



Essex Region Conservation Authority

Board of Directors

Meeting Minutes

Meeting Date: Thursday, June 23, 2022

Time: 6:00 pm

Location and Details: Council Chambers, Civic Centre, Essex

Attendance

Members Present:	Tania Jobin (Chair)	Tracey Bailey
	Kieran McKenzie (Vice-Chair)	Len Janisse
	Michael Prue	Larry Verbeke
	Morley Bowman	Dayne Malloch
	Chris Vander Doelen	Jim Morrison
	Laura Lucier	Ed Sleiman

Absent: Leamington TBD

Regrets:	Peter Courtney	Joe Bachetti
	Mark Carrick	Larry Patterson
	Sue Desjarlais	Jeewen Gill

Staff Present

Tim Byrne, CAO/Secretary-Treasurer
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA
Shelley McMullen, CFO/Director Corporate Services
Danielle Stuebing, Director Community and Outreach Services
Dan Jenner, Regulations Coordinator
Ashely Gyori, Regulations Analyst
Sydney Clackett, Regulations Analyst

Others

Vince Bavetta
Tom Dufour
Katie Stammler

1. Call to Order

Good evening and welcome to the June 23, 2022 meeting of the ERCA Board of Directors. I will call the meeting to order and confirm that all members attending from the in-camera meeting of the ERCA Board preceding this meeting are still with us this evening. Thank you all.

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 Potawatomie 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**

Resolution 43/22 Moved by Larry Verbeke
Seconded Len Janisse

THAT the Agenda for the June 23, 2022 meeting of the Board of Directors be approved.
Carried

5. **Hearings**

A. **Convene as the Hearing Board**

Resolution 44/22 Moved by Laura Lucier
Seconded Morley Bowman

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

We are now going to conduct hearings under Section 28 of the *Conservation Authorities Act* in respect of one (1) application.

- Vince Bavetta is requesting relief from access (ingress and egress) policy requirements to construct a new dwelling on the vacant lot south of 165 Chene Street, Town of Tecumseh

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 afternoon.

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 Ontario 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. However, as stated earlier, this is a quasi-judicial process and accordingly the general public may observe, but are not third-party to the matters before us today and cannot participate. 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 he swear an oath or provide an affirmation to speak the truth.

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. [Vince Bavetta](#)

Resolution 45/22 Moved by Len Janisse
Seconded Laura Lucier

THAT the application from Vince Bavetta to request relief from access (ingress and egress) policy requirements to construct a new dwelling on the vacant lot south of 165 Chene Street, Town of Tecumseh be approved. **Carried**

B. Reconvene as the ERCA Board of Directors

Resolution 46/22 Moved by Kieran McKenzie
Seconded Larry Verbeke
THAT the Hearing Board reconvene as the ERCA Board of Directors. **Carried**

6. Adoption of Minutes

A. ERCA Board of Directors

Resolution 47/22 Moved by Dayne Malloch
Seconded Ed Sleiman
THAT the Minutes of the Thursday, April 14, 2022 meeting of the Board of Directors and the recommendations therein be approved as distributed. **Carried**

B. ERCA Executive Committee

Resolution 48/22 Moved by Len Janisse
Seconded Chris Vander Doelen
THAT the minutes for the May 31, 2022 meeting of the Executive Committee and the recommendations therein be approved as distributed. **Carried**

C. John R. Park Homestead Advisory Board

Resolution 49/22 Moved by Jim Morrison
Seconded Morley Bowman
THAT the minutes for the May 24, 2022 meeting of the John R. Park Homestead Advisory Board and the recommendations therein be approved as distributed. **Carried**

D. Finance & Audit Advisory Board

Resolution 50/22 Moved by Tracey Bailey
Seconded Michael Prue
THAT the minutes for the June 9, 2022 meeting of the Finance and Audit Advisory Board and the recommendations therein be approved as distributed. **Carried**

E. Conservation Ontario Annual General Meeting

Resolution 51/22 Moved by Laura Lucier
Seconded Larry Verbeke
THAT the minutes for the April 11, 2022 Annual General Meeting the Conservation Ontario Council and the recommendations therein be received. **Carried**

7. Business Arising from the Previous Minutes

None

8. Announcements

Good evening, and welcome back to our first in-person meeting since February 2020. It's been a busy spring season, as many activities that had been paused for these past two years resumed.

Staff planted and distributed more than 85,000 trees this spring, on public and private lands across the region.

Outreach and engagement events returned, as people were excited and anxious to get back outdoors and take action for the environment.

Over 800 guests joined us to plant trees in Windsor in celebration of Earth Day, and hundreds of youth planted trees at the Solcz Family Foundation Forest in Leamington.

Guests continue to visit Conservation Areas and trails in unprecedented numbers, and I was pleased to represent the Board at the opening of two new Community Entrances earlier this month – they WFCU Credit Union Community Entrance to the Chrysler Canada Greenway in Kingsville and the Tilray Brands Plant Positivity Community Entrance to the Cypher Systems Group Greenway in Essex.

Such a big thank you to the partners who funded these community amenities, and also to the Essex Region Conservation Foundation for working so vigilantly to engage partners in supporting these efforts that make our region an attractive place to live, work and invest.

I'd also like to congratulate the Foundation on achieving its re-accreditation with the prestigious Imagine Canada Standards Program, and to remind members that on Thursday, July 21, the Foundation will host its annual Golf Tournament.

Funds raised through this tournament help to support local conservation projects in our municipalities. If you have not yet registered, please contact Danielle directly to let her know if you plan to participate.

Earlier this year we celebrated our Annual General Meeting virtually. As this is the first opportunity that the ERCA Board has met in person in over two years. I would like to take this opportunity to present Tim Byrne with his 35 Year Service Award. Tim celebrated 35 years with the Authority in 2021. We would like to thank him for his ongoing contributions to Conservation in our Region.

9. Delegations

None

10. Presentations

None

11. Reports for Approval

A. BD 13/22 2021 Draft Audited Financial Statements and Financial Condition Update

Resolution 52/22 Moved by Laura Lucier
Seconded Morley Bowman

THAT the draft audited Financial Statements of the Essex Region Conservation Authority, including the Independent Auditor's Report, for the year ended December 31, 2021, be approved and released as final audited Financial Statements; and further,

THAT Administration be directed to circulate the approved report and Audited Financial Statements to member Municipalities as correspondence. **Carried**

B. BD 14/22 Endorsement of Category 3 Non-Mandatory Programs and Services for the purpose of negotiating municipal cost-apportioning agreements

Resolution 53/22 Moved by Tracey Bailey
Seconded Kieran McKenzie

THAT Report BD 14/22 be received for Members' information; and further,

THAT the Board of Directors endorse and support the suite of Category 3 non-mandatory programs and services, as identified in Appendix A, and endorse same as beneficial programs and services that further the conservation, restoration, development and management of natural resources within the region, as served by the Essex Region Conservation Authority; and further,

THAT the Authority revisit and pursue funding through its partner agricultural organizations for operations of the Demonstration Farm program. Should partner organizations and others not be interested in continuing with the Demonstration Farm, Administration recommends that existing available resources be redirected to the Watershed Stewardship program; and further,

THAT the Category 3 non-mandatory activities, specific to the John R. Park Homestead Museum, including related programming be included in municipal discussion documents or cost apportioning agreements; and further,

THAT Administration be directed to pursue and negotiate municipal cost-apportioning agreements for the remaining suite of Category 3 non-mandatory programs and services, as modified and described herein. **Carried**

Resolution 54/22 Moved by Kieran McKenzie
Seconded Laura Lucier

THAT Administration return to the Board with a subsequent report in fall 2022 in order to determine continued operation for the Demonstration Farm.

C. BD 15/22 John R. Park Homestead Conservation Area Strategic Plan

Resolution 55/22 Moved by Len Janisse
Seconded Tracey Bailey

THAT the John R. Park Homestead Conservation Area Strategic Plan: 2022-2024 be approved; and further,

THAT the Strategic Plan be included in ERCA's Community Museums Operating Grant of Ontario grant application. **Carried**

D. BD 16/22 ERCA Policy Review

Resolution 56/22 Moved by Dayne Malloch
Seconded Laura Lucier

THAT Members' receive BD16/22 for information; and further,

THAT ERCA's Volunteer and Placements Policy and Social Media Policy be reaffirmed and approved by the Board. **Carried**

12. Reports for Information

A. BD 17/22 Financial Activities for the Four Months ended April 30, 2022

Resolution 57/22 Moved by Morley Bowman
Seconded Larry Verbeke

THAT Report BD 17/22, Financial Activities for the Four Months Ended April 30, 2022, be received as distributed, for Member's information. **Carried**

B. BD 18/22 Watershed Management Services Activities Report for April and May 2022

Resolution 58/22 Moved by Larry Verbeke
Seconded Jim Morrison

THAT the review of Regulations and Planning Applications, as presented in Report BD 18/22 be received for Members' information. **Carried**

C. Environmental Registry Reports

- i. Conservation Ontario's comments on "Seeking input about the use of floating accommodations on waterways over Ontario's public lands" (ERO #019-5119)
- ii. Conservation Ontario's comments on the "Proposed Planning Act Changes (the proposed More Homes for Everyone Act, 2022)" (ERO#019-5284)
- iii. Conservation Ontario's comments on the "Community Infrastructure and Housing Accelerator – Proposed Guideline" (ERO#019-5285)
- iv. Conservation Ontario's comments "Opportunities to increase missing middle housing and gentle density, including supports for multigenerational housing" (ERO#019-5286)
- v. Conservation Ontario's comments "Seeking Feedback on Housing needs in Rural and Northern Municipalities" (ERO #019-5287)

Resolution 59/22 Moved by Ed Sleiman
Seconded Jim Morrison

THAT Conservation Ontario comments on ERO#019-5119, ERO#019-5284, ERO#019-5285, ERO#019-5286 and ERO#019-5287, be received for information. **Carried**

D. Correspondence

- i. Email from Susan Ecclestone, Director of the Species at Risk Branch, MECP regarding Endangered Species Act Regulatory Decision – Conditional Exemptions dated April 12, 2022
- ii. Email from Kirsten Corrigan, Director Conservation and Source Protection Branch, MECP regarding Regulations and Policy under the Conservation Authorities Act dated April 22, 2022
- iii. Email from Kerri Dunning, Director, Communications, Federal Economic Development Agency for Southern Ontario regarding FedDev Ontario Announcement Supporting Community Infrastructure Across Windsor-Essex dated April 27, 2022
- iv. Letter from Alan Revill, Chair, Conservation Ontario regarding *Conservation Authorities Act Phase 2 Regulation and Policy* dated April 27, 2022
- v. ERCA letter to the Honourable Minister Piccini, MECP regarding Categorization of Conservation Authorities Programs & Services- John R Park Homestead Conservation Area 2007 Agreement of Purchase and Sale dated May 25, 2022

Resolution 60/22 Moved by Laura Lucier
Seconded Morley Bowman

THAT correspondence be received for Member's information. **Carried**

13. Committee of the Whole

A. Confidential Matters related to Property

Resolution 61/22 Moved by Chris Vander Doelen
Seconded Len Janisse

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

B. Reconvene in Open Session

Resolution 62/22 Moved by Tracey Bailey
Seconded Michael Prue

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

14. New Business

None

15. Other Business

A. Next Meeting

The next meeting of the ERCA Board of Directors will be held on September 8, 2022 starting at 6:00 p.m. in Council Chambers at the Civic Centre in Essex, ON.

16. Adjournment

Resolution 63/22 Moved by Chris Vander Doelen
Seconded Laura Lucier

THAT the June 23, 2022 Meeting of the Essex Region Conservation Authority Board of Directors be adjourned. **Carried**



Tania Jobin
Chair



Tim Byrne
CAO/Secretary-Treasurer