

BOARD OF DIRECTORS MEETING

Thursday, April 21, 2022

Ausable Bayfield Conservation Authority Boardroom
Morrison Dam Conservation Area

VIA VIDEO CONFERENCE

HEARING

Pursuant to Ontario Regulation 147/06

(Development, interference with Wetlands and Alterations to Shorelines and Watercourses)

DIRECTORS PRESENT

Ray Chartrand, Doug Cook, Adrian Cornelissen, Bob Harvey, Dave Jewitt, Marissa Vaughan, Alex Westman

DIRECTORS ABSENT

George Irvin, Mike Tam

STAFF PRESENT

Geoff Cade, Tina Crown, Abbie Gutteridge, Davin Heinbuck, Brian Horner, Ian Jean Daniel King, Mary Lynn MacDonald, Tracey McPherson, Brooklyn Rau, Nathan Schoelier, Meghan Tydd-Hrynyk

OTHERS PRESENT

Don Poland, Paulina Poland

CALL TO ORDER

Chair Dave Jewitt called the virtual Hearing pursuant to Ontario Regulation 147/06 to order at 10:00 a.m. for consideration of Permit Application #2022-33. The chair welcomed the applicants.

Chair Jewitt stated that the procedures for conducting the Hearing and asked Meghan Tydd-Hrynyk, Planning and Regulations Officer, to provide details on the application.

Ms. Tydd-Hrynyk advised that the subject property was located at 9903 Eric Street in Lambton Shores. The property is located within a regulated area, and is in what is known as the Thedford Klondyke Floodplain. The Ausable Bayfield Conservation Authority (ABCA) has regulatory responsibility of the floodplain area under Ontario Regulation 147/06, but does allow for moderate additions to living space. She noted that permits have been issued in this area in the past.

The property was surveyed in 2016 when initial inquiries were made and the flood line was marked at 1.81 metres at that time. In 2021, the homeowners began the process of applying for a permit for an addition to the existing house. The owners were made aware of the policies at the time of application.

The proposed addition is a side split, in which the lower level would be used for storage, and only the upper level used as habitable space. The proposed upper level is above the flood line of 1.81 metres, and the owners submitted a plan for proper flood proofing. The current house is approximately 1093 square feet, and the proposed addition is almost 840 square feet in size. While the ABCA policies do allow for additions of not more than 40 percent, this addition is more than double that amount. As such, staff recommend that this permit be denied.

The Chair asked Paulina Poland to present as the applicant. Ms. Poland noted that she and her husband, Don, would like to ask the Board for permission for the full extension of their proposed house addition. She noted that the height elevation of the living space exceeded the requirement of 1.81 metres. She did note that the addition size does exceed the ABCA policy of 40 percent, and is approximately a 77 percent increase. She reported that the purpose was to use the new space for bedrooms and allow a larger living space in the original part of the house.

Ms. Poland also noted that even with the addition, their house would still be over 2 metres from the neighbouring property. To ensure that their plans do not affect their neighbours, they have planned for a swale that slopes to the rear of the property to direct any water not absorbed into the ground.

COMMITTEE OF THE WHOLE

MOTION #BD 33/22

**Moved by Alex Westman
Seconded by Ray Chartrand**

“RESOLVED, THAT the Board of Directors go into Committee of the Whole at 10:17 a.m. to discuss the information presented at the Hearing, with Brian Horner, Abbie Gutteridge, and Tracey McPherson remaining in attendance.”

Carried.

MOTION #BD 34/22

**Moved by Alex Westman
Seconded by Ray Chartrand**

“RESOLVED, THAT the Committee of the Whole rise and report at 10:42 a.m.

Carried.

Those in attendance at the Hearing were invited back into the Zoom meeting and the Chair asked the Board for a decision.

MOTION #BD 34/22

**Moved by Doug Cook
Seconded by Alex Westman**

“RESOLVED, THAT the Ausable Bayfield Conservation Authority Board of Directors approve Application for Permission #2022-33 pursuant to Ontario Regulation 147/06 *Development, Interference with Wetlands and Alterations to Shorelines or Watercourses*, as submitted by the applicant.”

Carried.

BOARD OF DIRECTORS MEETING

DIRECTORS PRESENT

Ray Chartrand, Doug Cook, Adrian Cornelissen, Bob Harvey, Dave Jewitt, Marissa Vaughan, Alex Westman

DIRECTORS ABSENT

George Irvin, Mike Tam

STAFF PRESENT

Geoff Cade, Tina Crown, Abbie Gutteridge, Davin Heinbuck, Brian Horner, Ian Jean Daniel King, Mary Lynn MacDonald, Tracey McPherson, Kate Monk, Brooklyn Rau, Nathan Schoelier, Meghan Tydd-Hrynyk

OTHERS PRESENT

Adam Skillen, *Skillen Investment Management*

CALL TO ORDER

Chair Dave Jewitt called the meeting to order at 10:31 a.m., welcomed everyone in attendance, both in person and virtually. It was noted that the Board would carry on with the agenda, and pause the reports when Mr. Skillen joined the meeting. Once his presentation was completed, reports would resume.

LAND ACKNOWLEDGEMENT STATEMENT

Chair Jewitt read the Land Acknowledgement Statement, acknowledging the original stewards of this land, the Haudenosaunee and Anishinaabe.

ADOPTION OF AGENDA

MOTION #BD 35/22

**Moved Bob Harvey
Seconded by Alex Westman**

“RESOLVED, THAT the agenda for the April 21, 2022 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

Chair Jewitt noted that this meeting was being recorded on Zoom for temporary posting online, and is not an official record. The official record of this meeting will be the approved minutes.

ADOPTION OF MINUTES

MOTION #BD 36/22

**Moved by Adrian Cornelissen
Seconded by Ray Chartrand**

“RESOLVED, THAT the minutes of the Board of Directors meeting held on March 17, 2022 and the motions therein be approved as circulated.”

Carried.

BUSINESS OUT OF THE MINUTES

Brian Horner, General Manager, introduced Brooklyn Rau to the Board of Directors, noting that Brooklyn had recently been hired as Stewardship Technician.

PROGRAM REPORTS

1. (a) Development Review

Daniel King, Regulations Coordinator, 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 16 *Applications for Permission* and 13 *Minor Works Applications*.

(b) Violations/Appeals Update

Geoff Cade, Water and Planning Manager, noted that there are several updates on current violations, which will be presented in Committee of the Whole.

MOTION #BD 37/22

**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 – a) Development Review and receive the Violations and Appeals update as presented.”

Carried.

2. Conservation Authorities Act Update

Kate Monk, Projects Coordinator, and Brian Horner presented an update on the ongoing changes to the Conservation Authorities Act. Kate Monk noted that the Phase II Regulations had not been posted yet, but were expected soon. She reported that there has been no updates from the Province about the appointment of the agriculture representative to the Board. Staff are continuing to work on requirements and updates will be provided at upcoming meetings. Kate noted that there is an upcoming webinar about the Inventory of Programs and Services that might be of interest to Board members on May 2.

MOTION #BD 38/22

**Moved by Marissa Vaughan
Seconded by Bob Harvey**

“RESOLVED, THAT the Board of Directors receive the update on the Conservation Authorities Act as presented.”

Carried.

3. Remote Work Policy

Brian Horner presented a Remote Work Policy that would replace the current Inclement Weather policy in the ABCA Personnel Regulations. The ABCA is now in a position to ask staff to come back to work at the office, and many have already done so. However, this policy would allow staff members to work from home under certain circumstances with approval from their Manager. Member municipalities were consulted in developing this policy, and staff have also had the opportunity to review the policy.

MOTION #BD 39/22

**Moved by Ray Chartrand
Seconded by Marissa Vaughan**

“RESOLVED, THAT the Remote Work Policy be approved and replace Personnel Regulation #10 – Absence due to inclement weather.”

Carried.

4. ABCA Land Acquisition Policy

Kate Monk presented a policy to guide land acquisition by the ABCA. The ABCA has been acquiring land for environmental and community purposes for most of its history, and has been recommended in watershed plans, as well as provincial and federal strategies and reports. Prior to the development of this policy, the ABCA had a Land Securement Plan (2008 – 2020), which has guided land acquisition for a number of years needed updating with new information gained through studies and to meet the requirements of the Conservation Authorities Act Update. The new

policy is clear to share with the public, remains consistent with previous approaches for land acquisition, and meets the requirements of provincial legislation. It gives provides a framework, but allows for flexibility.

MOTION #BD 40/22

**Moved by Doug Cook
Seconded by Marissa Vaughan**

“RESOLVED, THAT the Ausable Bayfield Conservation Authority Land Acquisition Policy be approved as presented.”

Carried.

Adam Skillen joined the meeting at 10:48 a.m. Program reports were paused at this time to allow Mr. Skillen to proceed with his presentation.

PRESENTATION

Adam Skillen, Skillen Investment Management, presented an update on the investment portfolio, which continues to perform well, despite some recent downturns. He noted that bonds are suffering for the first time in many years. At present, our targets for 65% bonds and 35% equity have drifted to approximately 59% bonds, 39% equity, and 2% cash and equivalents. This drifting has helped us during this downturn. While our portfolio has declined over the past three and a half months, it has not declined as seriously as the global markets.

Adam Skillen left the meeting at 11:07 a.m. Program reports resumed.

PROGRAM REPORTS**5. Butternut Archive Orchard – Partnership Opportunity**

Ian Jean, Forestry and Stewardship Specialist, presented an opportunity to partner with the Forest Gene Conservation Association (FGCA) to establish a Butternut Archive Orchard at the ABCA Triebner Tract. The FGCA is a not for profit organization in Ontario and works to conserve and augment the genetic diversity of forests. The FGCA has partnered with government, the forestry sector, not for profit organizations, landowners and conservation authorities. To date, five Butternut Archive Orchards have been established in Ontario. The Butternut is a species at risk and is threatened by Butternut Canker, a fungus that causes tree mortality.

Through this partnership the FGCA would provide funding for the establishment of the orchard, as well as ongoing maintenance. The ABCA would provide up to five acres of land, plant up to 100 grafted butternut per year until capacity is reached, perform site maintenance and watering if necessary, as well as ongoing monitoring of the site. This is a 15 year agreement, and would be renewed every 5 years. In discussing this partnership with other organizations, such as the Upper Thames Conservation Authority, who have an existing agreement, no regrets or concerns were identified. This partnership would support existing ABCA field services, property monitoring and forestry program activities, provide opportunity for ABCA to contribute to the Butternut Recovery in

Ontario, and the location of the Triebner Tract is ideal as it is located relatively close to the ABCA office. Staff recommend entering into this agreement.

MOTION #BD 41/22

**Moved by Ray Chartrand
Seconded by Alex Westman**

“RESOLVED, THAT the Ausable Bayfield Conservation Authority (ABCA) enter into a 15 year agreement with the Forest Gene Conservation Association (FGCA), whereby FGCA will fund the establishment and ongoing maintenance and monitoring of a 5 acre Butternut Archive Orchard at ABCA Triebner Tract.”

Carried.

6. 1st Quarter Profit and Loss Statement

Brian Horner presented the financial statement for January through March 2022 with comparables to the 2022 budget.

MOTION #BD 42/22

**Moved by Bob Harvey
Seconded by Adrian Cornelissen**

“RESOLVED, THAT the 1st Quarter Profit and Loss Statement be received as presented.”

Carried.

COMMITTEE REPORTS

MOTION #BD 42/22

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

“RESOLVED, THAT the minutes of the Friends of the South Huron Trail meeting held on March 28, 2022 and the motions therein be approved as circulated.”

Carried.

MOTION #BD 43/22

**Moved by Marissa Vaughan
Seconded by Ray Chartrand**

“RESOLVED, THAT the minutes of the Source Protection Committee meeting held on March 31, 2022 and the motions therein be approved as circulated.”

Carried.

CORRESPONDANCE

- a) Reference: Thank You
File: A.5.1
Brief: A note of thanks from Stephen and Janice Harvey and their family for donations from staff in memory of their son, Neil.

- b) Reference: Correspondence from Leah Stumpf and Mike Bousfield – Planning and Regulations
File: L.2.1.1
Brief: This correspondence package, sent to the Board of Directors prior to the Board meeting, included a letter from Leah Stumpf and Mike Bousfield regarding planning and regulations concerns, as well as an email exchange between Mr. Bousfield and Geoff Cade, and a letter of response from Geoff Cade.

NEW BUSINESS

None

COMMITTEE OF THE WHOLE

MOTION #BD 44/22

**Moved by Alex Westman
Seconded by Ray Chartrand**

“RESOLVED, THAT the Board of the Directors go into Committee of the Whole at 11:23 a.m. to discuss legal matters with Brian Horner, Geoff Cade, Daniel King, Abbie Gutteridge and Tracey McPherson remaining in attendance.”

Carried.

MOTION #BD 45/22

**Moved by Alex Westmand
Seconded by Ray Chartrand**

“RESOLVED, THAT the Committee of the Whole rise and report at 11:47 a.m.”

Carried.

MOTION #BD 46/22

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

“RESOLVED, THAT the Board of Directors receive the information on legal matters as presented.”

Carried.

ADJOURNMENT

The meeting was adjourned at 11:48 a.m.

Dave Jewitt
Chair

Abigail Gutteridge
Corporate Services Coordinator

*Copies of program reports are available upon request.
Contact Abigail Gutteridge, Corporate Services Coordinator*