

## BOARD OF DIRECTORS MEETING

Thursday, November 26, 2015

Ausable Bayfield Conservation Authority Boardroom  
Morrison Dam Conservation Area

### DIRECTORS PRESENT

Ray Chartrand, Doug Cook, Dave Frayne, Wayne Hall, George Irvin, Burkhard Metzger, Don Shipway, Mike Tam

### DIRECTORS ABSENT

Bob Harvey

### STAFF PRESENT

Jenna Allain, Andrew Bicknell, Bev Brown, Geoff Cade, Brian Horner, Judith Parker, Alec Scott, Meghan Tydd-Hrynyk, Mari Veliz

### OTHERS PRESENT

Bob Montgomery, CKNX Radio

### CALL TO ORDER

Chair Mike Tam called the meeting to order at 10:05 a.m. and welcomed everyone to the meeting.

### ADOPTION OF AGENDA

#### **MOTION #BD 80/15**

**Moved by Dave Frayne  
Seconded by Burkhard Metzger**

**“RESOLVED, THAT the agenda for the November 26, 2015 Ausable Bayfield Conservation Authority Board of Directors meeting be approved.”**

**Carried.**

### DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest at this meeting or from the previous meeting.

### DISCLOSURE OF INTENTION TO RECORD PROCEEDINGS

None

ADOPTION OF MINUTES**MOTION #BD 81/15**

**Moved by Doug Cook  
Seconded by Ray Chartrand**

**“RESOLVED, THAT the minutes of the Board of Directors meeting held on October 15, 2015 and the motions therein be approved as circulated.”**

**Carried.**

BUSINESS OUT OF THE MINUTESProposed 2016 Budget

George Irvin circulated a resolution from the Municipality of Bluewater Council in regards to deferring the vote on the budget. Other directives in the resolution were that the Authority respond to all lakeshore hazard zone permit applications within three weeks; and that the Authority conduct the annual BSRA-ABCA Ravine and Lake Water Quality Monitoring from Bluewater’s contribution to the ABCA 2016 budget.

**MOTION #BD 82/15**

**Moved by George Irvin  
Seconded by Dave Frayne**

**“RESOLVED, THAT voting on the ABCA proposed 2016 budget be deferred as requested by the Municipality of Bluewater Council resolution.”**

**Defeated.**

General Manager Brian Horner commented that he will be attending a Bluewater Council meeting on December 7, 2015 to answer any questions on the 2016 budget or budget process as well as the other issues identified in the resolution circulated by Mr. Irvin.

2016 Proposed General Levy Vote**MOTION #BD 83/15**

**Moved by Don Shipway  
Seconded by Burkhard Metzger**

**“RESOLVED, THAT the 2016 General Levy be approved at \$862,864.”**

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>
Adelaide Metcalfe			✓
Bluewater	✓		
Central Huron	✓		
Huron East	✓		
Lambton Shores	✓		
Lucan Biddulph	✓		

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>
Middlesex Centre			✓
North Middlesex	✓		
Perth South	✓		
South Huron	✓		
Warwick	✓		
West Perth	✓		

**The result was Yea 100% based on the current value assessment apportionment schedule.”**

**Carried.**

2016 Proposed Project Levy Vote

**MOTION #BD 85/15**

**Moved by George Irvin  
Seconded by Ray Chartrand**

**“RESOLVED, THAT the 2016 Project Levy be approved at \$383,446.”**

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>
Adelaide Metcalfe			✓
Bluewater	✓		
Central Huron	✓		
Huron East	✓		
Lambton Shores	✓		
Lucan Biddulph	✓		
Middlesex Centre			✓
North Middlesex	✓		
Perth South	✓		
South Huron	✓		
Warwick	✓		
West Perth	✓		

**The result was Yea 100% based on the current value assessment apportionment schedule.”**

**Carried.**

2016 Proposed Budget

**MOTION #BD 86/15**

**Moved by Don Shipway  
Seconded by Wayne Hall**

**“RESOLVED, THAT the 2016 proposed budget be approved.”**

**Carried.**

**MOTION #BD 87/15**

**Moved by Ray Chartrand  
Seconded by Doug Cook**

**“RESOLVED, THAT the Board of Directors move out of the regular meeting and convene as a Hearing pursuant to Ontario Regulation 147/16 at 10:25 a.m.”**

**Carried.**

**HEARING**

**Pursuant to Ontario Regulation 147/06**

**(Development, Interference with Wetlands and Alteration to Shorelines and Watercourses)**

**DIRECTORS PRESENT**

Ray Chartrand, Doug Cook, Dave Frayne, Wayne Hall, George Irvin, Burkhard Metzger, Don Shipway, Mike Tam

**DIRECTORS ABSENT**

Bob Harvey

**OTHERS PRESENT**

Kris Bedard, Manuel Demelo, Lois Budden, Ted Piwowarczyk

**CALL TO ORDER**

Chair Mike Tam called the Hearing pursuant to Ontario Regulation 147/06, to order at 10:26 a.m. for consideration of Application for Permission #2015-50. The Chair welcomed those attending and announced the procedures for conducting the Hearing. Chair Tam asked Andrew Bicknell, Regulations Coordinator for the Ausable Bayfield Conservation Authority to provide details on the application.

Mr. Bicknell introduced Kris Bedard of K & B Construction, agent for the applicants Manuel Demelo, Lois Budden, Ted Piwowarczyk and Mike Demelo. The properties are located in the Poplar Beach subdivision on Lake Huron at Lot 22, Concession LRW, former Township of Hay, Municipality of Bluewater. The contractor proposes to install a steel sheet pile retaining wall at the water's edge along the toe of the lake bank in front of the existing retaining wall which is failing. The application that was submitted to the ABCA, requests permission for an approximate total continuous length of 200 feet spanning four properties. The height would be 5 feet above beach grade and placed approximately 4 feet in front of the existing leaning sheet steel wall and cement blocks reinforcing the leaning wall. The Poplar Beach area is amongst the highest erosion rates experienced along the lakeshore in the ABCA watershed. Shoreline conditions transition very quickly from the north end of Poplar Beach subdivision to the south end. Buildings at the north end of Sunview Ave. have been moved to the east side of the road due to recession of the lake bank. To the south, the Cedar Bank subdivision area experiences very low relative erosion rates. Prior to 2006, the ABCA did not oversee the construction or installation of the various forms of shoreline works or conditions that exist today. Due to the complex nature of the shoreline, staff have asked the applicant to provide the opinion of coastal engineering

expertise. The concern is that by permitting the construction to proceed as submitted, the lake bank, the four properties and the adjoining properties could be put at increased risk. The applicant has not provided an environmental study and has requested a Hearing.

In conclusion, staff recommend that Application #2015-50 be denied.

Kris Bedard spoke on behalf of the applicants stating he had 35 years experience in steel sheet pile wall installation along the shoreline between Bayfield and Port Franks. He advised the proposed retaining wall would be L-60 steel placed in front of the cement blocks and tied to the leaning original wall. The cement blocks would be buried and protect the toe of the lakebank. Lois Budden commented that the Poplar Beach cottage association is in support of installing a new retaining wall, so the four applicants hired K & B Construction due to their experience. She wants to protect her lakefront property similar to the wall installed by her neighbour to the south. Mr. Bicknell commented that Ms. Budden's neighbour's wall did not go through the ABCA permitting process because it was installed prior to 2006 which was the year the Authority became the regulatory agency for works along the shoreline.

#### COMMITTEE OF THE WHOLE

**MOTION #BD 88/15**

**Moved by Don Shipway  
Seconded by Burkhard Metzger**

**“RESOLVED, THAT the Hearing Board go into Committee of the Whole to discuss Application #2015-50 at 11:20 a.m. with Brian Horner and Judith Parker remaining in attendance.”**

**Carried.**

**MOTION #BD 89/15**

**Moved by Don Shipway  
Seconded by Wayne Hall**

**“RESOLVED, THAT the Hearing Board rise and report at 11:45 a.m.”**

**Carried.**

Those attending the Hearing returned to the boardroom and Chair Tam asked for a resolution.

**MOTION #BD 90/15**

**Moved by Dave Frayne  
Seconded by Ray Chartrand**

**“RESOLVED, THAT the Board of Directors support the staff recommendation in denying approval of Ontario Regulation 147/06 Application #2015-50 unless engineering assessments are provided to satisfy further review of the application by staff.”**

**Carried.**

ADJOURNMENT OF HEARING**MOTION #BD 91/15****Moved by Ray Chartrand  
Seconded by Burkhard Metzger**

**“RESOLVED, THAT the Hearing be adjourned at 11:48 a.m. and the Board of Directors reconvene in the regular meeting.”**

**Carried.**

PROGRAM REPORT1 (a) Development Review

Andrew Bicknell presented the Development Review report pursuant to *Ontario Regulation 147/06 Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. Through the application process, proposed developments within regulated areas are protected from flooding and erosion hazards. Staff granted permission for 11 *Applications for Permission* and 13 *Minor Works Permits* to construct works within regulated areas.

(b) Violation/Appeals Update

No updates at this time.

**MOTION #BD 92/15****Moved by Ray Chartrand  
Seconded by Doug Cook**

**“RESOLVED, THAT the Board of Directors affirm the approval of applications as presented in Program Report # 1 - Development Review.”**

**Carried.**

2. Watershed Hydrology Study

Alec Scott Water & Planning Manager advised as a followup to the watershed hydrology study update approved in the 2016 budget, the ABCA has been offered funding through Ministry of Natural Resources & Forestry for a pilot project related to the National Flood Damage Mitigation Program. The pilot will note any extra data needed to compare results for the existing GAWSER model to the HEC-HMS model developed by the US Corps of Engineers. The results of the pilot project will help establish standards in Ontario for models that are acceptable for floodplain mapping projects in the future.

**MOTION #BD 93/15****Moved by Don Shipway  
Seconded by Doug Cook**

**“RESOLVED, THAT Water’s Edge and Schroeter & Associates be contracted to complete the pilot project at a maximum cost of \$20,325 plus HST and that staff proceed to enter into an agreement to have the pilot project work completed.”**

**Carried.**

### 3. Parkhill and Morrison Dam Safety Reviews

Alec Scott advised that the safety review of Parkhill Dam and Morrison Dam identified a number of deficiencies which were included in the 2016 proposed budget.

**MOTION# BD 94/15**

**Moved by Dave Frayne**

**Seconded by Ray Chartrand**

**“RESOLVED, THAT subject to the approval of the ABCA 2016 budget, Exp Services Inc. be retained to complete updates to the OMSS manuals for Parkhill and Morrison Dams and complete a geotechnical stability analysis for Morrison Dam at a total price of \$15,000 plus HST, and**

**FURTHER, THAT staff proceed to enter into an agreement with Exp Services Inc. and complete the additional work.”**

**Carried.**

### 4. ABCA Agricultural Land Tender Results

Kate Monk, Stewardship, Lands & Education Manager reported on the recent tendering to rent the Triebner Tract agricultural land from 2016-2020. There were three bids received ranging from \$225-\$300 per acre for 29 acres. Staff accepted the high bid.

### PRESENTATION

Geoff Cade, Supervisor of Water & Planning provided an update on the Shoreline Management Plan (SMP) project. The first Shoreline Management Plan was initiated in 1994 with an update completed in 2000 to incorporate changes to the Provincial Planning Policy Statement. A steering committee has been established to guide the SMP update project with representatives from shoreline residents and cottage associations, industry, four shoreline municipalities, MNRF, two adjacent conservation authorities and Counties of Huron and Lambton. The consulting team is Karen Wianecki of Planning Solutions Inc.; Judy Sullivan, P.Eng., coastal engineer; and Dr. Robin Davidson-Arnott, University of Guelph Professor Emeritus. A multi-faceted community engagement strategy will be conducted and the public is encouraged to visit the ABCA website to follow the process.

### GENERAL MANAGER’S REPORT

Brian Horner presented the General Manager’s report. Highlights were given on the progress of various projects, staff training and development, upcoming meetings and activities held over the previous month. This report is distributed to the municipalities for their councillors’ information.

### COMMITTEE REPORTS

**MOTION #BD 95/15**

**Moved by Burkhard Metzger**

**Seconded by Dave Frayne**

**“RESOLVED, THAT the minutes of the Clinton CA Management Committee meeting held on October 13, 2015; Friends of South Huron Trail meeting held on November 6, 2015; and Source Protection Committee meeting held on September 30, 2015 and the motions therein be approved as presented.”**

**Carried.**

CORRESPONDENCE

- a) Reference: Thank you  
File: A.5.1  
Brief: A note of thanks from Tom Prout for being nominated as a recipient of the Latornell Leadership Award which was presented at the Latornell Symposium on November 17, 2015.
- b) Reference: Thank you  
File: A.5.9  
Brief: A note of thanks was received from Sid Vanderveen, OMAFRA Drainage Coordinator expressing appreciation for the contributions of Davin Heinbuck, ABCA Lands & Water Technologist as a member of the Drainage Act and Section 28 Regulations Team (DART).
- c) Reference: Donation of Artifact  
File: A.5.1  
Brief: Correspondence from the Laurie Webb, Curator of Lambton Heritage Museum advising that the early 1900s wicker coffin originally from Dinney Funeral Home and given to the museum by the Foundation will be preserved in their museum collection.
- d) Reference: *Conservation Authorities Act*  
File: A.8.3  
Brief: Copy of correspondence sent in response to the EBR posting on review of the *Conservation Authorities Act* was received from Township of Lucan Biddulph and Municipality of Huron East.

NEW BUSINESS

None

ADJOURNMENT

The meeting was adjourned at 12:15 p.m.

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Mike Tam  
Chair

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Judith Parker  
Corporate Services Coordinator

*Copies of Program Reports are available upon request.  
Contact Judith Parker, Corporate Services Coordinator.*