



Essex Region Conservation Authority

Executive Committee

Meeting Minutes

Meeting Date: Thursday, October 27, 2022

Time: 10:00 am

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 Steubing, Director Communication & Outreach Services
James Bryant, Director Watershed Management Services
Dan Jenner, Regulations Coordinator
Sydney Clackett, Regulations Analyst
Others
Melissa Somerville

1. Call to Order

Good afternoon and welcome to the October 27, 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 30/22 Moved by Larry Verbeke

Seconded by Len Janisse

THAT the agenda for the October 27, 2022 meeting of the ERCA Executive Committee be approved. **Carried**

5. Hearings

A. Convene the Hearing Board

Resolution EC 31/22 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 one application.

- Melissa Somerville is requesting relief from access (ingress and egress) policy requirements to construct a new dwelling at 1134 Heritage Road, Town of Kingsville.

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. Melissa Somerville

Resolution EC 32/22 Moved by Len Janisse

Seconded by Larry Verbeke

THAT the application from Melissa Somerville to request relief from access (ingress and egress) policy requirements to construct a new dwelling at 1134 Heritage Road, Town of Kingsville be approved.

B. Hearing Board to Reconvene as the Executive Committee

Resolution EC 33/22 Moved by Joe Bachetti

Seconded by Kieran McKenzie

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

6. Tenders

A. John R. Park Homestead Pedestrian Path Reconstruction

Resolution EC 34/22 Moved by Kieran McKenzie

Seconded by Len Janisse

THAT the tender for the John R. Park Homestead Pedestrian Path Reconstruction be awarded to Quality Turf, subject to favourable review by Administration. **Carried**

B. EC 04/22 John R. Park Homestead Parking Lot Surface Treatment

Resolution EC 35/22 Moved by Kieran McKenzie

Seconded by Len Janisse

THAT a sole source contract be awarded to Shepley Excavating and Road Maintenance to complete the surface treatment of the John R. Park Homestead parking lot per the quote received for \$39,760, plus HST. **Carried**

C. EC 05/22 Holiday Beach Conservation Area Cycling Trail

Resolution EC 36/22 Moved by Joe Bachetti

Seconded by Kieran McKenzie

THAT a sole source contract be awarded to Dirt By Design to complete a mountain bike trail at Holiday Beach Conservation Area as per the quote received in the amount of \$74,800, plus HST. **Carried**

7. Reports for Approval

None

8. Committee of the Whole

A. Confidential Matters related to Personnel

B. Endorse Actions of the Executive Committee, Committee of the Whole

Resolution EC 37/22 Moved by Kieran McKenzie

Seconded by Larry Verbeke

THAT the actions of the Executive Committee, Committee of the Whole be endorsed.

Carried

9. New Business

None

10. Other Business

A. Next Meeting

The next meeting of the ERCA Board of Directors will be held on Thursday, November 10, 2022, starting at 6:00 p.m. in Council Chambers at the Civic Centre, Essex.

11. Adjournment

Resolution EC 38/22 Moved by Joe Bachetti

Seconded by Kieran McKenzie

THAT the October 27, 2022 Meeting of the Essex Region Conservation Authority Executive be adjourned. **Carried**



Tania Jobin
Chair



Tim Byrne
CAO/Secretary-Treasurer