

BOARD OF DIRECTORS MEETING

Thursday, October 20, 2022

Ausable Bayfield Conservation Authority Boardroom
Morrison Dam Conservation Area

IN PERSON/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, George Irvin, Dave Jewitt, Mike Tam, Marissa Vaughan, Alex Westman

STAFF PRESENT

Geoff Cade, Tina Crown, Abbie Gutteridge, Brian Horner, Daniel King, Tracey McPherson, Kate Monk, Nathan Schoelier, Meghan Tydd-Hrynyk

OTHERS PRESENT

Paul Shapton

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 #2022-44. The chair welcomed the applicant.

Chair Jewitt stated that the procedures for conducting the Hearing and asked Daniel King, Regulations Coordinator, to provide details on the application.

Mr. King advised that the subject property is located at 71443 Shoreline Drive in the Municipality of Bluewater. This property is located in the regulated area along the Lake Huron shoreline, and bluff hazards with slope stability and erosion a concern. All structures located on the property pre-date conservation authority regulations. The Ausable Bayfield Conservation Authority (ABCA) has regulatory responsibility of this lakeshore area under

Ontario Regulation 147/06, but does allow for some development meeting certain conditions. The proposed dwelling is located within Lakeshore Area 2.

Mr. Shapton first contacted the ABCA regarding a septic replacement and redevelopment in 2019, but did not apply for permits at that time. In spring of 2021, Mr. Shapton was issued a permit for a septic replacement, which expired in June 2022. No work was completed during this time. Plans were resubmitted in April 2022 for the septic and the reconstruction of the dwelling on the property. Two engineering reports were submitted, and the ABCA did reduce the setbacks for the work based on the geotechnical review, which recommended a reduction in the recession rate of the bluff. The building reconstruction could take place outside he regulated area. However, the septic system would still need to be within the setback for the top of bank. The proposed septic leaching bed would have to be right to the top of the bluff. Therefore staff recommend that the application be denied as it does not meet ABCA policies and guidelines.

When questioned by Board members if there were any options left for Mr. Shapton, Mr. King replied that they could apply to the municipality to reduce the road allowance setback, which would allow everything to be moved back out of the top of bank setback, or consider a slightly smaller septic bed.

The Chair asked Paul Shapton to present as the applicant. Mr. Shapton told the Board of Directors that the septic needed maintenance as it was very old, and also wanted to replace the cottage, with very little changed in the footprint of the dwelling. Mr. Shapton submitted two engineering reports and all parties agreed that the recession rate of the bank is 0 metres per year, and that the site specific slope stability is 2.7:1 instead of 3:1 as noted in the Shoreline Management Plan. Due to this he believes the stable top is more lake ward than the Shoreline Management plan would delineate it, which would also mean the 6 metre setback from the top of bank would also be more lake ward. Thus, Mr. Shapton believes that all construction would be outside of the hazard area.

COMMITTEE OF THE WHOLE

MOTION #BD 90/22

Moved by Ray Chartrand

Seconded by Adrian Cornelissen

“RESOLVED, THAT the Board of Directors go into Committee of the Whole at 10:44 a.m. to discuss the information presented at the Hearing, with Brian Horner and Abbie Gutteridge remaining in attendance.”

Carried.

MOTION #BD 91/22

**Moved by Ray Chartrand
Seconded by Mike Tam**

“RESOLVED, THAT the Committee of the Whole rise and report at 11:01 a.m.

Carried.

MOTION #92/22

**Moved by George Irvin
Seconded by Doug Cook**

“RESOLVED, THAT the Board of Directors recommend that staff approve Application for Permission #2022-44 pursuant to Ontario Regulation 147/06 *Development, Interference with Wetlands and Alterations to Shorelines or Watercourses*, as presented based on the site specific engineering information provided.”

Carried

BOARD OF DIRECTORS MEETING

DIRECTORS PRESENT

Ray Chartrand, Doug Cook, Adrian Cornelissen, Bob Harvey, George Irvin, Dave Jewitt, Mike Tam, Marissa Vaughan, Alex Westman

STAFF PRESENT

Geoff Cade, Tina Crown, Abbie Gutteridge, Brian Horner, Daniel King, Mary Lynn MacDonald, Tracey McPherson, Kate Monk, Nathan Schoelier, Meghan Tydd-Hrynyk, Mari Veliz, Cristen Watt

CALL TO ORDER

Chair Dave Jewitt called the meeting to order at 11:04 a.m., and welcomed everyone in attendance, both in person and virtually.

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 93/22

**Moved Ray Chartrand
Seconded by George Irvin**

“RESOLVED, THAT the agenda for the October 20, 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 94/22

**Moved by Bob Harvey
Seconded by Doug Cook**

“RESOLVED, THAT the minutes of the Board of Directors meeting held on September 15, 2022 and minutes of the Budget Committee Meeting held on October 13, 2022 and the motions therein be approved as circulated.”

Carried.

BUSINESS OUT OF THE MINUTES

2023 Proposed Budget

Brian Horner, General Manager, presented the Board of Directors with three documents to supplement the Budget information from the Budget Committee Meeting. The first was an updated Fee Schedule that showed the 2022 fees to compare against the proposed 2023 fees. Secondly, he presented an analysis of the ABCA investments as requested. The net remaining on the Annual earnings for 2022 is just over \$45,000, and the market value of the investments as of September 30, 2022 is just over \$6,700,000. Finally, he presented several changes to the proposed 2023 budget to lower the general and project levies. These changes include minor wage reallocations, and funding fifty percent of two projects with

funds from the reserves. With these changes, the 2023 proposed combined general levy (\$1, 149,362) and project levy (\$253,340) equal an increase of 2.48 percent from 2022.

MOTION #BD 95/22

**Moved by Ray Chartrand
Seconded by Mike Tam**

“RESOLVED, THAT the proposed amendments to the 2023 proposed budget be approved as presented, and

“FURTHER, THAT the member municipalities be advised of the 2023 proposed project levy, general levy and budget and provided with supplementary information for the 30 day review, as the weighted vote by apportionment is intended to be held at the December 15, 2022 Board of Directors meeting.”

Carried.

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 8 *Applications for Permission* and 13 *Minor Works Applications*.

(b) Violations/Appeals Update

Geoff Cade, Water and Planning Manager, noted that there were no updates to provide on the ongoing violations.

MOTION #BD 96/22

**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 b) Violations and Appeals update as presented.”

Carried.

2. Conservation Authorities Act Update

Kate Monk, Projects Coordinator, provided an update on the ongoing implementation of the *Conservation Authorities Act Update*. She noted that ABCA staff have met with senior staff of all twelve member municipalities. At present, no concerns have been expressed by

municipal staff, and they have noted that they see value in the Category 3 programs and services, which will require levy, for the municipalities and community members. Senior municipal staff are now reviewing drafts of the Cost Apportioning Agreement. They have expressed that they would like ABCA staff to attend council orientation sessions and present at council in the new year. ABCA staff would like to present the Cost Apportioning Agreement to the Board in December 2022, which would allow staff to attend council meetings as the municipalities have time on their agendas, rather than waiting until after the February Board meeting.

MOTION #BD 97/22**Moved by Alex Westman****Seconded by Bob Harvey**

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

Carried.**3. Biomonitoring Update**

Mari Veliz, Healthy Watersheds Manager, and Cristen Watt, Water Quality Technician, presented an update to the Board on Benthic Macroinvertebrate monitoring. As this is a Watershed Report Card year, staff have been taking a deeper look at some of the data collected in the past several years. Cristen presented a report comparing three monitoring sites: Heenan Drain (Lucan, ON), the Hensall Landfill, and Helgrammite Creek (Clinton, ON). In addition, an infographic explaining the main points of the report was shared with the Board. In general, two different species of benthics were studied (ETP Species and Chironomidae Species) and the percentage found can be useful indicators of stream health, as some are less tolerant of pollution. This deep look at the data shows that Helgrammite Creek has deteriorated over 20 years. Hensall and Heenan have poor water quality overall, but the percent of EPT (non-pollution tolerant) is worst at sites near the sewer outfall and leachate zone. Results such as these provide confidence in the ABCA’s existing monitoring programs, and show where improvements are needed in the watershed.

MOTION #BD 98/22**Moved by Adrian Cornelissen****Seconded by George Irvin**

“RESOLVED, THAT the Board of Directors receive the report on biomonitoring results as presented.”

Carried.**4. Profit and Loss Statement**

MOTION #BD 102/22

Moved by Ray Chartrand
Seconded by George Irvin

“RESOLVED, THAT the Board of Directors go into Committee of the Whole at 11:53 a.m. to discuss a property matter and personnel matter with Brian Horner, Abigail Gutteridge and Nathan Schoelier remaining in attendance.”

Carried.

MOTION #BD 103/22

Moved by Mike Tam
Seconded by Ray Chartrand

“RESOLVED, THAT the Committee of the Whole rise and report at 12:21 p.m.

Carried.

ADJOURNMENT

The meeting was adjourned at 12:22 p.m.

Dave Jewitt
Chair

Abigail Gutteridge
Corporate Services Coordinator

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