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## 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.

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<b>Members Present:</b>	Irek Ksumierczyk (Chair)	Larry Patterson	Sue Desjarlais
	Tania Jobin (Vice-Chair)	Laura Lucier	Mark Carrick
	Marolyn Morrison	Tracey Bailey	John Jacobs
	Chris Vander Doelen	Len Janisse	Larry Verbeke
	Peter Courtney	Joe Bachetti	
	Kieran McKenzie	Ed Sleiman	

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**Absent:** None

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**Regrets:** Dayne Malloch    Morley Bowman    Jim Morrison

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**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  
Cynthia Casagrande, Regulations Coordinator  
Dan Jenner, Regulations Analyst  
Ashley Gyori, Regulations Technician  
Amy McMillan, Administrative Associate, Corporate Services

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**Guests:** Assorted Media  
Michael Priestyeski  
Michael Nelson, Resource Planner

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## 1. Call to Order

Good evening. We have regrets this evening from:

- Councillor Morley Bowan
- Councillor Dayne Malloch
- And Councillor Jim Morrison, who has been appointed as our new representative from the City of Windsor.

## 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, September 20, 2019, Meeting of the Board of Directors be approved.**

Resolution BD 82/19	Moved By	Tania Jobin	
	Seconded By	Joe Bachetti	- 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 BD 83/19	Moved By	Larry Verbeke	
	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.

- Michael Priestyeski is requesting relief from access (ingress and egress) policy requirements to construct an addition to the existing dwelling at 240 St. Mark's, Tecumseh
- Keith Regan is requesting relief from access (ingress and egress) policy requirements to construct an addition to the existing dwelling at 541 East 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 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. Michael Priestyeski

**THAT the application from Michael Priestyeski to request relief from access (ingress and egress) policy requirements to construct an addition to the existing dwelling at 240 St. Mark's be approved.**

Resolution BD 84/19

Moved By

Larry Patterson

Seconded By

Joe Bachetti

- CARRIED

ii. Keith Regan

**THAT the application from Keith Regan to request relief from access (ingress and egress) policy requirements to construct an addition to the existing dwelling at 541 East Shore Road be approved.**

Resolution BD 85/19	Moved By	Larry Verbeke	
	Seconded By	Tracey Bailey	- CARRIED

(b) Hearing Board to Reconvene

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

Resolution BD 86/19	Moved By	John Jacobs	
	Seconded By	Sue Desjarlais	- CARRIED

## 6. Adoption of Minutes

(a) ERCA Board of Directors

**THAT the Minutes of the Thursday, June 20, 2019 Meeting of the Board of Directors and the recommendations therein be approved as distributed.**

Resolution BD 87/19	Moved By	Laura Lucier	
	Seconded By	Len Janisse	- CARRIED

(b) ERCA Executive Committee

**THAT the Minutes of the July 24, 2019 and August 29, 2019 of the Executive Committee and Hearing Board and the recommendations therein be approved as distributed.**

Resolution BD 88/19	Moved By	Ed Sleiman	
	Seconded By	Kieran McKenzie	- CARRIED

- (c) ERCA Conservation Services Advisory Board

**THAT the Minutes of the Tuesday, July 9, 2019 Meeting of the Conservation Services Advisory Board and the recommendations therein be approved as distributed.**

Resolution BD 89/19	Moved By	Peter Courtney	
	Seconded By	Larry Patterson	- CARRIED

- (d) Conservation Ontario (CO) Council

**THAT the Minutes of the Monday, June 24, 2019 Conservation Ontario Council meetings\* be received.**

\* distributed via email per report BD 37/09

Resolution BD 90/19	Moved By	Marolyn Morrison	
	Seconded By	Chris Vander Doelen	- CARRIED

## **7. Business Arising from Previous Minutes**

None

## **8. Announcements**

Summer continued to be a busy time for the Authority, complicated by the continued state of high water across the region.

More than 1,000 residents attended the four High Water Level Information sessions that were co-hosted by ERCA and municipalities across the region to help people be best prepared in case of a flooding emergency.

Staff are actively involved in the review of the proposed changes to the Provincial Policy Statement. Provincial comments are due October 20, 2019 and staff will present the Board with a report.

Mike Nelson, our Watershed Planner, continues to sit on the Conservation Ontario Timely Review and Approvals Task Force. This committee is currently preparing a workplan for 2020 to continue to address priorities in support of the CO Client Service and Streamlining Initiative, which we will hear more about this evening.

We are also very grateful to Essex County Council, which has approved \$75,000 in funding to facilitate a regional Community Energy Plan.

This comprehensive, long-term plan will help define community priorities around energy with a view to explore how energy could be generated, delivered, and used in the community now and in the future.

As part of the climate change collaborative, ERCA has had discussions with municipalities around the value of working in partnership to reduce overall costs of the plan, increase efficiencies by developing a plan that reflects all municipalities and the County, and the ability to align energy needs and opportunities.

As well as the direct environmental and health benefits, energy costs are an important economic driver, especially in terms of business retention and expansion. This work will build on the City of Windsor's Community Energy Plan and support existing regional initiatives, such as the County Wide Active Transportation System and regional transit, and we're very grateful for this significant step forward. Over the summer, the road at Holiday Beach has been repaved just in time to welcome thousands of visitors over the next two weekends to the Festival of Hawks.

Finally, for any of you who have not yet signed up, we are hoping that this year's fundraising bike tour on September 28 is our best yet, and I would encourage all Board members and their families to participate. It is truly a wonderful event with a route for every ability.

## 9. Delegations

None

## 10. Presentations

None

## 11. Reports for Approval

- (a) BD 22/19 Conservation Authority Programs and Services

**WHEREAS ERCA, like all Conservation Authorities, is guided by its core mandate, as defined by its objects in the Conservation Authorities Act, "to provide, in the area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals"; and,**

**WHEREAS, to achieve its objects, ERCA's programs and services are developed and delivered to address mandatory, municipal and regional**

priorities and issues in keeping with the Conservation Authorities Act;  
and

WHEREAS ERCA's Board of Directors, appointed by Municipalities, directs the development, delivery and reporting on ERCA's programs and services through annual budgeting, annual reporting, sustainability planning, and strategic planning; and

WHEREAS ERCA looks forward to working with municipalities to develop MOUs or other Agreements to ensure continued accountability and transparency in the development and delivery of programs and services designed to address the key issues facing Essex Region as described in ERCA's Strategic Plan in keeping with transition planning obligations defined in the Act;

NOW THEREFORE, the Board of Directors of the Essex Region Conservation Authority directs THAT,

ERCA invite the Minister and the Ministry of Environment, Conservation and Parks to consult with ERCA, Conservation Ontario, and other CAs to fully understand the structure and impacts of CA programs and services; and to ensure regulations reflect program standards and requirements that need to be included in regulation to ensure there are no unintended consequences of a missed activity; and

THAT the ERCA Board of Directors direct the General Manager to provide a copy of this letter and resolution to its Member Municipalities; MPPs; and delivery partners in Essex Region, and encourage them to support ERCA's position as described in Report BD22/19.

Resolution BD 91/19

Moved By

Kieran McKenzie

Seconded By

Sue Desjarlais

- CARRIED

(b) BD 23/19 2020 Budget Principles, Plans and Pressures

THAT ERCA Administration work with the Finance and Audit Advisory Board to develop a Draft 2020 Budget considering options presented in the 2020 Budget Pressures Report.

Resolution BD 92/19

Moved By

Ed Sleiman

Seconded By

Mark Carrick

- CARRIED



- (c) BD 24/19 Client Services Initiative

**THAT ERCA implement its Client Services initiative as described in Report BD24/19 in keeping with CA/CO Guidelines and in collaboration with municipalities and other partners; and further**

**THAT ERCA's Draft Planning and Development MOU be endorsed for discussion and finalization with Municipalities; and further,**

**THAT ERCA's Fee Policy, updated to reflect CA/CO Guidelines be approved by the Board and be used to guide the development of ERCA's 2020 Fee Schedule; and further,**

**THAT ERCA's Customer Service Standards Policy, updated to reflect CA/CO Guidelines be approved by the Board; and further,**

**THAT ERCA continue to work with municipalities, stakeholders, and other partners to develop its comprehensive Place for Life Policies to reflect changes in legislation, policy, and new best practices related to planning services and development review.**

Resolution BD 93/19

Moved By

Larry Verbeke

Seconded By

Tracey Bailey

- CARRIED

- (d) BD 25/19 Environmental Impact Assessment Guidelines

**THAT the Board of Directors adopt the Environmental Impact Assessment Guidelines into the ERCA Place for Life Policies for use in plan review practices; and further,**

**THAT the Environmental Impact Assessment Guidelines be distributed to partners to be incorporated into municipal processes.**

Resolution BD 94/19

Moved By

Joe Bachetti

Seconded By

Ed Sleiman

- CARRIED

- (e) BD 26/19 Updated and New Hazard Mapping Public Consultation

**THAT the Public Consultation Strategy be adopted into the Place for Life Policies as the minimum requirements for public consultation with respect to major updates to hazard maps or for new hazard maps use to support the implementation of Ontario Regulation 158/06; and further**



- (b) BD30/19 Statement of Operating Activities for the 7 months ended July 31, 2019

**THAT Report BD 30/19, Unaudited Statement of Operating Activities for Seven Months Ended July 31, 2019, be received as distributed, for Member's information.**

Resolution BD 99/19 Moved By Laura Lucier  
Seconded By Larry Patterson - CARRIED

- (c) BD31/19 Construction Project Updates

**THAT report BD 31/19 be received for information**

Resolution BD 100/19 Moved By Larry Verbeke  
Seconded By John Jacobs - CARRIED

### **13. Committee of the Whole**

- (a) Confidential Matters related to Personnel and Property

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

Resolution BD 101/19 Moved By Marolyn Morrison  
Seconded By Laura Lucier - CARRIED

- (b) Resume Open Session

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

Resolution BD 102/19 Moved By Tracey Bailey  
Seconded By Sue Desjarlais - CARRIED

## 14. New Business

None

## 15 Other Business

- (a) Peter Courtney had requested an update on highway signage for Holiday Beach Conservation Area. These signs have been fabricated and are now with the County of Essex staff for installation.

A special thank you was extended to Danielle Breault-Stuebing and the Communication and Outreach Team for their work at the Essex Region Conservation Foundation Golf Tournament.

- (b) Larry Patterson wished to acknowledge the work of Kevin Money and the Conservation Services Advisory Board on the recent site visit to Cedar Creek as part of the development of the Management Plan for that site.

In addition, he wished to acknowledge the work of Tim Byrne, James Bryant and the Watershed Management Services team for the information sessions recently conducted regarding High Water Levels. Mr. Patterson encouraged ERCA to consider holding some additional meetings in the spring.

- (c) Mark Carrick wished to acknowledge the generous support of ERCA in June for a tree planting that took place at a Maryvale Centre where 90 trees were planted onsite through a sponsorship with IKEA.
- (d) Each year, our Administration provides an overview of the work that they do, and the issues we are dealing with as part of an Information Day, or a series of Information sessions.

This year, we will be hosting an Information Session at Hillman Marsh Conservation Area on **Thursday, October 10, 2019** starting **at 4:00 pm**. We'll have a chance to see some of what we've been talking about related to flooding, conservation area management, some of the successes of our restoration and science projects.

This will replace our planned October board meeting, which was to be held at the call of the Chair. It will not be a formal meeting of the Board, but we do certainly hope you will find the time to join us at Hillman.

For those living closer to Hillman, you can meet us there. For others, we will try to arrange some car pooling leaving from the ERCA offices around 3:15 PM. More information and details to follow.

- (e) The next meeting of the ERCA Board of Directors will be held on **Thursday, November 7, 2019** starting at 6:00PM in Council Chambers, Essex County Civic Centre, 360 Fairview Avenue West, Essex, ON.

## 16. Adjournment

That the Meeting be adjourned

Resolution BD 103/19

Moved By

Joe Bachetti

Seconded By

Mark Carrick

- CARRIED



**Irek Kusmierczyk**  
Chair



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

## UPCOMING EVENTS

- 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 Information Session**  
Hillman Marsh Conservation Area, Leamington, ON
- October 20, 2019 [Harvest & Horses](#) John R. Park Homestead
- October 25, 2019 [John R. Park After Dark – Tragic Tales & Pioneer Perils](#)  
John R. Park Homestead
- October 26, 2019 [TD Tree Days Windsor](#)  
Florence and Wyandotte, Windsor
- 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 [Candelight Christmas](#) John R. Park Homestead
- December 12, 2019 **Board of Directors Meeting** Essex Civic Centre