



## MINUTES

Minutes for the Board of Directors Meeting held Thursday, November 7, 2019, at 6:00 p.m. in Council Chambers, Essex County Civic Centre, 360 Fairview Avenue West, Essex, ON.

<b>Members Present</b>	Tania Jobin (Vice-Chair)	Larry Patterson	Joe Bachetti
	Chris Vander Doelen	Laura Lucier	John Jacobs
	Peter Courtney	Tracey Bailey	Larry Verbeke
	Kieran McKenzie	Len Janisse	
	Ed Sleiman		

<b>Member Regrets</b>	Jim Morrison	Morley Bowman	Mark Carrick
	Marolyn Morrison	Sue Desjarlais	

**Members Absent**      None

**Staff Present**

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  
Ashley Gyori, Regulations Technician  
Sydney Clackett, Surveyor/Technical Assistant

**Guests**

Assorted Media  
Dino Mollica  
Nathan Rutledge, Lakeland Homes Ltd  
Shelia Luno, St. Clair-Rhodes Development  
Jeremy Truax  
Bernard Gorski, Colchester Ridge Estate Winery

## 1. CALL TO ORDER

- Good evening. We have regrets this evening from: Councillors Morley Bowman, Sue Desjarlais, Jim Morrison, Mark Carrick and also from representative Marolyn Morrison.
- We also have regrets from, and extend our most sincere congratulations to, our Chair MP-Elect Irek Kusmierczyk. Irek was a diligent Chair and significant contributor to the work of the Conservation Authority for many years. We wish him every success as he moves on to represent us and the issues we face in Ottawa.

## 2 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.

## 3. DECLARATIONS OF PECUNIARY INTEREST

Dayne Malloch in relation to a matter before the Hearing Board (Jeremy Truax).

## 4. APPROVAL OF AGENDA

***THAT the Agenda for the Thursday, November 7, 2019, Meeting of the Board of Directors be approved.***

Resolution BD104/19	Moved By	Larry Verbeke	
	Seconded By	Peter Courney	- CARRIED

## 5. HEARINGS

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

Resolution BD105/19	Moved By	Larry Patterson	
	Seconded By	Len Janisse	- CARRIED

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

- Dino Maggio is requesting relief from access (ingress and egress) policy requirements to construct a townhome development at 233 Watson Ave., Windsor
- Dino Mollica is requesting relief from access (ingress and egress) policy requirements to construct an addition to the existing dwelling at 9930 Riverside Drive East, Windsor.
- Karen Fullerton care of Lakeland Homes Ltd. is requesting relief from access (ingress and egress) policy requirements to construct a new dwelling at 9765 Menard Street, Windsor.
- Dan Tudor is requesting relief from access (ingress and egress) policy requirements to construct an addition to the existing dwelling at 535 Florence Ave, Windsor.
- Jay Merchant is requesting relief from access (ingress and egress) policy requirements to construct an addition to the existing dwelling at 573 McTague Court, Windsor.
- Jeremy Truax is requesting relief from access (ingress and egress) policy requirements to construct a new dwelling at the lot east of 271 North Shore Road, Pelee Island.

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 affects 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 works 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 took an Oath. Thank you Tim, please proceed.



vi. Jeremy Truax

***THAT the application from Jeremy Truax to request relief from access (ingress and egress) policy requirements to construct a new dwelling at the lot east of 271 North Shore Road, Township of Pelee be approved.***

Resolution BD111/19	Moved By	Laura Lucier	
	Seconded By	Larry Patterson	- CARRIED

(b) Hearing Board

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

Resolution BD112/19	Moved By	Kieran McKenzie	
	Seconded By	Len Janisse	- CARRIED

## 6 ADOPTION OF MINUTES

(a) ERCA Board of Directors

***THAT the Minutes of the Thursday, September 12, 2019 Meeting of the Board of Directors and the recommendations therein be approved as distributed.***

Resolution BD113/19	Moved By	Larry Verbeke	
	Seconded By	Joe Bachetti	- CARRIED

(b) ERCA Finance and Audit Advisory Board

***THAT the Minutes of the October 2, 2019 Meeting of the Finance & Audit Advisory Board and the recommendations therein be approved as distributed.***

Resolution BD114/19	Moved By	John Jacobs	
	Seconded By	Laura Lucier	- CARRIED

(c) ERCA Conservation Services Advisory Board

***THAT the Minutes of the Thursday, September 5, 2019 Meeting of the Conservation Services Advisory Board and the recommendations therein be approved as distributed.***

Resolution BD115/19	Moved By	Joe Bachetti	
	Seconded By	Peter Courtney	- CARRIED

(d) ERCA JRPH Advisory Board

*THAT the Minutes of the September 16, 2019 Meeting of the JRPH Advisory Board and the recommendations therein be approved as distributed.*

Resolution BD116/19	Moved By	Laura Lucier	
	Seconded By	Ed Sleiman	- CARRIED

(e) Conservation Ontario Council

*THAT the Minutes of the Monday, September 30, 2019 Conservation Ontario Council meetings\* be received.*

\* distributed via email per report BD 37/09

Resolution BD117/19	Moved By	Dayne Malloch	
	Seconded By	Chris Vander Doelen	- CARRIED

## 7. ANNOUNCEMENTS

- I was pleased to join Richard Wyma on October 15 in consultation with the Provincial Ministry of Conservation, Environment and Parks and the Ministry of Natural Resources. These ministries have been consulting with all 36 Conservation Authorities across the province with respect to the pending changes to the Conservation Authorities Act. The discussion was productive, and Richard will provide a more comprehensive report later tonight.
- Also on October 15, water levels had receded enough to remove the long term flood watch the entire region had been under since April. However, the levels remained high enough to warrant a Watershed Conditions Statement.
- Preliminary estimates of this year's high water levels and intense storm activity have cost the Authority well over \$100,000 in cleanups, lost revenues, erosion protection structures and others. This estimate does not include the additional staffing required to monitor flood conditions, respond to flooding activities, and meet the increased demand for flood protection permits.
- Moving on to more pleasant subjects, I would like to encourage members to attend this Saturday's **Dennis Chase Smile Walk**. For those members who have been with us for many years, you will remember Dennis as a dedicated ERCA employee who planted more than 1 million trees during his career, and made significant contributions to Conservation Areas across the region.
- This year will mark the third that his family will honour his legacy with a Walk-a-Thon raising funds to benefit the Essex Region Conservation Foundation. To

date, they have raised over \$21 thousand dollars for conservation projects. We hope you will be able to join us this Saturday at Hillman Marsh to lend your support to this event.

- We'd also like to remind you of the Super Santa Run in Amherstburg on November 16, when more than 400 Santas are expected to help kick off the holiday season.
- Finally, on November 29 we will host a region-wide Climate Action Symposium. If you have not yet registered, we encourage you to do so, and to invite your Council colleagues and senior staff to this important event.

## 8. BUSINESS ARISING FROM THE PREVIOUS MINUTES

Update on Programs and Services – Richard Wyma, General Manager

## 9. DELEGATIONS

None.

## 10. PRESENTATIONS

Update on Windsor Essex Climate Change Collaborative – Claire Sanders, Climate Change Specialist

## 11. REPORTS FOR APPROVAL

- (a) BD 32/19 Climate Change Update

***THAT report BD 32/19 report be received for information; and further, THAT ERCA endorse the Climate Change Emergency Declaration.***

Resolution BD118/19 Moved By Kieran McKenzie  
Seconded By Larry Patterson - CARRIED  
\*Chris Vander Doelen voted against.

- (b) BD 33/19 John R. Park Homestead Heritage Centre

***That ERCA proceed with the development and construction of a new Heritage Centre at the John R. Park Homestead Conservation Area in partnership with the Essex Region Conservation Foundation.***

Resolution BD119/19 Moved By John Jacobs  
Seconded By Laura Lucier - CARRIED  
\*Chris Vander Doelen voted against.



- (c) BD 34/19 Holiday Beach Conservation Area Single Track Trail  
*That ERCA continue to support the Amherstburg Community Foundation's effort to raise funds to create the Holiday Beach Cycling Trail.*

Resolution BD120/19 Moved By Kieran McKenzie  
Seconded By Joe Bachetti - CARRIED

- (d) BD 35/19 Community, Culture and Recreation Grant  
*That ERCA proceed with a fundraising application in support of the Holiday Beach Conservation Area Management Plan.*

Resolution BD121/19 Moved By Dayne Malloch  
Seconded By Len Janisse - CARRIED

- (e) BD 36/19 Regional Flood Contingency Plan Updates  
*THAT Administration continue to provide assistance and advice to the region's municipalities on flood contingency planning updates; and further,*  
*THAT, at the request of Pelee Island, Administration assist in formalizing agreements and updating the Pelee Island Flood Contingency Plan.*

Resolution BD122/19 Moved By Larry Verbeke  
Seconded By Ed Sleiman - CARRIED

- (f) BD 37/19 2020 Meeting Calendar  
*THAT the ERCA Board of Directors 2020 meeting schedule as outlined in Report BD37/19 be approved.*

Resolution BD123/19 Moved By Len Janisse  
Seconded By Chris Vander Doelen - CARRIED

## 12. ENVIRONMENTAL REGISTRY REPORTS FOR COMMENT

- (a) BD 38/19 ERO 019-0279 Provincial Policy Statement Review – Proposed Policies

*THAT comments to the Environmental Registry of Ontario regarding the Proposed Provincial Policy Statement be received for information.*

Resolution BD124/19 Moved By Larry Patterson  
Seconded By Laura Lucier - CARRIED

### 13. REPORTS FOR INFORMATION

- (a) BD 39/19 Unaudited Statement of Operating Activities for the Nine (9) Months Ended September 30, 2019

***THAT Report BD 39/19, Unaudited Statement of Operating Activities for Nine Months Ended September 30, 2019, be received as distributed, for Member's information.***

Resolution BD125/19 Moved By Ed Sleiman  
Seconded By Joe Bachetti - CARRIED

- (b) BD 40/19 Watershed Management Services Activities Report for September 2019.

***THAT the review of Regulations and Planning Applications, as presented in Report BD40/19 be received for Members' information.***

Resolution BD126/19 Moved By Laura Lucier  
Seconded By Larry Patterson - CARRIED

- (c) BD 41/19 Administrative Policies (Media and Volunteer Placements)

***THAT the Essex Region Conservation Authority endorse the updated ERCA Media Policy and the ERCA Volunteer-Placements Policy.***

Resolution BD127/19 Moved By Kieran McKenzie  
Seconded By Larry Verbeke - CARRIED

### 14. COMMITTEE OF THE WHOLE

- (a) Confidential matters related to property.

***THAT the meeting move from Board of Directors to Committee of the Whole related to property matters.***

Resolution BD128/19 Moved By Ed Sleiman  
Seconded By John Jacobs - CARRIED

- (b) Resume Open Session

***THAT the actions of the Committee of the Whole be endorsed.***

Resolution BD129/19 Moved By Len Janisse  
Seconded By Chris Vander Doelen - CARRIED

## 15. NEW BUSINESS

- (a) Recommendation from Executive Committee re: Chair/Vice-Chair

Richard to provide an update on proposed next steps and timelines for election of new Chair due to Irek Kusmierczyk being elected as the Federal MP Windsor-Tecumseh .

*THAT Administration await the appointment of the fourth Board Member from the City of Windsor as expected in early-December; and further,*

*THAT the Vice-Chair continue in her capacity as Acting Chair until the ERCA AGM in January 2020; and further,*

*THAT an election of a Chair from the City of Windsor for the remaining one year term be held at the January 23, 2020 AGM.*

Resolution BD130/19	Moved By	Len Janisse	
	Seconded By	John Jacobs	- CARRIED

## 16. OTHER BUSINESS

- (a) The next meeting of the ERCA Board of Directors will be held on **Thursday, December 12, 2019** starting at 6:00PM in Council Chambers, Essex County Civic Centre, 360 Fairview Avenue West, Essex, ON.

## 17. ADJOURNMENT

*That the November 7, 2019 Meeting of the Essex Region Conservation Authority Board of Directors be adjourned.*

Resolution BD131/19	Moved By	Larry Verbeke	
	Seconded By	Peter Courtney	- CARRIED



Tania Jobin  
Vice Chair



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

## UPCOMING EVENTS

November 16, 2019

[Super Santa 5K Run/Walk](#) Amherstburg

November 23, 2019

[Deck the Holidays Workshop](#) John R. Park Homestead

December 8, 2019

[Christmas in the Country](#) John R. Park Homestead

December 10, 2019

[Candlelight Christmas](#) John R. Park Homestead

December 12, 2019

**Board of Directors Meeting** Essex Civic Centre

January 23, 2020

**Annual General Meeting** Essex Civic Centre

February 13, 2020

**Board of Directors Meeting** Essex Civic Centre