



Essex Region Conservation Authority

Board of Directors

Meeting Minutes

Meeting Date: Thursday, October 12, 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
Sue Desjarlais (Vice-Chair)	Anthony Abraham
Molly Allaire	Larry Verbeke
Katie McGuire-Blais	Joe Bachetti
Jason Matyi	Tania Jobin
Kim DeYong	Angelo Marignani
Thomas Neufeld	Mark McKenzie
Tracey Bailey	Kieran McKenzie
Ryan McNamara	

Absent:

Regrets:

Peter Courtney	Dayne Malloch
----------------	---------------

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
Danielle Breault-Stuebing, Director Community and Outreach Services
James Bryant, Director Watershed Management Services
Dan Jenner, Regulations Coordinator
Sydney Richmond, Regulations Analyst
Lindsay Swackhammer, Regulations Technician
Tom Dufour, GIS Technician

Others

Rastko (Boban) Stojkovski
Brian Chillman, McTague Law Firm
Darwin Harasym, McTague Law Firm
Maged Basiliou, Architect
Jeanette and Tom Easton
Brennan Richmond
Michael Gordner, M. Gordner Law Firm – ERCA Counsel

1. Call to Order

Good evening and welcome to the October 12, 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 Peter Courtney, Amherstburg
- Deputy Mayor Dayne Malloch, Pelee Island

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 110/23 Moved by Katie McGuire-Blais

Seconded by Ryan McNamara

THAT the Agenda of the October 12, 2023, meeting of the ERCA Board of Directors be approved. **Carried**

5. Hearings

A. Convene as the Hearing Board

Resolution 111/23 Moved by Angelo Marignani

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 one application.

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.

In consultation with the Applicant's counsel and consent being provided, members of the Executive Committee attending the June 15, 2023, meeting are permitted to participate in this matter.

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).

Brian Chillman, McTague Law Firm took an oath.

Darwin Harasym, McTague Law Firm took an oath.
Rastko (Boban) Stojkovski took an oath.
Maged Basiliou, Architect took an affirmation.
Jeanette Easton took an oath.

i. Rastko (Boban) Stojkovski

Resolution 112/23 Moved by Kieran McKenzie
Seconded by Angelo Marignani
THAT the Application for Permit No. 49-20 by Rastko Stojkovski to undertake the reconstruction of the house and detached structure at 138 Lakeshore Drive, Municipality of Leamington, be denied. **Carried.**

B. Hearing Board to Reconvene as the Board of Directors

Resolution 113/23 Moved by Larry Verbeke
Seconded by Angelo Marignani
THAT the Hearing Board reconvene as the ERCA Board of Directors. **Carried.**

6. Adoption of Minutes

A. ERCA Board of Directors

Resolution 114/23 Moved by Angelo Marignani
Seconded by Joe Bachetti
THAT the Minutes of the September 14, 2023, meeting of the Board of Directors and the recommendations therein be approved as distributed. **Carried**

B. ERCA Executive Committee

Resolution 115/23 Moved by Angelo Marignani
Seconded by Sue Desjarlais
THAT the Minutes of the September 14, 2023, meeting of the ERCA Executive Committee and the recommendations therein be approved as distributed. **Carried**

C. Conservation Ontario Council

Resolution 116/23 Moved by Mark McKenzie
Seconded by Ryan McNamara
THAT the Minutes of the Monday, June 26, 2023 Conservation Ontario Council meeting be received. **Carried**

7. Business Arising from the Previous Minutes

8. Announcements

As members know, over the past few months, ERCA has been actively engaged in meetings with municipal administration across the region related to the Municipal Cost Apportionment

Agreements for Category Three, Non-Mandatory services. I'm pleased to note that these required agreements have received Council approval in the Towns of Essex, Lakeshore and LaSalle.

Over the coming weeks, we will be attending scheduled Council meetings to ensure that the remaining municipal agreements are completed by December 31 through resolution by Municipal Councils. We thank you for your support at these upcoming meetings.

On behalf of the ERCA Board, I'd like to express my sincerest appreciation to The Toldo Foundation, which announced its support of the restoration work at the John R. Park Homestead, with a donation of \$100,000. I was most thankful to Vice Chair Sue Desjarlais for representing ERCA last week at this exciting announcement.

I'd also like to thank the Essex Region Conservation Foundation for its continued work in raising funds for this and other projects, and to congratulate them on last month's Bike Tour, which raised almost \$23,000 towards the creation of a new community entrance for the Cypher Systems Group Greenway.

9. Delegations

None

10. Presentations

A. August 23-25, 2023, Rainfall and Flood Event Summary

Resolution 117/23 Moved by Joe Bachetti
Seconded by Michael Akpata
THAT Members receive the August 23-25, 2023, Rainfall and Flood Event Summary presentation. **Carried**

11. Reports for Approval

A. BD40/23 Proposed 2024 Fee Schedule

Resolution 118/23 Moved by Larry Verbeke
Seconded by Sue Desjarlais
THAT the proposed ERCA 2024 Fee Schedule, as described herein, be approved; and further, THAT Administration post notice of the Fee Schedule in ERCA's Administrative offices, on ERCA's website and other social media, and be distributed to member municipalities. **Carried**

B. BD41/23 ERCA Drone Policy

Resolution 119/23 Moved by Michael Akpata
Seconded by Mark McKenzie
THAT the Essex Region Conservation Authority adopt the Drone Policy as outlined in Report BD41/23. **Carried**

C. BD42/23 2024 Board Meeting Calendar

Resolution 120/23 Moved by Katie McGuire-Blais
Seconded by Tracey Bailey

THAT the ERCA Board of Directors 2024 meeting schedule as outlined in Report BD42/23 be approved. **Carried**

12. Reports for Information

A. BD43/23 ERCA Summary of Grant Funding Received 2021-2023

Resolution 121/23 Moved by Kieran McKenzie
Seconded by Jason Matyi

THAT Members receive Report BD43/23 for information. **Carried**

B. BD44/23 Watershed Management Services Activities Report for September 2023

Resolution 122/23 Moved by Molly Alliare
Seconded by Mark McKenzie

THAT the review of Regulations and Planning Applications, as presented in Report BD44/23 be received for Members' information. **Carried**

C. Environmental Registry Reports

None

D. Correspondence

- i. Email from Hamilton Conservation Authority regarding HCA Board Resolution re. Reverse Changes to the Conservation Authorities Act and Ontario Wetland Evaluation System dated September 15, 2023

Resolution 123/23 Moved by Larry Verbeke
Seconded by Molly Alliare

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

13. Committee of the Whole

None

14. New Business

15. Other Business.

A. Next Meeting

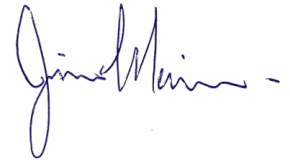
The next meeting of the Board of Directors will be held on November 9, 2023, starting at 6:00 p.m. in Council Chambers at the Civic Centre in Essex, ON.

16. Adjournment

Resolution 124/23 Moved by Mark McKenzie

Seconded by Katie McGuire-Blais

THAT the October 12, 2023 meeting of the Essex Region Conservation Authority Board of Directors be adjourned. **Carried**



Jim Morrison, Chair



Tim Byrne, CAO/Secretary-Treasurer