



Essex Region Conservation Authority

Executive Committee

Meeting Minutes

Meeting Date: Wednesday, March 22, 2023

Time: 12:00 pm

Location and Details: via Zoom Web-Conferencing

Attendance

Members Present: Jim Morrison (Chair) Larry Verbeke
Sue Desjarlais (Vice-Chair) Tania Jobin
Kieran McKenzie (joined at 12:41pm)

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
Ryan Rossman, Director information Technology Services
Dan Jenner, Regulations Coordinator
Sydney Clackett, Regulations Analyst
Tian Martin, Water Resources Engineer

Others

Christian LaFave
Jason Laframboise
Terry Kipping
Justin Marchand
Norbert Bolger

1. Call to Order

Good afternoon and welcome to the March 22, 2023, meeting of the ERCA Executive Committee.

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

- Vice Chair, Sue Desjarlais, Lasalle
- Deputy Mayor, Larry Verbeke, Leamington
- Councillor Tania Jobin, Tecumseh
- Councillor, Kieran McKenzie, Windsor

Please note, Vice Chair Sue Desjarlais has a schedule conflict and will need to leave the meeting at 1:15 pm.

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

Resolution EC 01/23 Moved by Larry Verbeke

Seconded by Sue Desjarlais

THAT the agenda for the March 22, 2023 meeting of the ERCA Executive Committee be approved. **Carried**

5. Hearings

A. Convene the Hearing Board

Resolution EC 02/23 Moved by Tania Jobin

Seconded by Larry Verbeke

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 four (4) applications.

- Jason Laframboise care of Nor-Built Construction is requesting relief from access (ingress and egress) policy requirements to construct a covered porch at 507 Lakewood Drive, Town of Amherstburg
- Terry Kipping is requesting relief from access (ingress and egress) policy requirements to construct a dwelling unit at 10650 Riverside Drive E, City of Windsor
- Christian LeFave is requesting relief from access (ingress and egress) policy requirements to construct four 6-unit apartment buildings at 205-227 Lesperance Road, Town of Tecumseh.
- Justin Marchand is requesting relief from access (ingress and egress) policy requirements to construct a detached structure at 1646 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 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. Jason Laframboise c/o Nor-Built Construction

Resolution EC 03/23 Moved by Tania Jobin

Seconded by Sue Desjarlais

THAT the application from Jason Laframboise care of Nor-Built Construction to request relief from access (ingress and egress) policy requirements to construct a covered porch at 507 Lakewood Drive, Town of Amherstburg be approved. **Carried.**

ii. Terry Kipping

Resolution EC 04/23 Moved by Larry Verbeke

Seconded by Tania Jobin

THAT the application from Terry Kipping to request relief from access (ingress and egress) policy requirements to construct a dwelling unit at 10650 Riverside Drive E, City of Windsor be approved. **Carried.**

iii. Christian LeFave

Resolution EC 05/23 Moved by Sue Desjarlais

Seconded by Tania Jobin

THAT the application from Christian LeFave to request relief from access (ingress and egress) policy requirements to construct four 6-unit apartment buildings at 205-227 Lesperance Road, Town of Tecumseh be approved. **Carried.**

iv. Justin Marchand

Resolution EC 06/23 Moved by Larry Verbeke

Seconded by Tania Jobin

THAT the application from Justin Marchand to request relief from access (ingress and egress) policy requirements to construct a detached structure at 1646 Caille Ave, Municipality of Lakeshore be approved. **Carried.**

B. Hearing Board to Reconvene as the Executive Committee

Resolution EC 07/23 Moved by Sue Desjarlais

Seconded by Tania Jobin

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

6. Tenders

A. Cedar Creek Wetland Construction

Resolution EC 08/23 Moved by Larry Verbeke

Seconded by Tania Jobin

THAT the tender for Cedar Creek Wetland construction be awarded to Sun County Excavating subject to favourable review by Administration. **Carried**

7. Reports for Approval

A. EC 01/23 John R. Park Homestead Communications Upgrades

Resolution EC 09/23 Moved by Sue Desjarlais

Seconded by Larry Verbeke

THAT Administration receive approval to proceed with Option #1, as described herein, to enable cellular communications access as well as required data network access for staff, visitors and site rental customers; and further,

THAT the estimated project cost of \$39,500 be funded with previously received donated funds (\$17,500), and the JRPH maintenance reserve fund (\$22,000). **Carried**

B. EC 02/23 2023 Purchase of Restoration Material (Tree Stock)

Resolution EC 10/23 Moved by Larry Verbeke

Seconded by Kieran McKenzie

THAT the current restoration material procurement process and estimated total costs of \$179,400 be acknowledged and approved by the Executive Committee. **Carried**

C. EC 03/23 CASO Trail Feasibility and Preliminary Engineering Study

Resolution EC 11/23 Moved by Kieran McKenzie

Seconded by Tania Jobin

THAT Tim Byrne, Chief Administrative Officer of the Essex Region Conservation Authority be authorized to enter into and execute a funding agreement with the Active Transportation Fund; and further,

THAT the Board approve Landmark Engineering as a sole source contractor to develop the feasibility and preliminary engineering study to build a new recreational trail on the CASO property. **Carried**

8. Committee of the Whole

None

9. New Business

a) Update to the Governance Section of the ERCA Website with respect to content.

- b) Recognition for Danielle Breault-Stuebing in her achievement of the University of Windsor Alumni Ambassador Award.

10. Other Business

A. Next Meeting

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

11. Adjournment

Resolution EC 12/23 Moved by Sue Desjarlais
Seconded by Tania Jobin

THAT the March 22, 2023 Meeting of the Essex Region Conservation Authority Executive be adjourned. **Carried**



Jim Morrison
Chair



Tim Byrne
CAO/Secretary-Treasurer