



MINUTES

Minutes for the Board of Directors Meeting held Thursday, June 20, 2019, at 6:00 p.m. in Council Chambers, Essex County Civic Centre, 360 Fairview Avenue West, Essex, ON.

Members Present:	Irek Ksumierczyk (Chair)	Larry Patterson	Ed Sleiman
	Tania Jobin (Vice-Chair)	Tracey Bailey	Dayne Malloch
	Marolyn Morrison	Len Janisse	John Jacobs
	Morley Bowman	Joe Bachetti	Larry Verbeke
	Chris Vander Doelen		
	Laura Lucier		

Absent: None

Regrets:	Peter Courtney	Sue Desjarlais
	Kieran McKenzie	Mark Carrick

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
James Bryant, Water Resources Engineer
Dan Jenner, Regulations Analyst
Ashley Gyori, Regulations Technician
Kris Ives, Curator/Education Coordinator
Amy McMillan, Administrative Associate, Corporate Services
Jacqueline Serran, Detroit River Remedial Action Plan Coordinator

Guests: Assorted Media
Mark Bloomfield
Luc Moison
Sara Moison
W. Moison

1. Call to Order

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

None

4. Approval of Agenda

THAT the Agenda for the Thursday, June 20, 2019, Meeting of the Board of Directors be approved.

Resolution BD 55/19

Moved By

Ed Sleiman

Seconded By

Larry Verbeke

- CARRIED

5 Hearings

(a) Hearing Board

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 BD 56/19

Moved By

Dayne Malloch

Seconded By

John Jacobs

- CARRIED

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

- Dennis and Sarah Moison are requesting relief from access (ingress and egress) policy requirements to construct a detached structure be approved.
- Mark Bloomfield is requesting relief from the typical development standards to construct a detached structure through the provision of vented foundation walls be approved.

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).

i. Denis Moison

Resolution BD 57/19

Moved By

Len Janisse

Seconded By

Larry Verbeke

- CARRIED

THAT the application from Denis Moison to request relief from access (ingress and egress) policy requirements to construct a detached structure be approved.

ii. Mark Bloomfield

Resolution BD 58/19

Moved By

Joe Bachetti

Seconded By

Larry Patterson

- CARRIED

That the application from Mark Bloomfield to request relief from the typical development standards to construct a detached structure through the provision of vented foundation walls be approved.

(b) Hearing Board

THAT the Board of Directors reconvene as ERCA Board.

Resolution BD 59/19

Moved By

Tania Jobin

Seconded By

Laura Lucier

- CARRIED

5. Adoption of Minutes

(a) ERCA Board of Directors

THAT the Minutes of the Thursday, April 11, 2019 Meeting of the Board of Directors and the recommendations therein be approved as distributed.

Resolution BD 60/19

Moved By

Dayne Malloch

Seconded By

Ed Sleiman

- CARRIED

(b) ERCA Executive Committee

THAT the Minutes of the Friday, May 3, 2019 Meeting of the Executive Committee and the recommendations therein be approved as distributed.

Resolution BD 61/19

Moved By

Laura Lucier

Seconded By

Joe Bachetti

- CARRIED

(c) ERCA JRPH Advisory Board

THAT the Minutes of the February 25, 2019 and the May 13, 2019 Meetings of the JRPH Advisory Committee and the recommendations therein be approved as distributed.

Resolution BD 62/19	Moved By	Len Janisse	
	Seconded By	John Jacobs	- CARRIED

(d) ERCA Finance and Audit Advisory Board

THAT the Minutes of the June 17, 2019 Meetings of the ERCA Finance and Audit Advisory Board and the recommendations therein be approved as distributed.

Resolution BD 63/19	Moved By	Larry Verbeke	
	Seconded By	Morley Bowman	- CARRIED

(e) Conservation Ontario (CO) Council

THAT the Minutes of the Monday, April 1, 2019 Conservation Ontario Council meetings* be received.

* distributed via email per report BD 37/09

Resolution BD 64/19	Moved By	Larry Patterson	
	Seconded By	Tracey Bailey	- CARRIED

6. Business Arising from Previous Minutes

(a) ERO Postings and Legislative Updates

THAT the correspondence to CAOs at ERCA Member Municipalities and Members of Provincial Parliament be received for information.

Resolution BD 65/19	Moved By	Laura Lucier	
	Seconded By	Marolyn Morrison	- CARRIED

7. Announcements

There's no question that this spring has been challenging all around. And we will hear more about those challenges this evening.

Since we last met, our Administration has been working internally and with other Conservation Authorities and Conservation Ontario to respond to a number of proposals and changes to our legislation and regulation, and how those changes may impact our region.

We received cuts to provincial transfer payment related to our flood management programs – at a time when our region was flooding. In fact, we continue to remain under an extended Flood Watch due to record-breaking high water levels. Staff have also been assisting municipal partners in managing the 9 active flooding events that have occurred over the past two months.

The 50 Million Trees program was also cut but the province which will have impacts to our restoration efforts. There has been some good news with new federal support for that program, but we are still working through how that will be rolled out. Our Foundation has launched a new 'Partners in Sustainability' initiative aimed at providing opportunities for the business community to help offset these losses and keep putting trees in the ground.

The wet weather has not helped – like farmers, wet weather means we aren't able to get our equipment on the ground, so our machine tree planting program has been significantly delayed. To date, only 60% of our sites have been planted, while we continue to monitor the health of the unplanted trees in cold storage.

These record high lake levels have resulted in the closure of the trail at Tremblay Beach Conservation Area, and the beach at Holiday Beach. And, with ongoing high water levels we are anticipating more challenges ahead.

However, on a brighter note, we were able to welcome thousands of community members, including over 1,000 school children, to participate in nearly a dozen tree planting events across the region with shovels in hand.

The Authority's financial audit for 2018 has been completed and the financial results were slightly better than projected at the time of 2019 budget preparations.

And finally, I would encourage all members to sign up for the Essex Region Conservation Foundation's Fundraising Golf Tournament. As we know, the Foundation raises significant funds for our projects each year, and it would be great to extend our support to this event.

8. Delegations

None

9. Presentations

None

10. Reports for Approval

- (a) BD 11/19 2018 Draft Audited Financial Statements, Financial Sustainability and Condition (to be provided as an Addendum following the June 17, 2019 Meeting of the Finance and Audit Advisory Board)

THAT Report BD 11/19, 2018 Draft Audited Financial Statements and Financial Condition Review, be received as distributed for Member's information and further,

THAT the draft audited Financial Statements of the Essex Region Conservation Authority, for the year ended December 31, 2018, be approved and released as final audited Financial Statements.

Resolution BD 66/19

Moved By

Tracey Bailey

Seconded By

Tania Jobin

- CARRIED

- (b) BD12/19 Legislative Update

THAT ERCA continue to work with Conservation Ontario, municipalities, and the development sector in understanding implications to the functions that ERCA provides as a result of the *More Choices, More Homes Act 2019*; and further,

THAT Administration provide updates to the Board as additional information on these implications are better known and as new information, or proposals for consultation are introduced.

Resolution BD 67/19

Moved By

Ed Sleiman

Seconded By

Len Janisse

- CARRIED

- (c) BD13/19 Meeting Provincial Priorities for Reducing Regulatory Burden – Update

THAT ERCA continue to work with Conservation Ontario and the Conservation Ontario Timely Review and Approvals Task Force to develop Templates for CA/Municipal MOUs/Service Agreements and other tools for application by conservation authorities; and further,

THAT ERCA work with municipalities to develop local MOUs/Technical Service Agreements based on templates developed through Conservation Ontario; and further,

THAT ERCA continue consultation and development of the Place for Life Policies within the context of the More Homes, More Choices Act, 2019; and further,

THAT Administration report to the Executive Committee and the Board of Directors on its actions related to these commitments.

Resolution BD 68/19	Moved By	Larry Verbeke	
	Seconded By	John Jacobs	- CARRIED

- (d) BD 14/19 Peche Island Aquatic Habitat Project

THAT administration enter into an agreement with the City of Windsor to build the Peche Island Aquatic Habitat project as described in BD 14/19.

Resolution BD 69/19	Moved By	Len Janisse	
	Seconded By	Ed Sleiman	- CARRIED

- (e) BD15/19 Demonstration Farm Update

THAT ERCA continue to seek out new partnerships, undertake new applied science initiatives and transfer knowledge about these projects to the farming community.

Resolution BD 70/19	Moved By	Larry Verbeke	
	Seconded By	Chris Vander Doelen	- CARRIED

That the Board Resources be received for Members' information

Resolution BD 80/19

Moved By

Ed Sleiman

Seconded By

Tania Jobin

- CARRIED

15 Other Business

- (a) The next meeting of the ERCA Board of Directors will be held on **Thursday, September 12, 2019** starting at 6:00PM in Council Chambers, Essex County Civic Centre, 360 Fairview Avenue West, Essex, ON.
- (b) In early June 2019, the Town of Tecumseh was the recipient of The Great Lakes-St. Lawrence Cities Initiative 'Wege Small Cities Sustainability Best Practices Award' for the Town's Stormwater System Improvements in Lakewood Park.

This project resulted in the creation of a natural and sustainable stormwater management solution for Lake St. Clair within the boundaries of the Park. Lakewood is a naturalized park area that incorporated construction of a new stormwater pumping station, improvements to the existing shoreline, revitalization of approximately 70 acres of park land and construction of a 640 m natural stormwater channel. The result is a unique place for the community that protects the surrounding area from overland flooding from the lake and during high volumes of rainfall.

This award recognizes a small Cities Initiative member city in Canada or the U.S. working to protect the Great Lakes and St. Lawrence and improve the quality of the water resource for future generations. The award encourages environmental stewardship for projects that balance economic, social and environmental aspects within the community that could be used as a best practice for other cities.

The award includes a \$5,000 prize which the Town will use to fund dedicated benches along the multi-use trails in the park. Within the Park itself, the Town has also used grant funding to install a Disc Golf Course, Adult Exercise Equipment, a climbing rock and paved multi-use trails.

16. Adjournment

That the Meeting be adjourned

Resolution BD 81/19

Moved By

Marolyn Morrison

Seconded By

Larry Patterson

- CARRIED



Irek Kusmierczyk
Chair



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

UPCOMING EVENTS

June 22, 2019

[Citizen Science Tree Survey](#)

Florence Avenue and Wyandotte St. E in Windsor

June 23, 2019

[Hunt Draw: Hillman Marsh and Cedar Creek](#)

Hillman March Conservation Area

July 18, 2019

[31st Annual Essex Region Conservation Golf Tournament](#)

Point West Golf Club

July 27 & 28, 2019

[Explore the Shore](#) John R. Park Homestead and Holiday Beach Conservation Area

August 11, 2019

[Lost Arts Festival](#) John R. Park Homestead

August 18, 2019

Hunt Draw: Holiday Beach Conservation Area

Harrow/Colchester S. Recreation Complex, 243 McAfee, Harrow, ON

September 12, 2010

Board of Directors Meeting Essex Civic Centre

September 14, 2019

[Festival of Hawks Day 1](#), Holiday Beach Conservation Area

September 15, 2019

[Festival of Hawks Day 2](#), Holiday Beach Conservation Area

September 21, 2019

[Festival of Hawks Day 3](#) Holiday Beach Conservation Area

- September 22, 2019 [Festival of Hawks Day 4](#) Holiday Beach Conservation Area
- September 28, 2019 [Essex Region Conservation Bike Tour](#) Mettawa Park, Kingsville
- October 10, 2019 **Board of Directors Meeting (*At the Call of the Chair)**
Essex Civic Centre
- October 20, 2019 [Harvest & Horses](#) John R. Park Homestead
- October 25, 2010 [John R. Park After Dark – Tragic Tales & Pioneer Perils](#)
John R. Park Homestead
- November 7, 2019 **Board of Directors Meeting** Essex Civic Centre
- 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