



Essex Region Conservation Authority

Executive Committee

Meeting Minutes

Meeting Date: Tuesday, March 29, 2022

Time: 3:30 pm

Location and Details: via Zoom Web-Conferencing

Attendance

Members Present: Tania Jobin (Chair) Larry Verbeke
Kieran McKenzie (Vice-Chair) Joe Bachetti
Len Janisse

Absent:

Regrets:

Staff Present Tim Byrne, CAO/Secretary-Treasurer
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA
Kevin Money, Director Conservation Services
Danielle Stuebing, Director Community and Outreach Services
James Bryant, Director Watershed Management Services
Dan Jenner, Regulations Coordinator
Ashley Gyori, Regulations Analyst

Others Leon Bieszk
Frank Frabotta

1. Call to Order

Good afternoon and welcome to the March 29 2022 meeting of the ERCA Executive Committee.

We will start by taking a roll call of Board Members to confirm attendance:

- Councillor Len Janisse, Lakeshore
- Deputy Mayor, Larry Verbeke
- Deputy Mayor, Joe Bachetti, Tecumseh
- Councillor, Kieran McKenzie, Windsor

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 EC 05/22 Moved by Larry Verbeke

Seconded by Kieran McKenzie

THAT the agenda for the March 29, 2022 meeting of the ERCA Executive Committee be approved. **Carried**

5. **Hearings**

A. **Convene the Hearing Board**

Resolution EC 06/22 Moved by Joe Bachetti

Seconded by Len Janisse

THAT the Executive Committee 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 three (3) applications.

- Leon Bieszk is requesting relief from access (ingress and egress) policy requirements to construct a dwelling at 115 Lakewood Drive, Town of Amherstburg
- Mohamad Naboulsi is requesting relief from access (ingress and egress) policy requirements to construct a dwelling at 507 McTague Court, City of Windsor
- Frank Frabotta is requesting relief from access (ingress and egress) policy requirements to construct a detached structure at 10314 St. Clair Road, Municipality of Lakeshore

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 Hearing that 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. Leon Bieszk

Resolution EC 07/22 Moved by Joe Bachetti

Seconded by Larry Verbeke

THAT the application from Leon Bieszk to request relief from access (ingress and egress) policy requirements to construct a dwelling at 115 Lakewood Drive, Town of Amherstburg be approved. **Carried**

ii. Mohamad Naboulsi

Resolution EC 08/22 Moved by Kieran McKenzie

Seconded by Len Janisse

THAT the application from Mohamad Naboulsi to request relief from access (ingress and egress) policy requirements to construct a dwelling at 507 McTague Court, City of Windsor be approved. **Carried**

iii. Frank Frabotta

Resolution EC 09/22 Moved by Len Janisse

Seconded by Larry Verbeke

THAT the application from Frank Frabotta to request relief from access (ingress and egress) policy requirements to construct a detached structure at 10314 St. Clair Road, Municipality of Lakeshore be approved. **Carried**

B. Hearing Board to Reconvene as the Executive Committee

Resolution EC 10/22 Moved by Joe Bachetti

Seconded by Len Janisse

THAT the Hearing Board reconvene as the Executive Committee. **Carried**

6. Tenders

A. BD 03/22 Tender: Holiday Beach Conservation Area Hawk Tower and Trail Improvements Upgrades

i. Tender for Holiday Beach Trail Improvements

Resolution EC 11/22 Moved by Len Janisse

Seconded by Kieran McKenzie

THAT the tender for Holiday Beach Trail Improvements be awarded to 1866885 Ontario ltd. o/a Quality Turf subject to favorable review by Administration. **Carried**

- ii. Tender for Holiday Beach Hawk Tower Improvements

Resolution EC 12/22 Moved by Larry Verbeke

Seconded by Joe Bachetti

THAT ERCA enter into an acknowledgement agreement to open the single bid received by Valente Contracting Inc. **Carried**

7. Reports for Approval

None

8. Committee of the Whole

None

9. New Business

A.

10. Other Business

A. Next Meeting

The next meeting of the ERCA Board of Directors will be held on Thursday, April 14, 2022 starting at 6:00 p.m. via Zoom web conferencing

11. Adjournment

Resolution EC 13/22 Moved by Len Janisse

Seconded by Kieran McKenzie

THAT the March 29, 2022 Meeting of the Essex Region Conservation Authority Executive be adjourned. **Carried**



Tania Jobin
Chair



Tim Byrne
CAO/Secretary-Treasurer