



## Essex Region Conservation Authority

### Board of Directors

### Meeting Minutes

**Meeting Date:** Wednesday, May 10, 2023

**Time:** 6:00 pm

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

#### Attendance

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**Members Present:**

Jim Morrison (Chair)	Michael Akpata
Sue Desjarlais (Vice-Chair)	Anthony Abraham
Molly Allaire	Larry Verbeke
Kim DeYong	Dayne Malloch
Thomas Neufeld	Joe Bachetti
Jason Matyi	Tania Jobin
Katie McGuire-Blais	Angelo Marignani
Ryan McNamara	Mark McKenzie
	Kieran McKenzie

**Absent:**

**Regrets:**

Peter Courtney  
Tracey Bailey

**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  
Kevin Money, Director Conservation Services  
James Bryant, Director Watershed Management Services  
Dan Jenner, Regulations Coordinator  
Ashely Gyori, Regulations Analyst

**Others**

George Kyriazakos  
Frank Ondracka

#### 1. Call to Order

Good evening and welcome to the May 10, 2023, meeting of the ERCA Board of Directors. I will call the meeting to order.

We have regrets this evening from:

- Councillor Peter Courtney, Amherstburg
- Mayor Tracey Bailey, Lakeshore

## 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 57/23** Moved by Joe Bachetti  
Seconded by Kimberly DeYong  
THAT the Agenda of the May 10, 2023, meeting of the ERCA Board of Directors be approved.  
**Carried**

## 5. Hearings

### A. Convene as the Hearing Board

**Resolution 58/23** Moved by Larry Verbeke  
Seconded by Ryan McNamara  
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.

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 (c) 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 the decision, to the Ontario Land Tribunal who may refuse the permission, or grant permission with or without conditions.

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 for the duration of the Hearing Board.

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. [George Kyriazakos](#)

Mr. Kyriazakos took an Oath.

**Resolution 59/23** Moved by Angelo Marignani  
Seconded by Mark McKenzie

THAT the application from George Kyriazakos to request relief from access (ingress and egress) policy requirements to construct a dwelling at 9980 Riverside Drive East, City of Windsor be approved. **Carried**

ii. [Frank Ondracka](#)

Frank Ondracka took an Affirmation.

**Resolution 60/23** Moved by Mark McKenzie  
Seconded by Molly Alliare

THAT the application from Frank Ondracka to request relief from access (ingress and egress) policy requirements to construct an addition to an existing dwelling at 435 Florence Ave, City of Windsor be approved. **Carried**

**B. Reconvene as the ERCA Board of Directors**

**Resolution 61/23** Moved by Jason Matyi  
Seconded by Mark McKenzie

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

**6. Adoption of Minutes**

**A. ERCA Board of Directors**

**Resolution 62/23** Moved by Molly Alliare  
Seconded by Anthony Abraham

THAT the Minutes of the April 13, 2023, meeting of the Board of Directors and the recommendations therein be approved as distributed. **Carried**

**B. John R. Park Homestead Advisory Board**

**Resolution 63/23** Moved by Tania Jobin  
Seconded by Kieran McKenzie

THAT the Minutes of the March 29, 2023, meeting of the John R. Park Homestead Advisory Board and the recommendations therein be approved as distributed. **Carried**

**7. Business Arising from the Previous Minutes**

None

**8. Announcements**

Good evening. With the arrival of the good weather, there are significant activities taking place across the watershed. Construction on the Gordie Howe bridge is continuing and the numbers of tower cranes around the Battery Plant in Windsor is amazing. Several areas of the County have initiated roadway improvements and development reviews are continuing at a healthy pace.

On Earth Day, I was pleased to welcome more than 800 volunteers to the City of Windsor to plant nearly 1800 trees, which were planted in less than 1 hour. It was quite remarkable. Tree planting is now taking place across the region with more than 75,000 trees to be planted in the coming weeks.

Visitation at conservation areas continues to be busy, and staff are working vigilantly to ensure they are welcoming for all guests.

I was pleased to bring greetings to the opening of the new WindsorEssex Community Foundation Community Entrance to the Cypher Systems Group Greenway, with thanks to the Foundation for raising the funds to construct this new trail entrance.

Please find your invitation to participate in a new fundraising event hosted by the Foundation, in honour of our 50th anniversary. W.E.Hike 2023 will showcase woodlands, wetlands and waterfronts across the region and raise funds for important conservation projects. I hope you will invite your friends, family and council colleagues to join you on a hike on June 3.

Save the date for July 16 when we will celebrate ERCA's 50 years of conservation with an open house at the John R. Park Homestead. More information to follow soon.

The Essex Region Conservation Foundation will be hosting a Golf Tournament on Thursday, July 20, 2023, at Kingsville Golf and Country Club. Please pass along to your respective councillors and considering registering for a fantastic round of golf.

## 9. Delegations

None

## 10. Presentations

None

## 11. Reports for Approval

### A. BD 20/23 ERCA 2023 Budget Approval

I would like to remind members that voting with respect to levy contributions is a recorded, weighted majority vote. Weighted votes simply means that municipalities that contribute a higher levy, based on Current Value Assessment, or CVA, have a higher percentage of the votes. But, even if a municipality has more than 50% of the CVA, their combined votes cannot exceed 50%.

We will begin, by Municipality beginning with Amherstburg. When I call your name, please state your vote.

Councillor Molly Allaire, Amherstburg	Support
Councillor Peter Courtney, Amherstburg	Absent
Deputy Mayor Kimberly DeYong, Kingsville	Support
Councillor Thomas Neufeld, Kingsville	Support
Councillor Jason Matyi, Essex	Support
Councillor Katie McGuire-Blais, Essex	Support
Mayor Tracey Bailey, Lakeshore	Absent

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Councillor Ryan McNamara, Lakeshore	Support
Deputy Mayor Michael Akpata, Lasalle	Support
Vice Chair Sue Desjarlais, Lasalle	Support
Councillor Anthony Abraham, Leamington	Support
Deputy Mayor Larry Verbeke, Leamington	Support
Councillor Dayne Malloch, Pelee Island	Support
Councillor Tania Jobin	Support
Deputy Mayor Joe Bachetti, Tecumseh	Support
Councillor Angelo Marignani, Windsor	Support
Councillor Mark McKenzie, Windsor	Support
Councillor Kieran McKenzie, Windsor	Support
Chair, Jim Morrison, Windsor	Support

**Resolution 64/23** Moved by Ryan McNamara  
Seconded by Sue Desjarlais

THAT the 2023 Draft Budget totalling \$9,662,349, receive final approval by way of a recorded and weighted vote, in accordance with Regulation 139/96; and further,

THAT the total municipal levy of \$3,768,235 representing an increase of 6.4%, be allocated and collected in accordance with respective municipal modified current value assessment percentages, as provided by Ministry of Natural Resources and Forestry and as presented in the attached 2023 Municipal Levies Schedule. **Carried**

### **B. BD 21/23 Little River Floodplain Mapping Project - Completion**

**Resolution 65/23** Moved by Kieran McKenzie  
Seconded by Joe Bachetti

THAT the Little River Flood Line Mapping Hydrologic Report, Hydraulic Report, Background and Data Acquisition Report, and Flood Line Maps, prepared by Dillon Consulting Limited, be approved for use by ERCA Administration as technical documents to support Section 28 regulatory approvals and ERCA policy within the affected areas; and further,

THAT the above referenced technical documents be reviewed from time-to-time by Administration, in conjunction with other relevant studies, to enable any necessary modifications to ERCA's Limits of Regulation, as appropriate. **Carried**

### **C. BD 22/23 2023 Fee Schedule Update**

**Resolution 66/23** Moved by Katie McGuire-Blais  
Seconded by Dayne Malloch

THAT fees described in BD22/22 be adopted and included in ERCA approved 2023 Fee Schedule; and further,

THAT Administration post notice of the Fee Schedule updates on ERCA's website and on at the front gate of Holiday Beach Conservation Area. **Carried**

## 12. Reports for Information

### A. BD 23/23 Watershed Management Services Activities Report for April 2023

**Resolution 67/23** Moved by Mark McKenzie  
Seconded by Molly Alliare

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

### B. Environmental Registry Reports

None

### C. Correspondence

- i. Letter from the City of Windsor regarding 2023 Agency Grant sent April 4, 2023

**Resolution 68/23** Moved by Larry Verbeke  
Seconded by Anthony Abraham

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

## 13. Committee of the Whole

None

## 14. New Business

None

## 15. Other Business.

### A. Earth Day

Councillor Kieran McKenzie: Scout Troup 63 achieved their merit badge for cleaning out the drainage ditch along Devonwood Conservation Area in celebration of Earth Day. This effort was supported by members of CUPE Local 82, the Windsor Police Services and approximately 30 volunteers. Councillor McKenzie encourages everyone to get involved to clean up our green spaces and wished to extend thanks to all who participated.

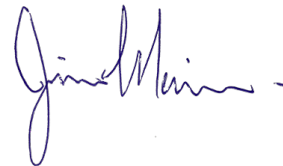
### B. Next Meeting

The next meeting of the Board of Directors will be held on June 22, 2023, starting at 6:00 p.m. in Council Chambers at the Civic Centre in Essex, ON.

## 16. Adjournment

**Resolution 69/23** Moved by Anthony Abraham  
Seconded by Kimberly DeYong

THAT the May 10, 2023 meeting of the Essex Region Conservation Authority Board of Directors be adjourned. **Carried**



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**Jim Morrison, Chair**



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**Tim Byrne, CAO/Secretary-Treasurer**