Oath (Bible): do you solemnly swear that the evidence which you are about to give in these proceedings will be the truth, the whole truth, and nothing but the truth, so help you God.

If by Affirmation: Do you solemnly affirm that the evidence which you are about to give in these proceedings will be the truth, the whole truth and nothing but the truth, so help you.

Tim Byrne, Director of Watershed Management Services took an oath.

Tim Byrne introduced applications and context for the applications. In each instance, the Chair asked applicants (or agents for applicants) to swear oath or provide affirmation to speak the truth (as above).

v. Patricia Morand

Resolution BD 45/19	Moved By	Tracey Bailey	
	Seconded By	Kieran McKenzie	- CARRIED

THAT the application from Patricia Morand to request relief from the freeboard policy component of the regulatory floodproofing elevation to construct a detached structure be approved.

(b) Delegation of Authority

Resolution BD 46/19	Moved By	Larry Verbeke	
	Seconded By	John Jacobs	- CARRIED

THAT, if there is a requirement that the Hearing Board meet during extended periods between regularly scheduled Board of Directors meetings, the Board of Directors delegate the authority to act as Hearing Board to the Executive Committee as provided for in the Conservation Authorities Act.

(c) Hearing Board

Resolution BD 47/19	Moved By	Marolyn Morrison	
	Seconded By	Morley Bowman	- CARRIED

THAT the Board of Directors reconvene as ERCA Board of Directors.

7. Adoption of Minutes

(a) ERCA Board of Directors

Resolution BD 48/19	Moved By	Ed Sleiman	
	Seconded By	John Jacobs	- CARRIED

THAT the Minutes of the Thursday, February 21, 2019 Meeting of the Board of Directors and the recommendations therein be approved as distributed.

8. Announcements

As with each spring season, there is a great deal of activity happening to sustain our region as the Place for Life.

Development and planning activities continues to be brisk with numbers of permit applications exceeding last year.

Staff are engaged with all municipalities regionally, participating in and leading Hazard Planning and Coastal Protection studies. Lake levels continue to elevated and staff are actively monitoring the ongoing threat of flooding and erosion.

Invasive shrub species removal in Spring Garden will be ending this week with wetland invasive species control beginning in June.

Staff are preparing to plant and distribute over 60,000 trees this spring, including over 2,200 trees at Earth Day Tree Planting Celebrations on April 28. Hoping you can all come to celebrate Earth Day.

On March 27, the John R. Park Homestead was recognized as the Best Museum or Heritage site at Tourism Windsor-Essex-Pelee Island's 'Best of Windsor-Essex' Awards.

We were excited to learn that the cottage at Holiday Beach achieved Premium Partner status from CanadaStays due to consistent 5 star ratings, demonstrating excellence in quality and customer service.

Also at Holiday Beach, the new boardwalk will be completed this week in time for the Park's spring opening on April 13.

All of our Conservation Areas are open and ready for visitation. Trilliums will be blooming within a few weeks at Kopegaron Woods, and the Shorebird Celebration at Hillman Marsh kicks off on May 1.

We also wanted to be sure to invite all of you to join us at the Essex Region Conservation Foundation's Fundraising Golf Tournament on July 18. Later tonight, we'll hear more about all the Foundation has done to support environmental projects this past year, and I would encourage everyone to attend this wonderful event.

9. Delegations

None

10. Presentations

None

11. Reports for Approval

(a) BD 07/19 Meeting Provincial Priorities for Reducing Regulatory Burden

Resolution BD 49/19

Moved By

Sue Desjarlais

Seconded By

Kieran McKenzie

- CARRIED

WHEREAS the provincial government intends to increase the supply of housing and streamline the land use planning and development approval process to achieve this goal; and

WHEREAS the Conservation Authorities play an important role in the planning and development review process with respect to watershed protection and hazard lands; and

WHEREAS Conservation Authorities support and can help deliver the Government's objective not to jeopardize public health and safety or the environment;

THEREFORE THE Board of Directors endorse the three key solutions developed by the Conservation Ontario working group: to improve client service and accountability; increase speed of approvals; and reduce 'red tape' and regulatory burden; and further,

THAT Administration be directed to continue to work with Conservation Ontario and our clients to identify additional improvements; and further,

THAT Administration be directed to implement these solutions as soon as possible; and further,

THAT Administration share this report and resolution to local Municipal Councils and Members of Provincial Parliament.

- (b) BD 08/19 Establishing a Climate Collaborative for Essex Region

Resolution BD 50/19

Moved By

Laura Lucier

Seconded By

Ed Sleiman

- CARRIED

THAT report BD 08/19 and the Establishing a Climate Collaborative for Essex Region: Post-Workshop Summary report be received for information; and further,

THAT ERCA continue working towards establishing a climate collaborative for the region.

- (c) BD 09/19 Greenway Etiquette

Resolution BD 51/19

Moved By

Sue Desjarlais

Seconded By

Marolyn Morrison

- CARRIED

That administration continue to work with greenway users to create awareness about trail etiquette and respect for each other.

12. Environmental Registry Reports for Comment

None

13. Reports for Information

- (a) BD 10/19 Watershed Management Services Activities Report for February and March 2019.

Resolution BD 52/19

Moved By

Mark Carrick

Seconded By

Ed Sleiman

- CARRIED

THAT the review of Regulations and Planning Applications, as presented in Report BD 10/19 be received for Members' information.

- (b) Correspondence Response from the Honourable Catherine McKenna,
Minister of Environment and Climate Change Canada

Resolution BD 53/19

Moved By

Larry Verbeke

Seconded By

John Jacobs

- CARRIED

THAT the correspondence be received for Members' information.

14. New Business

- (a) Essex Region Conservation Foundation

15 Other Business

- (a) The next meeting of the ERCA Board of Directors will be held on
Thursday, June 20, 2019 starting at 6:00PM in Council Chambers, Essex
County Civic Centre, 360 Fairview Avenue West, Essex, ON.

16. Adjournment

Resolution BD 45/19

Moved By

Larry Patterson

Seconded By

Mark Carrick

- CARRIED

THAT the meeting be adjourned.



Irek Kusmierczyk
Chair



Richard J.H. Wyma CSLA
General Manager/Secretary-Treasurer

UPCOMING EVENTS

April 28, 2019 [Earth Day Community Tree Planting](#), Ganatchio Trail Windsor

May 1-20, 2019 [Shorebird Celebration](#), Hillman Marsh Conservation Area

May 4, 2019 [Rotary Legacy Forest Planting](#), Iler Road and Dolson Road

May 5, 2019 [Friends of the Homestead Yard Sale](#), J.R. Park Homestead

- May 7, 2019 [Garlic Mustard Pull at Camp Cedarwin](#), Camp Cedarwin Sawmill Entrance
- May 11, 2019 [Forests Ontario's 2019 Community Tree Plant](#), Cherry Blossom Drive, Windsor
- May 13, 2019 [The Nature of Music](#), Hillman Marsh Conservation Area
- May 14, 2019 [Garlic Mustard Pull](#), J.R. Park Homestead
- June 9, 2019 [Reid Funeral Home Celebration of Life](#), Hillman Marsh Conservation Area
- June 15, 2019 [South Coast Adventure Race Championship](#), Various sites
- June 20, 2019 [Board Meeting](#), 6:00PM Essex County Civic Centre, Council Chambers
- June 22, 2019 [Citizen Science Tree Survey](#), Florence Avenue and Wyandotte St. E in Windsor
- July 18, 2019 [31st Annual Essex Region Conservation Golf Tournament](#), Point West Golf Club
- August 11, 2019 [Lost Arts Festival](#), J.R. Park Homestead