



Essex Region Conservation Authority

Board of Directors

Meeting Minutes

Meeting Date: Thursday, February 16, 2023

Time: 6:00 pm

Location and Details: Council Chambers, County of Essex Civic Centre
360 Fairview Avenue West, Essex, ON

Attendance

Members Present:	Jim Morrison (Chair)	Tracey Bailey
	Molly Allaire	Ryan McNamara Michael Akpata
	Peter Courtney	Anthony Abraham
	Kim DeYong	Joe Bachetti
	Thomas Neufeld	Tania Jobin
	Jason Matyi	Angelo Marignani
	Katie McGuire-Blais	Kieran McKenzie

Absent:

Regrets:	Sue Desjarlais (Vice-Chair)	Dayne Malloch
	Larry Verbeke	Mark McKenzie

Staff Present

Tim Byrne, CAO/Secretary-Treasurer
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA
Shelley McMullen, CFO/Director Finance and Corporate Services
Danielle Stuebing, Director Community and Outreach Services
James Bryant, Director Watershed Management Services
Dan Jenner, Regulations Coordinator
Sydney Clackett, Regulations Analyst
Jenny Gharib, HMCA Restoration and Adaptation Strategy Coordinator

Others

Norbert Bolger, Nor-Built Construction
Warden Hilda McDonald
Wayne King

1. Call to Order

Good evening and welcome to the February 16, 2023, meeting of the ERCA Board of Directors. I will call the meeting to order. Thank you all.

We have regrets this evening from:

- Vice-Chair Sue Desjarlais, Lasalle
- Councillor, Dayne Malloch, Township of Pelee
- Deputy Mayor Larry Verbeke, Leamington
- Councillor, Mark McKenzie, Windsor

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 Potawatomi 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

A. ERCA Board of Directors

Resolution 28/23 Moved by Peter Courtney
Seconded by Kieran McKenzie

THAT the Agenda of the February 16, 2023, meeting of the ERCA Board of Directors be approved. **Carried**

5. Hearings

A. Convene as the Hearing Board

Resolution 29/23 Moved by Ryan McNamara
Seconded by Joe Bachetti

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 two (2) applications.

- Colin Wigle c/o Nor-Built Construction is requesting relief from access (ingress and egress) policy requirements to construct a detached structure at 1828 Erie Ave, Town of Amherstburg
- King Homes is requesting relief from access (ingress and egress) policy requirements to construct a duplex and an additional detached dwelling unit at 1754 Caille Ave, 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 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. Colin Wigle c/o Nor-Built Construction

Resolution 30/23 Moved by Tania Jobin
Seconded by Angelo Marignani

THAT the application from Colin Wigle c/o Nor-Built Construction to request relief from access (ingress and egress) policy requirements to construct a detached structure at 1828 Erie Ave, Town of Amherstburg be approved. **Carried**

ii. King Homes

Resolution 31/23 Moved by Angelo Marignani
Seconded by Ryan McNamara

THAT the application from King Homes to request relief from access (ingress and egress) policy requirements to construct a duplex and an additional detached dwelling unit at 1754 Caille Ave, Municipality of Lakeshore be approved. **Carried**

B. Reconvene as the ERCA Board of Directors

Resolution 32/23 Moved by Kimberly DeYong
Seconded by Jason Matyi

THAT the Hearing Board reconvene as the ERCA Board of Directors. **Carried**

6. Adoption of Minutes

A. ERCA Board of Directors

Resolution 33/23 Moved by Tania Jobin
Seconded by Anthony Abraham

THAT the Minutes of the January 19, 2023, Annual General Meeting and the recommendations therein be approved as distributed. **Carried**

7. Business Arising from the Previous Minutes

None

8. Announcements

Good evening, and welcome. Much has taken place in the short weeks since our successful Annual General Meeting.

ERCA and the County of Essex hosted a regional roundtable for Municipal Directors of Planning and Engineering where ERCA staff provided information on policy, procedures, Bill 23 impacts, and future next steps to help facilitate planning and development applications. This meeting was well attended and well received by all municipalities in the region, including the City of Windsor, County, and local municipalities.

Hazard trees are being removed from the newly acquired CASO rail line. Signage to protect community members will also be installed in the coming weeks, as we make plans for engineering assessments and conduct safety evaluations.

I am also pleased to invite all members to join us during the three weekends in March at the Maple Syrup Festival, which we are expanding to three weekends at both the John R. Park Homestead and Holiday Beach Conservation Areas.

9. Delegations

None

10. Presentations

A. BD 08/23 Hillman Marsh Climate Adaptation and Restoration Plan

Resolution 34/23 Moved by Angelo Marignani
Seconded by Molly Alliare

THAT BD 08/23 Hillman Marsh Climate Adaptation and Restoration Plan be received for information. **Carried**

11. Reports for Approval

A. BD 09/23 ERCA Committee and Advisory Board Appointments

Resolution 35a/23 Moved by Kieran McKenzie
Seconded by Peter Courtney

THAT Chair Jim Morrison, Vice Chair Sue Desjarlais, Larry Verbeke, Tania Jobin and Kieran McKenzie be appointed to the Executive Committee; and further,

THAT Chair Jim Morrison, Vice Chair Sue Desjarlais, Peter Courtney, Michael Akpata, Joe Bachetti, and Kieran McKenzie be appointed to the Finance and Audit Advisory Board; and further,

THAT Molly Allaire, Katie McGuire-Blaise, Thomas Neufeld, Ryan McNamara, Dayne Malloch, and Angelo Marignani be appointed to the Conservation Services Advisory Board; and further,

THAT Jason Matyi and Anthony Abraham be appointed to the John R. Park Homestead Advisory Board; and further,

Resolution 35b/23 Moved by Ryan McNamara
Seconded by Molly Alliare

THAT Chair Jim Morrison be appointed as the Voting Member to Conservation Ontario Council; and Vice-Chair Sue Desjarlais and Tim Byrne, CAO/Secretary- Treasurer be appointed as first, and second alternates to Conservation Ontario Council; and further,

THAT Molly Allaire and Angelo Marignani be appointed as ex-officio members of the Essex Region Conservation Foundation; and further,

THAT Members appointed to Advisory Boards and Committees sit on those committees for the duration of their Term on ERCA Board of Directors unless changes to Committee Terms of References made by the Board require review of membership. **Carried**

12. Reports for Information

A. BD 10/23 Watershed Management Services Activities Report for December 2022 and January 2023

Resolution 36/23 Moved by Kimberly DeYong
Seconded by Molly Alliare

THAT the review of Regulations and Planning Applications, as presented in Report BD 10/23 be received for Members' information. **Carried**

B. BD 11/23 Gordie Howe International Bridge Community Benefits Plan

Resolution 37/23 Moved by Tania Jobin
Seconded by Michael Akpata

THAT Report BD11/23 be received for Board Members' information. **Carried**

C. Environmental Registry Reports

None

D. Correspondence

- i. Letter from MECP regarding Amendments to the Species at Risk in Ontario List regulation made under the Endangered Species Act, 2007 sent January 25, 2023

Resolution 38/23 Moved by Kieran McKenzie
Seconded by Molly Alliare

THAT correspondence be received for Members' information. **Carried**

13. Committee of the Whole

A. Confidential Matters related to Property

Resolution 39/23 Moved by Tracey Bailey
Seconded by Ryan McNamara

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

B. Reconvene in open session

Resolution 40/23 Moved by Michael Akpata
Seconded by Ryan McNamara

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 Board of Directors will be held on April 13, 2023, starting at 6:00 p.m. in Council Chambers at the Civic Centre in Essex, ON.

16. Adjournment

Resolution 41/23 Moved by Molly Alliare

Seconded by Angelo Marignani

THAT the February 16, 2023 meeting of the Essex Region Conservation Authority Board of Directors be adjourned. **Carried**



Jim Morrison, Chair



Tim Byrne, CAO/Secretary-Treasurer