



Essex Region Conservation Authority

Board of Directors

Meeting Minutes

Meeting Date: Thursday, August 3, 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)	Michael Akpata
	Molly Allaire	Anthony Abraham
	Peter Courtney	Larry Verbeke
	Katie McGuire-Blais	Dayne Malloch
	Kim DeYong	Joe Bachetti
	Thomas Neufeld	Tania Jobin
	Tracey Bailey	Angelo Marignani
	Ryan McNamara	Mark McKenzie

Absent:

Regrets:	Sue Desjarlais (Vice-Chair)	Kieran McKenzie
	Jason Matyi	

Staff Present

Tim Byrne, CAO/Secretary-Treasurer
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA
Shelley McMullen, CFO/Director Finance and Corporate Services
Kevin Money, Director Conservation Services
Dan Jenner, Regulations Coordinator
Sydney Clackett, Regulations Analyst
Katie Stammmler, Water Quality Scientist

Others

1. Call to Order

Good evening and welcome to the August 3, 2023, meeting of the ERCA Board of Directors. I will call the meeting to order. Thank you all.

We have regrets this evening from:

- Councillor Jason Matyi, Essex
- Councillor Sue Desjarlais, Lasalle
- Councillor Kieran 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 85/23 Moved by Peter Courtney
Seconded by Molly Alliare

THAT the Agenda of the August 3, 2023, meeting of the ERCA Board of Directors be approved.

Carried

5. Hearings

A. Convene the Hearing Board

Resolution 86/23 Moved by Angelo Marignani
Seconded by Tania Jobin

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 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. [Ryan Alfano & Kristen Germani](#)

Resolution 87/23 Moved by Angelo Marignani
Seconded by Joe Bachetti

THAT the application from Ryan Alfano & Kristen Germani to request relief from access (ingress and egress) policy requirements to construct a dwelling at 208 St. Pierre Street, Town of Tecumseh, be approved. **Carried**

ii. Rick Babiser

Resolution 88/23 Moved by Mark McKenzie
Seconded by Dayne Malloch

THAT the application from Rick Babister to request relief from access (ingress and egress) policy requirements to construct a new semi-detached dwelling at 13931 Riverside Drive E, Town of Tecumseh, be approved. **Carried**

B. Hearing Board to Reconvene as the ERCA Board of Directors

Resolution 89/23 Moved by Larry Verbeke
Seconded by Anthony Abraham

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

6. Adoption of Minutes

A. ERCA Board of Directors

Resolution 90/23 Moved by Ryan McNamara
Seconded by Tania Jobin

THAT the Minutes of the June 22, 2023, meeting of the Board of Directors and the recommendations therein be approved as distributed. **Carried**

7. Business Arising from the Previous Minutes

None

8. Announcements

I would like to take moment to extend our deepest sympathies to those in Nova Scotia who have been impacted by devastating flooding recently that has resulted in loss of life. These events highlight for us our responsibility as the region's flood warning and management agency.

Development activities have returned to the brisk rates observed last year. Water Management Services staff are quite busy and generally development is active within our region. Thankfully, concerns at the Stellantis EV battery plant have been resolved and construction has continued full speed ahead.

Thank you to those who joined us in celebration of ERCA's 50th Anniversary on July 16, 2023. It is important for us to mark these important milestones and the accomplishments of the past five decades. I would like to extend my deepest gratitude to ERCA Staff who continue to work to fulfill the objects put forward by those who have preceded us to ensure that we have a sustainable watershed for the future.

The 34th Essex Region Conservation Foundation Golf Tournament was held at Kingsville Golf Course on July 20th and again was fully subscribed. Sponsorship was at a record level and over \$45,000 was raised for Foundation projects and initiatives.

Members are reminded of several upcoming events including:

- The Lost Arts Festival at the JRPH, August 13, 2023.
- The Festival of Hawks at Holiday Beach Conservation Area on September 16 & 17, 2023, and
- The 2023 Essex Region Conservation Foundation Bike Tour on September 23, 2023.

We hope you can mark those dates in your calendar and plan on joining us.

9. Delegations

None

10. Presentations

None

11. Tender

A. BD 31/23 Tender: J.R. Park House, John R. Park Homestead – Project #2202

Resolution 91/23 Moved by Peter Courtney

Seconded by Mark McKenzie

THAT the Tender for J.R. Park House Project #2202 in the amount of \$ 498,000.00 be awarded to Heritage Restoration Inc., subject to favourable review by Administration. **Carried**

12. Reports for Approval

A. BD 32/23 Municipal Cost Apportioning Agreements

Resolution 92/23 Moved by Joe Bachetti

Seconded by Angelo Marignani

THAT the Board of Directors endorse and support the municipal Draft Cost Apportionment Agreement, for Category 3 non-mandatory programs and services, and;

THAT Administration be directed to continue to negotiate and finalize all municipal agreements by the transition date of January 1, 2024. **Carried**

13. Reports for Information

A. BD 33/23 Kingsville Leamington Nutrient Project – Report on ten years of monitoring

Resolution 93/23 Moved by Kimberly DeYong

Seconded by Tracey Bailey

THAT Report BD33/23 be received for Members' information; and further,

THAT Administration be directed to circulate the report and a letter to member municipalities and the province detailing concerns with a request to the province to increase their compliance regarding greenhouse effluent. **Carried**

B. BD 34/23 Financial Activities for the Six Months ended June 30, 2023

Resolution 94/23 Moved by Angelo Marignani
Seconded by Larry Verbeke

THAT Report BD 34/23, Financial Activities for the Six Months Ended June 30, 2023, be received as distributed, for Members' information. **Carried**

C. BD 35/23 Watershed Management Services Activities Report for June 2023

Resolution 95/23 Moved by Molly Alliare
Seconded by Ryan McNamara

THAT the review of Regulations and Planning Applications, as presented in Report BD35/23 be received for Members' information. **Carried**

D. Environmental Registry Reports

- i. Conservation Ontario's Comments on the "Review of proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument" (ERO#019-6813)

Resolution 96/23 Moved by Angelo Marignani
Seconded by Mark McKenzie

THAT Conservation Ontario comments on ERO#019-6813 be received for Members' information. **Carried**

E. Correspondence

- i. Letter from Mississauga Valley Conservation Authority regarding PPS Comments on the "Review of proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument" (ERO#019-6813) dated July 5, 2023

Resolution 97/23 Moved by Katie McGuire-Blais
Seconded by Anthony Abraham

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

14. Committee of the Whole

None

15. New Business

A. Hybrid / Electronic Meetings

A discussion was held regarding the possibility of holding hybrid or electronic meetings.

Administration will review the current By-Laws, legislative obligations, and technical requirements and provide a report to the Board on the requirements for conduct meetings electronically.

16. Other Business.

A. Next Meeting

The next meeting of the Board of Directors will be held on September 14, 2023, starting at 6:00 p.m. in Council Chambers at the Civic Centre in Essex, ON.

17. Adjournment

Resolution 98/23 Moved by Mark McKenzie

Seconded by Angelo Marignani

THAT the August 3, 2023 meeting of the Essex Region Conservation Authority Board of Directors be adjourned. **Carried**



Jim Morrison, Chair



Tim Byrne, CAO/Secretary-Treasurer